1		Vancouver, BC
2		May 17, 2012
3		(PROCEEDINGS RECONVENED AT 9:38 A.M.)
4	THE	REGISTRAR: Order. This hearing is now resumed.
5	MR.	VERTLIEB: Thank you, Mr. Commissioner. Today we have Mr.
6		Holmberg and we will have him just come into the
7		witness box in a moment, and then he's being
8		presented for cross-examination on an affidavit.
9	THE	COMMISSIONER: Okay.
10	MR.	VERTLIEB: He is a civilian member of the RCMP who was
11		tasked with going through missing women files
12		relating to women who had been reported in RCMP
13		jurisdictions. So, it's a matter of having that
14		information for you, simply for your record
15	THE	COMMISSIONER: All right.
16	MR.	VERTLIEB: and whatever is elicited in cross. Then we
17		will take the morning break, I suggest, and then
18		move to the evidence of Ms. Fournier. You will
19		recall Ms. Fournier has made a number of
20		presentations to you at the study commissions.
21	THE	COMMISSIONER: Yes.
22	MR.	VERTLIEB: So, you have heard from her more than once, but
23		there's been a request from a number of sectors
24		that Ms. Fournier be able to give you evidence
25		that she feels is of importance to you. So, we'll

2 And with that, this is emanating as well from 3 a request from participants, Ms. Smith, we call 4 her Jane Smith, she will be testifying in disguise 5 because she wishes her identity to be protected because of her previous work as a sex trade 6 7 worker. She's going to talk to you -- she has a number of things on her mind, but we've explained 8 to her that the only importance for her, for your 9 benefit and your information, would be her 10 11 comments about a person she believed was Pickton 12 and an attempt by him to pick her up in her work 13 as a sex trade worker. THE COMMISSIONER: All right.

have her have an opportunity to do that.

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15 MR. VERTLIEB: And so that evidence needs to be kept in mind in that context. So, we will do the two of them, 16 because they're both community members, and do 17 those two individuals after the morning break. 18

> This afternoon we have former Attorney General Dosanjh, you have heard his name mentioned many times, along with his deputy AG, Maloney, and they will be testifying together. It's not lengthy evidence, they don't have a lot of involvement, but it relates to their dealings with the reward and police.

1	Mr. Hira is counsel for Mr. Dosanjh and Ms.
2	Maloney and we feel, we feel it's most efficient
3	if Mr. Hira just leads that evidence, and we'll do
4	that this afternoon. It won't be lengthy and you
5	will be able to hear that.
6	And we're on track tomorrow, we are on track
7	for tomorrow to have reply evidence if the VPD
8	wishes to do it. So, everything is in order.
9	We're moving along well.
10	THE COMMISSIONER: All right, thank you.
11	MR. VERTLIEB: Could Mr. Holmberg then come forward to
12	THE COMMISSIONER: What about, Mr. Ward is
13	MR. WARD: Yes, thank you. I just learned a moment ago for the
14	very first time that, according to my friend, Mr.
15	Vertlieb, Mr. Hira purports to be counsel for Mr.
16	Dosanjh and Ms. Maloney. That can't be true.
17	Uhm, that is a, a real conflict of interest. Mr.
18	Hira has been attending here representing
19	Inspector Moulton, the officer in charge of the
20	Coquitlam RCMP detachment. That party has an
21	interest that is completely inconsistent with the
22	interest of the Attorney General and his deputy.
23	There is no way that Mr. Hira can represent all
24	three of those parties simultaneously in the same
25	proceeding. If I had known that he purported to

1	represent them before now, I would have objected
2	before now, but I will object to Mr. Hira acting
3	as counsel for Mr. Dosanjh and Ms. Maloney.
4	I'll have to get some time to get my
5	submissions together, because I am speaking
6	entirely off the cuff right now, but on hearing
7	that, I felt I should rise immediately, because
8	it's a clear, patent conflict of interest that Mr.
9	Hira would be in, if he endeavored to represent
10	those two persons.
11	MR. VERTLIEB: Well, that's obviously something Mr. Ward can
12	discuss with Mr. Hira. As I recall, Mr. Moulton
13	had no dealings with the Attorney in any event,
14	but we will leave that. That's between that's
15	for another moment. If there is conflict, that
16	would be an issue between clients, no doubt.
17	But I would like to get started, if you don't
18	mind, with Mr. Holmberg, he's here, and he's
19	THE COMMISSIONER: All right.
20	MR. VERTLIEB: only being brought here for cross-
21	examination. His affidavit is available. And Mr.
22	Giles, would you please affirm the witness?
23	THE REGISTRAR: Good morning. Would you just turn on your
24	microphone please? No need to rise.
25	KENNEY JAMES HOLMBERG, affirmed:

THE REGISTRAR: Would you state your name please? 1 THE WITNESS: My full name is Kenney James Holmberg. Kenney is 2 3 spelled K-e-n-n-e-y, and Holmberg is spelled 4 H-o-l-m-b-e-r-q.5 THE REGISTRAR: Thank you. Counsel. 6 MR. VERTLIEB: Thank you, Mr. Giles. Mr. Giles, we are just 7 making sure now that you have the affidavit and -thank you. Thank you, Ms. Sharp. 8 9 THE REGISTRAR: I think he has it. This is one copy or is this the whole thing? 10 11 MR. VERTLIEB: It's a lengthy piece of work --THE REGISTRAR: That's what I understand. 12 MR. VERTLIEB: -- because of the documentation. I'm sorry 13 14 about that. THE REGISTRAR: Just let me know which one the commissioner 15 needs and I will hand it up. 16 17 MR. VERTLIEB: All I would like to do is to have the affidavit marked, with your assistance, Mr. Giles, and then 18 present the witness for cross-examination. 19 20 Mr. Commissioner, you have been informed about the nature of the evidence and I think the 21 22 participants should be informed of your views on the allotted time for cross. This is just to 23

affidavit.

accommodate requests for cross-examination on the

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- 1 THE COMMISSIONER: All right.
- 2 THE REGISTRAR: You said you wanted to have the affidavit
- 3 marked, Mr. Vertlieb?
- 4 MR. VERTLIEB: Oh, yes, please.
- 5 THE REGISTRAR: How do you want to mark them? As one document,
- four volumes?
- 7 MR. VERTLIEB: I'd just use, Mr. Giles, A, B, C, D.
- 8 THE REGISTRAR: Right, okay. And that will be (NR)?
- 9 MR. VERTLIEB: Yes, sir.
- 10 THE REGISTRAR: Okay, it will be exhibit number, I think it's
- number 200, and there is no prize.
- MR. VERTLIEB: And there's an addendum as well, Mr. Giles,
- 13 which --
- 14 THE REGISTRAR: I'm sorry?
- MR. VERTLIEB: Mr. Giles, there is going to be an addendum,
- 16 which Mr. Makosz is just giving you now.
- 17 THE REGISTRAR: Okay.
- 18 MR. VERTLIEB: And so, Mr. Giles, you have great experience
- 19 with this, but I think the number and then A, B, C
- 20 D.
- 21 THE REGISTRAR: That will be, that will be fine. And then --
- 22 MR. MAKOSZ: The commissioner has the original copy of that.
- 23 THE REGISTRAR: This is an addendum to the document as well.
- 24 MR. VERTLIEB: Yes, let's do this as a letter.
- 25 THE REGISTRAR: I will do that as D.

MR. VERTLIEB: Whatever the --1 2 THE REGISTRAR: There's four binders plus this will be 200D 3 (NR). Thank you. 4 MR. VERTLIEB: Thank you, Mr. Giles. Mr. Commissioner, if you 5 could assist the participants' counsel please with 6 the time estimates, if you wish. 7 THE COMMISSIONER: Okay. Mr. Ward, 30 minutes; Mr. Gratl, 20; Ms. Narbonne, 20; and Ms. Tobias and Mr. Makosz, 8 9 five. 10 THE REGISTRAR: I need to make a slight correction here. The 11 addendum will be 200E (NR). THE COMMISSIONER: Yes, thank you. 12 13 MR. VERTLIEB: Thank you, Mr. Giles. (EXHIBIT NO. 200A (NR): White binder of documents 14 15 labelled "Missing Women Commission of Inquiry, 16 Affidavit #1 of Kenney Holmberg sworn April 27, 17 2012" - Volume 1 of 4, Tabs A to E) (EXHIBIT NO. 200B (NR): White binder of documents 18 labelled "Missing Women Commission of Inquiry, 19 Affidavit #1 of Kenney Holmberg sworn April 27, 20 2012" - Volume 2 of 4, Tabs F to J) 21 22 (EXHIBIT NO. 200C (NR): White binder of documents labelled "Missing Women Commission of Inquiry, 23 Affidavit #1 of Kenney Holmberg sworn April 27, 24 25 2012" - Volume 3 of 4, Tabs K to R)

1	(EXHIBIT NO. 200D (NR): White binder of documents
2	labelled "Missing Women Commission of Inquiry,
3	Affidavit #1 of Kenney Holmberg sworn April 27,
4	2012" - Volume 4 of 4, Tabs S & T)
5	(EXHIBIT NO. 200E (NR): Thirteen-page document
6	entitled "Addendum to the Affidavit of Ken
7	Holmberg")
8	MR. VERTLIEB: Mr. Ward I think would be the first to
9	cross-examine please.
10	MR. WARD: Thank you.
11	CROSS-EXAMINATION BY MR. WARD:
12	Q Cameron Ward, counsel for the families of 25
13	missing and murdered women at this commission of
14	inquiry.
15	Sir, you're described in the first page of
16	your affidavit as being a temporary civilian
17	employee currently assigned as a file reviewer to
18	Project e-Veritas, the RCMP's Missing Women
19	Commission of Inquiry liaison team; is that right?
20	A Yes.
21	Q And you have sworn an affidavit marked as 200 for
22	this proceeding, that is 84 pages and 484
23	paragraphs long I see; correct?
24	A Yes.
25	Q And it attaches exhibits that appear to be about

1		2,000 pages long, roughly? Four binders, four big
2		binders.
3	А	Four binders, yes.
4	Q	All right. And they have to do with the files of
5		the women who went missing and the RCMP's
6		investigations of those cases?
7	A	I was asked to review 21 missing women files. One
8		of the 21, an affidavit, was prepared by Justice.
9		That's Marnie Frey. So, she does not appear in
10		the binder. The other 20 women that the files I
11		reviewed are in the binders.
12	Q	All right, thank you. What is Project e-Veritas?
13		What is it?
14	А	It's, it's the support group from the Missing
15		Women's Task Force to the commission, I believe.
16	Q	I see. And who is on it?
17	A	Uhm, well, the inspector.
18	Q	Who is that, sorry? You are pointing to someone.
19	А	Andrew Koczerzuk.
20	Q	Yes?
21	А	And a number of other investigators. I'm not
22		exactly sure what their mandate was. I was
23		strictly hired in to
24	Q	All right. Well, what was e-Veritas's mandate?
25	А	I haven't reviewed that.

Q	But you worked with e-Veritas.
А	I did, but I apologize, I, I, I can't speak to
	that.
Q	Veritas is a Latin word for truth?
А	Uh, again
Q	Can't speak to that either?
А	No.
Q	All right. Well, I take it so, do I, do I have
	this right? The RCMP created an organization or a
	team called "Project e-Veritas" or "truth" to
	assist this commission of inquiry with its work?
А	I do apologize, but I haven't reviewed that and I
	would rather not give you incorrect information.
Q	Well, would the good inspector, Mr., I'm sorry,
	his first name is Andrew, would he know?
А	Yes.
Q	All right. Do you know when this team was set up?
А	No.
Q	All right.
А	Maybe I could clarify, that I was actually, early
	January, I was asked to come in and do a file
	review. That file review was of the documents of
	the missing women in the affidavit. I was given
	dates, the parameters of '97/01/01 to 2002,
	February 5th. The document which you have is RCMP
	A Q A Q A Q A Q A Q

investigation between those dates into those

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2		women.
3	Q	I understand, sir. I've got I am on paragraph
4		1 of your affidavit. I am cross-examining you on
5		that. I have got about 25 minutes left to
6		cross-examine you on the couple of thousand pages
7		here, so I'm going to have to go quickly here.
8		Many of the documents you attached to your
9		affidavit have SUPERText banners on them. What,
10		what does that mean? For example, Tab E,
11		SUPERText, E&R banner page. What's that all
12		about?
13		And I note, just while you're reviewing that
14		SUPERText banner at Exhibit E, or Exhibit 200,
15		tab volume A, tab E, that you were in the RCMP
16		yourself for 27 years as a member, and then you
17		have been employed as a civilian member for the
18		last seven years. Have I got that right?
19	А	Yes.
20	Q	All right. So, 35 years experience within the
21		RCMP in one capacity or another?
22	А	Yes.
23	Q	And most recently as a file reviewer, correct?
24	А	Yes.
25	Q	Okay. Now, what's SUPERText? Is that some sort

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1		of computer program that the RCMP uses to access
2		its files?
3	А	It's part of the E&R program, of which I do not
4		have access or have not been using. These
5		documents were pulled from the E&R program and
6		provided to me for review. I do not have access
7		to that program, and so I'm not currently up to
8		date on every aspect of the E&R program.
9	Q	Well, what's, what's E&R? What does that mean?
10	А	It's, it's the file review where, where every
11		document is electronically stored for the RCMP.
12	Q	Oh, I see. So, they have got an electronic
13		database they pull files from and they can access
14		them by key words and key names and all the rest;
15		is that it?
16	А	Yes.
17	Q	All right. Sir, I would like you to be shown,
18		just because it's also got the SUPERText banner on
19		it, and I have some questions about it, a document
20		that was produced for the first time to me a
21		couple of days ago. It's 186(NR), Mr. Registrar.
22	THE REGISTRA	R: That's a small document?
23	MR. WARD: A	nd just, just while the registrar is getting that,
24		in the interests of time, you know from your work,
25		within the RCMP, 35 years of experience, you

worked on this file, the work you've done within 1 2 the organization since 2005, that this inquiry 3 concerns an inquiry into the police investigations 4 of women who went missing from the streets of 5 downtown Vancouver, and whose remains, in the case of 32 of them, were later found in the dirt and in 6 7 the premises of a property in Port Coquitlam owned and occupied by the Pickton brothers, Dave and his 8 9 older brother, Willie, right? 10 Α Yes. 11 All right. Now, I'm showing you Exhibit 186(NR). Q It's got the SUPERText banner on it, so, so the 12 13 RCMP has used its computer program to, to retrieve this, right? 14 15 I assume so. Α You assume so. Okay. And it contains, based on 16 Q 17 my review, evidence that law enforcement agencies in Coquitlam, in Vancouver, in New Westminster, in 18 19 Burnaby and elsewhere, queried David Francis 20 Pickton, David Francis Pickton's name 107 times prior to January 17th, 2002. You don't have to 21 22 count them up. I've counted them. 23 If you go to the sixth page, you'll see there 24 is an entry at the very top for January 16th, 25 2002, a query by someone named "Trythall" of the

Coquitlam Detachment of David Pickton. Do you see 1 2 that? 3 Say again the exact descriptor? Α 4 The very top of the page 6, "David Pickton", a Q 5 query of his name January 16th, 2002 by someone named "Trythall" at the Coquitlam Detachment of 6 the RCMP. "CIIDS," it says, "CCO". Do you see 7 that? Very top line, page 6. 8 9 Α Yes, yes. All right. And you, in your 35 years of work with 10 Q 11 the RCMP, as a member and a civilian member and as 12 a file reviewer, you know what offline CPIC query searches are, right? 13 14 Α Yes. 15 And what they are is when law enforcement wants Q information about a person, in furtherance of an 16 17 investigation of some kind or other, they enter the person's name on the database and, and get all 18 19 the information available and sorted in the 20 computer on that person, right? 21 Α Yes. 22 0 And given the E&R computer database program, the RCMP could, for each of these 107 hits of Dave 23 Pickton prior to January 17th, 2002, go back to 24 25 the files, and where they're stored in the

1		database, ascertain why the police were making
2		those queries about the man, right?
3	А	I should, I should point out that I was asked in
4		no way to take an investigative part in this. I
5		was strictly gathering data out of various files.
6	Q	Thank you, sir. Can you answer my question or
7		not? If you can't, that's fine.
8	А	I'm sorry, I
9	THE COMMISSI	ONER: I think he's trying to do it, but he's
10		trying to explain why he doesn't he can't
11		answer it, that's all.
12	MR. WARD: A	ll right.
13	Q	You have got 35 years of experience with the RCMP
14		and working with the CPIC system.
15	А	Okay.
16	Q	Correct?
17	А	I left that CPIC regular-duty system access in
18		1995. The latter years, when I worked with I
19		haven't been accessing the CPIC system myself.
20		Uhm, and why I hesitate to answer this question is
21		that, because of that currency, and because of
22		taking a non-investigative role in this case, I
23		don't feel I can answer that.
24	Q	All right. I will move onto another subject then,
25		and I am still really on paragraph 1 of your

affidavit. We've received evidence, in documentary and in testimony form prior to today, that leads to this inference, sir. The 25 women, whose families I represent, were, at least, in almost all cases, survival sex trade workers. Half of them were aboriginal in descent. They plied their trade on the streets of downtown Vancouver, within a few blocks of police headquarters at 312 Main Street. Across the street is No. 5 Orange. Many of them were drug addicts. They worked and lived in that part of downtown East Vancouver that, when you drive through it, looks like an open wound. It's, it's, it's an underworld. It's where the Hells Angels are known to operate.

They have disappeared from those streets, and after February 5, 2002, their DNA and remains were found in the dirt and on the premises of property owned by two brothers, Dave Pickton, well-known to police apparently, and his brother, Willie, thought by those who knew the brothers as being dimwitted and slow.

The evidence we've received here as well shows that, around the corner from this property, was a place called "Piggy's Palace" which was

known to be frequented by members of the Hells
Angels. And we've received evidence just a couple
of days ago that 47 members of the East End
chapter of the Hells Angels were there for a New
Year's party in 1998.

So, it would obviously seem that the women who were taken from the Downtown Eastside, were taken to Piggy's Palace for parties there with the Hells Angels, at which drugs were consumed, and somehow were murdered such that their remains ended up around the corner at 953 Dominion Avenue.

And I am laying the foundation for this next question. The RCMP have produced documents to me in this hearing, probably through Project e-Veritas, that show that they had a long-time civilian member working in the Coquitlam

Detachment named Bev Hyacinthe, who knew all the RCMP members, but also knew the Pickton brothers for a lifetime, and knew of their activities, and confirmed that the Piggy's Palace parties were attended by Hells Angels and sex trade workers from the Downtown Eastside. In fact, Ms.

Hyacinthe, in one of her statements, describes seeing one of the missing women at the December 31, 1999 New Year's Eve party.

So, next part of this question. We also know that from '95 through '96, through '97, up to the arrest in '98, the RCMP and the Vancouver Police, through Inspector Ditchfield, were conducting a massive surveillance and wiretapping operation that targeted members of the Hells Angels, including the East End boys, from the East End chapter. And yesterday we heard Gary Bass, the former head of the RCMP in this province, say that he would expect the RCMP to have records relating to all that surveillance and wiretapping and the information from the agent who had infiltrated the Hells Angels.

So, given that, and given the work of Project e-Veritas, presumably to produce to this commission of inquiry the truth about what happened to my clients' lost loved ones, and given your understanding of the RCMP's recordkeeping processes based on your 35 years of experience with the organization, the RCMP could quite easily punch in some key words into the computer database and produce to this commission of inquiry information from its files gleaned from Ditchfield's Project Nova Intelligence Agency directed at the Angels, that contained all the

1		data relating to the intersection of the Angels'
2		activities, the Hells Angels' activities and the
3		Pickton brothers' activities in 1995, 1996, 1997,
4		1998, couldn't it?
5	А	I don't believe I can answer that question
6		because, number 1, is that I didn't work on any of
7		those. My answer would be strictly speculative,
8		and of course I am not here to the commission
9		today to, to speculate. I'm simply here to attest
10		to this document. Sorry, I can't answer it.
11	Q	All right. Well, someone in the RCMP could
12		presumably, right?
13	А	I would think that you had the gentleman in the
14		best position to answer that question here
15		yesterday, Mr. Bass.
16	Q	I would think so, too, but I had how much time
17		did I have 30 minutes and I barely, barely got
18		started.
19		What about this Mr this inspector here,
20		who has been sitting here, with the red-and-white
21		striped tie? And I apologize to both of you. I
22		forget his surname, because it's an awkward one
23		for me.
24	A	I believe it's
25	Q	Sorry?

THE COMMISSIONER: Koczerzuk. 1 2 MR. WARD: Koczerzuk. Thank you, Mr. Commissioner. 3 What about Inspector Andrew Koczerzuk? Could he, 4 as leader of this Project e-Veritas, the project 5 designed to produce the truth to this commission, 6 assist me and my clients with understanding where 7 the evidence or where the records pertaining to the intensive multi-year intelligence operation 8 9 directed at the Hells Angels, those same Hells Angels who were seen at Piggy's Palace, where we 10 11 get that and produce it? Would he be able to help us with that? 12 13 You would have to ask him, I'm afraid. Α All right. Well, I will ask that he be put in the 14 0 15 stand for a few minutes so that I can ask him that question. 16 17 THE COMMISSIONER: Mr. Makosz. Mr. Commissioner, Rory Makosz for the Government 18 MR. MAKOSZ: 19 of Canada. I rise because the matters of 20 documentary disclosure have been, the process for 21 that has been long standing and if the --22 THE COMMISSIONER: Sorry? MR. MAKOSZ: And if -- the process for documentary disclosure 23 24 requests from participants for documents that are 25 in the RCMP's possession, that has been a long-

1	si	tanding process. If Mr. Ward requires documents
2	0:	f a certain nature, that request can be made
3	tl	nrough commission counsel to us. If commission
4	Co	ounsel are looking for those documents and they
5	ez	xist, then we will take steps to try and identify
6	tl	nem and produce them to this commission. I don't
7	tl	nink that having administrative staff effectively
8	Ca	alled to testify really is, is necessary.
9	THE COMMISSION	ER: What I mean, where are we going with all
10	0:	f this? I have no idea why this witness is
11	Ca	alled. So far, I haven't received any kind of
12	aı	nswer that's relevant for my way of thinking
13	aı	nd
14	MR. MAKOSZ: Mi	c. Commissioner, maybe I can assist
15	THE COMMISSION	ER: Yes.
16	MR. MAKOSZ:	- in terms of the purpose of Mr. Holmberg's
17	at	ttendance.
18	THE COMMISSION	ER: Yes.
19	MR. MAKOSZ: Wł	nat is contained in those, those large volumes is
20	a	collection of documents, all of which are on
21	Co	oncordance, that relate to the missing women
22	iı	nvestigations.
23	THE COMMISSION	ER: Yes.
24	MR. MAKOSZ: No	ow, any person who had the time and the

could come up with a chronology for each of those 1 2 investigations. Mr. Holmberg has done that, and 3 this is to assist you in being able to access that 4 information more easily. That is fundamentally 5 the purpose for his testimony today. He has 6 produced an affidavit based upon his file review, 7 and this is something you see quite commonly in the course of --8 9 THE COMMISSIONER: Well, I have already heard evidence relating to the women who were missing, and I just want to 10 11 know what more he could add, and it appears that that what Mr. Ward is asking him is something 12 13 entirely different from what he's here for. That's, that's --14 MR. MAKOSZ: 15 THE COMMISSIONER: And maybe that's because Mr. Ward -- I don't know. But it appears that, that Mr. Ward and this 16 17 witness are speaking different languages, because you want to know all about the essence of the 18 investigation, and it appears for me, from the 19 20 brief time that he's been here, that he has no knowledge of any of that. And so can we sort of 21 22 get on all fours here and relate to one another? I mean, I --23 MR. WARD: Sure. I would like to carry on with my cross-24 25 examination, if I might.

1	THE COMMISS	IONER: Well, that doesn't really answer my concerns
2		here, and you can go on if you want and
3	MR. WARD:	Thank you, thank you.
4	THE COMMISS	IONER: But it's not helping me, I can tell you
5		that. I mean, he doesn't know anything about the
6		Hells Angels and Piggy's Palace and, and all of
7		those other things.
8	MR. WARD:	Well, let me, let me, let me lay it out. My
9		clients' loved ones, their daughters and their
10		sisters, went missing from the seamy environment
11		of the Downtown Eastside, an environment in which,
12		as a matter of public record, the Hells Angels
13		Motorcycle Club operated and sold drugs. Their
14		remains were found at the Pickton brothers'
15		property, 953 Dominion Avenue.
16	THE COMMISS	IONER: Yes, I know that.
17	MR. WARD:	The women, some of them, were seen to have been at
18		parties at Piggy's Palace, another property owned
19		by the Pickton brothers, Dave being an associate
20		of the Hells Angels, and the Hells Angels
21		congregated for pig roasts and other events. The
22		evidence suggests that the Hells Angels and sex
23		trade workers from the Downtown Eastside, many of
24		whom were killed, partied together there, consumed
25		drugs together there.

During this period of time, the RCMP and the VPD were, were involved in a very lengthy, very expensive, very complex intelligence operation directed at those same Hells Angels, which involved wiretaps, surveillance, and an agent who had infiltrated the group. As Gary Bass, the former head of the RCMP in this province indicated yesterday, the RCMP would likely have in its files all of the information it gathered during that endeavor, and obviously, much of that information would be about the intersection of the activities of the Hells Angels and the Pickton brothers.

That investigation and its results have not been disclosed to this commission of inquiry to date. I applied for the records of OCA BC, the Organized Crime Agency of BC, and its predecessor organization, or organizations, CLEU and the Combined Forces Special Enforcement Unit, and you, Mr. Commissioner, dismissed my application in this sentence, saying it was irrelevant.

My clients perceive that the link between the Hells Angels Motorcycle Club and their associates and the disappearances of the women, and the RCMP's investigation of all of this, are inextricably linked, and that the RCMP has in its

records today, accessible by computer today, the results of its surveillance, wiretapping and agent activities that reveal, I say, I submit, that the RCMP knew, in the years prior to Willie Pickton's attempted murder of Anderson, that Willie Pickton and his brother, Dave, were hosting parties with the missing women, the Downtown Eastside sex trade workers, and knew all about those activities, and they have withheld that information from this commission. They have covered it up. They have covered up, in my submission, the extent of the knowledge they gleaned from their extensive investigation of Hells Angels' activities in the Lower Mainland, including Port Coquitlam, and they have suppressed it because it would reveal that they knew a lot more about the women going missing and what was happening to them than they have apprised this commission of.

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I say it's a coverup that's been perpetuated from the day this commission was convened, it's going on today, and because of the rush we're under, imposed on us by the government, it is unlikely that this commission of inquiry is going to get what it was designed to do, which is the real truth, the whole truth about the

investigations and why it was, why it was that, 1 2 for five years, Robert William Pickton was 3 unmolested by the police while he was killing up 4 to 49 women. 5 It's a coverup, in my submission, and the 6 only way to complete this commission's work fully, 7 thoroughly, accurately and properly, is by simply asking the RCMP to go to their computer database 8 9 and produce to us the relevant records from the Hells Angels intelligence operations that disclose 10 the connection between the members of that 11 organized crime group and the Pickton brothers at 12 the material times. 13 THE COMMISSIONER: Okay. Well, the --14 15 MR. MAKOSZ: Mr. Commissioner, --16 THE COMMISSIONER: Yes. 17 MR. MAKOSZ: -- it's Rory Makosz for the Government of Canada. Sorry, I have to respond to what my friend has 18 just said with respect to a coverup. 19 20 As you know, the RCMP, and the VPD as well, have disclosed thousands upon thousands of records 21 22 to this commission and have been responsive to the requests of commission counsel and to yourself, 23 Mr. Commissioner, for any disclosure. 24 25 I think my friend's statements and

submissions may contain that very answer. He said

2	that, that he applied for the records of OCA BC
3	and CFSEU and that that application were
4	dismissed. If the commission were to make that
5	request, we would look into it, but it appears
6	that that
7	THE COMMISSIONER: Well, I have never dismissed any application
8	of that sort and I can tell you that, but
9	MR. WARD: Well, you did, sir, in writing.
10	THE COMMISSIONER: Don't interrupt me, okay?
11	MR. WARD: Thank you.
12	THE COMMISSIONER: I didn't interrupt you in your lengthy
13	submission, so don't interrupt me.
14	All that may be very interesting, Mr. Ward,
15	but my only concern is, what does this witness
16	know about any of that? If you want that
17	information, you had the ideal person on the
18	stand, and that is the former Deputy Commissioner
19	Gary Bass, and apparently the deputy commissioner
20	is coming back here and your, your cross-
21	examination of him will continue, and you can, you
22	can have at him and ask him all of those things.
23	You should accuse, or put the cover, your coverup
24	theory to, to Mr. Bass.
25	But I think it's just a bit unfair for this

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person, who is a file reviewer, to be answering 1 2 any of that because, clearly, he doesn't know any 3 of this. And I, as I asked a while ago, I don't even know why he's here, because I haven't learned 4 5 a thing from him. And your other questions about women going missing, that's exactly what we're 6 7 trying to do, but I don't know. He's not helping us, through no fault of his, and -- but that's my 8 9 only concern. Why, why are we putting time on this when you have got -- you have got valid 10 11 concerns, I agree with you. But I want to find that out, too. Why were the women killed? 12 13 what this inquiry is about. 14 But it's not going to be helped by, by Mr. 15 Holmberg, because he's not with the RCMP, had no part of the investigation, and he's a file 16 17 reviewer. Thank you very much, and that's very helpful. I 18 MR. WARD: 19 will save the questions for Mr. Bass. And I will 20 just put on the record, so everybody is aware of it, that I will ask Mr. Bass in the next six days 21 to use all the resources at his and the -- at his 22 23 disposal and the disposal of Project e-Veritas, to retrieve the records I am seeking from the 24 25 Organized Crime Agency of BC, or its predecessors,

1	and be prepared to answer my questions. And I
2	would suggest, with the greatest of respect, that
3	I will need one day to question him about those
4	matters once he and the documents arrive.
5	THE COMMISSIONER: Well, all right
6	MR. WARD: Thank you. I have no further questions for this
7	witness.
8	THE COMMISSIONER: Thank you, Mr. Ward. Does anybody have any
9	questions? Do you have questions?
10	MR. GRATL: I do, yes.
11	THE COMMISSIONER: Okay.
12	CROSS-EXAMINATION BY MR. GRATL:
13	Q Mr. Holmberg, you had an opportunity to review the
14	investigations of a number of missing women,
15	correct?
16	A Yes.
17	Q And that wasn't you didn't conduct a thorough
18	review of the SUPERText database?
19	A No.
20	Q You, you relied on documents given to you?
21	A Exactly.
22	Q So, you can't be certain that the documents given
23	to you are complete? You can't provide us with
24	that assurance, can you?
25	A No.

1	Q	All right. And I take it that you appreciate that
2		a number of the missing women lived in areas that
3		are policed by the RCMP on a municipal basis?
4	А	Yes.
5	Q	And all of the investigations occurred at a
6		municipal level; is that right?
7	THE COMMISSI	ONER: I don't understand the question. What do
8		you mean, the municipal level? I mean, are you
9		talking about Coquitlam or
10	MR. GRATL:	I am talking about each of the RCMP municipalities.
11	THE COMMISSI	ONER: Well, there are this is a municipality
12		and so is I just want you to be a little more
13		precise so he can answer it.
14	MR. GRATL:	
15	Q	Okay. The investigations of the missing women
16		occurred in municipal detachments; is that right?
17	А	Or provincial detachments. The, some of the
18		missing women were from other parts of the
19		province. Does that answer it?
20	Q	When you say "provincial detachments," what, what
21		do you mean exactly?
22	А	Uhm
23	Q	Do you mean municipalities where the policing
24		services for those municipalities are provided
25		under contract by the RCMP?

1	А	Where the, yes, where the RCMP is provincially
2		contracted to police in outlying areas. Some were
3		cities like Kelowna or wherever, but mostly, you
4		know, they're from all over the province.
5	Q	Okay. And so what occurred in these different
6		municipalities, very often the municipalities, and
7		I am asking you for your view here, very often
8		what happened is the municipalities weren't very
9		well-equipped to make contact with other
10		jurisdictions that, that they should have been
11		communicating with; is that right?
12	А	I'm not sure what you mean by being equipped to
13		in today's electronic age, it seems everything is
14		pretty instantaneous. So, I'm not sure what you
15		mean there.
16	Q	Well, what I mean is, let's say you've got a, a
17		detachment up north, Highway 16.
18	А	Yes.
19	Q	Say, Hazelton detachment.
20	А	Yes.
21	Q	And it's investigating, but those RCMP officers up
22		in Hazelton, they don't necessarily know anything
23		about sex workers or survival sex workers in, in
24		Vancouver.
25	А	I happened to serve in, in Burns Lake way back in

'68 and that was the case then maybe. But 1 2 nowadays, with electronic transmission, they may 3 not get a bulletin that would be processed, say, 4 for instance, in the Lower Mainland division. But 5 again, because my service is dated, I really don't 6 want to answer that definitively and mislead the 7 inquiry. Okay, so -- but if I could put it this way. What 8 Q 9 you have is municipalities -- municipal detachments, whether operating under contract with 10 11 the RCMP or not, working throughout the province 12 separately on these investigations. Sometimes 13 they're offered assistance by other detachments, 14 but mostly they're working separately? 15 I'm not sure that -- uhm, okay. I think I can Α answer that in respect that you normally 16 17 investigate local crime. Until the investigative shoe leads take you out of your area, you may not 18 19 involve other areas. As soon as it takes you 20 outside of your area, then of course information 21 goes out. 22 But there are systems, and again, you should 23 probably have someone from the various systems in the RCMP to speak to this, where the person is put 24 25 on as a missing person and, in fact, it's

available to anybody who gueries that name in 1 2 Canada, and through links, the agencies in the 3 U.S. So, depending on how they access the current 4 systems, depending on where their investigation 5 takes them, uhm, that's sort of how it unfolds. 6 Does that, does that answer your question? 7 Well, what I'm trying to get at here is that Q there's no central intake place for a missing 8 9 person's complaint in the province, correct? Again, I --10 Α 11 THE COMMISSIONER: Well, we've heard all kinds of evidence that 12 there isn't, so -- and he doesn't know, so. We 13 know that one of the recommendations that were 14 made, particularly in the policy forums, was that 15 there be a 1-800 number for the whole of the province so that, so that agencies are able to 16 17 access that if, if any woman goes missing throughout the province. And that appears to have 18 19 been a problem here where -- I mean, a classic 20 example of that was the Frey family as an example, where the Campbell River RCMP got involved, the 21 22 mayor got involved, and the mayor writes to the 23 mayor here, and meanwhile, poor Mr. and Mrs. Frey were left holding the bag not knowing what 24 25 happened to their daughter. So, had there been a

1-800 number at that stage, maybe something could 1 2 have been done about it, so. 3 MR. GRATL: Well, it sounds, Mr. Commissioner, like you're on 4 top of this issue. 5 THE COMMISSIONER: Sorry? 6 MR. GRATL: It sounds like you're on top of this issue. 7 THE COMMISSIONER: Well, you know, I have been living and eating this stuff for the -- and breathing this 8 9 stuff for the last two years or whatever, you know, but --10 11 MR. GRATL: No, --12 THE COMMISSIONER: We've heard all of this. But I don't know 13 if he can help us. 14 MR. GRATL: I get that, but this witness has been, he's been 15 concentrating his energies, it sounds like, for a period of a number of months, --16 17 THE COMMISSIONER: Yes. MR. GRATL: -- just on these investigations, and the RCMP 18 19 investigations. 20 And I, and I wonder if this witness has any Q insight about systemic problems that you saw 21 22 emerge from the documents. I, I, I take it you are not of the view that all of the investigations 23 went well, correct? 24 25 I wish to be helpful to, to the commission but, of

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course, my difficulty is, is I was not reading 1 2 these files with an analytical view. I was not 3 reading them for investigative content. Uhm, I 4 was very simply pulling out the information, 5 placing it in a chronological order, to give you the ease of being able to read these files and 6 7 then gain your own opinion from that information on what investigation was done or what wasn't 8 9 done. And every -- anything else would be my own personal opinion. It is not necessarily current. 10 11 And so, I hesitate to answer for that reason, Mr. Commissioner. 12 13 THE COMMISSIONER: All right. 14 MR. GRATL: 15 Okay. So, surely there were a number of documents Q that you found in the course of your file review 16 17 that contained discriminatory comments against sex workers and drug users; is that right? 18 Actually, no. 19 Α 20 You didn't find any? Q Not that I recall. 21 Α 22 0 No references to hookers? Uhm, I, I believe there's a reference to the name 23 Α "hooker". Sorry, I didn't assimilate that. I 24 25 thought you meant that they were calling these

people down. That is a common terminology which 1 2 is attached, that may be inappropriate at this 3 time. But, no, as far as, as discriminatory or, 4 or, uhm -- they didn't use the word "sex trade 5 worker" maybe because they were transcribing what 6 somebody else had called an individual, if that 7 helps. Surely you don't know that they were transcribing 8 Q 9 what other people were calling them? Well, I'm trying, I'm trying to relate to, yes, I 10 Α 11 read in the documentation where somebody was interviewed and they said, "This person is a 12 hooker." I recall that, okay? So, to be 13 accurate. What I didn't see in the documents was 14 15 anything that caused me concern of that nature. All right. And, and certainly you will agree that 16 Q 17 some of the investigations were less thorough than others? 18 THE COMMISSIONER: Well, he said he didn't look at it with the 19 20 critical eye of an investigator. He just gathered information. And as far as the other question, 21 22 hooker, we know there is all kinds of evidence that the term "hooker" was used. In fact, Project 23 Evenhanded used the term "Hooker Task Force". I 24 25 mean, so, I don't think that's in dispute here.

- 1 MR. GRATL: Well, I think I have gone about as far as I can
- with this witness. Thank you, Mr. Commissioner.
- 3 THE COMMISSIONER: Yes, I think you have too. All right.
- 4 Thank you, Mr. Gratl.
- 5 THE WITNESS: I, I believe it would be dangerous for me to
- answer because I don't have --
- 7 THE COMMISSIONER: No, nobody wants you to answer a question
- 8 that you are, you're not familiar with the answer.
- 9 So, that's fine. Thank you, thank you for
- 10 attending here, Mr. Holmberg.
- 11 THE WITNESS: Thank you.
- MS. BROOKS: Perhaps we should just stand down, Mr.
- Commissioner, so we can get the next panel ready.
- 14 THE COMMISSIONER: Yes.
- 15 MS. BROOKS: Well, is this witness dismissed?
- 16 THE COMMISSIONER: Sorry?
- 17 MS. BROOKS: Is this -- are you dismissing this witness?
- 18 THE COMMISSIONER: Well, he's finished. Yes.
- 19 MS. BROOKS: Okay. So, I am suggesting --
- THE COMMISSIONER: He's excused.
- 21 MS. BROOKS: -- that we stand down so we can get the next panel
- 22 ready.
- 23 THE COMMISSIONER: Okay.
- 24 (WITNESS EXCUSED)
- 25 THE REGISTRAR: The hearing will stand down for five minutes.

(PROCEEDINGS ADJOURNED AT 10:25 A.M.) 1 2 (PROCEEDINGS RESUMED AT 11:00 A.M.) 3 THE REGISTRAR: Order. This hearing is now resumed. 4 MS. SHARP: Mr. Commissioner. 5 THE COMMISSIONER: Yes. MS. SHARP: It's Sarah Sharp for the record. 6 7 THE COMMISSIONER: Yes. MS. SHARP: Mr. Commissioner, for the remainder of the morning, 8 we have before you a panel consisting of two 9 community witnesses. On our left, on the left 10 here, we have Ms. Bonnie Fournier. 11 12 THE COMMISSIONER: Yes. MS. SHARP: And on the right, Ms. Jane Smith. These witnesses 13 appear at the request of Mr. Ward, and I will 14 15 begin by introducing Ms. Fournier. THE REGISTRAR: Can I affirm --16 MS. SHARP: Affirm the witnesses? 17 18 THE REGISTRAR: -- the witnesses? 19 MS. SHARP: Yes, thank you. 20 THE REGISTRAR: Good morning. Would you just turn on your microphones please? Just leave them on. 21 22 you. 23 BONNIE FOURNIER, affirmed: JANE SMITH, affirmed: 24

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MS. FOURNIER: I do.

- THE REGISTRAR: And would you state your name please? 1
- 2 MS. FOURNIER: My name is Bonnie Jane Fournier.
- 3 THE REGISTRAR: Thank you. And you?
- 4 MS. SMITH: I do.
- 5 THE REGISTRAR: And your name please?
- 6 MS. SMITH: Jane Smith.
- 7 THE REGISTRAR: Thank you. Counsel.
- MS. SHARP: Thank you. 8

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EXAMINATION IN CHIEF BY MS. SHARP: 9

Mr. Commissioner, you have heard a lot of evidence 10 Q 11 in these proceedings regarding Ms. Fournier's work as a nurse in the Downtown Eastside community. 12 13 We've heard that she has a long history of caring for people with serious health conditions, 14 including addictions and mental health issues.

> We've heard that during her work with DEYAS, the Downtown Eastside Youth Activities Society Health Outreach Van for over six years, Ms. Fournier provided health services to a number of the missing women. We know that she developed relationships of respect and trust in the Downtown Eastside community, with other agencies, with the police and with her clients. Indeed, we've heard that some of the clients call her "mom".

Ms. Fournier's understanding of this

community also draws on her over 20 years of experience working as the nurse for the Vancouver Provincial Court holding cells, and also doing Section 28 assessments for Car 87 of the VPD and the Richmond General Hospital, with the RCMP.

And I just want to pause here to note that although Ms. Fournier's long, dedicated nursing career in the Downtown Eastside community ended abruptly due to a brain aneurysm in 2003, which was then followed by open heart surgery, her caring and passionate dedication of this community continues.

She has attended a number of the commission's policy forums, and we have appreciated her contributions at these forums. She has expressed, among other things, her concerns about the lives of the women and other people in the Downtown Eastside community, the need for comprehensive, coordinated addiction and mental health services, the elements of effective agency cooperation among each other and with the police, and suggestions on how to build relationships of trust with members of these communities.

During these forums, Ms. Fournier has also provided the commission with some recommendations.

Mr. Commissioner, Ms. Fournier has been very keen 1 2 to give evidence at the commission in this 3 setting, and we know that that is very important 4 to the families. 5 Ms. Fournier, it's important to the 6 commission that you be given this opportunity. 7 So, I would like you to tell us what you would like the commission to hear. 8 9 MS. FOURNIER: Thank you. I am going to tell you that I am a bit of hard of hearing, so I will ask you to speak 10 11 up occasionally. I am going to be referring to notes now, if that's okay. 12 13 THE COMMISSIONER: Yes. MS. FOURNIER: I need it to stay focused and I don't want to 14 15 waste time. 16 As far as why I became a psychiatric, a 17 registered psychiatric nurse, I think that a lot of people don't know, and I haven't shared this 18 with everybody, and the reason being is that when 19 20 I was a little girl, I was abducted at the age of two from my mother, and I didn't see my mother 21 again until I was six years old. Now, that was 22 very confusing to me, to grow up in a fashion. 23 The confusion went on for about seven years, 24 25 because we're talking about no Amber Alert,

nothing in 1946 to 1950.

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Now, when I returned to my mother, there was a big adjustment for me and I spent about seven or eight years really not knowing where I was and why I was there. I had a beautiful family looking after -- a beautiful mom looking after me, a brother that I met for the first time and remembered for the first time. I also had a, a mother, a mother, quote, that I left that was involved in my abduction, who looked after me very well. I was rescued. If I hadn't been rescued and back to living a regular life, rather than a nomadic life of moving all over Canada and, and living in, in hovels, then I, I don't know where I would be today. I would have been down here. I would have been in the Downtown Eastside. So, I identified with that and I felt for that.

My mother was an RN. My daughter is a nurse. My mother-in-law is a nurse. My mom wanted to know, "Why did you ever go into this type of nursing?" That's why I went, because I, I experienced some of the agony that these women have felt and I experienced such that I could have ended up down here. So, that's all I'll say about that.

I am really pleased to be here. I am really pleased that I can offer my ideas, my concerns. I have a little bit of adjusting to do regarding the inquiry, and I don't want anybody to be offended or upset or anything else, because the reason I am here is to get rid of the hindsight, I am sick of the word "hindsight," and I want to focus on insight and foresight. So, I won't be referring to too much hindsight unless the cross-examination involves that, and I am open to anything they would like to say.

Just yesterday I revised some of the things I wanted to say and that's because yesterday was a really important day for me. I learned something from my, my grandson and I learned something about a former contributor to Stevie Cameron's book.

And I am not going to mention the names. You will know who she is, because I am sure she is watching the, the -- on the computer, but I just would like to share it with you. This former, or this, I'm sorry, this girl who was in, in Stevie Cameron's book, she sent me a Facebook message and she said, as far as, as far as, as far as this comment, and this is, the comment is:

Who are you to judge the life I live? I know

I am not perfect and I don't live to be, but before you start pointing fingers, make sure your hands are clean.

So, that's what we're here for. We're here to clean our hands.

Now, this lady responded to me and she said,
"How true that is." She says, "I have always been
-- had my fingers -- fingers pointing at me, but
their hands are dirty, not mine." She's
recovered. Her hands aren't dirty. We are
washing our hands here and this is meant to be
cleansing. This whole inquiry is meant to be
cleansing. It's meant to be part of healing, not
part of bullying, not part of chastising, not part
of discrediting. It's got to be healing. And
this is what I need, this is what the families
need, and this is what our girls -- they didn't
die in vain.

Because this is something that should have been addressed many years ago. The times have changed but the situations have not. The sex trade workers are still there. The addictions are still there. The homeless, the elderly, the mentally ill are still there. What are they doing? They're closing Riverview. They're

closing pre-trial. They're closing Woodward's Stores. They want to build another prison. Give me a break. No more prison. You don't get treatment in prison. You don't get treatment in prison for addiction. There's no time. There's not enough staff.

Now, I have got a lot of -- I have got things that I could say about good guys and bad guys, and I don't want to do that. But I want to enlighten you and just draw your attention to a couple of things that have arisen during this inquiry.

They're extremely important. I could be corrected on the date. My memory is not as swift since 2003. It's crystal clear prior to 2003. After 32 years in the Downtown Eastside, I have dealt with the good, the bad and the ugly. And the good, the bad and the ugly involve healing and they involve really bad.

Now, there are things I want to clear up as far as the inquiry, or I want to voice my opinion on. If you take offence at it, I apologize. This is what I feel.

Back in March, there were, I believe it was March. If it's not, I don't care. Uhm, back in March I believe it was, I think it was Mr. Ward

who mentioned the Frank Paul Inquiry. Now, the Frank Paul Inquiry was back in -- he had passed away in 1996 I believe. The inquiry was in November 2007. Where were we in 2007? We know where we were. We were in New Westminster in 2007, in November 2007. The decision came down in December 2007.

There were recommendations made at that inquiry and, and recommendations, recommendations are great. They're not worth a pinch of coon dung if you don't follow them, if you don't get action. What are recommendations for? We're here for a decision from an extremely honorable commissioner, who I have known for over 20 years. He is looking at a decision. He's trying to form his decision by what takes place at this inquiry. What we say here is extremely important to that decision. What is done after is even more important. We've got to make it happen.

Now, the thing I am referring to in March is the Frank Paul incident and the recommendations that came up. It didn't change. Isn't it interesting and isn't it sad, interesting, sad, that the errors in 2007, that were voiced in 2007, involved the police department, involved the

Vancouver City Police Department.

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Now, I knew Frank Paul for more than 20 years. I know him. He was a gentle man. He was a sick man. He needed support. He needed, he needed care. He needed an intervention. He was not given it. The reason I was going to testify at that time -- I received a summons and I was cancelled. The reason was because everything in the corrections system, in the jails, in the police station, in whatever, if there is a nurse employed there and there is a health problem or a death, where does it go? It falls right down through the, through the line of command onto the nurse. So, that's the reason why I was going to testify, because I have known the police nurses for many, many years. We spoke on the phone every single day for 20, for 22 years, uhm, that I worked in the courthouse. So, that was my reason for being there. I was cancelled. And I never, I never was given the opportunity to speak.

The other, the area regarding Frank Paul, I am not going to go into that deeply. Mr. Ward was I believe on the inquiry at that time and it's past news. And there were some resolutions made by Mr., I believe it was Mr. Davis, who was the

commissioner, and I applaud what he had to say.

The thing is, is that three levels of government -- city, provincial and federal -- let us down, because they weren't enacted. Where's the recovery for addicts and alcoholics? Where is it? No, we had the Olympics. We had all these other things. There is no recovery there.

I think that the other area, I don't want to go into that too much. You have got your own ideas on that and I think that you can draw a similarity between the, between it all.

As far as city is concerned, I had heard Mr. Owen yesterday and, I'm sorry, I am going to have to go along with Terry Blythe from the Vancouver City Police station, and from what I heard in his testimony. The mayor should not be on the Police Board. It should not be a political appointment. They're representing safety in our community.

If they need, if they need more staff, which they were desperate for in 1999, I remember it well, I was around. I saw police officers get on the bus to deliver a warrant to -- I saw sheriffs get on the bus to seize a driver's licence. We're being let down by, by provincial government, with the sheriff's department. They're not, not enough

of them around to man the courtrooms. Where are we going? RCMP, same idea. We've heard time and again, that they didn't have enough staff. I've worked with the RCMP. I've worked with them in a cooperative fashion. I've worked with the Vancouver City Police. I know bad guys, I know good guys, and there are a few everywhere.

I know the term "sex trade worker". I was around when they were called "hookers". I was around when a real pretty girl in a, in a bustier came up to me and I said, "Hi, I'm Bonnie," and she says, "I'm little red riding hooker." It depends where it's coming from and it depends on the nature of the comment, and that's what we have to be aware of. You work for the police department, you worked for the RCMP, you work for the ambulance service, the hospital, anywhere in a, in a helping agency, you are going to get comments like that. It comes with the territory. If you've got thick enough skin to take the job you're doing, then be thick enough to withstand these casual remarks. What is that?

Now, the remarks that do hurt are made very clear to my clients. I have a remark that I will not tolerate. I will suggest they leave the,

leave the health van, and I will suggest if they're in the cell, that unless they're dying, they won't require my intervention today. You have to be straight up with them. You have to be eyeball to eyeball. No game playing, no beat and bust for, for ridiculous, irrelevant issues. Don't go and arrest the whole family from a church basement when you have got illegal immigrants in the Downtown Eastside all over the place. On specific corners, we've got the Spanish, we've got the, we've got the UN gang, we've got the Scorpions, we've got all kinds of other -- no, here. Oh, no, we will go get, over to the church and we will get rid of that whole family who are going to be deported back because they're here illegally.

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Where are the priorities? Where is the humanity? Where is the basic human needs of food, shelter, clothing, uh, feelings of self-esteem, feelings of accomplishment, love, understanding? Where is it? It's gone. We haven't changed with the times.

We have improved transit so, to the point where we can get from point A to point B in approximately 45 minutes where it used to take us

about an hour and-a-half to drive. I like to refer to it as fast area rapid transit, shortened it is "FART", fast area rapid transit. Because ever since we've had that, we have suffered in the Downtown Eastside.

It's not restricted to the Downtown Eastside anymore. You get on a SkyTrain and you can be in Surrey. And that's where a girl was picked up, in Surrey, at the mall. She told me the little story. She was picked up in Surrey, taken to the house of pain. How many RCMP members know about the house of pain in Newton, Whalley? I do.

Right near Pancho & Lefty's, Hells Angels. It was closed down in approximately -- let me see -- I would say around 1990? It was closed down by the, by the municipality and burned to the ground. And that was because the increase of sex trade workers and the increase in drug dealing and police-required attendance at that house.

When it was burned down in around 1998, and destroyed, because of all of the furor of the residents in the area and the crime that was coming to that area, how much evidence was lost in that regarding the missing women? How much evidence did we lose from that, from that place?

Because Sharon told me about being lured from Surrey Place Mall to the house of pain and being drugged there and then moved by a station wagon by a man to the Pickton farm. She told me -- she shared that with me on -- two days after Mr. Pickton was arrested on February 2nd, 2002. That's when Sharon shared that information with me.

I am not going to go on on that. If anybody wants to ask me about it, I will be glad to enlarge on it.

I want to go to the other area of concern and that is a comment that was just made recently. It was spur of the moment. It wasn't meant to be antagonistic, I don't think, but it was really hurtful to, to several people in the gallery. And I have to say it bothered me, and it bothered me because of my, my background and my childhood. It bothered me for a lot of reasons. That comment was made by counsel, Hira, and he commented during a, during a clarification by Mr. Ward, he commented that, "that's like asking when you last beat your wife." At that point, we -- it caused us to gasp. That's what -- is that what happened when you last beat your wife? Why would you make

a comment like that?

Mr. Ward was clarifying a point that had relevance and he was reprimanded with that statement. That's totally irrelevant, totally out of context and very hurtful to people in the gallery, to, to a particular relative, and she is a relative, who suffered abuse as a wife and her husband was incarcerated for it.

I'm a nurse. I, I am a retired nurse. I am also a woman. I am also a mother. Now, when footballers say, after scoring a touchdown or something, and they say, the camera focus on them, "Hi, Mom. Thanks, Mom." They collect a cameo, "thanks, Mom." How many people, when they're sick, they want their mom.

I had a lot of people who were sick downtown in the Downtown Eastside. They wanted their mom too. A lot of them were, were healing, were trying hard, but the help wasn't there. There was no recovery, no de -- no, oh, detox, yeah, on Cordova, a block away from the 100 block on Main and Hastings, that's detox. Oh, go in there for five days, seven days, and then you're out, and there you are, standing naked in the middle of the road, and all the, all the pushers are coming to

you, the gang members, because you're money in their pocket.

Riverview Hospital closes. Where is it?

Hollywood north. They're talking about closing

River -- or Valleyview. These are, these are

areas that we want to -- we feel, I feel could be

used as a recovery detox long-term treatment area

for multiple people and for housing some of our

homeless, our elderly, who sit in the window

watching for somebody, a friendly van or a

friendly face. They're watching from the Brandiz

Hotel, and when they see somebody they feel

comfortable about coming down and maybe getting a

hamburger we picked up from McDonald's, or just

coming in and chatting when the line goes down.

This is, this is what we've got to pay attention to. We've got to put light in those dark corners. We are a long way from the, from the two-handed clock. We're in analog. We are into, we're in digital. We're into computers. We're into all kinds of things. The gentle tick tock that used to give us reassurance of minutes and hours passing is not there anymore. We don't hear that tick tock anymore, but it's still present in the Downtown Eastside. And if we don't

put a solar-implanted battery or solar-powered in there and get people to, to smell the roses so that we can tell our grandchildren that it's safe to go and talk to the police, so we can tell our sex trade workers, "Don't worry, the police are on target."

Dave Dickson isn't there, but there is Toby
Hinton, and he is really good to talk to. Al
Arsenault isn't there, but Toby is there, and
there is a few others that we have learned through
the Vancouver Cop Watch who are there, and there's
the odd one that the Vancouver Cop Watch complains
about, I'm sure. There is an odd one that I could
complain about.

I have been disrespected. Not a lot. As I say, this many are spoiling it for everybody. And it was very prevalent in 1999. We lost Kim Rossmo. He was on target. I was very active in DEYAS at that time. I was the only nurse employed by DEYAS. We lost him. Why? Because we got a bunch of guys -- dudes sitting there and they're saying, "Oh, what's he all about? He's grandstanding. He's doing this. He's doing that."

I applauded at the time when I got to know

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Jamie Graham, when he became police chief of the
 1
 2
                   Vancouver City Police. That man came in there,
 3
                   former RCMP, superintendent I believe, he came in
 4
                   there with knowledge galore. He came in there to
 5
                   heal. He came in there to recover. What he was
 6
                   denied was he was denied police officers, --
 7
      THE COMMISSIONER: Okay. Yes?
      MS. FOURNIER: -- adequate police.
 8
      THE COMMISSIONER: Ms. Fournier.
 9
10
      MS. FOURNIER: I'm sorry.
11
      THE COMMISSIONER: Yes?
12
      MR. GRATL: Yes, Mr. Commissioner, Jason Gratl for Downtown
13
                   Eastside interests.
14
      THE COMMISSIONER: Yes.
15
      MR. GRATL: I wonder if it might be possible at some point to
                   have an opportunity to ask Ms. Fournier -- I'm not
16
17
                   sure whether a timetable has been set.
      THE COMMISSIONER: I don't know.
18
      MR. GRATL: But I have some specific questions for Ms.
19
20
                   Fournier --
      THE COMMISSIONER: I know that she's gone on and counsel has --
21
22
                   tell me what your, what your timetable is with Ms.
                   Fournier? Because we have Ms. Smith as well and
23
24
                   we haven't even gotten to her yet, so.
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25

MS. SHARP: I know.

- 1 THE COMMISSIONER: We have an hour. Thank you.
- 2 MS. SHARP: Okay. Well, thank you for those comments, Ms.
- Fournier. I did want to have some questions for
- 4 Ms. Smith and give other counsel an opportunity to
- 5 do some cross-examination.
- 6 THE COMMISSIONER: Yes.
- 7 MS. SHARP: So, I think, if that's okay, Ms. Fournier, I will
- 8 move onto Ms. Smith.
- 9 MS. FOURNIER: I'm sorry, I didn't get that last part.
- 10 MS. SHARP: If that's all right, I'll ask Ms. Smith some
- 11 questions --
- 12 MS. FOURNIER: Yes, yes.
- 13 MS. SHARP: -- and then give other people a chance to ask some
- 14 questions.
- 15 MS. FOURNIER: Oh, yes, please.
- 16 MS. SHARP: Okay, thank you.
- 17 Mr. Commissioner, Ms. Smith is here for a
- 18 specific purpose today. She wanted to come before
- the commission to relate the events of an incident
- in the autumn of 2000. This incident occurred
- 21 while she was a survival sex trade worker in
- 22 Vancouver. She worked in the sex trade for a
- 23 period of approximately six months in 2000, from
- 24 spring until December. She was drug addicted at
- 25 this time and has been clean and in recovery since

December 2000. She is employed and attending 1 2 school now. The incident that she wants to testify about 3 4 was in the area of Prince Albert and Kingsway and 5 it involved a man driving a white van. 6 THE COMMISSIONER: Okay. 7 MS. SHARP: Are those correct, the way I have introduced you? 8 9 MS. SMITH: Yes. Okay. Why don't you tell the commissioner about 10 that incident? 11 Well, first of all, I seem to remember that it 12 MS. SMITH: probably wasn't a first incident with that man. 13 14 Uhm, there was a, uhm, I had, uh, been in contact 15 with him once before, but nothing really happened on that first one, but it was the second one in 16 17 the grey van, grey cube van with mustard-coloured interior. Uhm, I got into the car and, uhm, I 18 19 gave him my price, and he said, "Do you want to go 20 out to the pig farm?" He said, "Do you want to go to a biker party out at a farm in Coquitlam?" 21 22 Uhm, thankfully to these women up here -- and I'm sorry for the way they had to go, it was 23 inhumane and inconceivable. Uhm, he had said -- I 24 25 had said, no, I didn't want to go, uhm, because I

had heard that women were going missing, that these women here on this board were going missing. And through a group of women at the women -- Downtown Eastside Women's Centre, uhm, they sat me down. And he told me what was happening with these women and where they had gone and that, uhm, they had been killed there. And they said, "No matter what, never, never go out there." Uhm, and I remembered that. It always stuck with me, that conversation. I remember it like it was yesterday.

I have pretty much a photographic memory for faces and places. Uhm, so when somebody would tell me something that shocking, I would remember it. I am the type of person that can pick up a book six months after I have put it down and remember exactly where I left off, which is very, very unusual for someone of my stature. It has to do with the, the way my brain functions. My connection wires in the brain are not quite normal. That's one of the gifts that I was given.

Anyways, I remember them telling me, "don't go." So, when I had the conversation with the person in, in -- that we're talking about -- uhm, is it all right if I name names?

1 Q (Nod) 2 MS. SMITH: -- Mr. Pickton, he had said to me, he said 3 basically, "Do you want to go out to a biker 4 party?" And I said, "no," and he said, "Why not?" 5 And I said, "Because I know what you're doing out there." And he goes, "Okay, and what am I doing," 6 7 like, basically, like, you know. And I said, "Those women are missing." And he said, "Yes, all 8 9 of them are on my property. I killed them." And I said -- it was, like, the family 10 11 members were angels and they were on my side that 12 night, and I'm sorry that they died, but they saved my life. And I only wish that my family was 13 14 here to sit with you guys, but they couldn't be 15 here today. Uhm, I'm very grateful that they all touched my life. Some of them I had known to say 16 "hello" to. Uhm, I --17 THE COMMISSIONER: Ms. Smith, if I might just interrupt you, I 18 19 want to thank you for coming and telling us about 20 the incident. I just want to know, did you, did you report the incident to anyone when he said 21 22 that --23 MS. SMITH: Yes. THE COMMISSIONER: -- "I killed them"? 24 MS. SMITH: Yes, I did. 25

- 1 THE COMMISSIONER: Okay. And who did you report it to?
- 2 MS. SMITH: I reported it to the task force. I called the
- 3 Emergency and a female officer, or a female
- 4 dispatcher actually, had put me in touch with the
- 5 task force. I can't remember who it was. I don't
- 6 think I actually got a name because I would have
- 7 remembered it.
- 8 THE COMMISSIONER: Did anyone interview you?
- 9 MS. SMITH: Ah, they just -- over the phone.
- 10 THE COMMISSIONER: But no one -- did any police officer come to
- 11 see you in person?
- 12 MS. SMITH: No.
- 13 THE COMMISSIONER: Did you go to the police station yourself?
- 14 MS. SMITH: Uhm, well, they told me they didn't believe me over
- the phone.
- 16 THE COMMISSIONER: Oh. And when was this?
- 17 MS. SMITH: This was in the fall of 2000.
- 18 THE COMMISSIONER: I see.
- 19 MS. SMITH: It was somewhere between maybe mid-September to
- 20 mid-October.
- 21 THE COMMISSIONER: Okay.
- 22 MS. SMITH: I was dropped off a few blocks away. I had to walk
- to the nearest phone.
- 24 THE COMMISSIONER: I see.
- 25 MS. SMITH: I remember talking to my, the person I was involved

with about it, and he said to talk to, uhm, a, a 1 group of people. 2 3 THE COMMISSIONER: All right. 4 MS. SMITH: He said to talk to the police. 5 THE COMMISSIONER: All right, thank you. 6 MS. SMITH: And I did that right away. 7 THE COMMISSIONER: All right. Do you have anything more? MS. SHARP: No, Mr. Commissioner. I would like to give other 8 9 counsel an opportunity to ask their questions. THE COMMISSIONER: Yes, all right, by all means. 10 11 Counsel are going to ask you some questions, Ms. Smith, and I -- thank you. 12 CROSS-EXAMINATION BY MR. WARD: 13 Ms. Smith, Cameron Ward, counsel for the families 14 15 of 25 of the women who went missing from the Downtown Eastside and were subsequently murdered, 16 17 presumably by the man who picked you up, Robert William Pickton. And that is the person who was 18 driving the vehicle you described; is that right? 19 MS. SMITH: Yes. 20 And you started to tell about the conversation, 21 22 but I don't think you finished it. As I note it, you said to him, after he invited you to a biker 23

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party, you said that you didn't want to go, that

you were aware with the missing -- of the missing

- women, and he said to you that he had killed them? 1 2 He, he acknowledged that? 3 MS. SMITH: Yes. 4 All right. And what happened next? 5 Uhm, he slowed -- well, actually, I have to go back MS. SMITH: a bit here. Uhm, I told him that he would cause a 6 7 biker war on his property if he didn't let me go. Well, why did you say that? 8 Q 9 MS. SMITH: Uhm, I have a lot of high -- friends in high 10 places. 11 And then what happened? 12 Uhm, he started to slow down and, uhm, I jumped out of his car while it was moving. His vehicle, 13 14 sorry. 15 And whereabouts was that? MS. SMITH: Uhm, it was about three to four blocks away from 16 17 Prince Albert and King Edward. In Vancouver? 18 Q In Vancouver, yes. 19 MS. SMITH: 20 And what happened -- after you jumped out of the Q vehicle while it was moving, what, if anything, 21
- Q Okay. And what -- can you describe in detail

did he do next?

out.

22

23

24

MS. SMITH:

Uhm, he took off right away. He pulled out, peeled

please what you did after that? Now you're out of 1 2 the vehicle. You're on the street. 3 happened? 4 MS. SMITH: I hightailed it back to where I was staying, talked 5 to my old man that I was with, uhm, and he said, "You've got to phone the police." 6 7 So, what did you do? Q I went and phoned the police. 8 MS. SMITH: 9 And you've said you phoned Emergency? MS. SMITH: 10 Yes. 11 0 Is that 911? 12 I think so, yes. Yes, yes. MS. SMITH: 13 And you spoke to someone there? 14 MS. SMITH: Yes. I also, too, went and called on Constable 15 Dickson as well. 16 Q Okay. I don't know what happened with the notes that Mr. 17 MS. SMITH: Dickson had, or Constable Dickson I should say 18 had. 19 20 Let's take these calls one at a time, if I may. Q When you dialed 911 and got a woman on the other 21 22 end, what did you say? I said, "I think I know who is killing the women in 23 MS. SMITH: the Downtown Eastside. I think I just met him." 24 25 Actually, I said, "I just met him." Sorry, not "I

think I just met him. I did just met him." 1 2 So, you said on the 911 call, in the fall of 2000, Q "I think I know who is killing the women on the 3 4 Downtown Eastside. I have just met him"? 5 MS. SMITH: Yes. 6 All right. And what was the -- what happened next Q 7 in that call? What else was said? They said that they'd direct me to the task force 8 MS. SMITH: and they did. Uhm --9 So, when you say "direct," did they actually patch 10 Q 11 you through on the phone? 12 MS. SMITH: Yes. 13 Okay. And so you waited on the line and you, you 14 got -- you were connected to another person? 15 Yes, I was connected to a male officer, a male MS. SMITH: police officer. 16 17 And can you describe, to the best of your Q recollection, the conversation you had with that 18 19 male officer? 20 I told him what happened and, uhm --MS. SMITH: Sorry, if you can, because this might be 21 Q 22 important, can you try to recount the words you 23 used, the exact words you used? I know it's 12 24 years ago, but --MS. SMITH: I said, "I have just gotten out of a man's car who 25

was" -- at the time, I didn't know his name. I will say that, I did not know his name at the time. It wasn't until he was arrested that I actually knew his name. I had said, "I have just gotten out of a car, out of a man's car who's admitted to me to killing all the women and that they're buried, he's buried them on his property." And they said, uhm -- I basically said, "I don't want to charge him. I just wanted to phone, I wanted to know -- I wanted to warn you that he's out looking for another woman to kill."

And they said, "Well, basically we don't really believe your story, and that we're doing the best we can with keeping an eye on him, uhm, and, you know, if you go to the media, or if you keep following this up, we'll just make trouble for you." This is an organization that has -- had done many things to me in the past, horrible things, and I think were just as bad as Mr. Pickton himself.

Q Well, just, if I can just zero in on an aspect of that. The man who picked you up, you didn't get his name then, but after Robert Willie Pickton was arrested and his picture appeared in the news, you realized it was the same person?

MS. SMITH: Yes, because of my photographic memory. 1 2 I see. Uhm, do you recall anything else about the Q conversation with the member of the missing women, 3 or the member of the task force that the 911 4 5 operator connected you to? 6 Uhm, I remember him insulting me and degrading me, MS. SMITH: 7 telling me -- calling me a liar and a junkie and a Ho, names I don't really like being called. I'm 8 9 not a farm tool. I'm a person, a human being. How did the conversation end? 10 Q 11 MS. SMITH: Uhm, it was fairly quick. He was pretty nasty to 12 me, and he said that he will destroy all evidence of me even contacting the police, because it was 13 recorded at the time. They did say it will be 14 15 recorded. 16 Was that in the first part of the call? 17 MS. SMITH: Yes. The 911 part? 18 Q MS. SMITH: Ah, yes. 19 20 All right. Now, what were your prior -- what was Q the nature of your prior experiences with the 21 22 Vancouver Police Department? 23 MS. SMITH: Uhm --24 Before that day? MS. SMITH: Before that day? 25

1 Q Yes. 2 MS. SMITH: Okay. With the Vancouver Police Department, uhm, 3 I, in August of 2000, uhm, I had been illegally 4 arrested twice. 5 Why do you say "illegally"? 6 Illegally? Uhm, they forced me into the back of a MS. SMITH: 7 paddy wagon and drove really, really fast down the road, down all the back alleys, with lots of 8 9 potholes. I was hitting my head, hitting my ears on the side walls and the roof of the, uhm, of the 10 11 paddy wagon. They pulled up down, over by the -- down, 12 13 straight down there on the waterfront and, uhm, I 14 saw two female police officers hitting a bunch of 15 prostitutes that did not speak a word of English. They were of Asian descent. He was -- or they 16 17 were hitting and beating these women with batons, and they threw them in the back of the paddy wagon 18 19 as well. 20 So, then there were three of you in this vehicle? Q There was more than three. Then they had me in 21 MS. SMITH: 22 different -- they had me in a different compartment. I think they put each one in a 23 different compartment of the vehicle. They were 24 25 playing really loud music and yelling and

screaming into the microphone and basically using 1 2 the vehicle and anything else as a form of 3 torture, uhm, the loudspeakers and everything that 4 they had in the vehicle as, as ways to torture me 5 and the other women, because I could hear them 6 screaming as well and crying. And I started to 7 scream and cry because I was thinking, oh, my God, these women are going to make it worse. I, you 8 9 know, like, "Please stop, please stop, you're torturing us." And I actually thought that, 10 11 uhm -- I, I was very scared. I thought they might do a Rodney King on me. 12 Did they take you to the, to the jail? 13 Uhm, they stopped off at the jail and down on, uhm, 14 MS. SMITH: 15 Main Street, and they let the Asian women out and took them into the police station, uh, drove back 16 17 up along the bumpy roads, the same bumpy alley ways that they had taken me down I think. Uhm, 18 19 and they dropped me off in the back alley near 20 Davie Street and I walked to the hospital, uhm, to St. Paul's. I have -- I had lost any type of 21 22 hearing I had in my ears. THE COMMISSIONER: So, did -- excuse me for interrupting you. 23 24 I have to interrupt anyway to set some limits 25 here. Mr. Ward has got 20 minutes, Ms. Gratl 10,

- Narbonne 10, Mr. Dickson 20, and Ms. Tobias or Mr.
- 2 Makosz five minutes.
- 3 Are you saying that they didn't take you into
- 4 the police station?
- 5 MS. SMITH: No, they dropped me off.
- 6 THE COMMISSIONER: They just dropped you off in an alley?
- 7 MS. SMITH: In an alley, and they had been known to do that.
- 8 Took my shoes and made me walk to the hospital --
- 9 THE COMMISSIONER: Okay.
- 10 MS. SMITH: -- barefoot.
- 11 THE COMMISSIONER: All right.
- 12 MS. SMITH: I had no shoes, no socks.
- 13 THE COMMISSIONER: All right.
- 14 MS. SMITH: Walking through junkie alleys with needles and
- stuff all over the ground.
- 16 THE COMMISSIONER: All right.
- 17 MR. WARD:
- 18 Q Did they -- did you tell them that you had been
- hurt while riding in the back of the paddy wagon?
- 20 MS. SMITH: Yes, I did.
- 21 Q And so you went to the hospital?
- 22 MS. SMITH: I went to the hospital.
- 23 Q And what happened at the hospital? Did you get
- 24 checked out?
- 25 MS. SMITH: I reported it and they said there's, technically,

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no damage to my ears. However, I have lost my
 1
 2
                   hearing.
                   So, the hospital admitted you for a brief time
 3
               Q
 4
                   there?
 5
                  They admitted me, they checked me over and they
      MS. SMITH:
                   said I should be fine. They filed it and, uhm,
 6
 7
                   that if there's any further complaints, they will
                   phone me. I was scared to really fully report it
 8
 9
                   because, uhm, these police officers had, had done
                   that, had been known to do that before. Uhm, many
10
11
                   of my friends that I worked with were dropped off
                   in -- as far out as Chilliwack and Hope.
12
                   Do you know the names of those police officers?
13
                  No. I remember their numbers on their side of
14
      MS. SMITH:
15
                   their arms --
                   What were they?
16
               Q
      MS. SMITH:
17
                  -- for some reason.
      MR. WARD:
18
19
                   What were they?
               Q
20
      MS. SMITH: One of the numbers that I remember, for some
                   reason, that comes up was 1946.
21
22
                   Okay. Do you remember the other one?
               Q
                  I don't.
23
      MS. SMITH:
24
                   Okay. Now, the back of the paddy wagon, it's just
               Q
25
                   a metal interior with a bench, right?
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MS. SMITH: Yes, no padding, nothing. 1 2 And there are windows that you can see outside from? 3 4 MS. SMITH: Yes. 5 Yes. And it's a fairly unpleasant place to be 6 cooped up in? 7 Yes. It smells like faeces and, uhm, it, it's, MS. SMITH: 8 it's very scary. And when the wagon hits bumps or comes to a sudden 9 Q stop, you're thrown against the metal bars? 10 11 MS. SMITH: Yes, and there is no seatbelts. 12 And that's what happened to you? MS. SMITH: 13 Yes. 14 There is no seatbelt back there? 15 MS. SMITH: No. There is no padding of any kind? 16 17 MS. SMITH: It's very dangerous. And if something were to ever 18 happen, you couldn't get out of those. 19 And you made it clear to the police officers on Q 20 this occasion, in August 2000, that you had been hurt on the ride in the back and they dropped you 21 22 in this alley and you made your way to the hospital? 23

MS. SMITH: Yes. And, you know, basically, they just picked me

up because I was walking on the street. I wasn't

24

25

even working. I was walking to the grocery store 1 2 to get food. They took my money. They took 3 everything. 4 All right. What, some sort of search on the side Q 5 of the road before they put you in the wagon? 6 MS. SMITH: Yes. 7 And you didn't get those things back? MS. SMITH: 8 No. 9 Q Just looking at the, the poster next to you there that's been marked as Exhibit 20 in these 10 11 proceedings, do you recognize any of the women 12 from your time in the Downtown Eastside? MS. SMITH: 13 Yes. 14 And can you tell us the names of the ones you 15 recognize and a little bit about them? I, I recognize Marnie Frey, and I have to get a 16 MS. SMITH: 17 closer look, but I can point them out. There's Marnie. 18 19 So, you are pointing out Marnie Frey? 20 MS. SMITH: Hm-hmm. I think I knew Dawn Crey. She looks very familiar. 21 22 Q Okay. You will have to speak into the microphone 23 when you talk. That's the only problem with that. 24 So, you have indicated Marnie Frey, Dawn Crey? MS. SMITH: Dawn Crey, Sarah de Vries. 25

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Sarah de Vries.
 1
      MS. SMITH: Pretty much all of the women, because they all
 2
 3
                   attended the Downtown Eastside, uhm, Women's
 4
                   Centre.
 5
                   So, you recognize their faces?
 6
                  Yes. I can't remember her name, but the one woman
      MS. SMITH:
 7
                   that they found her head in the bucket, I knew her
                   from the Eastside as well to see her.
 8
9
               Q
                   And can you tell us a little more about the
                   warning you got at the, at the women's centre
10
11
                   about going to a place out in Coquitlam? How did
                   -- who --
12
                  A friend of Marnie's --
13
      MS. SMITH:
14
                   Yes?
                  -- had taken me aside on the very first day that I
15
      MS. SMITH:
                   had started prostitution, uhm, and a group of
16
17
                   other women, probably about five or six other
                   women sat me down and basically told me how to do
18
                   my job, and they trained me on what to say, what
19
20
                   to do, and they had told me never to go to
21
                   Coquitlam.
22
               Q
                   And you started -- as I understand it, you started
                   prostitution on the street in the year 2000?
23
      MS. SMITH:
                  Yes, and I ended in the year 2000 as well.
24
25
                   And you started -- you turned to prostitution as a
               0
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way to fund what had started as a recreational 2 drug habit and turned into an addiction? 3 MS. SMITH: Yes. I had a very long nervous breakdown from the 4 age, that started around the age of nine years 5 old. I started drinking alcohol and I started 6 using drugs probably at about 17. And when I was 7 about 19 or 20, I met my -- the person that I was in a, a common-law relationship with, who I 8 9 sometimes called the old man or husband, ex-husband, and, uhm, he got me into crack cocaine 10 11 as a recreation. And, uhm, at the same time, his business went bankrupt and I couldn't find a job. 12 13 And about a year or two prior to that, I was grieving the loss of the death of a child. So, I 14 15 know very much how you mothers feel and family members. 16 17 I turned to drugs because I couldn't get over my grief and my guilt feelings. And not only 18 that, and I think this is the reason why I 19 20 remember a lot of it too, is that at the same time 21 that I started prostitution, uhm, one of my 22 friends was, on my 19th birthday actually, one of my friends was injured so badly that when I 23 started prostitution and stuff, it finally killed 24 25 him. He was murdered. He was beaten so badly

that he never healed from his injuries and 1 2 eventually died from them. 3 And I remembered the loss that his kids felt 4 and how their mother has never been able to come 5 to, to just bring the men who, who killed her husband to justice, and she's never been able to 6 7 tell her children exactly what happened, because the police could never find any evidence of the 8 fact that he was murdered. 9 Okay. Just coming back though, just a few more 10 Q specific questions if I may, because my time is 11 very limited. You know the name of the friend of 12 Marnie Frey's who told you, when you started your 13 prostitution trade in 2000, never to go out to 14 15 Coquitlam? Uh, she never really gave her name, but if I was to 16 MS. SMITH: 17 see her in this room today, I definitely would thank her. 18 19 All right. How many times were you arrested by Q 20 members of the Vancouver Police Department and did any of those arrests result in charges? 21 22 MS. SMITH: I was probably arrested about five or six times and 23 one arrest brought about a charge. 24 Did it go to court? Q It went to court, but it was dropped because I was 25 MS. SMITH:

in a treatment facility getting recovery. 1 All right. Today, you are drug free? 2 3 MS. SMITH: Yes. 4 How long have you been clean? 5 I have been clean since December 12th, 2000. MS. SMITH: Okay. And you're employed? 6 7 MS. SMITH: My employee (sic) is my mother. Uhm, I, I work in 8 a kitchen store and I can't give any more information out than that. 9 I am just, I am just identifying that you are --10 Q 11 you do have employment and you are as well studying at university, I gather? 12 Yes, I am studying to work with youth and children 13 MS. SMITH: at risk so that they don't have to go through what 14 15 I had to. And one last question, given the time I have. 16 Q What was the year of your birth? 17 1974. It's funny, I got sober on the 12th and I 18 MS. SMITH: 19 was born on the 12th. I was born on the 12th of 20 February, 1974. And so you're 38? 21 Q 22 MS. SMITH: Yes. 23 All right. Thank you.

Those are my questions. If you have anything else

MS. SMITH:

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24

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Thank you.

1	that I have overlooked about your encounter with
2	the man that you later learned was Robert Pickton,
3	now is a good time to say it.
4	MS. SMITH: Uhm, I don't think you have really overlooked
5	anything. Uhm, I am just very grateful to even
6	get the opportunity to be here, so thank you
7	everybody.
8	Q Well, it took a while to get you here, and you
9	have showed great courage in coming, and on behalf
10	of my clients, who, many of whom you know, I thank
11	you for exhibiting that courage and telling us
12	your story.
13	MS. SMITH: Thank you.
14	THE COMMISSIONER: Thank you. Mr. Gratl?
15	MR. WARD: Oh, I'm sorry, I'm sorry. I have got questions for
16	the other witness, Ms. Fournier. I forgot for a
16 17	
	the other witness, Ms. Fournier. I forgot for a
17	the other witness, Ms. Fournier. I forgot for a moment we've got this panel approach.
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all. 1 2 MR. WARD: Mr. Commissioner, it's important, and we will have 3 to find the time, in my respectful submission. 4 She is an important witness. She was down there 5 and --6 THE COMMISSIONER: I know. 7 MR. WARD: -- I urged this commission to bring her forward. It 8 took months of work just to get her here and now I 9 have got some questions for her and I would like to --10 11 THE COMMISSIONER: She's appeared a number of times already 12 and --13 MR. WARD: I know that. THE COMMISSIONER: Yes. But in any event, let me see if there 14 is more time left over after the other witnesses 15 (sic) have, have cross-examined. 16 17 MR. WARD: Mr. Commissioner, that's simply not fair. That's unfair. 18 THE COMMISSIONER: Well, it's -- I decide what's fair and I 19 20 decide the evidence that I need. If I give you more time -- I have bent the rules for you a 21 22 number of times already. If you can talk to Mr. 23 Gratl or someone else who is prepared to give you some of their time --24 MR. WARD: I am not going to sit down, Mr. Commissioner. 25

- 1 THE COMMISSIONER: Well --
- 2 MR. WARD: I want to ask this witness questions.
- 3 THE COMMISSIONER: I want -- Mr. Ward, I have to, I have to put
- 4 time limits on this.
- 5 MR. WARD: No, you don't, Mr. Commissioner.
- 6 THE COMMISSIONER: I am telling you, Mr. Ward, I have to put
- 7 time limits on it. I'm the commissioner and I
- 8 decide that. I, I have bent over backwards to
- 9 help you and to give you extra time and now I am
- 10 asking you to please sit down.
- 11 MR. WARD: I am asking you please to bend over backwards --
- 12 THE COMMISSIONER: No --
- 13 MR. WARD: -- one more time with this important witness.
- 14 THE COMMISSIONER: Well --
- MR. WARD: I, I, I exchanged dozens of e-mails with your
- 16 counsel in an effort to get this woman on the
- 17 stand. I have questions for her now. Her --
- 18 THE COMMISSIONER: I know.
- 19 MR. WARD: The importance of her evidence is, is --
- 20 THE COMMISSIONER: Just a minute.
- 21 MR. GRATL: Excuse me, Mr. Commissioner, I hate to interrupt
- Mr. Ward but --
- 23 THE COMMISSIONER: Yes?
- 24 MR. GRATL: I don't like interrupting, you know that. But, but
- I can give Mr. Ward two minutes of my time if it

will stop him. 1 2 THE COMMISSIONER: All right. 3 MR. WARD: Thank you. 4 Now, Ms. Fournier, as a nurse with the sheriff's department for years and years, here in the City 5 6 of Vancouver, you personally observed the way 7 members of the Vancouver Police Department treated sex trade workers both in the streets and in the 8 9 jail, right? MS. FOURNIER: Not just mentioning the courthouse, but on the 10 11 streets, yes. Okay. And what did you see? What -- how, how 12 Q 13 would you describe the way the Vancouver Police Department members behaved in relation to the 14 15 survival sex trade workers in the Downtown 16 Eastside? MS. FOURNIER: Well, I would say from -- in 1978, when I 17 started at Vancouver Provincial Court holding 18 cells and was on the street, in the area, and 19 20 going for lunch, I met them. I met them in the courthouse. I met them on the street. On the 21 22 whole, back in 1978, they were treated fairly 23 well. They were treated with respect. 24 I saw it deteriorate over the years, 25 particularly when they went to the -- became very

gender sensitive and Playboy, Hustler and 1 2 everything was removed from reading material in 3 the jail where, all of a sudden, nobody was 4 referred to as, as female police officers. They 5 were police officers. It, it was a total 6 turnabout. Even banned National Geographic. So, 7 that's when things started to change, when there was an uproar about, I don't know, the feminist 8 9 movement, sexism. All that came to bear. 10 And this was when things started to 11 deteriorate. And maybe, maybe men were offended because, all of a sudden, women were standing up 12 and being heard. They were sick and tired of 13 being abused and bullied. I didn't mind seeing 14 15 National Geographic in the cells. I, I have been given only a couple of minutes. 16 Q MS. FOURNIER: I'm sorry. 17 Can you describe, and I want you to focus on the 18 Q period around the mid-1990s, how did the Vancouver 19 20 Police Department members, who dealt with survival sex trade workers on the Downtown Eastside, treat 21 22 them, based on your observations and discussions with those women? 23 MS. FOURNIER: Well, when I started at, at DEYAS, and that was 24 25 in 1998, when I retired from the courthouse

B. Fournier and J. Smith (for the Commission) Cross-exam by Mr. Ward

holding cells, there was an effort to remove Dave 1 2 Dickson from the Downtown Eastside, who was the 3 liaison officer. He was very good down there. 4 He, he was trusted and everything. I didn't work 5 conjointly with him on any, anything other than 6 safety seminars and whatnot. 7 I knew Al Arsenault, who was with the, with the Odd Squad. He was one of the persons, one of 8 9 the officers who developed the Odd Squad. He's also filmed, made films of the Downtown Eastside, 10 11 uh, through this Blue Lens. I also became familiar with other police officers who were 12 13 really trying hard to do their job and --Sorry, I've got to -- I am going to have to cut 14 0 15 you off because I have been given two minutes, 120 seconds, to ask you about your, your 25-year 16 17 career and I have got to get you to really focus. Let me move --18 I think the witness should be allowed to speak. 19 MR. HERN: 20 MR. WARD: Well --MR. HERN: If Mr. Ward chooses to ask her a question, uhm -- I 21 22 think the objection he has is that the witness was saying --23 24 MS. FOURNIER: No. 25 THE COMMISSIONER: Sorry?

- 1 MR. HERN: -- something about Al Arsenault and --
- 2 MS. FOURNIER: Not at all.
- 3 MR. HERN: -- I think she should be allowed to speak.
- 4 MR. WARD: I have been given 120 seconds. I am just trying to
- 5 get to the point.
- 6 MS. FOURNIER: I want, I want to cooperate and answer Mr.
- 7 Ward's questions, please.
- 8 THE COMMISSIONER: Well, go ahead, answer the question.
- 9 MS. FOURNIER: As far as being treated on the streets, in 1999,
- 10 the personality of the RCMP (sic) in relationship
- 11 to the down -- or the sex trade workers in the
- downtown area changed drastically. They were over
- -- understaffed. They were at risk. They were
- 14 arguing amongst each other. And it followed down
- onto the sex trade workers, the mentally ill, the
- 16 addicted. This is where it went.
- 17 They were not treated with respect. They
- 18 were manhandled. I know of girls who were taken
- in the police van. I know of girls who were taken
- up and down lanes. Franklin Street, off behind
- 21 Waldorf Hotel, Astoria Hotel, Patricia Hotel. You
- name it. I know. They told me. They told me.
- They were fearful. They would not go to the
- 24 police. I dealt with people who were injured by
- 25 Willie Pickton or lures that lured the girls to

the farm. They were injured by him. They would 1 2 not go to the police. Why? Because they weren't 3 -- they couldn't trust them. They were scared to 4 death of them. 5 MR. WARD: 6 Okay. You said "RCMP". I think you misspoke. 7 MS. FOURNIER: For which? 8 For the police. The police in the Downtown Q Eastside. I think you just misspoke. I heard you 9 say "RCMP". 10 11 MS. FOURNIER: You heard me say "RCMP"? Okay. Well, RCMP 12 comes into play --No, no, sorry. Were you referring to Vancouver 13 Q 14 Police? 15 MS. FOURNIER: I was referring to Vancouver City Police in that --16 17 Q Yes. MS. FOURNIER: -- in that --18 19 Yes, okay. Okay, I just want --20 MS. FOURNIER: But the RCMP, I am referring to with regards to Surrey, Whalley area where the house of pain was. 21 22 Q Okay. Now --23 MS. FOURNIER: That's what I am referring to in the case of the RCMP. 24 25 Did you know anything about the man, Robert Q

William Pickton, who is said to be responsible for 1 2 so many of these murders --MS. FOURNIER: Yes. 3 4 -- while you were working there? 5 MS. FOURNIER: Yes. 6 Can you please tell us about that? 7 MS. FOURNIER: In, I believe, and I don't know the exact time, but it was related to an arrest, he was arrested 8 9 in New Westminster, British Columbia. I don't know the nature of the crime. I received a call 10 11 from the sheriff's department at that time saying that they were transporting a really smelly person 12 13 who had been charged with an offence. It was at a time when the worry about AIDS and HIV was very --14 15 in everybody's mind, and worry about contracting it and everything else. I was contacted. I am 16 17 the only nurse employed by sheriff's court services in the province of British Columbia, 18 therefore, other jurisdictions would phone me 19 20 regarding health matters. I received a phone call from the New 21 Westminster sheriff's office. I don't know who it 22 was. It was a long time ago. They said, "We're 23 24 moving this man. He smells really bad. What 25 precautions should we take?" And I told them at

that time, "If necessary, mask the, mask the 1 2 fellow, if there is any blood or any secretions. 3 Wear gloves. Wear gloves with any prisoner. 4 Treat any person in custody with the same 5 controls. Hygienic, prevention, intervention. You wash well. You glove. You search. If it's 6 7 necessary, mask them. If they're spitting, then put a spit bag on 'em." Now, this is what I 8 instructed them. I said, "You handle yourselves 9 properly. It's -- you know, wash like you are 10 11 preparing for surgery." Did you come into contact with this man? 12 Q 13 MS. FOURNIER: I did not come into contact with him at that 14 time. I certainly saw his -- when I saw his name, 15 I didn't forget it. The description of him being a stinky man I remembered, because when I retired, 16 17 I got to know Mr. Pickton on the street, from seeing him, from hearing his name from the girls, 18 19 from hearing -- being referred to as "a stinky 20 pig," from, from seeing him. You don't forget him once you see him. He's not one you forget. I 21 22 mean, the memory lingers on. Now, I didn't mean physical contact. I meant, did 23 Q you observe him? Did he come to the Vancouver 24 25 jail in --

MS. FOURNIER: I don't recall him --1 2 Q Right. 3 MS. FOURNIER: He didn't come to the Vancouver jail, to my 4 recollection. There were others who did come into 5 the Vancouver jail. Mr. Caldwell, who was in the Van -- the Provincial Court. Let me just clarify 6 7 that, the Provincial Court holding cells. Not 312 Main. And others came in there, counsel know 8 9 about. Others involved in --10 11 MS. FOURNIER: Yeah, they were, --12 -- Pickton's --MS. FOURNIER: -- they were involved, they were connected with 13 Mr. Pickton, with Willie Pickton. 14 15 Did you --Q MS. FOURNIER: There were also women who came in who were 16 17 connected with Willie Pickton. Okay. And what, what can you say about those? 18 Q 19 What did these women tell you about their 20 interactions with Willie Pickton? MS. FOURNIER: Uhm, I could go on forever about that. Do you 21 22 want me to focus on just a couple of issues? 23 Q Yes. MS. FOURNIER: Okay. The one -- well, I told you, I mentioned 24

earlier the woman who was lured from Surrey Mall.

1 Q Yes. 2 MS. FOURNIER: And that, that woman, she was extremely upset 3 two days after. I had no knowledge that she had 4 been out to the Pickton farm up and to that point, and that was in 2002, February 2002. After 5 6 Pickton's arrest, she came and she shared that 7 with me. She was not a sex trade worker, but she was an addict in the Downtown Eastside. And she 8 9 was, she was lured from the mall by two women who came up to her. They recognized her from the 10 11 Downtown Eastside. She is taking the SkyTrain out to the Surrey Mall, boost or steal something, and 12 then come back downtown and sell it. She could be 13 out there and back within two hours. 14 15 They recognized her at the Surrey Mall and they said, "We've got a lot of -- we've got --16 there's a party, all the drugs you want, booze, 17 all kind of stuff, you know, just down the road." 18 What did, what did she describe of her experience 19 Q with Pickton? 20 21 MS. FOURNIER: She said that she, she was taken to the house, 22 she was taken to the house by, I don't know what the transfer was. She mentioned a station wagon 23 later. And I do know the station wagon because I 24 25 saw it quite a few times in the Downtown Eastside

in the area of the Astoria, the Waldorf and the 1 2 Patricia Hotel on Franklin Street, Heatley 3 overpass, Heatley underpass, kiddy stroll, 4 Cordova. 5 THE REGISTRAR: Mr. Ward, it seems that you have used up Mr. Gratl's 10 minutes. Thank you. 6 7 MR. WARD: Mr. Commissioner, we are, we are finally, after some 8 months, getting to the heart of the factual issues 9 at your mandate, which is what happened to my clients' loved ones and why did the police miss it 10 11 or overlook it or fail to investigate it. 12 This woman, who is now on the stand, has 13 very, very material evidence to offer on this 14 subject. If I am not allowed to ask her 15 questions, in my submission, you are falling into error by denying my clients a fair hearing into 16 17 the subject matter of this investigation, and you are further falling into error by breaching the 18 19 rules of natural justice. And I, I wish to 20 continue with this cross-examination. The only reason that -- the reasons that the 21 22 time is short is because you have not, as far as I 23 know, acceded to my application that you request 24 more time from the government to submit your 25 report.

And another reason we are facing this self-imposed commission deadline of this week is that for the year after the announcement of the commission of inquiry in October -- in August of 2010 to October 2011, when the hearings finally started -- there was no reason why the hearings couldn't have been started in a much more timely basis, as far as I could tell.

The reason that that over-a-year period elapsed was because, as best as I have been able to reconstruct from my dealings with your counsel, Mr. Vertlieb left all of the preparation for the hearings up to Deputy Chief Evans and delegated to her the responsibility of reviewing documents and interviewing witnesses. That, in my submission, that action by Mr. Vertlieb and the executive director of this commission, Mr. Boddie, was a serious procedural mistake that has resulted in the time being compressed and us running out of time today.

What should have happened was that documents should have been disclosed promptly to the participants who had been granted standing, and that the hearing should have commenced. It was, it was an error to delegate all of the fact-

finding responsibility of this commission to

Deputy Chief Evans from Peel, and that error was

compounded, if the story in the media is true,

that Mr. Boddie, this former 17-year employee of

the Vancouver Police Department, actually, as, as

reported, assisted her in finally finishing the

report.

So, the, the time crunch is entirely of this commission's making. It could be easily corrected if you, Mr. Commissioner, would ask the premier or Ms. Bond for an appropriate extension of time so we can hear the important evidence that remains to be heard. Because if we stop now, we're not going to hear important evidence from this witness and we're not going to get anything resembling the true story of, of why the VPD and the RCMP's investigations so utterly failed for that five-year period set out in the terms of reference. We are never going to get the true story why, when Coquitlam knew he was the man responsible for some murders in 1998 and '99, he nonetheless wasn't apprehended until 2002.

I expect this witness, if I'm allowed to question her further, if she has the opportunity to testify and tell her story, will give evidence

to the effect that the Vancouver Police Department 1 2 members, with whom she dealt in the Downtown 3 Eastside, were aware, because it was a matter of 4 common knowledge that sex trade workers were being 5 taken from the Downtown Eastside out to the 6 Pickton property and they were the ones who were 7 going missing. I, I, I am anticipating what she might say, 8 9 but I think she should have the opportunity to address that central and important factual issue 10 11 so that you can actually do the thorough job that 12 was contemplated when the government set this 13 proceeding up. THE COMMISSIONER: Well, I am not going to reply to much of 14 15 what you have said because virtually none of what you have said is accurate regarding the commission 16 of inquiry's background and why the hearing 17 started, and you know absolutely nothing about it. 18 19 You have shown that by the statements that you 20 have made. MR. WARD: I sure should have because I --21 22 THE COMMISSIONER: Well, don't interrupt me. I didn't 23 interrupt you. Try to be polite for a change. 24 And I'm not going to reply to your speculations as 25 to why the public hearing didn't start except to

say there are thousands and thousands of documents and pages of documents that had to be retrieved and those had to be disclosed, and, and that's probably some of the reasons why the hearing didn't start. But I can tell you that, that the commission staff have been working night and day, weekends, to get the inquiry going.

No inquiry anywhere has an unlimited time limit and that just isn't the case. The fact is, this is not a trial. You keep talking about principles of natural justice. I want to remind you, your clients are not on trial. No one here is on trial. No one is being found guilty of any offence.

What this commission of inquiry is about is how much evidence do I need to find out what happened. Why weren't the investigations done in a more timely way? Why were so many innocent women killed? And why did that happen, why did that take place and why was there more -- not more cooperation, according to some of the evidence that we've heard, between the VPD and the RCMP? Those are the matters that I have been asked to investigate. And I have a pretty fair knowledge now, it hasn't been debated, there is no findings

of fact made, and there hasn't been any arguments made as to where we're going.

And so I've done a lot of this. You know, I don't need any, any advice as to how crimes are committed. I'm open to hearing all the evidence. We've heard a lot of evidence. We've heard it since October. And for you to say, well, this is the first time we've heard this is simply not true. We've heard ample evidence of what Pickton was doing in the Downtown Eastside, most of all, what happened out at the farm. We know that murders took place. Innocent women were killed. We know that. To find -- what we need to do is find out why it took so long for the police to act so as to save more women. So, that's what the inquiry is all about.

And regardless of what you think, I think that we've gathered a tremendous amount of information. I am going to need more help from you and from other lawyers as to what we should do with that evidence. But for you to suggest that we haven't learned anything is simply wrong.

In any event, I don't want to argue with you anymore about that. I'm grateful for your cross-examination. I'm grateful for the evidence

1	that's been elicited. So we now have to move on
2	to the next, next lawyer who, who is next in line.
3	MR. WARD: Mr. Commissioner, when you make comments about me
4	and the way I am endeavoring to conduct my duties,
5	you are, in effect, making comments about my
6	clients, because I am their
7	THE COMMISSIONER: I am not doing that. You know that.
8	MR. WARD: Well, when you insult me, you insult my clients, and
9	that's regrettable.
10	Now, this is an administrative tribunal.
11	THE COMMISSIONER: Yes.
12	MR. WARD: Administrative tribunals in this country are bound
13	by the rules of natural justice and the principles
14	of procedural fairness. You are bound by those.
15	You must afford participants a fair opportunity to
16	be heard.
17	I was begging your counsel in November of
18	2011 to bring this woman, Ms. Fournier, to this
19	hearing room and put her on the stand, and I
20	started corresponding with them then, back in the
21	days when we weren't under severely constrained
22	time limits.
23	She has a very, very important story to tell,
24	as anyone who has written who has read, pardon
25	me, Stevie Cameron's book, On The Farm, would

learn. She has personal experience of working 1 2 with the sex trade workers in the Downtown Eastside --3 4 THE COMMISSIONER: No, I know that. You don't have to repeat 5 that. I know that. Yes. Well, tell me, tell me 6 how we can go further with this. 7 MR. WARD: A moment ago you said you don't interrupt me. 8 THE COMMISSIONER: All right. I apologize. 9 MR. WARD: Thank you. How we can go further. This woman worked in the milieu of the Downtown Eastside 10 11 where the survival sex trade workers where -- many of whom went missing; in the milieu in which 12 members of organized crime, the Hells Angels 13 14 operated; where drug dealing was common. 15 She encountered the VPD and their dealings with those elements of that community on a regular 16 17 basis. She can testify about the attitude, and she was about to, when I was stopped, the attitude 18 19 that the VPD members displayed towards those 20 people. That is central to this commission of inquiry, because it will be my submission, on the 21 22 evidence so far, which would be augmented by this witness's personal experience, that the male 23 members of the VPD, in the mid-1990s, had sexist 24 and out -- old-fashioned attitudes about women 25

that caused them to be indifferent to the sex 1 2 trade workers' plight, or worse, caused them to be 3 abusive towards those women. They were 4 disinterested in, it will be my submission, 5 disinterested in investigating their 6 disappearances. If they had been women on the 7 West Side, I expect to submit to you, based on the evidence we've heard, their attitude would have 8 been very, very different indeed, and they would 9 have followed up reports of their disappearances. 10 It was a class issue. 11 But I don't know when you have enough 12 13 evidence, and neither do you, with the greatest of 14 respect, because you haven't heard Ms. Fournier's 15 evidence yet. And I simply seek today to endeavor to elicit, in a fair way, such that she has the 16 17 full opportunity to provide relevant evidence that will assist you in your fact-finding mandate. And 18 19 I do not want to sit down, because I have many 20 more questions for her. THE COMMISSIONER: Mr. Vertlieb. 21 22 MR. VERTLIEB: Mr. Commissioner, just as a thought, because there are other lawyers who do need time and you 23 have mentioned that and everyone is aware of it. 24 25 Perhaps what Mr. Ward could do is have the -- if

he's able to do this, perhaps is get an affidavit from Ms. Fournier, and we could have that circulated, and if people wish to cross-examine, perhaps that can be arranged. That might be a way for Mr. Ward to get the evidence that he feels is critical to put before you, an affidavit that he could prepare with Ms. Fournier's cooperation, and we believe that they do have good cooperation, as is evident, and then we'll see where we go. That might help. THE COMMISSIONER: That might be an appropriate way of doing it. But I just want to correct one thing. respected your clients. I have respected the families. I have met with them. They are the innocent victims here. And everybody in this courtroom has respected them and have sympathy for what they have gone through. They are completely innocent. So, your characterization that somehow

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In any event, Mr. Vertlieb's approach I think is a good one. I know that Ms. Fournier, who has testified before me in the policy forums, has much wisdom and much advice to give and I'm grateful

they're being dealt with unfairly because I don't

accede to your requests, it can be nothing further

from the truth.

that she's here. But I am quite prepared to hear 1 2 that by way of affidavit, and if there is anybody 3 that, that questions her, then they can seek leave 4 to cross-examine her. But I am -- and you can sit 5 down with her and help prepare that affidavit so 6 that it's a comprehensive way for her to give the 7 evidence. And it would be easier for her to give the evidence by way of a written affidavit and, 8 9 and she doesn't get to be cross-examined that way 10 except where some counsel feels the need to do so. 11 Yes? MR. VERTLIEB: I share those comments. I think that would be 12 13 an excellent resolution. Now, just for the timing, it's obvious that 14 15 we need to sit past the normal lunch break. I am 16 going to ask that you do that. I know that it's 17 hard on everyone, --THE COMMISSIONER: Yes. 18 MR. VERTLIEB: -- but we really do need to finish this 19 20 evidence. And that means Mr. Gratl is next with 21 eight minutes, Ms. Narbonne 10, Mr. Hern 20, 22 and --THE COMMISSIONER: Okay. We'll deal with Mr. Gratl now. 23 MR. VERTLIEB: Thank you, Mr. Commissioner. 24

25

THE COMMISSIONER: Mr. Hern.

MR. HERN: Well, I am just concerned about the affidavit 1 2 proposal is, is pushing the inevitable application 3 for cross-examination. I mean, if Mr. Ward is 4 going to draft the affidavit with this witness, 5 it's just inevitable that we are going to have to cross-examine on it --6 THE COMMISSIONER: Okay. Well, we'll --7 MR. HERN: -- and responsive evidence. So, I am just worried 8 9 about where that's going, because when am I going to do that and how am I going to respond to it? 10 11 THE COMMISSIONER: Well, we will cross that bridge when we get 12 to it. If you need to cross-examine her on the 13 affidavit, we will consider that. 14 I just don't -- in the next week we are supposed to MR. HERN: 15 be wrapping up, so. THE COMMISSIONER: All right. Yes, Mr. Gratl. 16 17 MR. GRATL: Thank you, Mr. Commissioner. I will be brief. CROSS-EXAMINATION BY MR. GRATL: 18 19 My name is Jason Gratl, and I attempt to represent Q 20 the interests of Downtown Eastside individuals and 21 organizations. 22 Ms. Smith, --MS. SMITH: Can you speak up? 23 24 Yes, I can try. I have got something, like, a 25 frog in my throat.

Ms. Smith, I know that you testified that you 1 2 didn't know the name, Willie Pickton, when you had 3 contact with the Vancouver Police Department by 4 telephone. 5 I didn't. MS. SMITH: 6 But I take it you told whoever you spoke to about 7 the pig farm in Coquitlam; is that right? 8 MS. SMITH: Yes. 9 Q Because it appeared to you that the person you spoke to already knew about the pig farm in 10 11 Coquitlam? Yes. As I said, I knew some people that had 12 MS. SMITH: 13 connections and, uhm, one of them being a person that I was living with had known many people that 14 15 were in the criminal side of life and he, he was one of the ones that said, you know, "You've got 16 17 to go to the police." So, he had heard rumours, and so had I. Uhm, I had heard, both of us had 18 heard rumours that the, that there was people from 19 20 the biker gangs involved, uhm, we didn't know who but that we knew they were involved. 21 22 Q All right. So, if I understood correctly, the Downtown Eastside Women's Centre and people 23 associated with the women's centre knew about the 24 25 pig farm in Coquitlam and had warned you against

1		that?
2	MS. SMITH:	Yes.
3	Q	And then your old man had connections with various
4		characters?
5	MS. SMITH:	Yes.
6	Q	And they heard rumours and warned you about the
7		pig farm in Port Coquitlam?
8	MS. SMITH:	Yes.
9	Q	And there was some, albeit vague, biker connection
10		there?
11	MS. SMITH:	Uhm, yes. I had not heard of Piggy's Palace
12		though. I hadn't heard it until just a few months
13		ago.
14	Q	And I take it that the Vancouver Police officer or
15		member that you spoke to, on the day that Pickton
16		picked you up, knew about the pig farm in
17		Coquitlam?
18	MS. SMITH:	Yes, he did. And he, as a matter of fact, he had
19		said, and I will try and be quick about this, he
20		said, "We're doing the best we can to keep an eye
21		on him."
22	Q	Okay. I take it the reason you were motivated to
23		call into the Vancouver Police Department is
24		because you figured somebody would be picked up?
25		If it, if it wasn't you, you figured he was on a

mission to pick some woman up --1 2 MS. SMITH: Yes. 3 -- and take her to Coquitlam --4 MS. SMITH: Yes. 5 -- to meet a very brutal demise? 6 MS. SMITH: Yes. And that's what prompted your call? You weren't 7 Q interested in prosecution or anything like that? 8 9 MS. SMITH: Well, it was just my word against his and, uhm, with the police being as bad as they were to me 10 11 for, for being a prostitute, uhm, I, I knew that there was no way that, you know, that they would 12 13 do anything. Okay. So, the day of this incident could have 14 0 been October or November of 2000 --15 No, September, October. 16 MS. SMITH: 17 September, October. Q It was about a month, roughly, I think before I 18 MS. SMITH: 19 actually got -- uhm, I was sent to Harbourfront 20 Detox Centre. Okay. And when, when did that happen, do you 21 Q 22 remember? I was sent in maybe middle, close to the end of 23 MS. SMITH: 24 November. 25 Close to November, okay. And did, did the police Q

officer at the Vancouver Police Department tell 1 2 you anything else about what they were doing in terms of Pickton? 3 They were just saying they were doing, they were 4 MS. SMITH: 5 keeping an eye on him and doing the best they 6 could. 7 Okay. Did you, did you suggest to them that they Q should do something right away? 8 9 MS. SMITH: Yes. And what was the response to that? 10 Q 11 MS. SMITH: Their response is that it's, is that, uhm, they 12 were keeping an eye out on him. Okay. Basically "don't worry about it, we've got 13 Q it covered" basically --14 15 MS. SMITH: Yeah, ---- or words to that effect? 16 -- basically, "Don't worry about it and we just 17 MS. SMITH: don't believe you anyway," so. This is what he 18 19 said, "We don't really believe you anyways." 20 Okay. So, it was kind of a mix of dismissing you Q and saying, "Even if you're right, we've got it 21 22 covered"? MS. SMITH: 23 Yes. 24 Q Okay.

MS. SMITH: Yes. I mean, basically, I did mention charging him

```
and they had said, the police officer had said
 1
 2
                   that, "If we charge him for uttering a threat,
 3
                   death threat to you, that, uhm, we would not be
 4
                   able to get him for the murders of the other
 5
                   women."
 6
                   All right. And I take it, of course, that no
               Q
 7
                   police officer was dispatched to take a statement
                   from you?
 8
9
      MS. SMITH:
                  No.
                   And no, no invitation was extended to you to come
10
               Q
                   down to the detachment --
11
12
      MS. SMITH:
                  No, no.
13
                   -- to give a statement?
14
                  And as a matter of fact, they said, if I push it
      MS. SMITH:
15
                   anymore, it's just going to be causing more
16
                   problems for me in the long run.
17
                   All right. Now, you were aware -- so you worked
               Q
                   in the survival, what we've been calling the
18
19
                   survival sex work milieu, for six to nine months?
20
                 Yes. I was actually what they call a mid-track
      MS. SMITH:
                   girl. Uhm, I was between high-class escort and,
21
22
                   uhm, the Hastings street girls.
                   Okay. Where were you, where were you working?
23
      MS. SMITH: Mid-track was located, at the time, around Fraser
24
25
                   Street and Kingsway, and it went all the way out
```

along Kingsway as far as Burnaby. 1 2 Okay, and that's about where, where you were 0 3 picked up --4 MS. SMITH: Uhm, I was on Kingsway and Prince Albert. I had a 5 corner there, and with about five other girls, and 6 actually one, one girl gave her spot to me, so. 7 Now, you, you told us that you received, in Q effect, some training, sort of background 8 9 information about how to go about dealing --MS. SMITH: 10 Yes. 11 I take it there was a safety component to that? 12 MS. SMITH: Yes. What to look out for? 13 MS. SMITH: Yes. And there was a safety component with always 14 15 making sure that you had condoms on you and always 16 using them. 17 Was there, was there a component about how to deal Q with police? 18 No, no. Just don't trust them. 19 MS. SMITH: 20 Okay. So, don't talk to them? Q Don't trust them. Some of are decent, you can talk 21 MS. SMITH: 22 to them, but overall, don't trust them. 23 Just look out for them, they can be violent? MS. SMITH: Yeah, yeah. 24

And they can, they could try to manipulate --

MS. SMITH: They can try and manipulate, and many of the police 1 officers, and some of them that I had actually 2 3 dated, uhm, were also known to be pimps. Okay. So, you dated -- and when you say "dated" 4 Q 5 do you mean --I did the -- with the john. 6 MS. SMITH: 7 Q I'm sorry? They were, they were johns to me. 8 MS. SMITH: 9 Q And you had that personal experience? MS. SMITH: 10 Yes. 11 And these were Vancouver Police Department 12 members, were they? 13 MS. SMITH: Some of them RCMP, Vancouver Police, police from 14 all over the place. 15 All right. And aside from the incidents you've Q mentioned with the paddy wagon, were there any 16 17 other incidents of violence against you by police officers? 18 There was harassment. There was threats. 19 MS. SMITH: 20 All right. And what were the threats about? What Q was the threat? 21 22 MS. SMITH: There was one, the one, one police officer told me 23 if he saw me down near, uh, Eastside or down on 24 Cordova, he would take me out back and beat me to

death.

1	Q	All right. What did you do in response to those
2		threats?
3	MS. SMITH:	I didn't work that area.
4	Q	All right. Did in your experience, were, were
5		you required to work specific areas?
6	MS. SMITH:	Uhm, I stayed on my track, and there was mainly, a
7		lot of the girls had control over certain areas
8		and they would tell you, you know, like, you know.
9		And if they thought you were lowballing, they
10		would make it, uhm
11	Q	So, there was something like wage and price
12		controls as between
13	MS. SMITH:	There was wage and price controls with some of the
14		girls. Most of them all ignored it, but there was
15		still threats of that. And some of the police
16		that were involved with the girls, there was, uhm,
17		that were doing illegal things, were also heavy-
18		handers as well.
19	Q	And what do you mean by that, some of the girls
20	MS. SMITH:	They were heavy-handers on the girls and they were
21		also heavy-handers on business people in the
22		community.
23	Q	Okay. So, you're saying that there was a level of
24		corruption there within the Vancouver Police
25		Department?

1 MS. SMITH: Yes. 2 All right. And --Not just with the police department, the Vancouver 3 MS. SMITH: 4 Police. It was all of 'em. 5 The RCMP as well? The RCMP as well. A lot of them were doing, that 6 MS. SMITH: 7 were doing drug investigations and stuff like that, and high up in the community, you know. 8 And I take it, on occasion, you would have drugs 9 Q taken from you by the police? 10 11 MS. SMITH: I had drugs, money. Well, actually, I only had one, one or two times when my drugs were taken. 12 Most of them I kept pretty well hidden. 13 14 Okay. And so these things would be seemingly at 0 15 random? 16 MS. SMITH: Yes. That you would be subject to ongoing search? 17 Q Ongoing search. I've never had my house searched, 18 MS. SMITH: 19 which I was lucky, because I would have been in a 20 lot of trouble. I know I was investigated though. So, these were all things that were happening, 21 Q 22 instead of you being arrested and prosecuted, 23 there would be this harassment where you would have your --24 25 MS. SMITH: Yes.

-- you would have your personal effects searched? 1 2 MS. SMITH: Yes. 3 You would be threatened? 4 MS. SMITH: Yes. And I had been, actually, I had been raped by 5 a man and I reported it. And they arrested my partner for, uhm, damaging the man's vehicle, even 6 7 though the man had committed a rape on me. They, the police had said, "Well, because you're a 8 prostitute, we're not going to do anything." 9 And do you remember the names of those police 10 Q officers? 11 MS. SMITH: 12 I, I don't remember. 13 Or numbers even? Uhm, well, I somehow think that the one number that 14 MS. SMITH: 15 I gave, 1946, he was one of the worst officers. He had a reputation, didn't he? 16 Q 17 MS. SMITH: He had a reputation of being a real bad guy. And by "bad guy" do you mean that he was abusive 18 Q 19 to --20 Abusive to the women. MS. SMITH: 21 Okay. Q 22 MS. SMITH: Verbally and physically. 23 Verbally and physically. When you say that Q sometimes the Vancouver Police Department would 24 25 manipulate the women who were involved in sex

work, I take it that it wouldn't be too difficult 1 2 to get something on a woman? There would be some kind of warrant or --3 4 MS. SMITH: Yes, and I actually think that's why many of the 5 women are not showing up for this, uhm, to this 6 hearing. 7 Because -- and can you, can you elaborate on that Q please? 8 9 MS. SMITH: Uhm, well, it's very easy for a police officer to, uhm, bring up charges. 10 THE REGISTRAR: Excuse me, your time, Mr. Gratl. 11 12 MR. GRATL: All right, Mr. Commissioner, I'm in your hands. This seems very interesting and it's firsthand 13 information. This is --14 15 THE COMMISSIONER: All right. MR. GRATL: Is that all right, Mr. Commissioner, if I carry on? 16 MS. NARBONNE: He can have some of my -- he can have five 17 minutes of my time, if he wants. 18 19 THE COMMISSIONER: All right. 20 MR. GRATL: All right. So, it would be, it would be possible 21 22 to manipulate women by getting something on them? Oh, yes. 23 MS. SMITH:

of what he'd got?

And then sort of withholding the bad consequences

24

MS. SMITH: Yeah, scaring them, false arrests, uhm, numerous 1 2 things. I was sexually assaulted by a police 3 officer. I had him touch me inappropriately, grab 4 me by the breast and touched my crotch, uhm, and 5 fondle me and then put me under arrest and charged 6 me with solicitation to a police officer. 7 All right. And did -- were you ever prosecuted Q all the way through? 8 9 MS. SMITH: Yes. And the reason why -- I actually was given probation at the time when I was charged, and they 10 11 had said I couldn't walk anywhere near where I lived. I'm, like, "I live in this community and I 12 can't be here." You know, anyways, uhm --13 This is Kingsway area, is it? That's where you 14 0 15 lived? 16 MS. SMITH: Yeah. I lived near there, yes. 17 Q Okay. So, I was always walking and, you know, they said 18 MS. SMITH: 19 even if I am not working, I am still violating my 20 probation. So, that's -- the judge though set a date 21 22 after that incident, because I went to court the day I was arrested. I went into court. I didn't 23 plead quilty, so it was going to go to trial. 24 25 Uhm, and they had said, well, they put a probation

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on me until I -- until the trial date.
 1
 2
                   Oh, these are bail conditions then?
 3
      MS. SMITH:
                  Bail conditions, yes.
 4
                   Okay. So, you were never convicted of anything?
 5
                  Uhm, well, I'm not sure. You see, I was -- on the
      MS. SMITH:
 6
                   conviction -- on the date I was supposed to go
 7
                   into court, I was admitted a couple of days or, or
                   even within a week or two, I was supposed to be
8
9
                   scheduled to go into court.
                   All right.
10
               Q
11
      MS. SMITH:
                  And I am not really sure what happened after that.
12
                   Uhm, I contacted my lawyer and asked him what
                   happened and, you know, I guess because I was in a
13
14
                   treatment centre, they had let it go at that, as a
15
                   punishment.
                   Oh. So, you think it didn't actually go through
16
               Q
17
                   to trial? You don't remember pleading guilty
                   or --
18
                  I don't remember. I know that some people showed
19
      MS. SMITH:
20
                   up on my behalf, uhm, one being my lawyer, and I
                   think my -- it was set up that Constable Dickson
21
22
                   was supposed to show up as well on my behalf.
                   And, uhm --
23
24
                   So, you reported your interaction with the pig
               Q
25
                   farm to Constable Dickson as well are you saying?
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MS. SMITH: Yes, I did. 1 2 What did he do, in response? MS. SMITH: He -- because I filed a report against the police 3 4 officer that had taken the call, and he said, "I 5 have to be careful with this. This is my job on the line." 6 7 Okay. You filed a formal report --Q MS. SMITH: I talked --8 9 Q -- or complaint? MS. SMITH: -- to him about it. I don't know if anything was 10 written down. Uhm --11 Oh, hang on. So, you, you ran into Constable 12 Q 13 Dickson? 14 MS. SMITH: I called him whenever I had a problem and saying, 15 "can you meet me" and stuff like that, and he was, in most cases, pretty good. 16 17 So, after you called 911, you had this dealing Q with this male officer who, who blew you off? 18 Yes, and I phoned --19 MS. SMITH: 20 After that, you spoke to Dickson and said, "I had Q this experience, I want to do a complaint"? 21 22 MS. SMITH: Yes. And --23 And Dickson --MS. SMITH: -- I had also put in a formal complaint about the 24

police officers that had used their vehicle to

1 abuse me. 2 Okay. What happened to that formal complaint? 3 MS. SMITH: I don't know. 4 Were you ever contacted or --5 I was pretty hard to contact because I was in a MS. SMITH: 6 treatment centre. And, uhm, when I got into the 7 treatment centre on December 12th, they really tried to, uhm -- because I was what they 8 9 considered a dangerous case, uhm, very dangerous of going back out, they really were, like, tried 10 11 to cut all ties with me and my old life with that. THE COMMISSIONER: I am going to have to stop you there, Mr. 12 13 Gratl. Thank you. Thank you, Mr. Commissioner. All right, Ms. 14 MR. GRATL: 15 Narbonne? CROSS-EXAMINATION BY MS. NARBONNE: 16 17 Ms. Fournier, I wanted to ask you about, rather Q than what you saw down there, some ideas that you 18 19 have going forward, because you have spent a lot 20 of time down there. I have five minutes. MS. FOURNIER: Okay, I am more than happy to do that. I just 21 22 have to refer to my notes here. That's perfect. 23 Q MS. FOURNIER: First of all, as I mentioned before, attention 24 25 has to be made to all three levels of government.

We need to get back to human rights and basic 1 2 human needs. The basic human needs -- housing, 3 clothing, food and financial means to, just to 4 basically live. Health care, education, we're, 5 we're losing that. We're losing that every day. 6 Uhm, teachers are suffering. Now, how many 7 teachers used to get thank you cards for what they did? How many nurses? 8 9 Q I'm not -- I'm going to ask you to, to focus it on the Downtown Eastside, okay? 10 11 MS. FOURNIER: Okay, --12 I have to. 0 MS. FOURNIER: -- but I have to tell you that it's all 13 14 connected. 15 Yes. Q MS. FOURNIER: It's a domino effect. 16 17 I don't disagree with you. MS. FOURNIER: These sex trade workers were, were not treated 18 19 that kindly at St. Paul's Hospital in the ER. 20 Q Okay. MS. FOURNIER: They were not treated that -- there were not 21 22 that many who went to VGH, but the same thing happened there. 23 24 So, they need to have better services and to be 25 treated with dignity, right?

MS. FOURNIER: Yes. Yes, definitely. 1 2 0 Okay. 3 MS. FOURNIER: Education wise, we have, we have girls working 4 down there to, to pay their education for 5 nursing, --6 Right. Q 7 MS. FOURNIER: -- for UBC. Who knows? Doctors, lawyers? Who knows? 8 9 Q Right. MS. FOURNIER: But they have no way, means to, to, to make 10 11 their education, to pay for their education. We have, we have moms and dads who have, who have 12 looked after these kids, and aunts and uncles and 13 14 grandparents who have looked after these girls. 15 They didn't land down there because that's what they set out to do. They landed there out of 16 17 circumstance. Okay, the circumstance is that they were maybe picked up at a mall when they were 16 18 19 years old by gang members, by panderers who said, 20 "Oh, we got, we got" --Okay, but we're not -- we're still --21 Q 22 MS. FOURNIER: These girls, these girls ended up down there. That's right. So, what do we do to make things 23 24 safer for them going forward, to make things 25 better for them going forward? What do we -- what

do you envision? 1 MS. FOURNIER: Okay. Well, we need to have officers at the 2 3 mall and we need to have --4 0 Yes. 5 MS. FOURNIER: -- people who make trusting contact with these 6 kids and say, "You know, this is not the best 7 place to be and if you're -- you should maybe keep your eye out for so and so. He's been, you know, 8 9 he's not -- it might not be safe." 10 Q Okay. 11 MS. FOURNIER: Warnings, education. Tell the schools about the 12 drugs. Tell the schools about the, the tampering 13 with marijuana. 14 Okay. 15 MS. FOURNIER: There is a big thing to legalize marijuana. So, you're saying --16 17 MS. FOURNIER: Get off of it. You change --Q -- a lot more --18 19 MS. FOURNIER: There's --20 Q -- a lot more education --21 MS. FOURNIER: Oh, yeah. 22 A lot more protection, more services? 23 MS. FOURNIER: Hm-hmm. 24 Q Okay.

MS. FOURNIER: And, you know, you can't say, where are the

parents? The parents were there. 1 2 Yes. 0 MS. FOURNIER: But at adolescent years, where you're in the 3 4 nuclear meltdown of the adolescent years, they're 5 influenced by their peers, they're influenced by their, by acquaintances they meet. They're 6 7 influenced by clothing and money and all kinds of things. They start using drugs. They're kept in 8 a place until they're wired and then they're 9 trained to work the street. 10 11 I have to say one more thing --12 Q Sure. MS. FOURNIER: -- that was brought up by Jane, and I will be as 13 quick as possible. Jane mentioned the, the Asian 14 15 or Chinese community, the girls who spoke no English. I saw them all the time under the 16 17 Heatley overpass. That was where they stood. One girl, who spoke no English, she was brought in by 18 19 -- she was brought in, human trafficking, brought 20 in to work the streets. Now, I had contact with these girls. We 21 22 nightly went by Heatley, that same area on our way to the kiddy stroll where I met 12-year-olds, 14-23 year-olds. Lots of them looked 20. 24 25 0 Yes.

MS. FOURNIER: They do these days. They're sophisticated. 1 Okay. So, you would say provide more services, 2 Q 3 more education and I guess more -- stronger 4 relationships that the kids trust the people who 5 are telling them not to use the drugs --6 MS. FOURNIER: The one other area that we have to focus on as 7 well is the area of the john school and this kind of thing. These opportunities are made for, for 8 9 the man who goes downtown for the sexual favors of the, the sex trade workers. They're given support 10 11 and training and they're shown films and horrendous things to try and recover, to try and 12 heal their ways, to mend their ways. What's given 13 for the women who are working on the street in 14 unsafe working conditions? Where is a safe place 15 for them? 16 17 Okay. Q MS. FOURNIER: Ottawa made significant changes to prostitution, 18 19 not too recently. Pivot Society was very active 20 in that, and I applaud them. But these girls who are working and addicted in the Downtown Eastside, 21 22 where's their safety? Where's their safety mechanism? Who are they going to go to for help? 23 They don't trust the police. I tried to get them 24 25 to go with me to the police station. They

wouldn't go. 1 2 So, I have to wrap up. But I take it what you are Q saying is some sort of system that protects the 3 4 women who are there; is that --5 MS. FOURNIER: The other --6 -- fair to say? Q MS. FOURNIER: Yes, that's right. 7 I think, I think I am out of time unless --8 9 MS. FOURNIER: Okay. Just if I could say, I just want to say one last statement. 10 11 Q Okay, fair enough. MS. FOURNIER: I am in total favour of police officers working 12 in, as a partnership, as a walkabout, with --13 14 getting the trust and working with us downtown, 15 STW, a sex trade worker. Give them an honorarium. You give them 10 bucks to walk two hours with you 16 17 and get to know them. Take a dog from the SPCA on a dog walk. Take them down in the, in the stroll. 18 19 The girls and -- they loved to see dogs. 20 THE COMMISSIONER: You have given us that advice in the study commissions and --21 22 MS. FOURNIER: Oh, yes, I did mention that. Yes, Mr. Commissioner. 23 THE COMMISSIONER: No, I am cutting you off. All I am saying 24 25 is that, is that your view, from your many years

- of experience, is that if the police walked
- amongst the community and had foot patrols, there
- 3 would be greater confidence and greater faith --
- 4 MS. FOURNIER: Yes.
- 5 THE COMMISSIONER: -- and the communities could react together
- 6 better than they have been?
- 7 MS. FOURNIER: Yes, sir.
- 8 THE COMMISSIONER: All right. Thank you.
- 9 MS. FOURNIER: And the trust is gained by, by consistent and
- 10 regular and getting to know the faces.
- 11 THE COMMISSIONER: All right.
- 12 MS. FOURNIER: Even if you are stopping by and just offering
- them a cigarette --
- 14 THE COMMISSIONER: Yes, yes, no, I --
- 15 MS. FOURNIER: -- consistently.
- 16 THE COMMISSIONER: Thank you.
- 17 MR. NARBONNE: Thank you, both of you. And although, Ms.
- Smith, I didn't direct questions to you, thank you
- for your courage and telling us about what
- happened.
- 21 THE COMMISSIONER: All right, thank you. Mr. Hern?
- MR. HERN: How much time have I got, sir?
- 23 THE COMMISSIONER: Well, let's --
- 24 MR. HERN: Half an hour?
- 25 THE REGISTRAR: According to the list, 20 minutes.

```
1
      THE COMMISSIONER: Yes.
 2
      CROSS-EXAMINATION BY MR. HERN:
 3
                   Sean Hern for the Vancouver Police Department.
 4
                   Ms. Smith, when you reported the incident with who
 5
                   you now think is Mr. Pickton to the 911 operator
 6
                   that you phoned, you think that was September or
7
                   October of 2000; is that right?
     MS. SMITH:
8
                  Yes.
9
               Q
                   What time of day?
                  It was at night.
10
      MS. SMITH:
11
                  What time of night?
                 Uhm, it was probably about 10:30, maybe 11 o'clock
12
      MS. SMITH:
                   if I recall.
13
14
                   And --
15
      MS. SMITH: Maybe a little bit later or earlier.
                   -- was the operator who answered the phone a
16
               Q
17
                   female or a male?
                  Uh, it was a female.
18
      MS. SMITH:
19
                   Did you give your real name?
               Q
20
                  Uh, yes, I think I would have, yeah, if I remember.
      MS. SMITH:
                   All right. And do you have any way of, of
21
               Q
22
                   narrowing down the date of that call, other than
                   September or October 2000?
23
      MS. SMITH: Ah, no, I don't, because any of the -- I have tried
24
25
                   to do investigations and any of the paperwork was
```

1		lost.
2	Q	Well, there is other ways of finding it, figuring
3		out what date it might be. For example, was it
4		close in proximity to a date on which you attended
5		a hospital or a doctor?
6	MS. SMITH:	Uhm, no. It was, as I say, roughly about a month
7		before I went into Harbourfront Detox Centre.
8	Q	Okay. Now, when you say that you were put through
9		to the task force, what task force was that?
10	MS. SMITH:	The task force for the missing women.
11	Q	So, what we know to be Project Evenhanded?
12	MS. SMITH:	Uhm, that's the first I've heard of it, but yes.
13	Q	All right. What how do you know it was a task
14		force?
15	MS. SMITH:	The girls and everybody in the community just
16		called it "the task force".
17	Q	Okay. So, you knew about the task force?
18	MS. SMITH:	Yes, I did.
19	Q	And what did you know about the task force?
20	MS. SMITH:	Uhm, I knew that they had, uhm, that they were the
21		ones in charge of any complaints about Mr.
22		Pickton. Uhm, I knew that if, uhm, that they had
23		lists of suspects. From the girls, they had also
24		brought up a man they know, they called as the
25		Downtown Eastside rapist as well, and how they had

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also brought -- thought that he might be involved,
 1
 2
                   or --
 3
                   Okay. So, let's just --
 4
      MS. SMITH:
                  -- whoever.
 5
                   Let me just focus on how you know it was the task
 6
                   force and what you knew about that. It was --
 7
                   this was a task force that was led by Don Adam; is
                   that right?
 8
9
      MS. SMITH:
                  I wasn't sure. All I heard about was on the news,
                   the task force. One of the first things that I
10
11
                   had heard through the task -- about the task
                   force, believe it or not, happened with the case
12
13
                   in Florida where a woman was accused of killing
                   her johns, including police officers, and she had
14
15
                   mentioned that the task force, that women were
                   being killed in Vancouver and the task force
16
17
                   wasn't doing much about it. And that's when I
                   really started to keep an eye on what was
18
19
                   happening. That was about 1997.
20
                   Okay. But down on the street, just going back to
               Q
                   the fall of 2000, on the street, women were, that
21
22
                   you knew, were talking about the task force?
      MS. SMITH:
23
                  Yes.
24
                   And had had contact with those officers?
      MS. SMITH: Uhm, they didn't mention if they had contact, but
25
```

```
they knew about it. And the same with the other
 1
 2
                   organizations, PACE and, uhm, the Save the
 3
                   Children and other organizations, DEYAS, uhm, were
 4
                   all mentioning it.
 5
                   Oh, okay. So, when the man answered --
                  Also you have to say, the TV show, Da Vinci's
 6
      MS. SMITH:
7
                   Inquest, was also making mention of the missing
                   women and the task force.
8
9
               Q
                   Okay. In the fall of 2000?
10
      MS. SMITH:
                  Uh, yes.
11
               0
                   All right. Now, when the man, the officer
                   answered the phone, when you were put forward to
12
                   the task force, what did -- did, did he say,
13
14
                   "Missing Women's Task Force, how can I help you"
15
                   or something to that effect, to identify that
                   that's who you were talking to?
16
                  Uhm, yes.
17
      MS. SMITH:
                   All right. So, he identified the task force. You
18
               Q
                   specifically remember that?
19
20
     MS. SMITH:
                  Yes.
                   Because you have got a photographic memory, of
21
               Q
22
                   course?
                  Well, I didn't get his name. One of the things is,
23
      MS. SMITH:
24
                   is that I do have a hearing problem and, uhm, he
25
                   said his name really quickly, so I didn't pick it
```

```
1
                   up.
 2
                   Oh, okay. So, the hearing problem you say arose
               Q
 3
                   from the time when you were in the back of the
 4
                   police wagon?
 5
                  Uhm, that's when it started to get worse.
      MS. SMITH:
 6
                   Okay. And when was that?
7
                  Uhm, that would have been in August.
      MS. SMITH:
8
                   August of 2000?
               0
9
      MS. SMITH:
                  Yes.
                   Okay. Do you remember if it was mid-August or
10
               Q
11
                   late August?
                  The hospital, St. Paul's Hospital actually probably
12
      MS. SMITH:
                   still has the records. Uhm, I just didn't get a
13
                   chance because of how -- the rural community and
14
15
                   how hard it is for me to get to Vancouver, uhm, I
                   haven't had a chance to actually go to the
16
17
                   hospital and pick up the records for the date.
                   All right. Now, when -- after the incident where
18
               Q
19
                   the man you now know to be Pickton picked you up,
20
                   and then you reported the incident to the police,
                   you say you told your old man. Do you recall
21
22
                   that?
23
      MS. SMITH:
                  Yes.
24
                   Now, is that an individual whose initials are
25
                   C.D.; is that right?
```

1 MS. SMITH: Yes. 2 Okay. So, you told him about Pickton's confession 3 to you? 4 MS. SMITH: Yes. 5 And you told him about what happened in the 911 6 call and --7 MS. SMITH: Yes. 8 -- then your subsequent talk with the task force? 9 MS. SMITH: Yes. And there were other people in the room when I told my old man. 10 11 Q Okay. And I cannot and will not give out their names. 12 MS. SMITH: Because they're involved in a criminal element? 13 Uh, yes, and because of fear of retribution. 14 MS. SMITH: 15 Sure. But you must have told other people about Q both the incident with Pickton and your phone call 16 17 to the police? Uh, yes, I did. I talked to, uhm, the people at 18 MS. SMITH: 19 the treatment centre that I went to, and 20 unfortunately, due to the amount of time that has elapsed over, uhm, and because of how long it took 21 22 for this commission to get placed, uhm, I -- they 23 lost all my records. 24 Okay. What was the treatment centre?

They actually destroyed them.

25

MS. SMITH:

Oh. What treatment centre was it? 1 2 MS. SMITH: I went to a treatment centre on Vancouver Island. 3 Okay. What was it called? 4 MS. SMITH: I went to a treatment centre called "Edgewood". 5 And where was that located? 6 MS. SMITH: It's located in Nanaimo. 7 All right. And that's -- you told those people 0 about this incident with Pickton --8 9 MS. SMITH: Yes, I told them every day. Every --10 Q 11 MS. SMITH: Every day at meditation time, I said, "I know who 12 did this, and, uhm, I pray that the man who did do 13 this, because I do know who he is, that he gets 14 caught soon." 15 All right. And how long did you stay in the Q treatment centre for? 16 17 I was the longest recorded detox. I was over, MS. SMITH: almost a month for detoxing from the -- in that 18 19 particular treatment centre, and I was there for 20 six months. 21 All right. Q 22 MS. SMITH: And at the time, that was the longest recorded 23 person, I was longest recorded person to stay there within the -- in the treatment centre itself 24 25 and in their extended care program.

And which -- do you remember, you were saying 1 Q 2 about the women's centre, where they warned you 3 about the pig farm in Coquitlam, what, which 4 women's centre was that? 5 Downtown Eastside Women's Centre. MS. SMITH: 6 Okay. And do you remember who specifically you Q 7 spoke to there? Uhm, well, like, uhm, you mean, uhm, the, the women 8 MS. SMITH: 9 that --Well, I take it that the staff are also --10 11 MS. SMITH: Yes. -- told about this kind of thing, because that's 12 13 important for women's safety, right? Right, yes. I would have told Christine Hutchins 14 MS. SMITH: 15 and I would have also told any of the other workers there. And I also told Shar at PACE. And 16 17 I told, uhm, the DEYAS, because they were doing the date rape sheets. 18 19 Right. And did it show up on the DEYAS date rape Q 20 sheets, this incident? I don't remember. Again, you have got to remember, 21 MS. SMITH: 22 it was, that part was -- I, I didn't probably pick up the sheet. 23 24 Sure. Q

MS. SMITH: So, I don't remember if they recorded it or not.

```
Okay. But who was the person that you told there?
1
 2
      MS. SMITH: I don't remember his name, uhm, but there was two
 3
                   men that used to do the needle exchange and stuff
 4
                   like that, and they also used to record the date
 5
                   rapes.
 6
                   All right.
               Q
7
                  One was African American. And the other one,
      MS. SMITH:
8
                   believe it or not, he used to work at the, uhm,
9
                   storage place as well as working at, uhm, and
                   maybe you might know, he worked at the storage
10
11
                   unit place across from the, in the area of, uhm,
                   where the flea market is.
12
13
                   Okay. Now, did you tell commission counsel about
               Q
                   all these different people that you had informed?
14
15
                  Uhm, yeah, pretty much. They pretty much knew,
      MS. SMITH:
16
                   yeah.
17
                   Okay.
               Q
      MS. SMITH:
18
                  Yeah.
19
                   So, if they, they would have had the ability to
               0
20
                   investigate some of these --
                  Yeah, but you have got to remember, it was 11 years
21
      MS. SMITH:
22
                   ago and they only keep the records for seven
23
                   years. They destroy them after that.
                        And at the time that, uhm, I was using PACE
24
25
                   and some of these other organizations, the
```

Vancouver Police were raiding their offices and 1 2 taking any evidence. So, they had changed all the 3 information. 4 Oh, okay. Is that something you saw with your own Q 5 eyes, the raiding of the PACE offices? I had heard, I had heard that through Shar and 6 MS. SMITH: 7 Raven. Okay. So, it was through someone else. 8 Q 9 Now, I just want to talk to you about a few things that you said that you witnessed directly. 10 11 The officer with the badge 1946, that was one of 12 the officers who drove you around in the paddy 13 wagon? 14 Yes, and he was a bad officer. MS. SMITH: 15 Yes, he --Q 16 MS. SMITH: He harassed me. Him and his partner harassed me 17 constantly. Okay. And so that, that individual, a tall, tall 18 Q 19 white male? 20 MS. SMITH: Yes. Did he have a mustache? 21 22 MS. SMITH: He had a balding here, but he had like a square, 23 cropped haircut. And he had a --24 Q 25 MS. SMITH: A short cut.

-- mustache? 1 2 MS. SMITH: Uhm, I don't think he had a mustache, no. 3 Okay. Okay, and you remember that badge number, Q 4 1946? Yeah. He kind of muscled me a bit, so of course 5 MS. SMITH: 6 I'd see that. 7 Okay. You are a hundred percent sure of that? Q I am pretty sure, yes. And it should be written 8 MS. SMITH: down in the -- as well, if St. Paul's has their 9 records, that would be the number that would, that 10 11 I would have complained about --12 Q Okay. -- that I remembered the most. 13 MS. SMITH: Okay. So, it would, it would surprise you if I 14 15 told you that number belonged to a Constable Cheryl Vilkas, a female police officer? 16 17 MS. SMITH: It would surprise me now. Yeah. Okay. 18 Q These officers, uhm, never gave cards to me or 19 MS. SMITH: 20 anything. Hm-hmm. Now, with respect to your formal 21 Q 22 complaint about that, that event, where did you file a formal complaint? 23 Uhm, I talked to Constable Dickson. 24 MS. SMITH: 25 I know that, but you said you also, to Mr. Gratl Q

- 1 you said you also filed a formal complaint of some
- 2 kind. That would be something that you filled out
- in paper or perhaps talked to the police complaint
- 4 commissioner --
- 5 MS. SMITH: I don't get the opportunity to do that.
- 6 MR. GRATL: I think the evidence given by the witness was that
- 7 she considered filing a formal complaint.
- 8 MS. SMITH: No, actually, I talked to them. I talked to
- 9 Constable Dickson about this.
- 10 MR. GRATL: I think --
- 11 MS. SMITH: He would have written it down as a note.
- 12 MR. GRATL: Just -- Mr. Hern is looking for --
- 13 MR. HERN: Thanks, Mr. Gratl, but you can stop --
- 14 THE COMMISSIONER: No, no, no --
- 15 MR. HERN: -- leading the witness.
- 16 THE COMMISSIONER: -- it's cross-examination. He can ask her
- 17 whether she filed a written complaint or an oral
- 18 complaint. If she said she spoke to Constable
- 19 Dickson --
- 20 MS. SMITH: They would have written it down --
- 21 THE COMMISSIONER: Just a minute --
- 22 MS. SMITH: -- on a notepad.
- 23 THE COMMISSIONER: Just a minute.
- 24 MR. GRATL: I was just looking to diminish the ambiguity there
- about what constitutes a formal complaint.

THE COMMISSIONER: Yeah. No, no, I appreciate that, but --1 2 MR. GRATL: Mr. Hern is probably going to come back later and 3 say, "Well, gee, we couldn't find anything in 4 writing, therefore, it was never done." And so I 5 just wanted to --THE COMMISSIONER: No, no --6 7 MR. GRATL: -- reduce the ambiguity. THE COMMISSIONER: No, we will be, we will be fair and give her 8 9 an opportunity to explain the --MR. HERN: Yes, given some of the questions I have endured 10 11 through Mr. Gratl, I think I am entitled to a bit of latitude. 12 The, the complaint, can you just describe it? 13 Q Because I understand you made the complaint to Mr. 14 15 Dickson and that was somebody who you called and relied on, but I just want to understand what the 16 17 other complaint you made was and who you made it 18 to? Uhm, I made it to Mr. Dickson. He was doing -- he 19 MS. SMITH: 20 was walking up the street, if I remember, talking to him, like, about a day or two after it, it had 21 22 happened. He was walking up the street and he had written it down on his little notepad. 23 24 Okay. And was that the only time that you Q 25 complained about that incident --

MS. SMITH: No, I --1 2 -- about being --MS. SMITH: -- phoned him and talked to him, and he had said 3 4 that he can't take it any further, because it's 5 his job on the line. Oh, okay. So --6 7 And he was doing, I felt, such good work that -- in MS. SMITH: 8 the community, I didn't want him to lose his job. 9 Q I see. I felt he was pretty much the only one protecting 10 MS. SMITH: 11 us. Okay. Now, you have described a lot of instances 12 Q 13 where the Vancouver Police Department, you say, conducted themselves poorly. Did you have any 14 15 positive interactions or reports to police in 1999 or 2000 or was it really overwhelmingly negative? 16 Uhm, there was some positive. I must say, there 17 MS. SMITH: 18 was some positive. 19 Like, when you reported crimes to the police? Q 20 MS. SMITH: Uhm, no. All right. Do you recall making any reports to 21 22 the police in 1999 or 2000? Uhm --23 MS. SMITH:

Apart from this Pickton incident?

MS. SMITH: In 1999, I was living in Toronto.

24

Okay. When did you come back from Toronto? 1 2 MS. SMITH: I came back, oh, God, it was summer. 3 Q Okay. 4 MS. SMITH: I think. 5 So, from the summer of '99 onward, did you report 6 anything to the police? 7 MS. SMITH: No. 8 Okay. Did -- do you recall an incident on -- in Q December of 1999 when a witness had reported to 9 the police that you were being beaten up by your 10 old man? 11 Yes, I do. 12 MS. SMITH: 13 And the police arrested and charged him? 14 MS. SMITH: Yes. 15 Do you recall that? Yes. 16 MS. SMITH: 17 THE COMMISSIONER: Yes, Mr. Gratl? MR. GRATL: May I ask what this has to do with the terms of 18 19 reference? 20 THE COMMISSIONER: Well, there are all types of evidence that I have heard from her that doesn't specifically 21 22 refer to the terms of reference, about other incidents involving other people, and so I have 23 let that evidence in. Now, in fairness, serious 24 25 allegations have been made against the police and

they need to have the opportunity to respond to 1 them. It's just, it's just the way we have to 2 3 respond. You can't -- I agree that, that it, it 4 goes further than the terms of reference, but I 5 let you go further than the terms of reference as 6 well. 7 Yes. I am just mindful that here we have a witness MR. GRATL: 8 who was engaged in activities that made her 9 vulnerable to the Vancouver Police Department. 10 THE COMMISSIONER: Yes. 11 MR. GRATL: She says she was victimized by the Vancouver Police 12 Department. 13 THE COMMISSIONER: Yes, I know that. 14 MR. GRATL: And I, I am just attempting to ensure that the cross-examination of this witness doesn't 15 revictimize her. 16 17 THE COMMISSIONER: No, no, you know, I appreciate your -- yes. MR. GRATL: I am not suggesting that Mr. Hern has gone too far 18 19 at this stage, but it's, it's getting there. 20 THE COMMISSIONER: Thank you. Go ahead, Mr. Hern. 21 MR. HERN: 22 0 So, in that instance, in December 12, 1999, you didn't want your old man to be charged, but a 23 witness had seen him beating you up and chose --24 25 and the police did, in fact, arrest and charge

```
him?
1
 2
      MS. SMITH:
                  Uhm, they arrested him, uhm, and they did charge
 3
                   him, and with some other crimes I think too. And
 4
                   uhm, you have got to remember, uhm, both of us
 5
                   were active in addiction and, uhm, addiction is a
 6
                   disease. And when you are active in addiction,
 7
                   uhm, basically I had somebody, yes, who was
                   abusive to me. That was not -- my choice was to
 8
9
                   go out and prostitute. He tried to stop me. He
                   wasn't doing anything illegal with that. He
10
11
                   really, really did try and stop me the best he
                   could, but you can't stop an addict.
12
                   Looking back on it now, it was appropriate that
13
               Q
                   they charged him because he was abusing you?
14
15
      MS. SMITH:
                  Oh, yes.
16
               Q
                   Okay. So, that's one instance where the police,
17
                   looking back on it, --
                  Yes, and there was also --
18
      MS. SMITH:
19
                   -- reacted appropriately?
20
      MS. SMITH:
                 -- incidences where I had a police officer buy my
21
                   groceries for me.
22
               Q
                   Okay.
                 I mean, they were very good. I have had some great
23
      MS. SMITH:
24
                   police officers even afterwards in the community
25
                   that I lived in, uhm, picking me up hitchhiking.
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B. Fournier and J. Smith (for the Commission)
Cross-exam by Mr. Hern

1	Q	Let me just thank you for that. Let me, just
2		because my time is a bit limited here, Ms. Smith,
3		and I'm sorry, I wish I had another hour or so,
4		but let me just ask you about another incident in
5		2000. Uhm, do you recall phoning the Vancouver
6		Police Department and 911 to report an incident
7		where you believed you had been sexually
8		assaulted?
9	MS. SMITH:	I beg your pardon? Can you
10	Q	Sorry. Where you believed you had been sexually
11		assaulted, that's what you reported?
12	MS. SMITH:	Yes, yes.
13	Q	Okay. You remember that in April 2000?
14	MS. SMITH:	Uhm, yes.
15	Q	And you phoned the police at 11:14 p.m. and police
16		were dispatched and arrived on the scene seven
17		minutes later. Is that
18	MS. SMITH:	Yes. And now that one might be the report where
19		the police actually did not believe me and they
20		arrested the my partner for damaging a vehicle.
21	Q	Yeah, that's not the one I was speaking of. This
22		one I was speaking of was where the complaint was
23		that you had agreed to have protected sex with a
24		client and then after his condom fell off, he
25		proceeded to have unprotected sex and didn't pay

```
you. You reported that.
 1
      MS. SMITH: I tried to push him off of me --
 2
      THE COMMISSIONER: Okay. Well, don't --
 3
 4
      MS. SMITH: -- and that's when it becomes rape.
 5
      MR. HERN:
 6
                   Right. And that's when you reported --
7
     MR. WARD: I rise to --
      THE COMMISSIONER: Wait a minute. Mr. Ward has an objection
8
                   here. Let me hear it.
9
      MR. WARD: Mr. Commissioner, my friend, Mr. Hern, is obviously
10
11
                   referring to some documents that he has
                   accumulated from somewhere. He's referred to the
12
13
                   time, 11:14, and a description of an incident.
14
                   Uhm, and that's fine. His clients have great
15
                   ability at gathering documents, uhm, and I guess
                   that's what they have done. But the difficulty
16
                   is, those documents haven't been -- the first
17
                   difficulty is those documents haven't been shared
18
19
                   with us.
20
                        The second difficulty is this, and this is
21
                   the crux of my concern. Ms. Smith came to me
22
                   because she knew of my involvement of this case on
                   behalf of the families. I, when I learned of her
23
24
                   anticipated evidence and why she wanted to
25
                   participate in this proceeding, I advised
```

commission counsel what that was, and advised 1 2 commission counsel that, because of fear of 3 retribution, I was not free to reveal her name. 4 And fear of retribution obviously comes from 5 several sources possibly, and they can be on either side of the law enforcement community. 6 7 I infer, from this line of questioning, that unbeknownst to me, commission counsel has 8 9 disclosed the identity of this witness, Ms. Smith, to Mr. Hern, and that Mr. Hern has taken that 10 information and sourced his client's records in 11 order to cross-examine her on these incidents that 12 13 he's referred to with specific dates and times. I 14 am very troubled if that has happened and I want 15 an explanation. 16 THE COMMISSIONER: Okay. Let me hear from commission counsel. MS. BROOKS: I guess Mr. Ward hasn't been informed of this by 17 Mr. Chantler, but him and I've had a number of 18 discussions about it. We spoke with Jane Smith 19 20 and she agreed that we could provide the name to counsel for the Department so they could look at 21 22 any documents relating to any of the incidents that she is referring to today. 23 THE COMMISSIONER: She agreed through Mr. Chantler? 24 MS. BROOKS: Yes, correct. 25

- 1 MS. SMITH: Actually, I agreed, --
- 2 THE COMMISSIONER: Wait a minute.
- 3 MS. SMITH: -- well, through the counsel.
- 4 THE COMMISSIONER: Just a minute.
- 5 MR. WARD: Well, it then follows that the documents that have
- 6 been sourced ought to have been disclosed as
- 7 relevant to us.
- 8 THE COMMISSIONER: Okay.
- 9 MR. GRATL: Yes.
- 10 THE COMMISSIONER: I don't need to hear from everybody on this.
- 11 Let me, let me hear first from counsel. Do you
- have something different from Mr. Ward?
- MR. GRATL: Well, I, I consider it highly inappropriate to
- ambush, not only to engage in a sort of
- 15 cross-examination of a vulnerable witness, but
- also to ambush that witness with information
- 17 gleaned from documents that haven't been disclosed
- to the witness.
- 19 THE COMMISSIONER: Well, I think "ambush" might be a little
- strong word. We need to be a little bit tempered
- 21 here, Mr. Gratl. The fact is, that in
- cross-examination, counsel are entitled to ask
- 23 questions, and whether or not there's been
- 24 disclosure, that's something else. But I don't --
- 25 I think there are serious allegations that have

1	been made against the police. I don't know if
2	they're accurate or not. I don't know how
3	relevant they are. Uhm, but in any event, you
4	can't let them sit there and not give them an
5	opportunity to reply to them. It's a basic
6	principle of fairness.
7	MR. GRATL: I get that, but here we are. I used the word
8	"ambush" because that's a, that's a word picked up
9	by the Supreme Court of Canada in cases where the
10	state fails to disclose information to witnesses
11	who have an interest in them. That's just
12	that's not my word. That's a Supreme Court of
13	Canada word. And I think that's what's happened
14	here and it seems to me highly inappropriate.
15	THE COMMISSIONER: Well, and the Supreme Court of Canada has
16	also said that there is no duty where you can
17	disclose in these types of hearings. But in any
18	event,
19	MR. GRATL: These documents
20	THE COMMISSIONER: I don't want to get into
21	MR. GRATL: These documents
22	THE COMMISSIONER: Just a minute. Don't that, that isn't
23	what we're getting at here. The question is,
24	should counsel be have the right to cross-
25	examine a witness who has made serious allegations

against his client, and there certainly is no 1 2 restriction on that type of cross-examination. There is another issue that's been raised and 3 4 that is the question of the disclosure of the 5 document that's apparently been made through the witness and through, through counsel. So, that's 6 7 another factor. But there is nothing wrong with his cross-examination. She's made very, very 8 9 serious allegations against Mr. Hern's clients and, in fairness, he has the right to respond to 10 11 them. That's really what it's about. Okay. It's the ambush nature that's my concern. 12 THE COMMISSIONER: Well, any cross-examination can be said to 13 be ambush. I mean, you're right in that cross-14 15 examination isn't such that you have to disclose to the other side what you are going to ask. And 16 17 you can call it an ambush if you want, but that's a part of cross-examination, in that you don't 18 19 have to disclose the area that you are going to 20 cross-examine, as long as it's relevant. I, I understand that. But if the questions are 21 MR. GRATL: 22 relevant, then the documents that contain that same information are also relevant, and they 23 24 should have been disclosed pursuant to a general 25 obligation on this participant to disclose.

THE COMMISSIONER: Well, not all the time. But here there 1 2 seems to have been something else done, I grant 3 you that. 4 MR. HERN: Let me, let me just speak to that. 5 THE COMMISSIONER: Yes. 6 MR. HERN: These documents are not relevant to the missing 7 women investigation. They're only relevant to the accuracy of this witness's testimony, and so they 8 9 have only arisen because my friends have chosen to elicit this evidence, which I have advised 10 11 commission counsel that, that I did not consider these relevant, and, uhm, this, and this was going 12 to be problematic for me, because as it's been 13 problematic with many other witnesses. 14 15 what tomorrow's evidence is trying to deal with, is, is people raising instances in evidence 16 17 without me having an opportunity to find out what the story is on my side of it. That's all it is. 18 THE COMMISSIONER: Okay, I am going to allow you to cross-19 20 examine --MR. HERN: So, I will provide these documents, because they 21 22 have become relevant as a result of my friends' questions, and they will have -- I have to 23 24 introduce them. I can't introduce them through 25 this witness, because they're police records.

- 1 THE COMMISSIONER: Yes, okay.
- 2 MR. HERN: And so they will have to be introduced tomorrow.
- 3 THE COMMISSIONER: You see, some of the allegations that have
- 4 been made here are pretty inflammatory.
- 5 MS. SMITH: Can I respond?
- 6 THE COMMISSIONER: Well, no. No, no.
- 7 MS. SMITH: Okay.
- 8 THE COMMISSIONER: You will get every opportunity, but the
- 9 lawyers are now dealing with legal issues.
- 10 MS. SMITH: Yeah.
- 11 THE COMMISSIONER: And I appreciate that --
- 12 MS. SMITH: I am just familiar with what they were talking
- about, so I just wanted to say that --
- 14 THE COMMISSIONER: No, no. You will get every opportunity, but
- let the lawyers argue, okay?
- 16 MS. SMITH: Okay.
- 17 THE COMMISSIONER: All right.
- 18 MR. GRATL: I'm not sure if "inflammatory" is the right word,
- Mr. Commissioner, to be fair, but if I may --
- 20 THE COMMISSIONER: Well, serious.
- 21 MR. GRATL: Serious, definitely, I agree with you there. And
- there should be a right to respond. Fair enough.
- 23 THE COMMISSIONER: Yes.
- 24 MR. GRATL: And in -- but with respect, it would appear that
- 25 Mr. LePard will be called tomorrow --

1 THE COMMISSIONER: Yes. 2 MR. GRATL: -- in relation to matters again where there hasn't 3 been disclosure. 4 There is going to be an attack on the credibility of a witness, a civilian witness, Ms. 5 6 Dicks, and we haven't had disclosure of the 7 underlying documents that the Vancouver Police Department has dealing with Ms. Dicks. So, we've 8 9 got, we've got another form of ambush where we are not even going to be able to examine Deputy Chief 10 11 LePard in relation to documents he's going to give hearsay evidence about. You have a last-minute 12 13 failure to disclose on the part of the VPD to, firstly, attack the credibility of civilian 14 15 witnesses who have come here in good faith to give 16 you information, and that process is, uhm, very 17 problematic, Mr. Commissioner, with respect. THE COMMISSIONER: Well, you know, it works two ways though, 18 19 Mr. Gratl. On the one hand, Ms. Dicks has made a 20 lot of allegations against a lot of different officers, and I don't know if they're accurate or 21 22 not and I'm going to have to eventually decide if there's any merit to them. But --23 MR. GRATL: I am asking for --24 25 THE COMMISSIONER: No --

- 1 MR. GRATL: I'm asking for an order that all the documents
- 2 relevant to what Deputy Chief LePard is going to
- 3 testify about be disclosed to the participants
- 4 immediately.
- 5 MR. HERN: They have already been circulated. And there is a
- 6 bulk of other investigative files, which I said I
- 7 am not introducing tomorrow, but counsel are free
- 8 to come and look at to verify whatever they want
- 9 about it. I don't care. That's fine. They have
- 10 already, you have already got them on your
- 11 e-mails.
- MR. GRATL: We received an e-mail this morning containing five
- 13 attachments and --
- 14 MR. HERN: Three of which I gave to you yesterday, and which
- are just simply reports about missing persons
- policies.
- 17 THE COMMISSIONER: All right.
- 18 MR. HERN: Two are 911 call transcripts that are about three
- 19 pages long.
- 20 MR. GRATL: And one of them is an investigative document
- 21 dealing with Constable David Dickson's testimony
- 22 about the North Vancouver business. You may
- recall that, Mr. Commissioner?
- 24 THE COMMISSIONER: Yes.
- 25 MR. GRATL: We've got a summary of evidence and that summary

```
refers to more summaries of evidence --
 1
 2
      MR. HERN: Correct, and --
 3
      MR. GRATL: -- and we don't have the underlying files.
 4
      MR. HERN: --- the entire file is at my office.
 5
      MR. GRATL: It just leaves a lot of questions hanging there.
 6
                   It just seems like a very selective presentation
 7
                   of evidence so that the Vancouver Police
                   Department can stand up tomorrow and say, "Well,
 8
9
                   we've investigated these allegations and they're
                   unsubstantiated," without providing the underlying
10
11
                   source documents --
      THE COMMISSIONER: Well --
12
13
      MR. GRATL: -- to the other witnesses.
      THE COMMISSIONER: Well, apparently they're going to do that.
14
15
      MR. HERN: No, that, that 353-page investigative file is
                   sitting in my office and he is welcome to review
16
17
                   it. The Dickson allegations were elicited in
                   cross-examination. I was never advised that that
18
                   was going to come out, or not come out. I had
19
20
                   never heard of it in the first place. I was never
21
                   advised that he was going to be asked about those.
                   Obviously, my friends had spoken with him in
22
                   advance and chose to elicit that evidence. I
23
                   can't remember if it was Mr. Ward or Mr. Gratl.
24
25
                   And that's fine. But if you do that, I am going
```

to get a right of reply. 1 2 THE COMMISSIONER: No, you --MR. HERN: Because Mr. Dickson testified --3 THE COMMISSIONER: Okay, I don't want --4 5 MR. HERN: -- and it's un --6 MR. GRATL: This disclosure that's becoming available today is, 7 if I may so, with respect, with all due respect to Mr. Hern, extremely untimely. 8 9 THE COMMISSIONER: Well --MR. GRATL: We know when, when Dave Dickson testified, it was 10 11 about a month ago. And in the meantime, the Vancouver Police Department has made a lot of 12 13 efforts to try to investigate that. The investigative file might even have preceded the 14 15 commencement of this inquiry and only this morning does that file become available --16 THE COMMISSIONER: Okay. Well, I'll --17 MR. GRATL: -- to the other participants here --18 19 THE COMMISSIONER: I want --20 MR. GRATL: It's just unfair. THE COMMISSIONER: I want counsel to finish their cross-21 22 examination. MR. HERN: And let me advise that it's only been a very short 23 time since I have known that I have been -- had 24

the opportunity to present this response evidence.

B. Fournier and J. Smith (for the Commission)
Cross-exam by Mr. Hern

So, I have got my date for tomorrow, and it's been 1 2 difficult, given the cram of evidence that we've done, to put it together. So --3 4 THE COMMISSIONER: Okay. Go ahead --5 MR. HERN: -- Mr. Gratl I think has no basis for saying those 6 things. 7 THE COMMISSIONER: Okay. 8 MR. HERN: 9 Q All right. Now, I can't even remember where we were now, but I think we had been talking, Ms. 10 11 Smith, about an incident from April 18 where there 12 was a sexual assault report, and the point that I was making there is that that was a call that was 13 14 initiated by you, correct? 15 MS. SMITH: Yes. To 911? 16 0 17 MS. SMITH: Yes. And you used your name? 18 Q MS. SMITH: Yes. 19 20 And the police responded? Q MS. SMITH: Uh, they, they did, but nothing ever happened after 21 22 that, that I recall. 23 And what do you mean by "nothing ever happened Q after that"? They came and --24 MS. SMITH: I don't remember being given a court date or 25

B. Fournier and J. Smith (for the Commission)
Cross-exam by Mr. Hern

anything. 1 2 Okay, but they investigated the incident? I have no idea if they investigated the incident. 3 MS. SMITH: 4 Did you provide a statement to them? 5 Uhm, I probably did. MS. SMITH: Okay. Now, I want to --6 7 What I would also like to say is that, uhm, my name MS. SMITH: 8 was only supposed to be shared with you, the lawyer. That it was not to go back to the police 9 or anything like that. 10 Ms. Smith, you --11 Q That's what I was told. 12 MS. SMITH: THE COMMISSIONER: Okay, let him finish. 13 Ms. Smith, the consent that you gave to commission 14 15 counsel was specifically for the purpose so that, uhm, the Vancouver Police Department could check 16 its records, to see what --17 No, that was for the lawyer to check with the 18 MS. SMITH: 19 Vancouver Police's records and not to be giving my 20 name out. Well, but I am the lawyer for the Vancouver Police 21 Q 22 Department. No one else has given --But you're not supposed to be sharing that with --23 THE COMMISSIONER: Ms. Smith, --24 25 MS. SMITH: -- the police.

- 1 MR. HERN: I should cooperate with --
- 2 THE COMMISSIONER: -- don't argue with the lawyer, okay?
- 3 MS. SMITH: Yes.
- 4 THE COMMISSIONER: Just answer the questions.
- 5 MS. SMITH: I will.
- 6 MR. HERN:
- 7 Q Now, on April 26th of 2000, you also reported an
- 8 incident to the police where an individual had
- 9 made a threat to you, but on this instance, you
- 10 didn't call 911. You spoke directly to some
- officers on the street. Do you recall that?
- 12 MS. SMITH: Oh, yes.
- Q And you recall that that man's initials were B.G.?
- 14 MS. SMITH: Uh, I don't recall, but probably, yes. Yes.
- Q Okay. And you've provided a written statement to
- the investigating officers on April 27th, 2000,
- that you printed out in your own hand?
- 18 MS. SMITH: Uhm, I don't remember that, but yes, probably did.
- 19 Q Okay. And the threat was investigated and the man
- 20 was charged and convicted of uttering threats
- 21 against you?
- MS. SMITH: Uhm, I don't recall him ever being charged with
- 23 uttering threats but --
- Q But you don't know to the point where --
- 25 MS. SMITH: I don't remember if I ever had to go to court.

- 1 Okay. But again, you reported the offence to the 2 police? 3 MS. SMITH: Yes. 4 And you used your real name? 5 MS. SMITH: Yes. 6 And the police attended on the scene and 7 investigated? MS. SMITH: Yes. 8 9 Q All right. My real name was actually divulged out by another 10 MS. SMITH: 11 prostitute to the police and -- in front of me, and I had to admit that that's who I was. 12 On that occasion? 13 MS. SMITH: Not on that occasion. When I first started 14 15 prostitution. On some other occasion? 16 Q 17 MS. SMITH: Yes. 18 Well, but what I am saying is, that these two Q 19 times that we've covered now where you did report 20 an offence to the police, you used your real name? Yes, I would have. Yes. 21 MS. SMITH: 22 All right. And then on August 1, 2000, you also reported an offence committed against you to the 23
- MS. SMITH: Yes.

police?

B. Fournier and J. Smith (for the Commission)
Cross-exam by Mr. Hern

```
And that was the one where the call was made at
1
                   about 1:00 in the morning?
 2
 3
      MS. SMITH:
                 Yes.
 4
                   And the police showed up at 1:16, or
 5
                   approximately, fairly quickly after, about nine
                   minutes later; is that fair?
 6
7
                  Something like that, yes.
      MS. SMITH:
                   Okay. And that's where you had had a fight with a
8
               0
                   man in, uhm, in a car?
9
10
      MS. SMITH: Yes.
11
      THE COMMISSIONER: Okay, Mr. Ward?
12
      MS. SMITH: And that's actually the one where the, the police
13
                   arrested my partner for damaging the vehicle.
14
      THE COMMISSIONER: All right. Thank you.
15
      MR. WARD: I rise simply on this point, because it wasn't yet
                   resolved. Mr. Hern has gone to the VPD's records
16
17
                   obviously and retrieved from them the witness's
                   interactions with the VPD about which she's
18
19
                   testified. I simply request, in the interests of
20
                   fairness and full disclosure, the opportunity to
                   review those same records. It's, it's --
21
22
      MR. HERN: Well, now that I have to introduce them tomorrow,
                   you are going to be provided with them because --
23
24
      THE COMMISSIONER: Is, is your witness tomorrow going to refer
                   to these incidents?
25
```

MR. HERN: Well, I just refer -- I'm going to have to mark 1 2 them. I mean, I'm, I'm suggesting things to her. 3 I guess she is agreeing. Actually, I will have to 4 review my notes. She is agreeing to the majority 5 of what, what the evidence that I was seeking to 6 elicit is, from her own memory. So, I may not 7 need to mark them after all. But I am happy to disclose them to Mr. Ward. 8 9 THE COMMISSIONER: Sorry? I'm happy to disclose them to Mr. Ward. I didn't 10 11 know whether they were going to be relevant

because I wasn't expecting this evidence to be

14 THE COMMISSIONER: Yes, no, I --

led.

- 15 MR. HERN: I thought it was going to be very narrow this --
- 16 THE COMMISSIONER: That --

12

- 17 MR. HERN: But my friends chose to elicit more evidence and 18 that will give rise to a disclosure obligation and
- 19 I'm happy --
- 20 THE COMMISSIONER: All right.
- 21 MR. WARD: That's just fine. All the records relating to this
- 22 woman's dealings -- Ms. Smith's dealings with the
- 23 VPD before she leaves the stand, so if there is
- any re-examination required, I can, I can do it.
- 25 MR. HERN: Well, no --

- 1 MR. WARD: That's all. That's all I seek.
- 2 MR. HERN: I'm not sure that that's, that's appropriate. We'll
- 3 find out whether they actually need to be
- 4 introduced or not first.
- 5 Q Now, the, the August incident where you say that
- 6 the -- another man was, in fact, arrested for --
- as part of the fight, nevertheless, that was an
- 8 instance where you phoned the police department
- and provided them with your name, correct?
- 10 MS. SMITH: Yes.
- 11 Q And they showed up and investigated the matter?
- 12 MS. SMITH: Yes.
- Q Okay. So, that's four interactions with the
- 14 police between December 1999 and August 2000,
- where the police were responsive to issues that
- 16 you were experiencing?
- 17 MS. SMITH: They responded by showing up and investigating, but
- they did not respond by filing charges against the
- man that hurt me.
- Q Okay. And so we'll have to -- you don't know why
- that would be or wouldn't be, why they wouldn't
- 22 lay charges --
- 23 MS. SMITH: I definitely know why.
- Q Okay. Why do you say?
- 25 MS. SMITH: Because I'm a prostitute.

I see. So, on the instance where the man was 1 Q 2 charged and convicted for uttering threats with 3 you, that doesn't fit within that, --4 MS. SMITH: Oh, it all --5 -- that statement, does it? -- fits. It all fits. 6 MS. SMITH: 7 Okay. I thought you just said that nobody was 0 charged and the reason they weren't charged is 8 9 because you were a prostitute? 10 MS. SMITH: Yes. 11 But in that instance, I can advise you the man was 12 charged with uttering threats and was convicted of 13 that. Uhm, I had, I had no knowledge of it. I know I 14 MS. SMITH: 15 was -- as I said, I did not go to court. I don't recall. And, uhm, I never got financially 16 17 compensated for it. Uhm, I did not go to Victim Services about it and --18 THE COMMISSIONER: No, just listen to the question. 19 20 question was, do you know that the man was convicted? 21 22 MS. SMITH: I, I guess I did not know. No. 23 THE COMMISSIONER: All right, that's fine. MR. HERN: 24

All right. And now with respect to, you said that

there were police officers who were your clients. 1 2 MS. SMITH: Yes. 3 And some of those were Vancouver Police Department 4 members? 5 Uhm, yes, and Vancouver -- not only that, RCMP. MS. SMITH: 6 Okay. And did you, did you know any of their Q 7 names or badge numbers? Uhm, when you are working with a john, that's why 8 MS. SMITH: they call them a john, is because they don't give 9 out their names. 10 11 Okay. And with respect to -- so, you don't have Q 12 any names or badge numbers of those individuals 13 who are --No, I did see a uniform in the back of a car with 14 MS. SMITH: 15 one, but I did not bother to get a name and an address or a number for my own protection, because 16 17 he was using me as a business deal. Okay. And similarly, with respect to the 18 Q 19 harassment allegation or evidence you gave about 20 an officer who said to you that he would like to take you out and beat you to death, uhm --21 22 MS. SMITH: That was the same man. Oh, that was 1946? 23 MS. SMITH: No, actually, that was not 1946. Sorry, I am 24 25 mistaken.

Okay. Who? Q 2 MS. SMITH: The same man that was one of my johns is what I am 3 trying to say. 4 Oh, I see. And you don't, you still don't have Q 5 his name or any details of that --I never got his real name. 6 MS. SMITH: 7 Okay. And, uhm, or his badge number or any Q details? 8 9 MS. SMITH: I never got any of that. So, there is no way we can identify who that 10 Q 11 person is? 12 MS. SMITH: Absolutely no way. 13 Okay. And --14 THE COMMISSIONER: How much longer are you going to be? 15 MR. HERN: Well, not too much longer. All right. Now, with respect to the -- let me 16 Q 17 back up. So, with respect to the confession about Mr. Pickton, your evidence is that there was 18 19 simply no interest on the part of the task force 20 members in your story? They just didn't believe 21 you? 22 MS. SMITH: They didn't believe me. There was no interest. 23 And they wanted to get the -- they had said to me 24 that they, and I don't know how genuine they were, 25 but they had said to me that they wanted to get

```
him for the murders of the women. And I had deep
 1
 2
                   down inside wanted that too.
 3
                   Yes. And you're -- you followed the case after
               Q
 4
                   February --
 5
                  I, I followed --
      MS. SMITH:
 6
                   -- 2002?
               Q
7
      MS. SMITH:
                  I followed the case, yes.
8
                   And so you are aware that one of the significant
               Q
9
                   pieces of evidence that they were able to convict
                   Mr. Pickton on, or sought to prove the case
10
11
                   against him, was a confession that he had made in
                   the jailhouse, to a jailhouse informant. Do you
12
13
                   remember that?
                  Uhm, I didn't follow it too closely, uhm, at that
14
      MS. SMITH:
15
                   time, but I did follow it as much as possible.
                   Uhm, I was really struggling with the case and
16
17
                   with going to school. Uhm, I actually had to take
                   a year of sick leave from school during that time.
18
19
                   I see. When did you -- when were you able to
               Q
20
                   recognize that it was Mr. Pickton?
                  On the day he was arrested and it was on the news.
21
      MS. SMITH:
22
                   And you saw a picture of him being arrested and
                   what, put into --
23
                 I saw a picture of him and I said to, out loud to
24
      MS. SMITH:
25
                   my family members, that that's the man that hurt
```

```
me, and they pretty much knew the story. Yes.
1
 2
                   Okay. Which, which, which picture was that
 3
                   though?
 4
      MS. SMITH:
                 Uhm, the one where he was in the barn and it's the
 5
                   one that --
 6
                  Oh, where he's climbing over the fence --
7
     MS. SMITH:
                 Yes.
8
                  -- in the pig barn?
9
     MS. SMITH:
                 Yes.
                   Oh, okay. So, that, that was from some earlier
10
11
                   footage --
12
      MS. SMITH: Yes. And actually, I think that the clothes he was
                   wearing in that footage were, if I remember, there
13
14
                   was one footage, one picture where he was wearing,
15
                   like, a red sweater and -- yeah. I remember that
                   was the same outfit he was wearing on the day that
16
17
                   he picked me up.
18
               Q
                   The red sweater, --
19
     MS. SMITH:
                 Yes.
20
                  -- the dirty jeans --
               Q
                 Sweater, boots --
21
      MS. SMITH:
22
                  Dirty boots?
23
      MS. SMITH: Dirty boots covered in mud.
                   The gumboots?
24
25
      MS. SMITH: Gumboots, yes.
```

Yes. Okay. And with respect to your condition, 1 Q 2 your own condition, you were -- you went into the treatment centre in November? 3 4 MS. SMITH: Yes, I went into a treatment centre in November. 5 Uhm, I had been clean off of heroin for, uhm, 6 since I had gotten into detox, but I was still on 7 -- I went back to using crack cocaine. Okay. So, in September and October of 2000, you 8 Q 9 were using crack cocaine? Yes. I was -- actually, I had been addicted to 10 MS. SMITH: 11 crack cocaine since I was about 20 years old. 12 Q Okay. And I got accidentally hooked on, on heroin about, 13 MS. SMITH: in January of 2000, when somebody put heroin in my 14 15 crack pipe and did not tell me. Okay. But in September/October was crack cocaine 16 Q 17 the only thing you were addicted to? Uhm, no. I was addicted to heroin as well. 18 MS. SMITH: 19 Okay. And, and your addiction was very severe at Q 20 that time, I take it? It was severe but I was not a needle user. I was, 21 MS. SMITH: 22 uhm, I was -- I smoked it. You were a smoker? 23 Q MS. SMITH: 24 (Nod) 25 So, multiple times each day?

- 1 MS. SMITH: Yes.
- 2 Q All right.
- 3 MS. SMITH: But I would never lose, like, I would never really
- go on the nod or anything. So, uhm, I was quite,
- 5 uhm, aware of things going on.
- 6 Q All right. Thank you for your evidence today, Ms.
- 7 Smith.
- 8 THE COMMISSIONER: All right. Thank you. Yes?
- 9 MR. GRATL: I just had a, I just had a small number of
- 10 follow-up questions regarding 1946 and getting a
- more accurate physical description of 1946.
- 12 THE COMMISSIONER: Well, what questions would you have of 1946?
- 13 MR. GRATL: About the person's physical description. We've got
- 14 height --
- 15 THE COMMISSIONER: Well, no. That's, that's not proper
- 16 redirect, is it? How is that proper redirect when
- 17 she --
- 18 MR. GRATL: It goes to credibility.
- 19 THE COMMISSIONER: No. She said that she was almost sure that
- 20 1946 was the officer and she described him. The
- counsel said, put to her that 1946 is a female.
- There was no conclusive answer. So, that's not
- proper redirect.
- 24 MR. GRATL: It might be nice to get a more accurate physical
- 25 description if --

- 1 THE COMMISSIONER: Well, no, no, that's --
- 2 MR. GRATL: -- it's going to go to credibility.
- 3 THE COMMISSIONER: No, that's precisely why you don't ask that
- 4 question. You don't -- redirect is not the
- 5 purpose of which -- the purpose of redirect isn't
- to rehabilitate a witness. It's to deal with
- issues that were left hanging or left in a state
- 8 of uncertainty in cross-examination. So, it's not
- 9 proper redirect.
- 10 MR. GRATL: Well, if that's your ruling on, on fairness --
- 11 THE COMMISSIONER: That's my ruling. All right, thank you.
- MR. MAKOSZ: Yes, Rory Makosz for the Government of Canada. I
- only have a couple of minutes worth of questions.
- 14 THE COMMISSIONER: Well, what, what could you ask? It didn't
- even affect your clients.
- 16 MR. MAKOSZ: Well, as a matter of fact, I think she has.
- 17 THE COMMISSIONER: All right.
- 18 MR. MAKOSZ: It was perhaps unintentionally.
- 19 CROSS-EXAMINATION BY MR. MAKOSZ:
- Q My questions are all for you, Ms. Smith. I think
- they're going to be fairly straightforward.
- I understand from your evidence that it was
- 23 late November of 2000 that you entered the
- 24 treatment centre and you have been clean ever
- 25 since?

1	MS. SMITH:	Uhm, I entered Harbourfront Detox Centre in
2		November. Uhm, within a few days, I, uhm, I
3		walked out of treatment. Uhm, at the time, I had
4		an eating disorder. I still have an eating
5		disorder, but it's the opposite of what I had. I
6		was an anorexic. Uhm, and with the cocaine, I
7		didn't feel, one of the things I didn't feel was
8		hungry.
9	Q	Okay. And just to be clear, that, that date in
10		late November 2000, when you were in the detox
11		centre briefly, you are very clear about that
12		date? You are certain it was late November of
13		2000?
14	MS. SMITH:	Somewhere around there, yes.
15	Q	Okay. And I imagine the incident where you spoke
16		with Mr. Pickton would also be very clear in your
17		mind, and you were clear that that happened two or
18		three months before late November of 2000; is that
19		correct?
20	MS. SMITH:	No, somewhere between September and, uhm
21	Q	October of 2000?
22	MS. SMITH:	October. You have got to remember, uhm, when
23		you are active in addiction, dates kind of meld
24		and mesh. You, you don't keep an eye on the
25		calendar,

```
1
                   I see.
               Q
 2
      MS. SMITH:
                  -- except for when Welfare day comes.
 3
                   We can -- you are confidently pinning it to
 4
                   September or October of 2000; is that --
 5
                  I'm pretty confident.
      MS. SMITH:
 6
                   All right, thank you.
               Q
 7
                        And when my friend, Mr. Hern, suggested to
                   you that you had spoken to perhaps Project
8
                   Evenhanded, when he mentioned that name, you said
9
                   that's the first you have heard of it. Had you
10
11
                   heard of Project Evenhanded before?
                  No. I didn't know it as Project Evenhanded. I
12
      MS. SMITH:
                   just knew it as a task force from what had been
13
14
                   said on the news and what everybody else was
15
                   saying.
                   I see. So, when you --
16
               Q
17
      MS. SMITH:
                  Other than the police.
18
                   When you made that phone call in response to your
               Q
19
                   conversation with Mr. Pickton and you called
20
                   911, --
21
      MS. SMITH:
                  Yes.
22
                   -- you asked to speak to the task force --
23
      MS. SMITH:
                 I did --
24
                  -- and you used the word "task force"?
25
      MS. SMITH:
                  Yes.
```

And you were using the word "task force" because 1 2 this is what people on the street --That's what I knew. 3 MS. SMITH: 4 -- were using? 0 5 MS. SMITH: Yes. 6 And in the media you'd heard it? 7 MS. SMITH: Yes. 8 I see. And you didn't know who was in charge of Q 9 that task force? MS. SMITH: I did not know. 10 11 And you didn't know which officers were involved 12 in it? 13 MS. SMITH: I did not know. You just wanted to speak to the people who were --14 15 MS. SMITH: I ---- in charge of the missing women investigation at 16 that time? 17 Yes. I just wanted to say what, uhm -- you know, 18 MS. SMITH: 19 that this is a man who is killing people and he's 20 going to kill again. I see. And so you had, and in fairness to you, 21 Q 22 you would have had no idea that the joint forces 23 operation, that later became known as Project Evenhanded, was only agreed to in late November of 24 25 2000? You didn't know that, did you?

- MS. SMITH: I did not know that, because at the time, I was so 1 2 engrossed in what was happening in my own life. 3 I see. Q I had just had a second miscarriage --4 MS. SMITH: 5 And I'm, I'm not suggesting that you would have 0 known it. I'm just ensuring that you didn't know 6 7 it, or making sure that you didn't --No, I am just explaining why I didn't know. 8 MS. SMITH: 9 Q And I wouldn't have expected you to. And you wouldn't have known as well that the first meeting 10 11 of Project Evenhanded actually happened in January of 2001? You wouldn't know that either? 12 I didn't know that at all. 13 MS. SMITH:
- 14 Q All right.
- MS. SMITH: I was in a treatment centre and they tried -- as I said, they kept me away from my old life. The only thing which I got was an article on a woman who had been found in a hockey bag.
- 19 THE COMMISSIONER: Okay, that's fine. I think you have 20 answered the question.
- 21 MR. MAKOSZ: Yes, thank you.
- 22 THE COMMISSIONER: All right, thank you.
- Thank you, Ms. Smith, for coming here and testifying. I appreciate you coming here and I congratulate you for overcoming your, your

1	addiction.
2	Ms. Fournier, again, I thank you. You've
3	appeared before the inquiry a number of times, and
4	you have been very helpful with your advice and,
5	and your experience. I want to I just
6	appreciate you coming here and I want to thank
7	both of you. We will adjourn.
8	MS. SMITH: Actually, I want to thank you, sir, as well.
9	THE COMMISSIONER: All right, thank you.
10	MR. WARD: Mr. Commissioner, before Ms. Smith is excused, I ask
11	for an order that all of the records obtained by
12	Mr. Hern from the VPD in respect of Ms. Smith and
13	her involvement with the VPD be disclosed to me
14	forthwith so that I can use them for the purposes
15	of any re-examination.
16	It's noteworthy that there's been no cross-
17	examination on the central incident at all, and I
18	infer from that, that that's in the VPD records.
19	And it's, it's essential that I get what the VPD
20	has in respect of this women's
21	THE COMMISSIONER: Well, I thought
22	MR. WARD: attendances or dealings with
23	THE COMMISSIONER: I thought that Mr. Hern said that all the
24	MR. WARD: He, he didn't.
25	THE COMMISSIONER: Listen to me. Just listen. Okay.

- 1 MR. HERN: Well, in my submission -- sorry, are you still --
- 2 are you finished or are you stepping away?
- 3 MR. WARD: I am just saying that Mr. Hern made no agreement to
- 4 disclose those records to me. So, I am seeking
- from you an order that they be produced, and I
- 6 want to be clear, all of the records in the VPD's
- 7 possession or control relating to Ms. Smith's
- 8 dealings with its members --
- 9 THE COMMISSIONER: Okay.
- 10 MR. WARD: -- during the time period that's been canvassed here
- and it's the subject of this inquiry.
- 12 THE COMMISSIONER: When, when could you make that available?
- MR. HERN: Well, we can make that available. I can tell you
- that there is nothing on the Pickton call. If
- there was, it would obviously be relevant to the
- 16 missing --
- 17 THE COMMISSIONER: Sorry?
- 18 MR. HERN: It would obviously be relevant to your work.
- 19 THE COMMISSIONER: Yes.
- 20 MR. HERN: Of course that would be disclosed.
- 21 THE COMMISSIONER: You are saying that there's no record by the
- Vancouver Police of her calling about seeing Mr.
- Pickton and the admission that Mr. Pickton made to
- 24 her?
- MR. HERN: No. Now, there's the difficulty -- I don't want to

say there's absolutely no possibility, but this is 1 2 the difficulty. With, without being able to 3 narrow down the timeframe on that call beyond 4 September to October, it means someone has to 5 manually listen to every single 911 call made to all of the 15 or so operators, 24 hours a day, to 6 7 try to find this call. It can't be searched that way, as I understand it. 8 9 So, without some, some detail, uhm, there is no -- I can tell you that, that Ms. Smith's name 10 11 has been searched in order to identify any 12 incidents that have given, given rise to any call that she made. So, so, I can only assume that, if 13 14 that call occurred, and, and I will argue that --15 I, I suggest it didn't, but if that call had occurred, it must not have generated an incident 16 17 report in some way, --THE COMMISSIONER: Okay. 18 19 MR. HERN: -- so it can't be searched. So it's just an 20 unbelievable undertaking to verify. I have no records to that effect. 21 22 THE COMMISSIONER: Okay. Mr. Vertlieb? 23 MR. VERTLIEB: Mr. Commissioner, my concern is that we have never sought documents that were not relevant to 24 25 our terms of reference, and hearing this exchange,

I don't have a confidence that this discussion 1 2 relates to our terms of reference. 3 But I am looking at the time. You have sat 4 much longer than you were expected to sit. The 5 reporter has done the same. 6 THE COMMISSIONER: Yes. 7 MR. VERTLIEB: You have two witnesses here this afternoon who are only available this afternoon. So, perhaps we 8 9 should take the break, decide how long we want and, at some point, Mr., Mr. Ward can, can reflect 10 11 on this discussion and maybe speak with Mr. Hern. 12 But we, we still have a concern that it fit the terms of reference and maybe that needs to be 13 discussed. So, may I suggest we break now, --14 15 THE COMMISSIONER: Yes. MR. VERTLIEB: -- take an appropriate amount of time. Then we 16 will come back for the afternoon session. 17 THE COMMISSIONER: All right. 18 MR. VERTLIEB: So, tell us please, Mr. Commissioner, how much 19 20 time you would like us to take and then we will be, then we'll be back. It's in your hands. 21 THE COMMISSIONER: Well, I want to give the reporter some --22 MR. VERTLIEB: Yes. 23 THE COMMISSIONER: It's now 20 to 2:00. What about 2:15? Is 24 25 that --

- 1 MR. VERTLIEB: Well, the reporter needs time. Let's say 2:30
- 2 please.
- 3 THE COMMISSIONER: All right.
- 4 MADAM REPORTER: 2:15 is fine.
- 5 THE COMMISSIONER: 2:15? Okay, we'll come back at 2:15.
- 6 MR. VERTLIEB: Thank you.
- 7 THE REGISTRAR: The hearing is now adjourned until 2:15.
- 8 (PROCEEDINGS ADJOURNED AT 1:38 P.M.)
- 9 (PROCEEDINGS RESUMED AT 2:25 P.M.)
- 10 THE REGISTRAR: Order. This hearing is now resumed.
- MS. BROOKS: Mr. Commissioner, this afternoon the witnesses are
- Ms. Maureen Maloney and Mr. Ujjal Dosanjh and Mr.
- Hira, their counsel, will be leading their
- 14 evidence.
- 15 THE COMMISSIONER: All right.
- MS. BROOKS: And I believe you have some time allocations as
- 17 well to, to inform participants of.
- 18 THE COMMISSIONER: All right. Mr. Hira has one hour, Mr. Ward
- 19 30 minutes, Mr. Gratl 20 minutes, and Ms. Narbonne
- 20 minutes, Mr. Dickson 10 minutes, Ms. Tobias 15.
- 21 Okay.
- 22 MR. WARD: And Mr. Commissioner, Cameron Ward, counsel for the
- families of 45 (sic) missing and murdered women.
- 24 THE COMMISSIONER: Yes.
- 25 MR. WARD: And as I mentioned this morning when I learned that

my friend, Mr. Hira, was counsel for these two 1 2 persons, I advised you that it would appear to be 3 a conflict of interest as their interests are not aligned, and I only learned of this morning. 4 5 I just want to express the concern that one 6 lawyer seems to be representing both the officer 7 in charge of the Coquitlam RCMP detachment and two senior members of the Ministry of Attorney General 8 of BC in connection with the same subject matter, 9 and I find that, at least puzzling. But I haven't 10 11 had any time to formulate any sort of position beyond noting it for your benefit and the benefit 12 13 of the record. THE COMMISSIONER: Well, Mr. Ward, if there is a conflict -- I, 14 15 I will hear from Mr. Hira in a minute -- that's something that's between Mr. Hira and his clients 16 17 and it really doesn't concern me. I just want you to know that. 18 19 Mr. Hira, do you want to reply to that? 20 First, I represent Mr. Dosanjh only, as far as MR. HIRA: Yes. this panel is concerned. 21 22 THE COMMISSIONER: Yes. MR. HIRA: Second, my client, Mr. Moulton, no longer has any 23 interests at stake and I am told I no longer have 24 25 standing in that regard from commission counsel.

U. Dosanjh and M. Maloney (for the Commission) In chief by Mr. Hira

Third, regardless of having said just that, 1 2 the fact is that I am governed by Chapter 6 of the 3 Professional Conduct Handbook. The issue of 4 conflict is between my clients, Mr. Moulton and 5 Mr. Dosanjh, and myself and, frankly, none of Mr. 6 Ward's business. 7 THE COMMISSIONER: Or none of my business. MR HIRA: Well, I --8 9 THE COMMISSIONER: You didn't want to say that. MR. HIRA: -- didn't want to say that. That would be not 10 11 right. 12 THE COMMISSIONER: All right. Thank you. 13 MR. HIRA: Now, if Mr. Registrar can swear in both witnesses. 14 THE REGISTRAR: Good afternoon. Turn on your microphones 15 please. UJJAL DOSANJH, affirmed: 16 17 MAUREEN ANN MALONEY, affirmed: THE REGISTRAR: Would you state your name please? 18 19 MS. MALONEY: Maureen Ann Maloney. 20 THE REGISTRAR: Thank you. MR. DOSANJH: Ujjal Dosanjh. 21 22 THE REGISTRAR: Thank you. Counsel. 23 Mr. Commissioner, as a formality, I would ask 24 leave, pursuant to Rule 45 of your October 26th, 25 2010 practice and procedure directive, to lead

2 THE COMMISSIONER: Yes. 3 MR. HIRA: Commission counsel, of course, has no objection. 4 THE COMMISSIONER: All right. 5 MR. HIRA: Mr. Commissioner, I have prepared a book of documents and I would ask that this book of 6 7 documents entitled "Documents for the May 17, 2012 Government Panel" be marked as the next 8 9 non-redacted exhibit. I have got a book each for the witnesses. 10 11 THE REGISTRAR: Your non-redacted document will be 201(NR). 12 (EXHIBIT NO. 201(NR): Cerloxed book of documents 13 entitled "Documents for the May 17, 2012 Government Panel") 14 15 MR. HIRA: Now, I also have Ms. Maloney's curriculum vitae and a redacted extract from her diary of April 9, 16 17 1999. I wonder whether, so that the documents are all in one bundle, these could be marked as the 18 19 next exhibits A and B so that we understand that 20 they're part of the same bundle. 21 THE COMMISSIONER: Yes. 22 MR. HIRA: I have extra copies. THE REGISTRAR: The first document of Professor Maureen Maloney 23 will be marked as 202. And the document following 24 25 that, is that, is that it?

this evidence.

- 1 MR. HIRA: That's the diary. What I was going to suggest --
- 2 THE REGISTRAR: Oh, it's a diary?
- 3 MR. HIRA: -- is that they both bear the same exhibit number as
- 4 the book of documents but have an "A" and a "B"
- 5 after them so --
- 6 THE REGISTRAR: Oh, I see, okay.
- 7 MR HIRA: -- that the --
- 8 THE REGISTRAR: Let me, let me correct that then.
- 9 MR. HIRA: -- so everybody knows it's one bundle that's been
- 10 tendered on their behalf.
- 11 THE REGISTRAR: Well, let me start over. The book of documents
- 12 will be marked as Exhibit 201. The, the CV for
- Professor Maureen Maloney will be 201A. And the,
- 14 this document, this is a --
- 15 MR. HIRA: That is a diary entry for --
- 16 THE REGISTRAR: A diary entry.
- 17 MR HIRA: -- Professor Maloney of April 9, 1999.
- 18 THE REGISTRAR: Thank you. That will be 201B.
- 19 MR. HIRA: Thank you, Mr. Registrar.
- 20 THE REGISTRAR: Thank you.
- 21 MR. HIRA: And they have the documents in front of them. I
- have extra copies, Mr. Registrar, for you and the
- commissioner.
- 24 (EXHIBIT NO. 201A (NR): Two-page curriculum vitae
- of Professor Maureen Maloney)

1	(EXHIBIT NO. 201B (NR): One-page diary entry of
2	P	rofessor Maureen Maloney of April 9, 1999)
3	EXAMINATION IN	CHIEF BY MR. HIRA:
4	Q M	s. Maloney, let's just deal with your CV. As I
5	u	nderstand it, you have a, a law degree from
6	E	ngland; is that correct?
7	MS. MALONEY:	That's correct.
8	Q Y	ou articled as a solicitor, I am told the first
9	W	oman solicitor, at a very prestigious law firm,
10	Р	insent & Company?
11	MS. MALONEY:	Yes. I am not absolutely sure I was the first
12	W	oman, but one of the first.
13	Q W	ell, there were no other women there while you
14	W	ere articling, were there?
15	MS. MALONEY:	In my articling group, no.
16	Q A	nd that was not so long ago, back in 1978,
17	С	orrect?
18	MS. MALONEY:	Jhm, yes.
19	Q Y	ou came to British Columbia and became an
20	a	ssociate and assistant professor of law at the
21	F	aculty of Law at the University of Victoria, and
22	У	ou were in that capacity for nine years between
23	1	981 and 1990?
24	MS. MALONEY:	That's correct.
25	Q Y	ou became the dean and a full professor of the

faculty between July 1990 and May 1993? 1 2 MS. MALONEY: That's correct. I was the first woman dean in 3 BC. 4 Thank you. How about in Canada? Q 5 MS. MALONEY: I think the second in Canada, but I am not 6 absolutely sure. 7 Thank you. Q MS. MALONEY: By one woman. 8 9 Q In any event, you then joined the Ministry of the Attorney General as a deputy minister in May of 10 1993? 11 12 MS. MALONEY: That's correct, May 17th. And you continued as a deputy minister, becoming 13 Deputy Attorney General in February of 1997? 14 15 MS. MALONEY: That's correct. And left the ministry in January of 2000? 16 0 17 MS. MALONEY: That's correct. And then became the chair of the public policy and 18 Q 19 -- chair and director of the Public Policy Centre 20 dealing with dispute resolution at the University of Victoria? 21 22 MS. MALONEY: The Dorothy and David Lam chair is actually an academic position. So, I was given a chair 23 position, and in addition, I was also director of 24 25 the Institute for Dispute Resolution, yes.

- 1 Q And you did that for 10 years up to 2010?
- 2 MS. MALONEY: That's correct.
- 3 Q And now you are a professor of the Graduate School
- 4 of Public Policy at Simon Fraser University?
- 5 MS. MALONEY: That's correct.
- Q And as I understand it, you worked very closely
- 7 with Mr. Dosanjh while he was Attorney General?
- 8 MS. MALONEY: Very much so, yes.
- 9 Q And Mr. Dosanjh, you were born in India, as I
- 10 understand it?
- 11 MR. DOSANJH: Correct.
- 12 Q You emigrated to Canada around '67 or '68?
- 13 MR. DOSANJH: '68.
- 14 Q You went to law school and graduated in 1976?
- 15 MR. DOSANJH: Correct.
- 16 Q You articled and practised doing a general
- 17 practice; is that correct?
- 18 MR. DOSANJH: Correct.
- 19 Q And were elected as an MLA in October of 1991?
- 20 MR. DOSANJH: Correct.
- 21 Q You became the Attorney General -- I'm sorry, you
- 22 became a minister in March of 1995?
- 23 MR. DOSANJH: I think it was April but I can't recall. Yes,
- 24 around that time.
- 25 Q All right. And in August of 1995, you became

Attorney General? 1 2 MR. DOSANJH: Yes. 3 And continued in that position until February of 4 2000? 5 MR. DOSANJH: Correct. 6 Is that correct? Q 7 MR. DOSANJH: Correct. 8 At which time, you became the premier of the Q 9 province? MR. DOSANJH: Yes. 10 11 And continued in that position until May of 2001? MR. DOSANJH: Correct. 12 You were elected as a Member of Parliament in June 13 of 2004; is that correct? 14 15 MR. DOSANJH: Yes. And you served in that capacity until May of 2011? 16 0 17 MR. DOSANJH: Yes. 18 And for a period of almost a couple of years, you Q 19 were the Minister of Health? 20 MR. DOSANJH: Yes. 21 Now, against that background, as I understand it, Q 22 and I encourage either of you to speak on this issue, the ministry had a keen interest in 23 violence against women and launched a number of 24 25 initiatives prior to this issue of the missing

women being front and centre back in '98 and '99; 1 2 is that correct? 3 MS. MALONEY: Yes, very much so. 4 And did you want to just outline some of those 0 5 initiatives? 6 MS. MALONEY: Some of the initiatives, after becoming the 7 deputy in May 1993, I helped to implement the violence against women in relationships policy, 8 9 which was a coordinated policy between police, Crown, Victim Services and victim agencies, that 10 11 also assisted in training and, and particularly with respect to trying to change attitudes with 12 13 respect to violence against women. 14 In 1997, the Attorney set up the former 15 Justice Josiah Woods' report on the police handling of violence against women in 16 17 relationships. And in 1997, the Attorney set up the Unsolved Homicide Squad with that. 18 19 And in addition, with respect to federal 20 initiatives, we were very interested in pushing on 21 national agenda issues with respect to violence 22 against women but violence generally, and 23 particularly against those most disadvantaged. We 24 were very instrumental in pushing for ViCLAS, and 25 also for setting up a national DNA databank.

Moreover, while I was the Deputy Attorney 1 2 General, I co-chaired with the federal Deputy 3 Attorney General, a working group on prostitution, 4 as a result of which some important amendments 5 were made to the Criminal Code. And in addition, 6 we tried to deal specifically with two issues: 7 the amount of violence that sex trade workers are subjected to, and unfortunately, still are; and 8 9 particularly with respect to young sex trade workers. As a result of some of the research that 10 11 we carried out with respect to that, we also set 12 up a, a BC prostitution action plan, and in 1996, 13 the Attorney also set up the Provincial 14 Prostitution Unit, so. 15 And these are just some of the initiatives 16 that we were engaged in, but it was certainly 17 something that permeated certainly in my mind and certainly that the ministry and certainly the 18 19 Attorney were very attuned to. 20 And you, you noted that the Attorney helped set up Q the Provincial Unsolved Homicide Unit? That's 21 22 your recollection as well, Mr. Dosanjh? MR. DOSANJH: That is my recollection. 23 24 And this was in early 1997? 25 MR. DOSANJH: Yes.

1		Q	And, of course, funding was provided by the
2			province, not only for that unit, but for certain
3			equipment for that unit; is that correct?
4	MR. DOSAN	IJH:	Correct. I believe for the DNA.
5		Q	And it was also a joint forces unit, one of the
6			first joint forces units in British Columbia?
7	MR. DOSAN	IJH:	Correct.
8		Q	So, let's now move to the book of documents that
9			has just been marked as an exhibit. And at tab 1
10			is a letter, Mr. Dosanjh, addressed to you as the
11			Attorney, dated February 17, 1997, from Grand
12			Chief Joe Mathias, sorry, Chief Joe Mathias, Grand
13			Chief Edward John and Robert Louie.
14			Essentially, the letter requests that you
15			appoint a special investigator to examine the
16			murders of some 55 aboriginal women on an urgent
17			basis. Do you see that letter, sir?
18	MR. DOSAN	IJH:	Yes, I do.
19		Q	And there's a list that accompanies the letter?
20	MR. DOSAN	IJH:	Yes.
21		Q	And you did do something about the letter, did you
22			not, sir?
23	MR. DOSAN	IJH:	Uhm, I believe on the next tab, you'll see a
24			letter from, which went from my office to Chief
25			Joe Mathias and Grand Chief Ed John, as well as

Mr. Louie, indicating what actions were being 1 2 taken, what resources were being provided, as well 3 as, we, at that time, took the liberty of 4 referring these three very important people, at 5 that time, to, uhm, the Unsolved Homicide Unit, a particular individual by the name of Sergeant 6 7 Brian Honeybourn. Uhm, I did so in the belief that that is the unit that would, in addition to 8 9 other unsolved murders, would be looking at the disappearance of missing women. 10 11 Thank you. And in that letter, in the second Q paragraph, in the third paragraph of the June 18, 12 13 1997 letter, some of the resources of the Unsolved Homicide Unit are noted; is that correct? 14 15 MR. DOSANJH: That's correct. Well, it talks about the unit having access to advanced investigative 16 17 technologies, the ministry having assisted in funding the acquisition of new DNA analysis 18 19 equipment for the forensic lab in Vancouver, as 20 well as staff were being trained in the use of the new equipment. Things of that nature. 21 22 Q And this question, and I invite either of you to answer this, is something that, of course, is, is 23 relevant throughout your evidence. As the 24 25 Attorney, or the Deputy Attorney, are you able to

direct the police on any matters? 1 2 MR. DOSANJH: Uhm, I will let Maureen answer that, and after, I 3 will speak briefly to that. 4 I, when I became the Attorney General, it 5 became very clear to me that, despite the fact 6 that there is a perception in the outside world 7 that the Attorney General has these endless powers, I understood very quickly that the 8 9 Attorney General cannot direct the police to investigate anyone, or the nature of the 10 11 investigation, how to investigate, when to investigate, where to investigate and who to 12 13 investigate. All of that is outside the purview 14 of the Attorney General. That's called the 15 independence of policing, operational independence of policing, and that's what makes us a civilized 16 17 society, one hopes. Ms. Maloney? 18 Q MS. MALONEY: Yes, I guess I would just like to add to that 19 20 with respect to sort of constitutional democracies 21 and the justice system has a very special place 22 with respect to ensuring that the rule of law is maintained. Even though we do live in a 23 24 democracy, we have elected officials. 25 And so, for example, it's very important that

the judiciary is completely independent, although the administrative structures that are put into place are, in fact, negotiated with the provincial or the federal justice department. In the same way, somewhat less so, but Crown counsel also has to be -- they are, even though they are public servants, and like public servants, with respect to their employment duties, with respect to the very specific prosecutorial decision making that they undertake, that is purely for them to do without interference by the Attorney General, except in the case of British Columbia, there is a Crown Counsel Act that does permit the Attorney General following up on Steven Owen to direct the investigation, but then it has to be made public and be vetted.

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In the same way, there is no specific provision with respect to policing, but again, although the Attorney General or the Deputy Solicitor General takes -- has an administrative responsibility for ensuring that there is sufficient policing or that the municipal governments are providing sufficient policing to deputy premiers that are in municipalities over 5,000, the actual decisions to investigate or

pursue investigations or the type of surveillance 1 2 or investigation that is undertaken by the police, 3 is a matter for police decision making alone and 4 should not be interfered with by politicians. 5 All right. So, against that framework, that we Q all have to live with, I understand that through 6 7 1998 and, in particular, early 1999, there was an increased concern in the Attorney General's office 8 9 about the missing women. Is that a fair statement by me? 10 11 MS. MALONEY: I would say, yes, very much so. Tell me about that, would you? Tell the 12 0 commissioner about that. 13 Could you just give me the dates again? 14 MS. MALONEY: 15 Let's take late 1998, in particular early 1999. Q MS. MALONEY: I think by 1998 and 1999, the Attorney had 16 17 received a number of letters, although I don't recollect actually having seen them myself, but 18 19 certainly the newspapers were giving certainly 20 strong evidence that there were a number of people who were missing from the Downtown Eastside, who 21 22 had not been -- who had not contacted family, who had not been found, and that there was a real 23 24 concern that something had gone terribly wrong 25 with respect to these missing women. And so,

1		clearly, it was an issue of real importance within
2		the province, as it should have been, and of
3		course within the Ministry of Attorney General
4		also.
5	Q	All right. So, against that background, around
6		February, February 3, early February, I
7		understand, Mr. Dosanjh, that the premier
8		announced a reward for home invasions. Do you
9		recall that?
10	MR. DOSANJH:	I do recall that.
11	Q	And you were part of that announcement?
12	MR. DOSANJH:	I was. In fact, there was a meeting at the
13		cabinet offices with the premier and various
14		policing agencies to discuss the issue of the
15		reward for home invasions.
16	Q	And with that reward being offered, there was some
17		clamoring in the press regarding whether or not
18		missing women were being treated differently. Do
19		you recall that?
20	MR. DOSANJH:	I recall that. I was certainly aware of that,
21		that issue. People became more aware of the
22		issue. There was heightened awareness. Uhm, and
23		as a result, the media, of course, from time to
24		time, would make inquiries of me, and whatever I
25		said publicly is reflected in the newspapers of

Τ		the day.
2	Q	So, if you would turn to tab 3, there is a
3		Vancouver Sun article dated February 15, 1999.
4		And the first three paragraphs deals with the
5		\$100,000 reward for home invaders with \$30,000
6		being put forward by the Police Board and \$70,000
7		by the provincial government. If you would go to
8		the bottom of the first column, the last three
9		paragraphs, you are, and I am summarizing,
10	MR. DOSANJH:	Right.
11	Q	you are, you are stating that you hadn't
12		considered a reward for the Eastside cases because
13		the police hadn't identified a person or a group
14		of persons who was responsible. You noted that
15		rewards are rarely given. And you also said that:
16		If First Nation women believe there is a
17		serial killer who has been killing First
18		Nation women, I'd like to hear about it.
19		You said that you agreed that the police did
20		need to do more work to solve murder cases, but
21		dismissed charges that the crimes were not being
22		taken seriously.
23		It was, I gather at this time, that there was
24		this concern that home invasions were being given
25		a reward and missing women were being ignored. Is

that, is that fair? 1 MR. DOSANJH: Absolutely. 2 3 And I understand that you asked your ministry to Q 4 look into the issue of the missing; is that fair? 5 MR. DOSANJH: Uhm, at that time, in February, and over the next 6 several weeks, I became more and more concerned 7 and I heard more and more stories about activists coming forward to talk to the press and raise 8 9 concerns. And I was concerned that there was a 10 feeling out there that we weren't doing enough, 11 uhm, as a society, to deal with the missing women and I was absolutely concerned about that. 12 13 And Maureen and I discussed that issue, and I 14 would have asked Maureen, because Maureen and I 15 essentially talked almost every day for the four and-a-half years that I was the Attorney General, 16 17 and, and I would have asked Maureen to gather the policing agencies responsible, bring them to the 18 19 office, and, and have a -- get an understanding of 20 what they were doing or not doing so that, if they needed our assistance, we could provide it. 21 22 But more importantly, one way Attorneys General do push, without appearing to do so, is by 23 asking questions. And, and that was the intent at 24 25 that time, to want to get the information, to

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possibly push, if at all, for more action if it
1
 2
                   was appropriate.
 3
                   All right. I'm going to come to you, Ms. Maloney,
               Q
 4
                   in just one moment. If we could turn to tab 3
 5
                   (sic), Mr. Dosanjh. There is an article from the
                   Vancouver Sun dated March 3, 1998, "Twenty
 6
 7
                   Missing Women; action" --
      MR. DOSANJH: March, sorry, tab what?
8
9
               0
                   Tab 4?
      MR. DOSANJH: Yes.
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11
                   March 3, 1999, I beg your pardon. A little
12
                   dyslexic as well as old.
                        In any event, in the article, as you will see
13
14
                   from the fourth paragraph and of the fifth
15
                   paragraph, certainly the chief constable was
                   taking the position that there is no serial
16
17
                   killer. Do you see that?
18
      MR. DOSANJH: Yes.
19
                   And that in the penultimate, sorry, the last
               Q
20
                   paragraph, you say that you believe the police are
                   pursuing cases vigorously, but you will, you will
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22
                   ask your staff to make further inquiries. Do you
23
                   see that?
24
      MR. DOSANJH: Yes.
25
                   All right.
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MR. DOSANJH: That, that was generally, for the time I was the 1 2 Attorney General, my modus operandi. If an issue 3 came to my attention that needed some care and 4 attention from my office, as the top law officer 5 of the province, I would try and get the 6 information and figure out what we can do to 7 advance the, advance the resolution of the issues. And, and you did just that, did you not, Ms. 8 Q 9 Maloney? MS. MALONEY: Well, I certainly, I had regular calls with 10 11 Assistant Commissioner Murray from the RCMP and occasionally bumped into Chief Constable Chambers, 12 and I certainly asked, certainly Deputy --13 14 Assistant Commissioner Murray and Chambers, at 15 least on one occasion, as "was everything being done possibly in this case," and they said that, 16 17 "yes". I don't know if they both said the same words, I don't remember the exact conversation 18 19 with this length of time away. But they, they 20 both, at that point I think, still did not think there was sufficient evidence that there was a 21 22 serial killer there, but they were clearly investigating. 23 24 And you used to have weekly telephone conferences 25 with the assistant commissioner, as he was

	responsible for provincial policing and you were
	the Deputy Attorney General; is that correct?
MS. MALONEY:	That's correct.
Q	And you would run into the chief constable from
	time to time
MS. MALONEY:	At the chief's meetings, at different occasions,
	yes.
Q	All right, and
MS. MALONEY:	Because the Vancouver Police Board was
	responsible for the Vancouver Police Department.
	We were not more generally for policing.
Q	All right. And the, as I understand it, there was
	a greater push in the community for a reward. Do
	you recall that, Mr. Dosanjh?
MR. DOSANJH:	I do. When the issue of me testifying first
	arose, I didn't remember very much of it. Since
	then, we've been looking at the documents that you
	have provided, and I have talked to Maureen and
	others, and I now understand and recall, uhm,
	because, in fact, there was not just one reward, I
	believe there were two rewards. Other than the
	missing women reward one, there was the home
	invasions. The other one was garage invasions I
	believe.
	And there was a perception that I gathered
	Q MS. MALONEY: Q MS. MALONEY:

from the commentary that we were not as concerned 1 2 about missing women, and that greatly concerned us 3 in the ministry, both Maureen and I, because I 4 have spent my lifetime fighting for equality and 5 fairness and I, I wanted to make sure that we do 6 the right thing. 7 Okay. I am going to direct you to tab 5 and then Q tab 6 of the book of documents. At tab 5 is --8 there is a letter dated March 30, 1999, from Ms. 9 Maggie de Vries addressed to you with copies to 10 11 the mayor, and Detective Shenher, various, and various news organizations and the chief 12 13 constable, which you will see at the third page of 14 the letter. 15 But I would like to direct you to the second 16 page of the letter, and in the second full 17 paragraph, second sentence, Ms. de Vries writes that there's, the reason that part of the reason 18 19 why there is no proof of a serial killer is that 20 not enough has been done to find out what 21 happened. 22 The nature of the disappearances militates 23 against evidence surfacing on its own. 24 She then continues in the next paragraph and 25 notes that the police need to go after information

aggressively, and she makes four suggestions, 1 2 including a reward. Do you see that? 3 MR. DOSANJH: Yes. 4 And if you go to the next tab, tab 6, there is a 5 letter from Mr. Leng dated April 4, 1999. Go to the second page. In the penultimate paragraph, 6 7 he's requesting a reward for -- of \$100,000, and a joint task force, not unlike what Ms. de Vries had 8 9 requested. Do you see that? MR. DOSANJH: Correct. 10 11 0 And his letter also is copied to the same people as Ms. de Vries. 12 13 MR. DOSANJH: Correct. And against that background, I would like you to 14 15 turn to tab 7 of the book of documents, which is an April 6th, 1999 article in the Vancouver Sun 16 17 that states: Dosanjh says reward in case of missing 18 19 requires police initiative. 20 Do you see that? MR. DOSANJH: What paragraph? 21 22 Well, that's the heading of --MR. DOSANJH: Oh, sorry. Yes, yes. 23 24 And what was the thinking at that time? 25 MR. DOSANJH: Well, I think that, I will let Maureen elaborate,

but my understanding of how these things work is that police are responsible for investigating all of these issues independently of any interference. And if the politicians impose their will, uhm, sometimes pleasing the critics in terms of posting rewards, uh, and the like, without proper consultation with the police, without a specific request being made by the police, uhm, then we may be unwittingly jeopardizing investigations or the work that the police may be doing.

And so since there had been no specific requests made by the police, my -- I was willing to argue within government, and I was prepared to work for and provide that reward, provided the police made a request after proper deliberation, because I didn't want to be interfering with the operational side of policing.

Q Do you have anything to add to that, Ms. Maloney?

MS. MALONEY: Just to reinforce that it was very important, as it always is within the Ministry of Attorney

General, that we in no way jeopardize any ongoing investigations that are underway. And so, to the extent that the police would say to us that, "If you put a reward, it might result in our having to exhaust our resources and getting thousands of

1		information that are not very helpful, you'll
2		actually be doing damage to the investigation
3		rather than something else." So, of course, we
4		would want to very much cooperate with the police
5		to make sure that we were not in any way
6		interfering with any investigation.
7	Q	All right. So, looking at this article, which is
8		at tab 7, that concept that both of you have
9		expressed, you will agree with me, is captured in
10		the second paragraph where you're quoted, Mr.
11		Dosanjh, as saying:
12		If, after due deliberation, the request came
13		from the Vancouver Police we would
14		absolutely respond favourably
15		Sorry.
16		we would absolutely respond
17		Let me try that again.
18		absolutely favourably respond to that.
19		Do you see that?
20	MR. DOSANJH:	Yes, it's my English. You can't read it.
21	Q	Yes, I suffer from the same problem,
22	MR. DOSANJH:	Yes.
23	Q	In any event, you see that, don't you, sir?
24	MR. DOSANJH:	Yes.
25	Q	And that's what you were trying to do, which is

1			say, "Look, if the police want this assistance, I
2			will try to provide it"?
3	MR. D	OSANJH:	Absolutely.
4		Q	And at the bottom of that column, you are quoted
5			as saying:
6			It concerns me that there is this perception
7			that we're not doing enough on this issue,
8			noting that both provincial rewards were a
9			response to specific police requests for
10			assistance. He said that he has asked
11			officials in his ministry to talk to the
12			Vancouver police and brief him further about
13			the cases.
14	MR. D	OSANJH:	Right.
15		Q	And this, again, was something that you had
16			requested of your officials?
17	MR. D	OSANJH:	Yes.
18		Q	And in the last second-last paragraph of the
19			article, you were prepared to consider mini
20			rewards as well?
21	MR. D	OSANJH:	I think that was an idea that, that came my way
22			from somewhere, and I don't recall who suggested
23			it. Uhm, the way I operated in those days, and
24			most of my life, is that if an idea comes, and
25			it's not dangerous to talk out loud, I would think

out loud, so that one could get a response from 1 2 the public and experts and be more knowledgeable 3 about the issue. We may not do what you first 4 said you would do, but at least a discussion 5 begins. Okay. And at that time, as I understand from the 6 Q 7 article, the mayor and the police were opposed to a reward? 8 9 MR. DOSANJH: Uhm, the, the only way I arrive at that conclusion is that I look at the police submission 10 11 to the Police Board, which is of a later date. 12 Q Okay. 13 MR. DOSANJH: And they, they had -- I had not spoken to any 14 police officer, at least don't recall having 15 spoken to one who said "no reward". Uhm, but I knew that there was a great deal of reluctance on 16 17 the part of the police. Well, the article in the third paragraph notes 18 Q 19 that the mayor was reluctant to authorize a 20 reward, and on the second column, it notes in the third paragraph that the police say they're 21 22 reluctant to offer a reward. MR. DOSANJH: Yes, I had -- obviously, I was aware of that, but 23 24 I wasn't directly, I had not directly heard that 25 from anyone.

And did you take steps, Ms. Maloney, to pursue, on 1 2 behalf of the Attorney, this issue and try to get 3 more information from the police? 4 MS. MALONEY: With respect to what they were doing in the 5 investigation with respect to how they were 6 dealing with the missing women in the Downtown 7 Eastside, yes, I asked, probably through Stephen Stackhouse, who was the Assistant Deputy Minister 8 9 of Police Services at the time, to arrange a meeting for the Attorney and myself to be briefed 10 11 on exactly what was going on. All right. And before we get to that meeting, 12 Q 13 there are a couple of more tabs. I note that at 14 tab 6, sorry, tab 8, I beg your pardon, there is 15 an April 6th letter to the mayor and the Vancouver Police Board in the last -- sort of supporting a 16 17 \$100,000 reward from the Crab Park Society; do you see that? 18 19 MR. DOSANJH: Yes. 20 At tab 9, there's a letter from the Honourable Sue Q Hammell, the Minister of Women's Equality, written 21 22 to the chief constable supporting a reward in the 23 last couple of sentences of the second full 24 paragraph. Do you see that? 25 MR. DOSANJH: Yes.

And it's copied to you and the mayor? 1 2 MR. DOSANJH: Yes. 3 And at tab 10, there's a letter from Kathryn 4 O'Neil, also echoing the same concepts as Ms. de 5 Vries and Mr. Leng had echoed earlier, as you will 6 see at the bottom of page 1 and up to the top of 7 page 2. Is that correct? MR. DOSANJH: 8 Yes. 9 Q That letter is addressed to the mayor, but a copy to you? 10 11 MR. DOSANJH: Yes. 12 And to the opposition critic, Mr. Plant? 13 MR. DOSANJH: Correct. And at tab 11 is a letter from the then MLA Jenny 14 15 Kwan writing to the Vancouver Police Board, again, supporting a reward and wanting to add her voice 16 17 to a number of voices regarding the case; is that 18 correct? 19 MR. DOSANJH: Correct. 20 So, this, it's against that background that we end Q up at the August, sorry, April 9, 1999 meeting; is 21 22 that fair to say, Ms. Maloney and Mr. Dosanjh? 23 MR. DOSANJH: Yes. MS. MALONEY: 24 Yes. 25 And it may well be that you can help us best with

this meeting. 1 2 MR. DOSANJH: My, my memory of this meeting, when it was first 3 raised, was not very sharp at all. Uhm, I have 4 now become aware of the meeting, but Maureen had a 5 better memory, as I realized after talking to her. 6 All right. Did you always take this position in Q 7 office? MR. DOSANJH: 8 Yes. 9 MS. MALONEY: Thank you, Mr. Attorney, I think you're too kind. On April the 9th, I have a very clear 10 11 recollection of the meeting, however, I should state that I was surprised when I received the 12 13 number of people who were at that meeting, if all 14 of these people attended from my diary, I had 15 thought only two or three people had been there. I thought the two people who had briefed us 16 17 were, I did not know their names then, but were Lori Shenher and Sergeant Al Boyd, who were the 18 19 two people who were, I thought at that point, in 20 charge of looking into the cases of the missing women in the Downtown Eastside. I assumed that 21 22 Steve Stackhouse was there, because he's the Assistant Deputy Minister of Police Services, and 23 24 I assumed that perhaps the chief or the deputy 25 chief may have been there, but I have no

1		recollection of that. I do
2	Q	I am going to interrupt. But you actually have a
3		diary entry,
4	MS. MALONEY:	Yes.
5	Q	which has been marked as an exhibit, which
6		notes the attendees; is that correct?
7	MS. MALONEY:	That's correct.
8	Q	And
9	MS. MALONEY:	It may be that some of these people did not
10		attend. Usually, if my assistant is told that
11		somebody did not attend, it would usually say
12		somebody has not attended. But that did not
13		always happen, so I can't guarantee that all these
14		people did attend the meeting.
15	Q	And the meeting was at the offices of 815 Hornby?
16	MS. MALONEY:	That's correct. That's the Attorney General's
17		offices in Vancouver.
18	Q	And I am looking at your diary description, which
19		is a one-page Exhibit B I believe.
20	MS. MALONEY:	That's correct.
21	Q	The meeting was regarding 20 missing women and a
22		briefing; is that correct?
23	MS. MALONEY:	That's what it says:
24		re 20 missing women on the downtown
25		eastside, and briefing on the woman that was

1		found.
2	Q	And the attendees are noted as Stephen Stackhouse,
3		Deputy Chief Brian McGuinness, Detective Lori
4		Shenher, Sergeant Al Boyd, all from the Vancouver
5		Police Department. You are noted as having
6		Assistant Commissioner Murray Johnston of "E"
7		Division and Inspector Gary Bass. Do you recall
8		whether they all attended?
9	MS. MALONEY:	I do not recall whether they all attended.
10	Q	All right. And look at tab 12. There is a three-
11		page memorandum. While it's noted as being
12		received at the Attorney's office, in the Police
13		Services Branch on April 14, 1999, this
14		memorandum, which is dated April 9, authored by
15		Lori Shenher, was it presented and discussed?
16	MS. MALONEY:	I do not remember whether the memorandum itself
17		was presented to us, but certainly Detective
18		Shenher went through, in some detail, what they
19		were doing with respect to the missing women in
20		the Downtown Eastside.
21	Q	And what's your recollection of the meeting either
22		with, you know, with reference to the memorandum
23		or solely on your memory?
24	MS. MALONEY:	Uhm, on my memory, rather than the memorandum,
25		because I do not recollect having seen that

actually. But I do recollect that we had called a meeting because we were very concerned that these women were still missing and had not turned up, and we -- and the Attorney and I expressed our concern at that meeting.

We were then told the amount of work that they were doing, which is part of which I recollect from the memorandum, that they had -- were exhaustive of all inquiries. I did ask, I think it was Detective Lori Shenher, but I am not sure, it could have been Detective Boyd, why only two people have been placed as resourcing this when there was so many people missing and was that enough resources.

My recollection of the response to that is that it was enough resources for the time because they had, at that point, currently exhausted all, all investigation that they could do, and that they really needed something to turn up, i.e. a dead body or some of the evidence which would lead to further leads.

My recollection also is that I did ask whether or not, if they were white, middle-class women, whether more people would have been deployed to check into this, and I remember -- I

don't recollect exactly who said it, but I remember them saying that, that I did not understand the lives of these women, that they were not in one place at the time, they went on circuits sometimes, and that they had very sort of peripatetic existences. I don't think that was the word they used, but that they moved in and out and from neighborhood to neighbourhood. We did have a discussion about, I think, that it was surprising that none of them had turned up if they were going backwards and forwards, et cetera. But they did, and Detective Shenher in particular I think, but again, I couldn't be absolutely sure it was her, but was very, very clear that they were treating these cases very seriously, that she and her colleague were doing as much work as they could do, and she told us a

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Q Was the concept of a serial killer discussed at the meeting, to your recollection?

number of different leads that they had gone into

with respect to Welfare payments, with respect to

MS. MALONEY: Yes, I think that issue was certainly brought up, and I don't know if it was by the Attorney or myself or somebody else, and the response to that

looking at what had happened, so.

1		was that they had absolutely no evidence that
2		there was a serial killer, but clearly, it was
3		something that was not off the table.
4	Q	All right. Now, do any of you recall whether the
5		names of any suspects were brought up at the
6		meeting?
7	MR. DOSANJH:	If the name of a suspect or suspects had been
8		brought up, it would have been extremely unusual.
9		Uhm, the practice, the protocol between the
10		Attorney General and the police, is that the
11		Attorney General isn't privy to the actual facts
12		of any investigations, unless the police volunteer
13		that information, or getting some assistance from
14		the AG or the government. That would be in
15		extremely unusual circumstances. Uhm, and if it
16		had come up, a name or some names, I would have
17		remembered that. I don't recall any names being
18		discussed.
19	Q	Well, let's and what about you, Ms. Maloney?
20	MS. MALONEY:	No, I have no recollection. As the Attorney
21		General said, if a name of a suspect had been
22		brought up, it would have been extraordinary,
23		because that did not happen unless it was
24		operationally necessary.
25	Q	Let me pose this question to both of you. I

1		appreciate your spans in government are different.
2		But at any time, while in government, in any
3		capacity, have you been told by the police the
4		name of a suspect prior to that person being named
5		in the press or arrested?
6	MR. DOSANJH:	No. I can tell you, I can tell you, even when
7		I can't remember when I was whether I was the
8		Premier or the Attorney General, when the Air
9		India investigation resulted in the arrests of the
10		four accused, uhm, or the two accused, uhm, I was
11		told as they were being arrested.
12	Q	Ms. Maloney?
13	MS. MALONEY:	I would have a slight difference than the
14		Attorney with respect to that, because never after
15		a search warrant was executed never before a
16		search warrant was executed, I don't believe. But
17		certainly after a search warrant had been
18		executed, certainly if it were a public figure,
19		that it was felt important that the Attorney
20		should know about it, because that person may need
21		to be relieved of their duties, then I think that
22		that had been brought to his attention.
23	MR. DOSANJH:	Yes, it has been. There was the case in point.
24	Q	In that context, that is where a search warrant
25		which sets out specific charges. I am talking

about a situation where a person is a suspect --1 2 MR. DOSANJH: No. 3 -- without search warrants, without charges. MR. DOSANJH: I don't recall any, any instance in the four 4 5 and-a-half years that I was the Attorney General. 6 MS. MALONEY: No, I do not either. 7 And so I ask you now more specifically, was the Q name Robert William Pickton brought up? 8 9 MS. MALONEY: No, not to my recollection at all. MR. DOSANJH: No. 10 11 Second, was there a request for more resources from the ministry? 12 13 MS. MALONEY: From the police you mean? 14 0 Yes. 15 MR. DOSANJH: Not that I recall. 16 0 By the police to the ministry. 17 MS. MALONEY: No. As I think I mentioned, when describing my recollection of the meeting, I had, or the 18 Attorney had raised the issue of, that we were 19 20 surprised that only two people were investigating the number of women who were missing, and I asked 21 22 whether or not that was enough resources, not, 23 actually, I should state, with a view to giving them more at that stage, but just simply trying to 24 25 understand why there weren't more people already

allocated to that file, and was told that at that 1 2 time, having more resources would not be helpful. 3 It might be in the future, if they have further 4 leads that need to be developed or some evidence 5 came up. 6 All right. And at any point in time beyond the Q 7 reward of \$70,000, was there a request on the missing women file for more resources from the 8 9 ministry, that is, a request from the police? MR. DOSANJH: Usually, the request would first at least come to 10 11 -- would have come to Ms. Maloney. I don't recall ever being approached for resources for the 12 13 missing women investigation. 14 MS. MALONEY: Certainly not during my tenure, but I assume that 15 probably a request was made subsequently because of the enormous investigations that were 16 17 undertaken on Pickton's farm. But certainly up until 2000, while I was the Deputy Attorney 18 19 General, no request was made that I, that I'm 20 aware of. In terms of additional resources for specific 21 Q investigations, do you have a recollection of such 22 requests, either of you have a recollection of any 23 24 such requests being made while you were in the 25 Attorney's office, either as the Attorney or as

1		the Deputy?
2	MR. DOSANJH:	I am sure Ms. Maloney recalls. There has been
3		one request during my time as the Attorney
4		General, and that was a request for more resources
5		for Air India investigation, for which the Deputy
6		Attorney General and I travelled to Ottawa to
7		actually press for more resources from the federal
8		government, and that was a business case that was
9		presented to us.
10	Q	That is a business case presented by the police;
11		is that correct?
12	MR. DOSANJH:	By the police and the Crown.
13	Q	Thank you. And your response to that?
14	MS. MALONEY:	Yes, I have the same recollection.
15	Q	Thank you. And no business case was presented on
16		the missing women investigation to either of you?
17	MS. MALONEY:	Certainly not until the year 2000 when I left.
18	Q	Thank you. Now, and at tab 13, Mr. Dosanjh, is
19		your diary entry for that meeting; is that
20		correct?
21	MR. DOSANJH:	Correct.
22	Q	And these are from your personal diaries?
23	MR. DOSANJH:	Yes.
24	Q	You asked the ministry to come up with whatever
25		notes they had and they didn't have any?

MR. DOSANJH: No, they didn't have any. I used to preserve my, 1 my schedule, just in case I ever needed it. 2 3 And --Q 4 MS. MALONEY: And sorry, I asked the ministry for any notes 5 that there may have been, or briefing notes that 6 were given to me with respect to this issue, and 7 the only one they were able to turn up was the, the memorandum from Detective Lori Shenher. 8 Which, which is at tab 12, the April 9 document? 9 Q MS. MALONEY: Yes, that's correct. And they were able to 10 11 provide me with the calendar entry for April the 12 11th as well. Sorry, the April the 9th? 13 Q The 9th, April the 9th, sorry. 14 MS. MALONEY: 15 Which you brought along? 0 MS. MALONEY: 16 Yes. 17 Thank you. Now, at tab 14, Mr. Dosanjh, is a Q letter dated April 20 from the mayor of Campbell 18 19 River regarding Marnie Frey. How -- this is 20 addressed to you with a copy to an Inspector Stright. How were letters handled in your 21 22 ministry? MR. DOSANJH: Well, the letters would come to me, usually with 23 responses attached, unless, uhm, there was a 24 25 letter that needed a quick verbal response or some

and we would deal with it. But generally, the letters came with the responses and were assigned. And not all of the correspondence ever were made to the desk of the Attorney General. And this is a very important letter, but I don't recall seeing the letter until this was produced to me during these proceedings. Purge you as Attorney General to explore urge you as Attorney General to explore every possible avenue to solve this disturbing case. Do you see that? MR. DOSANJH: Yes. Uhm, again, you were prepared to offer the reward but you had no ability to direct the police; is that fair?
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15 Q Uhm, again, you were prepared to offer the reward 16 but you had no ability to direct the police; is
but you had no ability to direct the police; is
17 that fair?
18 MR. DOSANJH: I had no power to direct the police. That's
19 fair, yes.
Q Thank you. You also have, and Ms. Maloney, I may
21 not be getting it right, you have far more
22 experience in these areas. Please feel free to
jump in if
MS. MALONEY: Well, just in terms of how mail was generally
dealt with in the ministry, because the Attorney

General used to get a, a very large amount of 1 2 mail, just general mail, it usually would be sent 3 to the, the communications department, which had a 4 small letter-writing team, who would then work 5 with the appropriate unit. In this case, it would 6 have been the Police Services Unit, and perhaps 7 other units, to work out what the appropriate response was with respect to this, and then it 8 9 would be sent up to the Attorney General. Okay. Now, moving to tab 15, there is an April 10 Q 11 22, 1999 memo of the Vancouver Police Department addressed to the Vancouver Police Board by 12 13 Sergeant Field. Uhm, at the fourth page of the 14 document, and I throw this out to you, Mr. Dosanjh, and encourage you, Ms. Maloney, to 15 interject if necessary, is the heading "Reward"; 16 17 is that correct? MR. DOSANJH: Correct. 18 19 And this is where you learned that the police were 0 20 not supportive of a reward; is that correct? MR. DOSANJH: Uhm, that's, well, that's where I learned. And 21 22 you also drew my attention to one of the earlier comments in the newspaper articles. Uhm, uhm, it 23 seems to me that, that this memo is rather 24 25 discouraging of a reward.

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If you go to the --
1
 2
      MS. MALONEY: Sorry, I have a slightly different recollection.
 3
                   I recollect that the issue of a reward was raised
 4
                   in the April the 9th meeting.
 5
               0
                   Yes?
 6
      MS. MALONEY: And the police response at that point was that it
 7
                   would not be helpful at that stage, because it
                   might lead to too many pieces of information
 8
                   coming in that would just flood them and would
9
                   actually divert the resources that they had on the
10
11
                   investigation.
12
                   Okay. Thank you.
                                      I forgot to ask you about that
               Q
13
                   with respect to April 9.
14
      MR. DOSANJH: And I, and I have no memory as to that. But I
15
                   look at the memo that's produced dated April 9th,
                   that has some similar lines in it.
16
17
                   Now, if you go on to tab 15 to the second-last
               Q
                   page, which has "financial implications"; do you
18
19
                   see that, Mr. Dosanjh?
20
      MR. DOSANJH:
                   Page?
                   Tab 15.
21
               0
22
      MR. DOSANJH:
                    Yes.
23
                        There are no additional financial burdens
               Q
24
                        associated at this time beyond those
25
                        associated with overtime, which may occur.
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Of course, the memo is about -- the subject line 1 2 is "missing women", if you go back to the first 3 page. 4 MR. DOSANJH: Right. 5 And this is consistent with your recollection and 6 evidence, that you weren't asked for any, the 7 ministry was not requested to provide any resources? 8 9 MR. DOSANJH: Correct. And we know from tab 16, that on April 28, the 10 Q 11 Police Board approved a \$30,000 reward contingent on your ministry putting up 70,000. You will see 12 that at page 2, under "moved"? 13 14 MR. DOSANJH: Correct. 15 And if you go to the next tab, tab 17, you have an Q official notification to your -- to you, Mr. 16 17 Dosanjh, of the decision of the Police Board? MR. DOSANJH: Yes. 18 19 And you, of course, were prepared -- you went Q 20 about making sure the money was available? 21 MR. DOSANJH: Yes. 22 And between tabs 18 and 21 are letters and e-mails that went back and forth dealing with the wording 23 of the reward poster. Those weren't matters that 24 25 would come necessarily to your desk to deal with

1		solicitor-type issues, would they?
2	MR. DOSANJH:	No. Correct.
3	Q	So, moving on to tabs 21 through 24, and going to
4		tab 22 in particular, I understand that you
5		arranged for America's Most Wanted to publicize
6		the fact of the reward; is that correct?
7	MR. DOSANJH:	My, my ministry did. We had a very, uhm,
8		efficient and talented issues management team in,
9		in the department assisting Ms. Maloney and I, and
10		I believe one or more of the members of that team
11		knew someone who knew the America's Most Wanted
12		individual. And it was mentioned to, to me and,
13		and Ms. Maloney, and we thought that would be a
14		very, very important development, if it happened,
15		because it would garner publicity for the issue of
16		the missing women.
17	Q	Is that your recollection, Ms. Maloney?
18	MS. MALONEY:	That's my recollection also.
19	Q	And on the 27th, I understand by looking at, for
20		example, your schedule, which is at page 2 of tab
21		21, Mr. Dosanjh.
22	MR. DOSANJH:	Yes.
23	Q	And looking at tab 22 (sic), that you appeared on
24		television in the morning. You attended a press
25		conference at about 10 o'clock. You were

available to the media to introduce the missing 1 2 women's poster and the reward; is that correct? MR. DOSANJH: Correct. 3 4 And your speaking notes are set out at tab 22? 5 MR. DOSANJH: Yes. 6 And they reflect your position? 7 MR. DOSANJH: Yes, generally speaking. I haven't read every 8 word of it. 9 Q Fair enough. And the press release that dealt with this reward is found at tab 23? 10 11 MR. DOSANJH: Correct. 12 And dealing with America's Most Wanted, we see that in the last, the third and second-last 13 14 paragraph of the press release? 15 MR. DOSANJH: Yes. And that was picked up by the Vancouver Sun at tab 16 Q 24 where the America's Most Wanted noted that this 17 was quite unprecedented, the cooperation that they 18 19 were seeing. Do you see that in the third 20 paragraph? 21 MR. DOSANJH: Yes. 22 And the second paragraph? 23 MR. DOSANJH: Yes. 24 And you, looking at the second column, are quoted Q 25 as saying, in the second-last paragraph in the

1		second column at page, the first page:
2		It is important we recognize that despite
3		the fact that these women may have worked in
4		the sex trade, they have the right to their
5		dignity, their safety, and their security as
6		much as anyone else in British Columbia or
7		Canada has.
8		You said that?
9	MR. DOSANJH:	And I believed that.
10	Q	Thank you. So, just ending off here, at any time,
11		was Mr. Pickton's name mentioned to you as a
12		suspect or a person of interest in the missing
13		women investigation or any investigation?
14	MR. DOSANJH:	No.
15	MS. MALONEY:	No.
16	Q	Second, at any time, did any police agency come to
17		you and say, "Hey, listen, we need more resources
18		to pursue the missing women investigation beyond
19		the \$70,000 reward"?
20	MR. DOSANJH:	Not during the time I was the Attorney General
21		and I don't recall when I was not.
22	MS. MALONEY:	And not during the time that I was Deputy AG.
23	Q	Finally, was this issue important to you, the
24		missing women?
25	MR. DOSANJH:	Of course it was important to me. Uhm, if you

are the Attorney General of the province, uhm, and 1 2 you have a feeling out there that not enough is 3 being done, because these women were poor, were 4 probably drug addicts some of them, were 5 aboriginal, they lived on the margins of society, 6 that nobody cared, uhm, that struck a very, very 7 deep chord in me and it's, and it's reflected in the comments that I made at that time. That's why 8 9 I did not wait for the police to first say to me, "We want a reward." I was prepared to say, if the 10 11 police think the reward is appropriate, it be 12 coming. 13 Ms. Maloney? 0 MS. MALONEY: I would like to echo those sentiments of the 14 15 Attorney General. I think my professional life has been very much pursuing social justice and 16 17 particularly equality, particularly for those people who are most marginalized, and certainly 18 19 violence against women has been something that's 20 been very important to me for many decades, even before taking on the deputy role. 21 22 0 Thank you. Those are my questions. THE COMMISSIONER: All right, thank you. Cross-examination. 23 MR. GRATL: Mr. Commissioner, Jason Gratl. With your leave, 24 25 Mr. Ward has agreed that I could go first.

1 THE COMMISSIONER: Okay. 2 CROSS-EXAMINATION BY MR. GRATL: 3 My name is Jason Gratl and I am counsel attempting 4 to represent the interests of Downtown Eastside 5 individuals and organizations, including sex 6 workers and drug users. 7 MR. DOSANJH: Can you speak up a little? MR. GRATL: Yes, I can. 8 9 MR. DOSANJH: Thank you. The memorandum to you, Mr. Dosanjh, from Lori 10 Q Shenher, you reviewed it, did you, before the --11 12 before your meeting on April the 9th? 13 MR. HIRA: Well, his evidence was --14 MR. DOSANJH: I don't, I don't recall the memo specifically. I 15 only now know that a memo was given to me. Uhm, I don't recall the memo or its contents. I recall 16 17 some parts of the evidence that Ms. Maloney has given. Ms. Maloney and I talked about this and I, 18 19 as we dug into this more, I became, uhm, more 20 aware of the details. But what happened at the meeting 21 22 specifically, uhm, in general terms, I felt that, that based on all of the evidence that's been 23 presented to you today, I felt that we had 24 25 actually wanted the meeting to get a sense of what

1		was being done.
2	Q	And I appreciate that you had received
3	MR. DOSANJH:	And so, so I don't recall the memo specifically
4		being given to me, but I obviously now know it was
5		given to me.
6	Q	Sure. There was, there was, in essence, a
7		political campaign afoot by various family members
8		and loved ones of the missing women, and community
9		activists. Do you remember that, before the April
10		9th meeting?
11	MR. DOSANJH:	Uhm, I remember I would remember that, not
12		because of any specific letters, but I don't
13		recall, at least I don't recall actually seeing
14		them and receiving them. I only would now
15		remember that that would be true going back at the
16		news articles that carried my response and other
17		people's urgings. Uhm, I could say, yes,
18		obviously there was an uproar at that time, and to
19		which, to which we tried our best to respond.
20	Q	And I get that calling a meeting with the RCMP,
21		there is parts of the RCMP and the Vancouver
22		Police Department, is in itself a spur to action,
23		to get the police to move on this issue?
24	MR. DOSANJH:	Yes.
25	Q	And, and, and I take it that there were a number

of things potentially on the table for the April 1 2 9th meeting. Two of them in particular were a) a 3 reward, and that was a reward analogous to the 4 other rewards? 5 MR. DOSANJH: Yes. 6 And the second was a task force, because there 7 was, there were media reports about a Home Invasion Task Force. Do you remember those two --8 9 MR. DOSANJH: I don't recall the issue of the task force. Uhm, I would recall the issue of the reward because 10 11 that was obviously, uhm, it received more publicity. Uhm, but we wouldn't have needed much 12 13 time to spend on the issue of the reward, uhm, 14 because I was prepared to provide the reward, uhm, 15 and, and we were waiting for, for an indication from the police. So, the police wouldn't have to 16 17 persuade me to do that. Uhm, uhm, but I don't recall, maybe Maureen, 18 19 Ms. Maloney might recall the issue of the task 20 force. I think there may have been some discussions regarding the RCMP and the Vancouver 21 22 Police working more cooperatively on the issue. They were all there in the room, and the Unsolved 23 Homicide Squad was there in existence at that 24 25 time. And -- but if you ask me for any other

1		details, it's too, too long ago.
2	Q	Do you remember the representative of the Unsolved
3		Homicide Unit was that was Gary Bass, wasn't
4		it?
5	MS. MALONEY:	Yes, I believe so.
6	MR. DOSANJH:	Yes, he was, I understand he was there.
7	Q	And the position taken by the Unsolved Homicide
8		Unit was that they, that they acted on the basis
9		of a body. If there weren't if there wasn't a
10		body there, there wasn't anything the
11		investigators could do from an Unsolved Homicide
12		Unit point of view?
13	MR. DOSANJH:	Ms. Maloney might have a better memory.
14	MS. MALONEY:	I am not sure that they were quite as specific as
15		it being a body, but that there were definitive
16		specific leads that they were able to follow, and
17		they were particularly interested in DNA of
18		course.
19	Q	Okay. And they said, "We can't get involved,
20		there's nothing there for us to get involved in,"
21		if anything?
22	MR. DOSANJH:	You know, if the RCMP if we are sitting in a
23		room and I was the Attorney General, and one part
24		of our provincial police force said, "Well, we
25		can't get involved in this," I would remember

that. I don't -- and they may not have said that 1 2 at that meeting. 3 MS. MALONEY: I certainly don't recollect that. 4 MR. DOSANJH: I don't remember it. 5 Well, I am not saying "E" Division in its entirety 0 6 said, "We can't get involved." I am just 7 suggesting the specific Unsolved Homicide Unit division or section. You don't remember that? 8 9 MR. DOSANJH: I can't remember that. The tenor of the memo, when I look at the memo now, the tenor of the 10 11 memo, in fact, goes, goes a long ways to suggest that they are treating missing women like unsolved 12 13 murders --14 0 Sure. 15 MR. DOSANJH: -- in every possible way. Except they do point out the distinction, you know, that there are no 16 17 bodies and there are other difficulties. Sure. And Shenher's memo, in effect, says, "Aside 18 Q 19 from that distinction that there are no bodies and 20 no evidence and no suspects, we're treating this full on like a homicide"; is that right? 21 22 MR. DOSANJH: That's what the memo says. Okay. And that's what her oral presentation to 23 24 you was --MS. MALONEY: That's certainly my recollection, yes. 25

She didn't tell you about any tips that she had 1 0 2 received and had been following up on? 3 MS. MALONEY: No. The emphasis in her presentation was, "We're doing 4 0 5 everything we can to try to locate these women. Look, there is no stone that's left unturned in 6 7 terms of trying to locate these women"? MS. MALONEY: That was what, what I remember, yes. 8 9 Q And indeed, what she argued was that the reward could itself but, but be an incentive for somebody 10 11 to actually kill one of the women who didn't want 12 to be located? 13 MS. MALONEY: I don't recollect that being said, no. 14 You don't recall that? 15 MS. MALONEY: No. MR. DOSANJH: You know, my memory is bad, but if somebody had 16 17 said that, I, I would remember that. Okay. Well, that just showed up in various media 18 Q 19 reports. I guess you don't remember it from the 20 media reports either? 21 MR. DOSANJH: No. 22 You're shaking your head. MR. DOSANJH: No, I don't. 23

MR. DOSANJH: If somebody had said that to me in a meeting, I

Okay. And the --

24

25

1		probably, I probably didn't see the media report
2		that you are referring to.
3	Q	Sure. So, the meeting on April 9th was an
4		opportunity for either the Vancouver Police
5		Department or the RCMP to say, "Well, we've got a
6		lot of missing women here. We believe there be a
7		serial killer and we need a, a serious task force.
8		We need funding for a task force of 40, 50, maybe
9		60 officers, to really look into this question."
10		That would have been that would have been the
11		golden opportunity to do that?
12	MS. MALONEY:	It would have been a golden opportunity to raise
13		it, if that's what they wanted, and we would have
14		said, "Please give us a business case exactly
15		what, what will happen with, with that resources."
16		So but that would have been the place where
17		they would have raised it, yes.
18	Q	Sure. And you were even providing an invitation
19		for them to go in that direction by asking about,
20		"Really, is two officers enough here? It doesn't
21		seem like a lot of officers."
22	MS. MALONEY:	That's correct.
23	Q	Okay. So, you, you effectively opened the door to
24		them to make that request?
25	MS. MALONEY:	I should be clear though. It's my recollection

that I was not raising that with a view to sort of 1 2 offering them resources. It was really more that 3 I was just very surprised that there were only two 4 officers who were investigating so many missing 5 women. 6 MR. DOSANJH: But let me put it this way. Hindsight is always 7 20/20. But it is my firm belief that if there's any Attorney General sitting with the provincial 8 9 police force and the City of Vancouver Police, and no matter who it is, and is told that, "There are 10 11 30 or more missing women and we need more resources, there is a serial killer, we want to 12 13 catch him or her, give us some resources," I don't 14 believe there is any Attorney General in the 15 history of this province that wouldn't say, "I am going to go out and get to work with the premier 16 and the cabinet and get you the money." I just --17 you know, but it didn't happen. 18 19 And what if the phrasing was, "Well, we don't know Q 20 if there is a serial killer, but we need a lot of resources to find out whether there is one," same 21 22 kind of answer? MR. DOSANJH: You know, cabinet ministers are famous for 23 24 remembering financial requests because, because 25 they have to go to cabinet. You know, you can't

1		just write cheques. Uhm, and, and so if, if
2		anybody had made a significant request or a
3		request for significant resources, I would have
4		
		remembered it, and I would have been in cabinet in
5		the next couple of weeks talking about it, because
6		it's it was an important issue.
7	Q	What I'm, what I would like to suggest to you is
8		that, that the Vancouver Police Department
9		effectively urged on you not to put any more
10		resources into the investigation, that they were
11		doing everything they needed to do, they had
12		matters well in hand, and they didn't even need a
13		reward?
14	MR. DOSANJH:	You know, all I can say to you is that I don't
15		recall being asked for resources.
16	Q	And that would include a reward?
17	MR. DOSANJH:	Uhm
18	MS. MALONEY:	No, I think the issue on April the 9th, the issue
19		of a reward the both issues were
20		specifically discussed in response to my surprise
21		that there were only two officers who were
22		investigating at that time. And the response to
23		that was that they did not need further resources
24		at that time because there were no further leads
25		that they could really follow, but that they may

U. Dosanjh and M. Maloney (for the Commission) Cross-exam by Mr. Gratl Cross-exam by Ms. Hunt

need some in the future, but not now. 1 2 The reward issue was specifically dealt with, 3 and my recollection is that the police thought 4 that at this time, at that time, on April 9th, 5 that it was probably not a good idea because it 6 might bring too many leads in that they would not 7 be able to handle and that it would actually be detrimental to the investigation, rather than 8 9 helpful to it. 10 MR. GRATL: Those are my questions. Thank you. 11 THE COMMISSIONER: All right, thank you. I think what we will 12 do is we'll take a brief afternoon adjournment. THE REGISTRAR: This hearing will now recess for 10 minutes. 13 (PROCEEDINGS ADJOURNED AT 3:39 P.M.) 14 15 (PROCEEDINGS RESUMED AT 3:56 P.M.) 16 THE REGISTRAR: Order. This hearing is now resumed. 17 THE COMMISSIONER: Mr. Ward is not here? Okay, why don't we go with the next person up. Ms. Hunt? Yes. 18 CROSS-EXAMINATION BY MS. HUNT: 19 20 Thank you, Mr. Commissioner. My name is Elizabeth Q Hunt and I am a lawyer for -- co-counsel with 21 22 Suzette Narbonne and we're representing the aboriginal interests before this inquiry. 23 24 I wanted to ask you some general questions 25 about First Nations within the province of British

Columbia, and we've been asking many of the 1 2 witnesses that have come forward about their 3 knowledge, to help us inform our recommendations 4 about what we can do from here. And I just would 5 like to ask both of you about your knowledge about 6 the history of aboriginal people in the province 7 of British Columbia. I know that, Ms. Maloney, you were involved 8 with the Delgamuukw decision. So, I am expecting 9 that you do have quite a body of knowledge about 10 11 the history. I will direct it to you, if you would like to answer that first, Ms. Maloney? 12 13 MS. MALONEY: I certainly wouldn't consider myself an expert, 14 but yes, I certainly have quite a, a long history 15 of the traditions of the First Nations in, in this territory. And I have also engaged in a number of 16 17 different issues, both in research, both before and after coming into government, and during 18 19 government, worked very closely with individual 20 First Nations, as well as with the Summit and the 21 UBICs. 22 Q And Mr. Dosanjh, are you familiar with the First Nation territories within the province of British 23 24 Columbia? MR. DOSANJH: I am familiar with some of the territories, not 25

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all of the territories. I -- my experience with
 1
 2
                   the aboriginal community --
                   I think you need to put your mic on.
 3
               Q
      MR. DOSANJH: My experience with the aboriginal communities, or
 4
 5
                   the knowledge of the aboriginal communities,
                   essentially started with my activism on, on human
 6
 7
                   rights and, and the like. And then once I got
                   into government, became the Minister of Government
 8
9
                   Services and then the Attorney General, I gained
                   some appreciation of it defending the Nisga'a
10
11
                   treaty in the House, that was my -- I was the
                   chief defender of the Nisga'a treaty when it
12
13
                   passed. So, I, I can't pretend to be an expert or
14
                   fully knowledgeable about these issues, uhm, at
15
                   all, but I, I have some understanding.
                   You would know, if I showed you a map of the
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               Q
17
                   traditional territories of the province, you would
                   know that the province is covered by ethnic First
18
19
                   Nation groups within the entire province?
20
      MR. DOSANJH: Absolutely.
                   Yes. And you know that there is dozens of
21
               Q
22
                   treaties within the province of British Columbia?
      MR. DOSANJH:
23
                   Yes.
24
                   And you know those are unresolved?
25
      MR. DOSANJH: Yes.
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Yes. And you know that aboriginal title is --
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      MR. DOSANJH: I am --
 3
                   -- particularly in this province --
 4
      MR. DOSANJH: I'm aware of all of that.
 5
               0
                   Yes.
 6
      MR. DOSANJH: But if you ask me about the history of the First
 7
                   Nations and, and history of the struggles of the
                   First Nations, I would say I am not, I am not
 8
9
                   entirely at ease. I, I know the, the issues
                   facing the First Nations of British Columbia.
10
11
                   And you know generally that there is a number of
               Q
                   bands within British Columbia?
12
13
      MR. DOSANJH:
                   Yes.
                   First Nation bands?
14
15
      MR. DOSANJH:
                   (Nod)
                   Do you know -- either one of you, how many First
16
               Q
17
                   Nations?
                    No, I really don't.
18
      MR. DOSANJH:
      MS. MALONEY: Approximately 150, 60.
19
20
                   It's closer to a hundred maybe 81, but yeah.
               Q
                   do you know -- I know you said you know generally,
21
22
                   but because you were involved with the Delgamuukw,
                   I am just wondering if you know the positions that
23
                   the government has taken in many of the title
24
25
                   cases that have gone on before the province?
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MS. MALONEY: Certainly not in all of them and certainly not 1 the more recent ones. But during my tenure as 2 3 Deputy AG, yes. 4 That the lands were surrendered, ceded and Q 5 released? 6 MS. MALONEY: That was the initial position that the government 7 took, but they subsequently moved away from that, in Delgamuukw, in fact. 8 9 Q Yes. And prior to that, do you know about the colonial instruments that have been used by the 10 11 governments against First Nations people? I'll 12 give you specifics. Do you know about the 60s 13 scoop? 14 MS. MALONEY: Very much so. In fact, I teach about residential 15 schools. 16 Q Well, that's separate, but you know about residential schools? 17 MS. MALONEY: Yes. 18 19 Right. And you know about the banning of all the Q 20 culture and the potlatches and --21 MS. MALONEY: Yes, I do. 22 Do you know about that, Mr. Dosanjh? 23 MR. DOSANJH: Yes. 24 And prior to that, you know about First Nation Q 25 territories and being moved onto reserves?

1 MS. MALONEY: Yes, I do. 2 MR. DOSANJH: Yes. 3 Okay. And so we have a very social complex Q 4 constitutional history for aboriginal people, you 5 would agree to that? 6 MS. MALONEY: Absolutely. 7 Yes. And you know that a disproportional number Q of the aboriginal women that have been murdered 8 9 are aboriginal? MS. MALONEY: Yes, I do. 10 11 MR. DOSANJH: Yes. 12 And I am wondering whether you think, in your position as Attorney General, that this, these 13 colonial policies, these positions that have been 14 15 taken in court systems against aboriginal people, would play a part in individual women being 16 17 marginalized? MR. DOSANJH: Well, I think what I have learned over my 18 19 lifetime is that the history that a community or 20 communities have been through have an impact on 21 what happens to the generations to come. 22 that sense, we are the creatures of the societies and the way they have treated us, of course. 23 Of course, these colonial policies and the 24 Q 25 positions the provincial government has taken

against aboriginal people would have an effect on 1 marginalizing aboriginal women? You said, you 2 3 said, we are creatures of our society, of course. 4 MR. DOSANJH: Of course. 5 Yes. Of course, it would, right? 6 MS. MALONEY: Yes. 7 0 Ms. Maloney? MS. MALONEY: Yeah, absolutely. 8 9 Q I just wanted to ask you -- just one moment please. In the binder that was provided by your 10 11 counsel, I see that there was a letter that was written February 13th, 1997, to you, and it was 12 from the late Chief Mathias and Grand Chief Ed 13 14 John and Robert Louie. And I am just wondering, 15 was that the only letter that you received from the Summit? 16 MR. DOSANJH: Well, that's the only letter I seem to have 17 received, appeared having received. But, you 18 know, if you ask me whether I received any others, 19 20 uhm, I can't tell you. If you had asked me without showing me this letter, whether or not I 21 22 received any letters, I wouldn't have remembered. It, it's so far back, it is difficult to remember 23 24 whether or not you received a letter. 25 But I have, I have known the Chief and the

1		Grand Chief and Mr. Louie in my work, both in and
2		out of government, and I, I remember them. And,
3		and now I know that the letter came and I know the
4		response was sent, yes. I independent of this
5		letter being produced to me, I wouldn't have been
6		able to tell you that. I am being absolutely
7		honest with you.
8	Q	Well, the First Nation Summit has boycotted this
9		process. Did you know that?
10	MR. DOSANJH:	Yes, I have known that from the newspapers and
11		the news media.
12	Q	And Ms. Maloney, do you know if that was the only
13		letter that you received from the Summit?
14	MS. MALONEY:	I don't know that for a fact. I don't even
15		recollect seeing that letter before, so I just do
16		not know the answer to that.
17	Q	And do you know the First Nations Summit, what
18		their mandate is?
19	MS. MALONEY:	Yes, I do.
20	Q	Could you expand on that?
21	MS. MALONEY:	Well, I know Grand Chief John quite well and had
22		a lot of contact with the Summit when I was the
23		deputy. Their mandate is to, to foster and look
24		after the interests of the First Nations who are
25		in the treaty process.

And do you know that they do other activities in 1 0 2 addition to pushing the treaty issues forward? 3 MS. MALONEY: Oh, yes, absolutely. They are very interested in justice issues, for example. They are very 4 5 interested in, they were very interested in 6 restorative justice issues. They are interested 7 in missing women or the -- a whole array of different issues, yes. 8 9 Q And would you say that they do, the small organization that is representing most of the 10 11 First Nations in the province of British Columbia, do the work of what would -- could be considered a 12 13 full-bodied government would do? Many of the 14 issues of child welfare. They deal with tax 15 issues. They deal with fiscal relations, et cetera. Would you say that their work is that 16 17 expansive? 18 MS. MALONEY: Absolutely, yes. 19 Would you say that the fact that you only received 0 20 the one letter, it would be possible, given the limited resources and the mandate of how broad the 21 22 work they have been carrying out has been since their inception in the '90s? 23 MR. HIRA: Well, I mean --24 25 MS. HUNT: I am just asking them to speculate. They work with

First Nations communities --1 2 MR HIRA: That's fine. 3 THE COMMISSIONER: Let me, let me hear the objection first. Is 4 there an objection? 5 She acknowledges it's a speculative question. MR. HIRA: 6 THE COMMISSIONER: All right. 7 MR. DOSANJH: Let me respond to that. I wouldn't, I wouldn't say that just because only one letter has been 8 9 unearthed from them means that they were not seriously pursuing this. That wouldn't be my 10 11 impression. The fact that they wrote one letter and who they are -- and I don't know whether you 12 13 would know or even remember, uhm, Ed John was in 14 my cabinet as the Minister for Children and 15 Families, and I, I've the greatest of respect. 16 So, if he wrote one letter, he may have talked to 17 dozens of people about the issue and may have written others. You, you needed to know, at 18 19 least in my time in government, if Ed John wrote a 20 letter, or Chief Mathias wrote a letter, you took 21 notice. 22 MS. HUNT: Thank you. And the reason why I raise this is, we 23 24 don't have Grand Chief Ed John to give this 25 evidence, although we have tried, and I'm only

asking because I don't have the benefit, and I 1 2 know that you have worked with them, I know that 3 you have worked with the Delgamuukw, and that this 4 is a, a very important person who is making a very 5 loud call on behalf of the First Nation 6 communities, that there is 40 -- or 55 aboriginal 7 people missing. And so my next question to you is, there is 8 9 the one letter that was sent with a list of 55 10 women, aboriginal women. And so I see your 11 response to them, and I just wanted to know, from both of you, if that was the beginning and the end 12 of the exchange concerning 55 women gone? 13 14 MR. DOSANJH: I wouldn't say that was the end. I would say 15 that was the beginning. And, and obviously the issue carried on and resurfaced much more 16 17 prominently subsequently. So, I wouldn't, I wouldn't say that was the end. 18 19 There was no follow-up letter. I looked in this Q 20 binder and I didn't see any follow-up letter 21 that --22 MR. DOSANJH: You mean there was no follow-up letter from them? From you to say -- like, I, I am expecting you to 23 24 say maybe that they were pressed for resources, 25 that they sent this letter to you, you sent them a

letter back and said, you know, "these things were 1 2 being done." But there wasn't a follow-up letter 3 saying, "Aha, you know, we recognize there is 55 4 women that are missing and we are doing the 5 following, " or "let's meet" or "let's talk". That 6 was the beginning and the end of your interaction 7 with the Summit? MR. DOSANJH: Uhm, it would appear, on the face of it, that 8 9 there was no further exchange. Uhm, but, you know, from my perspective, uhm, if Ed John felt 10 11 that he hadn't been, or Joe Mathias felt that, or Robert Louie felt that they hadn't been 12 13 appropriately responded to, that their concern 14 wasn't dealt with appropriately, all they had to 15 do was pick up the phone and call me. I have, I have known Ed John from my early days as the 16 17 Attorney General. And we have, over at the Summit, we have the three 18 Q representatives representing all the First Nations 19 20 that are in the treaty process right now, over 49 tables, and they're dealing with a host of a 21 22 number of other issues. So, you know, I was asking you earlier if you wouldn't be surprised 23 24 that they didn't send the letter back. But you 25 didn't follow up and you didn't call either?

- 1 MR. DOSANJH: Of course it seems not.
- 2 Q And I just wanted to point out that, Ms. Maloney,
- you said that you were -- you oversaw a ministry
- 4 of over 8,000 employees?
- 5 MS. MALONEY: It varied during that period. I just put that,
- 6 because bits kept being put in the ministry and
- 7 out of the ministry. Like, Consumer Affairs were
- 8 put in, the Liquor Distribution Branch was in at
- one point. I think it went up to 10,000. So,
- 10 different pieces, not the justice piece, but
- 11 different pieces kept being put in and out, so. I
- don't say that was the entire time, but for a
- certain period, yes.
- 14 Q Right. So, you know that the First Nations Summit
- does not have the same available resources or
- employees working for them?
- MS. MALONEY: No, absolutely. What they have managed to
- achieve with the resources they have is quite
- 19 remarkable.
- 20 MS. HUNT: Thank you. Those are my questions. I will just
- turn to Ms. Narbonne.
- 22 THE COMMISSIONER: Okay.
- 23 MS. HUNT: No further questions.
- 24 THE COMMISSIONER: Thank you, Ms. Hunt.
- 25 MR. DOSANJH: Thank you.

- 1 THE COMMISSIONER: Mr. Ward?
- 2 THE REGISTRAR: Ms. Narbonne, were you going to cross?
- 3 MR. NARBONNE: Oh. No, I'm sorry, I'm not.
- 4 THE REGISTRAR: Oh. Go ahead, Mr. Ward.
- 5 MR. WARD: All right. Cameron Ward, counsel for the families
- of 25 missing and murdered women.

CROSS-EXAMINATION BY MR. WARD:

7

- 8 Q Uhm, just to clarify your respective backgrounds.
- 9 Professor Maloney, we do have your CV and I note
- that you were Deputy Minister within the Ministry
- of Attorney General from May of 1993 until January
- of 2000; is that right?
- 13 MS. MALONEY: That's correct.
- 14 Q And Mr. Dosanjh, your background is fairly
- well-known, but just to recap. You were a member
- of the legislative assembly from the riding of
- 17 Vancouver, Kensington, and served as Attorney
- General of BC from August of 1995 until February
- 19 of 2000?
- 20 MR. DOSANJH: Correct.
- 21 Q And after that, you served as premier of this
- province from February 2000 until June of 2001?
- 23 MR. DOSANJH: Correct.
- Q I have asked Mr. Registrar to show you both a copy
- of Exhibit 35, which is a black binder. And if

you could just open it up to the index please. 1 2 don't have time to take you to the actual news 3 articles, but if you look at the index, I will 4 tell you what the index discloses and the book 5 contains. It contains articles in Vancouver's two 6 local, from Vancouver's two local daily 7 newspapers, the Sun and the Province, respecting the issue of the disappearances of the missing 8 9 women, and the articles were published between July of 1997 and October of 2000. And if you 10 11 would just scan that for a moment, you probably recognize, especially you, Mr. Dosanjh, the names 12 13 of some of the reporters who were covering the story; is that fair? 14 15 MR. DOSANJH: Yes. 16 Q If you would turn over to the second page, I just 17 want you to note that, as of April 7th, and the article referenced there is tab 18, the issue had 18 19 attracted public attention and the issue of a 20 possible reward was then hitting the press. Do 21 you see that? 22 MR. DOSANJH: Yes. 23 And if you would turn over the page further, you will see that the stories, especially those of 24 25 Lindsay Kines, then with the Vancouver Sun,

1		continued to appear. And at tab 42, there's a
2		reference to a TV show in an article in the Sun of
3		August 3rd, 1999. And you, Mr. Dosanjh, will
4		certainly recognize that that's a reference to the
5		America's Most Wanted program, I expect. Is that,
6		is that fair?
7	MR. DOSANJH:	I would assume so from the headline. It doesn't
8		say that's the show, but if you say that is, then
9		that's
10	Q	Well, we could turn quickly to 42, and indeed, tab
11		42, if you would just turn into the book.
12	MR. DOSANJH:	Yes?
13	Q	You will see in the second paragraph:
14		The tips came in after the television show
15		America's Most Wanted did an episode Saturday
16		about the missing women.
17		And then there is a quote from Anne Drennan that
18		follows. Do you see that
19	MR. DOSANJH:	Yes.
20	Q	over on the right-hand side of the article.
21		All right. And just returning to the index for a
22		moment. I just want to take you, or invite you
23		please to just scan the, the titles of the
24		articles and the dates of them up until tab 49.
25		Well, actually we can stop at tab 40 44. So,

by the fall of 1999, Mr. Kines is still writing 1 2 about the cases, and there is a reference at tab 3 43 to the fact that the show, Da Vinci's Inquest, 4 in its first segment, has actually done a 5 fictional account of the Vancouver missing women's 6 cases. You see that? 7 MR. DOSANJH: I do. All right. Thank you. You can, you can put that 8 Q 9 to one side. And just having reviewed that, would you 10 11 agree, first you, Mr. Dosanjh, that you were aware, during that period of time, while you were 12 13 Attorney General and then Premier, that the case 14 of the disappearances of the sex trade workers 15 from Vancouver's Downtown Eastside was attracting 16 significant media attention, not only locally, 17 but, in fact, in U.S.-based media with the television show, America's Most Wanted? 18 MR. DOSANJH: Yes. 19 20 And I haven't included in the material there any Q 21 references at all to electronic media, like, radio 22 or television shows or national print media like The Globe and Mail or the National Post. And you 23 24 would have been aware, and may still be aware, 25 that the cases were attracting that sort of

attention as well? 1 2 MR. DOSANJH: In the fall of '99? Yes. 3 Yes. 0 4 MR. DOSANJH: Part of, part of the attention was generated by 5 us in British Columbia. 6 Indeed. And, and in your role as Attorney General Q 7 especially, you would have staff who would be tasked with bringing issues of, of policing or law 8 9 enforcement importance that were appearing in the media to your attention? 10 11 MR. DOSANJH: Yes, they would be. 12 Kind of a clipping service perhaps in those days? 13 MR. DOSANJH: Yes. 14 All right. 15 MR. DOSANJH: It was a clipping service, actually, for the entire legislature, and then your staff sometimes 16 17 would highlight the things that you should look 18 at. 19 And, and just so I know, I know the commissioner Q 20 knows this, but as Attorney General, staff would provide you with regular briefings on matters of 21 22 import to the ministry. They would prepare 23 letters for you, for your signature, uh, and they 24 would conduct research for you and generally 25 provide a lot of assistance of that nature to

1		assist you in, in fulfilling your function; is
2		that fair?
3	MR. DOSANJH:	Staff and the ministry. The administrative staff
4		and the ministry, they're sort of combined. They
5		are two different things though.
6	Q	All right. Now, I would like you to turn next
7		please, and this is for you, Mr. Dosanjh, I think
8		primarily. If you could turn next to Exhibit 201,
9		which is the binder that you were first shown
10		today. A white binder I believe, yes. Yes.
11		Sorry, it's a cerloxed document.
12	MR. DOSANJH:	Yes.
13	Q	And I would like just to draw your attention again
14		to tab 4. There's an article from the Vancouver
15		Sun where you, sir, are quoted, or not quoted, but
16		referred to. It's the second-to-last paragraph in
17		that March 3, 1999 article and it says this:
18		BC Attorney-General Ujjal Dosanjh said he
19		believes police are pursuing the cases
20		vigorously but he will ask his staff to make
21		further inquiries.
22		Do you see that?
23	MR. DOSANJH:	Yes.
24	Q	And there is another similar one at tab 7. This
25		is an article from April 6th, 1999 in the same

newspaper, the last paragraph on the left-hand 1 2 column, you're quoted directly, and then the last 3 sentence says: 4 He [which is yourself, Mr. Dosanjh] he said 5 he had asked officials in his ministry to 6 talk to Vancouver Police and brief him 7 further about the cases. MR. DOSANJH: 8 Right. 9 Q So, those articles, I suggest, confirm that that's how the communications would be handled. You 10 11 would, when an issue was brought to your attention that you were concerned about, like the missing 12 13 women cases, you would ask staff within the 14 ministry, either your own staff or others, to make 15 inquiries of those who could provide answers and 16 then get back to you with a briefing; is that 17 fair? MR. DOSANJH: Yes. 18 19 All right. And the briefings would be invariably Q 20 in writing in the form of briefing notes? 21 MR. DOSANJH: Not always. 22 Not always, but usual practice, is that --MR. DOSANJH: Briefing that -- sometimes I was briefed quite 23 24 often by the Deputy Minister and the Deputy 25 Attorney General, and the briefing on even some

important issues would be essentially verbal, 1 2 unless the staff and the ministry had prepared 3 something. Uhm, quite often, there would be memos 4 and briefs prepared and given to me, yes. 5 All right. And Ms., sorry, Professor Maloney, can 0 6 you confirm that briefing notes were a common way 7 of communication within the department at your level? 8 9 MS. MALONEY: Yes, they were. All right. If you could turn next, sir, to tab 10 0 11 12, and this takes me to the subject of the meeting that you have already spoken about, when 12 13 both the Vancouver Police Department and the RCMP 14 were represented at a meeting at which you wanted 15 to ask questions about the investigation and discuss the reward. You, you recall that? 16 17 MR. DOSANJH: Yes. Just looking at this document, I take it from the 18 Q 19 "received" stamp, that back in 1999, the Ministry 20 of Attorney General was then responsible for police services? 21 22 MR. DOSANJH: Yes. 23 And there's a "cc" at the bottom of the document 24 to Kevin. Now, that would be Kevin Begg, I take 25 it?

MS. MALONEY: I would believe so, yes. 1 2 All right. And the meeting, the meeting is 0 described in Exhibit 1, which is the third 3 4 document I asked my -- asked the registrar to put 5 before you. It is a -- it looks like this. Yes. 6 And because it's described there, I, I would like 7 to draw your attention to the passage, and I'll tell you what this is in the event you are not 8 9 familiar with it. It is a report published by Deputy Chief LePard of the Vancouver Police 10 11 Department in August of 19 -- or sorry, August of 2010 as a result of his review of the case. 12 13 And if you could please turn to page 90 of that exhibit, Exhibit 1, about the first full 14 15 paragraph on the left-hand side beginning with the words "April 9th, 1999." I would just like you to 16 17 read, if you can, both of you, the ensuing paragraphs to the heading on the next page to 18 19 yourselves. 20 MR. DOSANJH: Do you want me to read the entire page or --Just over to the heading "Constable Dickson", if 21 Q 22 -- that would assist I think. 23 MR. DOSANJH: Yes. All right. Now, the first thing, this, this 24 Q 25 appears to be the only available record of what

happened at the meeting. Uhm, are you both aware 1 2 that efforts have been made to find a record in 3 the form of minutes of that meeting and those 4 efforts have not borne any fruit? 5 MR. DOSANJH: Yes, I'm aware. 6 All right. First, with respect to the list of Q 7 attendees, bearing in mind that this is Deputy Chief LePard's account based on his own interviews 8 9 of others. So, he may or may not be right. But I would like to seek your recollection with respect 10 11 to, firstly, the list of attendees. He said that Deputy Chief Constable McGuinness, Detective 12 13 Constable Shenher, Acting Inspector Boyd of the 14 VPD, along with Superintendent Bass, yourself, Mr. 15 Dosanjh, the deputy, Stephen Stackhouse attended, along with several other cabinet ministers and 16 17 their aides, and that there was a recollection that perhaps Chief Constable Chambers of Vancouver 18 19 and Staff Sergeant Henderson from the RCMP were 20 there as well. Just having seen that, can either of you 21 22 assist -- well, first of all, Professor Maloney, were you there at that meeting? 23 24 MS. MALONEY: Yes, I was there at that April meeting and 25 Stephen Stackhouse is incorrectly described as a

1		Deputy Attorney General. He was Assistant Deputy
2		Minister of Police Services.
3	Q	All right. So, you, in fact, should be added to
4		the list and his title should be corrected?
5	MS. MALONEY:	That is correct.
6	Q	All right. He reported to you at that time?
7	MS. MALONEY:	That's correct.
8	Q	All right. Now, are there any other omissions
9		from the list of attendees that either of you
10		recall?
11	MR. DOSANJH:	As I said earlier, my memory of this particular
12		meeting, in terms of who attended, was very poor
13		and I wouldn't be able to tell you, other than one
14		person certainly that would be with me at a
15		meeting like this, that would be Professor
16		Maloney.
17	Q	Okay. And she's confirmed she was, in fact,
18		there?
19	MR. DOSANJH:	That's right.
20	MS. MALONEY:	Yes, I was.
21	Q	All right. What about this reference to "several
22		other cabinet ministers and their aides"?
23	MS. MALONEY:	My opinion, although, clearly, I don't know the
24		evidence that he received, but there were two
25		other occasions, maybe one, but certainly two

other occasions. One was the home invasion reward 1 2 money, where a number of those people did go to 3 the cabinet offices and meet, and I believe the 4 premier was at that meeting too with a number 5 cabinet ministers. And I don't think there was 6 one for the garage, but I think also with respect 7 to the Unsolved Homicide Squad, but that would have been a couple of years earlier. So, I think 8 9 they may be confusing two different meetings. But the Attorney may have a better recollection. 10 11 MR. DOSANJH: I, I don't recall too many occasions where other 12 cabinet ministers attended meetings with the 13 deputy, myself and the police on any issue. Uhm, 14 it would be extremely rare. Uhm, and I, uhm, 15 don't see any reason why any other cabinet ministers would be at such a meeting where we 16 17 would, as I would as the Attorney General, be getting a briefing on the status of a particular 18 19 investigation. 20 Let, let me ask both of you this then, but let me Q just provide some context for the question first. 21 22 It's, it's April, early April 1999. The issue of the women going missing from downtown Vancouver 23 24 has been attracting media attention. You, Mr. 25 Dosanjh, as Attorney, were, were the member -- you

1			were a member from a Vancouver riding and
2			Vancouver was your regular home. So, I suggest
3			the issue would have resonated with you, fair?
4	MR. DOS	SANJH:	Absolutely.
5		Q	And you had, in fact, received letters from people
6			who were concerned whether the police were doing
7			enough?
8	MR. DOS	SANJH:	I, I now see those letters, yes.
9		Q	So, it was in this context that you brought these
10			people together, and I suggest that it was a
11			fairly extraordinary meeting of senior law
12			enforcement personnel from two separate agencies,
13			the VPD and the RCMP; is that fair to say?
14	MR. DOS	SANJH:	It, it wouldn't be extraordinary for the RCMP and
15			VPD to meet with the Attorney General together.
16			Uhm, that would have happened on numerous
17			occasions on numerous issues. So, in that sense,
18			this wouldn't be extraordinary.
19			Uhm, this was a meeting that, uhm, Professor
20			Maloney just recalled looking at the minutes of
21			the schedule. This was a meeting arranged by her
22			office. Maureen, do you want to speak to that?
23	MS. MAI	LONEY:	Uhm, yes. I hadn't realized until I read the,
24			the notation, that usually whichever assistant
25			organizes the meeting is means that that office

was the people who had called the meeting. So, 1 2 the assistant name is Jeannie, and that would be Jeannie Hoskins, my assistant. So, it would mean 3 4 that my office called the meeting, so. 5 All right. And at a meeting like this, would Q 6 someone in the room generally be tasked with 7 keeping a record for your ministry's purposes? MS. MALONEY: Certainly the people that I am looking at on the 8 list, normally that would have been the case and 9 that would have been Assistant Deputy Minister 10 11 Stephen Stackhouse. However, if the meeting primarily consisted of a briefing note that was 12 given at that meeting, he may have just simply 13 14 used that as part of the record for the meeting, 15 but I don't know in this particular case. And you don't know because nobody has been able to 16 Q 17 locate such a record? MS. MALONEY: No, and I specifically asked, after being called 18 19 here as a witness, as to whether or not there were 20 -- I was surprised there were not other documents. MR. DOSANJH: And so did I. I asked as well. 21 22 And the reason both of you asked was because, knowing what you did of the ministry's practices, 23 24 you thought it was likely that some sort of record 25 or minutes would be -- would have been kept?

- 1 MS. MALONEY: Or at least e-mails setting out what had happened 2 at the meetings, yes.
- 3 Q Is that fair, Mr. Dosanjh?
- 4 MR. DOSANJH: That's fair. I, in fact, well, I understand the
- 5 practices that you usually actually --
- 6 particularly in the Attorney General's ministry,
- 7 when you are dealing with very sensitive issues,
- 8 you don't destroy the records or you at least
- 9 preserve the records.
- 10 Q And on that point, so much of, of the business of
- the ministry is recorded in writing, correct? An
- 12 awful lot?
- 13 MR. DOSANJH: Yes.
- 14 Q And they are -- such records are usually archived
- for posterity's purposes; is that right?
- 16 MR. DOSANJH: Not all of them. Most of them I suppose.
- 17 O Now, you said earlier, Mr. Dosanjh, and forgive me
- if I use that relatively informal title. I don't
- know what else it might be. Mr. Attorney, Mr.
- 20 Premier, Mr. -- but --
- 21 MR. DOSANJH: You could call me "Ujjal", it's all right.
- Q I'm sorry?
- 23 MR. DOSANJH: You can call me by my first name, that's all
- 24 right.
- 25 Q No, I will stick with Mr. Dosanjh I think, but I

did have several choices and I struggled with it. 1 2 But you said at a meeting like this, uhm, your 3 role would essentially be to ask questions, and, 4 and by asking questions, indicate that you, as 5 Attorney, had concerns about the issue? Is that a 6 fair way to put it? 7 MR. DOSANJH: Yes. 8 All right. And given the context, all these women Q going missing and, and bringing in the senior 9 police officers for a meeting with you, and the 10 11 nature of the press coverage to that point, the 12 question right at the top of your mind, the first 13 thing you must have wanted to ask, I suggest, was, 14 "Hey, do you guys have any leads as to who is responsible for these disappearances, as to what's 15 happening here?" Now, do either of you recall 16 17 putting a question like that to those in attendance at this meeting? 18 MR. DOSANJH: Well, let me, let me briefly express myself. 19 20 Usually you go from meeting to meeting and, and you are sort of meeting to exhaustion by the end 21 22 of the day. Uhm, and you get the memo that's going to be given to you, or whatever the minutes 23 of notes might be, sometimes 15 or 20 minutes 24 25 before, and you glance at them, and you sometimes

1 remember, remember the important points.

Q

I now look at this memo and I see that the memo itself says that they don't have any specific leads. Uhm, if, if this memo was in my possession and I had glanced at it, I wouldn't, I wouldn't ask that question. It would be redundant. In any event, I don't recall asking that question.

MS. MALONEY: I should also say, just to add to the former
Attorney's words, it's also -- one has to be very
careful when asking questions like that, because
one doesn't want to jeopardize any investigation.
As I said before, the independence of the police,
it's very important. We were more concerned with,
did they have evidence about a serial killer, were
they working on, on active issues that were
raised. But to actually ask specifically about
leads might lead to inappropriate information
being revealed to us. So, we would have been very
careful in the language --

All right. Thank you. I would like to ask you both about an aspect that is set out in the same page, on page 90, of Deputy Chief Constable McGuinness's recollection or stated recollection of the meeting, and it's, and it's this. Uh, three lines from the bottom of the indented quote:

Everyone was looking, saying this would be 1 2 intensive, and no one had the resources. The 3 AG didn't want to throw any money in except 4 for the reward. 5 What I understand McGuinness to be suggesting 6 in that comment is that they, the Vancouver Police, were saying, according to him, "Look, this 7 is going to be a very big, intensive, complex 8 9 investigation. We need more resources." And the suggestion seems to be that you, Mr. Dosanjh, or 10 11 perhaps Deputy Maloney, said, "We don't want to commit anymore resources to this other than for 12 the reward." Can you comment? 13 14 MR. DOSANJH: I would -- if I remember nothing else from the 15 meeting, uhm, if the word "Pickton" had been mentioned to me, I would have remembered, or if 16 17 somebody had said, "Give me more money, this is a serious issue," I would have remembered. 18 19 No, no specific requests for more resources 20 was ever put to me in that meeting or at any other time on this issue. Uhm, even the request for the 21 22 reward didn't come from the police. It came from 23 the activists. 24 Uhm, and I then go to the submission to the 25 Police Board by the Vancouver Police, where, in

1		fact, they indicate very specifically under
2		"financial implications" saying, "no additional
3		resources are required." So, for anyone to say
4		you know, I don't want to criticize the police.
5		They do a tough job under very tough
6		circumstances, so I have to be very careful here.
7		Uhm, but I think it would be, it would contradict
8		the position that the Vancouver Police takes
9		before the Vancouver Police Board, for them to
10		have said to the Attorney General, "We need more
11		resources," but the board that actually oversees
12		their operations, essentially to say to them, "No,
13		we don't need any money." So, you know, I leave
14		it at that.
15	Q	All right. And deputy, or I'm sorry, Professor
16		Maloney
17	MS. MALONEY:	Certainly my recollection is quite the reverse,
18		that they said that they did not require resources
19		at that stage.
20	Q	And, and I want to ask you both also about another
21		comment that, that McGuinness seems to attribute
22		statements to either or both of you.
23		Over on the right-hand column, this appears
24		in the indented quote attributed to McGuinness:
25		I think it was the AG that called the

1		meeting. We said we wanted the Provincial
2		Unsolved Homicide Unit, but they said, "Show
3		us a body. You don't have a homicide."
4		Now, did either of you, on behalf of the
5		Attorney General, make any comment to that effect
6		at that meeting?
7	MR. DOSANJH:	You know, that's almost bordering on, on
8		interfering with the operational side of the
9		police, for me to say I can't allow or I wouldn't
10		allow the Homicide Squad to be involved in an
11		investigation that somebody else wants them to be
12		involved in. That those are issues determined
13		by the police and the police alone.
14		So, I just think, as a matter of principle,
15		it would be silly for me to have, have said that.
16		I, you know, I have made many mistakes in life.
17		That wouldn't be one of them.
18	MS. MALONEY:	And just to add to that as well, as I said, my
19		office called a meeting, according to this. I
20		don't recall that. But also, we had specifically
21		asked for a briefing from the Unsolved Homicide
22		Squad and the VPD. So, it would be unusual that
23		we would invite them both if that went to the
24		opposition.
25	Q	All right. And before I leave that, that

1	document, there is, there is another
2	characterization of the meeting I wanted to ask
3	you both about, and it comes in Detective
4	Constable Shenher's recollection. Sorry, Mr.
5	Hira, back and forth. She said, or was reported
6	as saying here:
7	It was one of those meetings where no one
8	really said anything. They were all
9	deferring to Bass and Dosanjh and McGuinness.
10	Can either of you comment on whether that appears
11	accurate, or do you have any recollection at all
12	as to who was doing most of the talking?
13	MS. MALONEY: Well, I recollect Detective Lori Shenher speaking
14	quite considerably, but only when asked to by, by
15	her boss. And certainly, you know, police
16	organizations are very hierarchical. So, I
17	wouldn't be surprised that that was her
18	impression.
19	Q All right. Anything to add, Mr. Dosanjh, to that?
20	MR. DOSANJH: Not, not really. I mean, I didn't know anybody
21	who would characterize me as domineering in a
22	meeting. It, it's just not me. I'm usually a
23	good listener.
24	THE REGISTRAR: You are at your time, Mr. Ward.
25	MR. WARD: Thank you. Just if I may, Mr. Commissioner, have a

- 1 few more minutes to cover off a few points.
- 2 THE COMMISSIONER: Yes, go ahead.
- 3 MR. WARD: Coming back, I'm finished with that document. I
- 4 would like to take you back to document -- Exhibit
- 5 201, and ask you about letters that were delivered
- by friends or relatives of the loved ones to you,
- 7 Mr. Attorney, Mr. Dosanjh, back in that timeframe
- 8 of 1999. They appear at tab 6.
- 9 MR. DOSANJH: Tab 6 of this document?
- 10 Q I'm sorry, I'm scrambling -- of the binder, yes.
- 11 MS. MALONEY: Yes.
- 12 Q At tab 6, there is a copy, there's a copy of a
- 13 letter from a Mr. Wayne Leng?
- 14 MR. DOSANJH: Yes.
- 15 Q And I think also at tab --
- 16 MR. HIRA: 5.
- 17 MR. WARD:
- 18 O The one I am thinking of, thank you, there's one
- at tab 5 as well, and then there is one at tab --
- 20 MR. HIRA: 14.
- 21 MR. WARD:
- 22 Q -- 14 from the mayor of Campbell River inquiring
- on behalf of some of his constituents, the parents
- of Marnie Frey?
- 25 MR. DOSANJH: Correct.

And the Freys are, are one of my groups of 25 1 2 clients. And I have seen in the documents 3 produced to us for this inquiry, documents that 4 appear to have been prepared for your signature in 5 response to the letters from Wayne Leng and from 6 the Freys, and I am going to show you those and 7 ask you a couple of questions about those. MR. DOSANJH: Unless I am mistaken, I don't think I have seen 8 9 those, unless it's a letter when I was the 10 premier, to Leng. 11 Well, here's, here's what has been disclosed by --Q I am showing you two documents, sir, and Professor 12 13 Maloney, feel free please to look over his 14 shoulder. You will see at the very top, there is 15 a, a number, PSSG and then -- a reference PSSG and 16 then a lengthy number. And in this case, I am 17 showing you PSSG-001-000050 and PSSG-001-000064, which I understand to have been disclosure from 18 19 the Ministry of Public Safety and Solicitor 20 General as it is known today. 21 And they appear to be, to me, to be letters 22 prepared by someone in the Ministry of Attorney 23 General for your signature, Mr. Dosanjh, but as 24 indicated on the front page of each, never sent. 25 Because there's, the letter content is stroked out

and then there's somebody's handwriting saying "not sent". 2 3 So, just to recap, hopefully this is clear, 4 these are some documents, of a very limited group 5 of documents that were produced from the 6 ministry's files for the inquiry's purposes. Do 7 either of you have any recollection of making a decision not to send a written response to either 8 9 Mr. Leng or Mayor Lornie referencing the cases of the disappearances of Sarah de Vries and Marnie 10 11 Frev? MS. MALONEY: I have no recollection. 12 13 MR. DOSANJH: I have no recollection either and, you know, 14 these letters wouldn't have made it to my office 15 and this is not my handwriting. Uh, "not sent" is not my handwriting. And these letters, for a 16 17 politician, uhm, particularly for an Attorney General in difficult cases, uhm, it is important 18 19 to address the concerns of people. If a letter 20 had come to my desk, for it to be sent to the 21 mayor and to Wayne Leng, I see no reason why I 22 would turn it back. Well, well, you touched on something I wanted to 23 0 24 ask you about because, you know, back, back in the 25 day when I was young and naive, I used to send

1

1		letters to politicians and they invariably
2		responded. And I took from that, that
3		professional politicians like yourself, yourself,
4		had an invariable practice of ensuring that
5		someone drafted a response to any letter that came
6		in from a member of the public addressed to
7		yourself. It was necessary to keep in touch with
8		the people and respond to their concerns, right?
9	MR. DOSANJH:	Correct.
10	Q	And this was a very these letters are about
11		very grave concerns, the disappearance of a loved
12		one.
13	MR. DOSANJH:	Absolutely. I can't tell you why they were not
14		sent.
15	Q	Can you, can you look at the second page of each
16		please? And does the reference under the
17		signature space, which obviously you didn't sign
18		in, assist you in assist either of you in
19		telling us the circumstances in which they would
20		have been prepared or by whom? I see
21		"BEGG/LIDDICOAT/BB".
22	MS. MALONEY:	Yes, I don't know who Liddicoat is. Kevin Begg,
23		of course, was the director of Police Services.
24		Uhm, I assume it would have been prepared by Begg
25		and maybe Liddicoat was in communications. But it

1	would be a very junior person, because I don't, I
2	don't recollect their name and I am pretty good
3	with names.
4	MR. WARD: Okay. Now, Mr. Commissioner, I would ask these be
5	marked as the next exhibit.
6	THE COMMISSIONER: All right.
7	MR. WARD: And I should say to both of you, I have seen nothing
8	in the records disclosed that indicated some other
9	form of letter was sent by you, Mr. Dosanjh, to
10	these recipients.
11	MR. DOSANJH: One of the things that we were, Ms. Maloney and I
12	were speculating about, that maybe some officials
13	may have answered those letters on our behalf.
14	Uhm, because I see other letters from Mr. Larson
15	and others that I see no response to from myself,
16	and I don't recall seeing those letters. Uhm, but
17	I, I'm afraid I am unable to assist you.
18	Q Thank you. The last thing I will note, just while
19	these are about to be marked, is that neither one
20	bears a date on it, although the body refers to an
21	apology for the delay in responding in each case.
22	And that doesn't trigger any recollection at all
23	about their preparation and the decision not to
24	send them?
25	MR. DOSANJH: Well, you know what may have happened? And these

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letters may have been prepared by the end of, of
 1
 2
                   '99, uhm, and not earlier than the end of 1999.
 3
                   And in February of 2000, I became the premier, and
 4
                   I see a letter going to Wayne Leng in the
 5
                   documents that I've been shown, uhm, from the then
 6
                   Attorney General, Andrew Petter, in response to a
 7
                   letter Mr. Leng wrote to me when I was the
                   premier. So, maybe those that were in possession
8
9
                   of these letters at the late date decided to pull
                   them back and just let the other response go to
10
11
                   Mr. Leng at least. I don't know. I'm simply
                   trying to see what might --
12
13
                   Fair enough.
               Q
      MR. DOSANJH: -- have happened.
14
                   Could we attach numbers to those please?
15
      THE REGISTRAR: Yes, you may. The one for Mr. Leng will be
16
17
                   Exhibit 202. Now, is that to be redacted?
                   There's a personal address there.
18
      MR. WARD: Why don't we call them (NR) for now please?
19
20
      THE REGISTRAR: Okay, we'll do that.
21
      MR. WARD: Thank you.
22
      THE REGISTRAR: So, the 202(NR), the one to Mr. Lornie will be
23
                   203 (NR).
24
                   (EXHIBIT NO. 202 (NR): Two-page letter to Wayne E.
25
                   Leng from Ujjal Dosanjh with "not sent"
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handwritten across it) 1 2 (EXHIBIT NO. 203 (NR): Two-page letter to Mayor 3 Lornie from Ujjal Dosanjh with "not sent" 4 handwritten across it) 5 MR. WARD: And Mr. Commissioner, with your leave, I just have a 6 couple of short more points. I know I am running 7 out of town --THE COMMISSIONER: All right. 8 9 MR. WARD: -- time. Running out of town, maybe that too. MR. DOSANJH: May I ask a question? I have a question of my 10 11 own. Uhm, I see that we've been shown some documents that were disclosed to us. Why is it 12 13 that Ms. Maloney or myself wouldn't see these 14 documents as possible disclosures? Uhm, not that 15 it, you know, obviously, at this late stage, there isn't much one can do. I am just simply concerned 16 17 that the ministry would not -- no, it's not my lawyer's fault. 18 19 But, you know, we -- I asked through my 20 counsel for the ministry to provide me disclosure as to any records around this issue that may bear 21 22 my name, and Ms. Maloney did the same, I, I 23 believe. And I am not criticizing anyone, but I 24 am surprised that --MR. WARD: Your lawyer wants to address that. 25

THE COMMISSIONER: Yes, Mr. Hira. 2 MR. HIRA: And so am I, because I asked Mr. Jones --3 THE COMMISSIONER: Yes. 4 MR. HIRA: -- for records. And frankly, the book of documents 5 that have been provided, or the documents put 6 together by commission counsel way back in 7 February of this year, save for two other documents that date back to 1995 and I deemed were 8 9 irrelevant, I was assured that there were no other documents. 10 There was some disclosure made on Concordance 11 the last week that dealt with e-mails dealing with 12 13 the wording of the poster and, you know, frankly, I didn't think that was relevant. 14 15 And the reality is, I mean, I have asked Mr. 16 Dosanjh and Ms. Maloney as to why there was no 17 response to the mayor, or what their recollection is about how documents or, I'm sorry, letters were 18 19 responded to. So, we're surprised that there are 20 these documents there. But it really, at the end 21 of the day, doesn't matter. It doesn't change the 22 substance of their evidence. 23 THE COMMISSIONER: All right. MR. WARD: Yeah, and I know no one is pointing the finger at 24 25 me, nor should they. These are Concordance

1

documents from the commission's computer database 1 2 that I retrieved for the purpose of asking you 3 about them, but it does lead me into an area of 4 concern. 5 And I am showing you next another one of these 0 6 Concordance documents, PSSG, for Public Safety and 7 Solicitor General, -001-000046. And I understand this to be a standard approval form where people 8 9 would sign off before a media release, in this case concerning the missing women, was released 10 11 under the auspices of the Attorney General. Do I have that right? 12 13 MS. MALONEY: That's correct. And could you, Professor Maloney, just go through 14 15 the list of names and confirm their titles at the time? 16 17 MS. MALONEY: I may have some of the titles wrong, but Ms. Matheson, I don't believe she was the Director of 18 Client Services, but she certainly was in the 19 20 Communications Branch. Uhm, Kevin Begg was the Director of Police Services, not the ADM. He was 21 22 directly under Stephen Stackhouse. Stephen Stackhouse was the Assistant Deputy Minister of 23 Police Services. Jim Durham, again, he was not 24 the Executive Director of the Communications 25

Branch at that time. I think he was just in the 1 2 Communications Branch. I certainly don't recollect him being the director. In fact, I am 3 4 pretty sure he was not. Uhm, myself, of course. 5 And I have no idea what it says. It looks like "Brenda/Joanne" or --6 7 MS. MALONEY: Oh, Brenda and -- yeah, that's me. And then I 8 have no idea what it says next to me. 9 Brenda and Joanne were the two ministerial assistants in the Attorney General's office. And 10 11 Avery Man and Anne Drennan were from the Vancouver 12 Police Department. 13 All right. Can we mark this as the next exhibit Q please? 14 15 THE COMMISSIONER: All right. THE REGISTRAR: Yes, it will be, I'm sorry, Exhibit 204. 16 17 (EXHIBIT NO. 204: One-page document entitled "Approval Form" - PSSG-001-000036) 18 19 MR. WARD: And --20 MS. MALONEY: I'm sorry, I should say, I'm not completely sure about Avery Man because I don't know --21 22 THE COMMISSIONER: I know Avery Man. MS. MALONEY: -- he or she, but yes. 23 THE COMMISSIONER: He's with America's Wanted. He is a 24 25 producer, if that helps.

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MS. MALONEY: Thank you, commissioner, yes, it does.
 1
 2
     MR. WARD:
 3
                   So, in this particular instance, when you were
               Q
 4
                   doing the press release on the reward, that list
 5
                   of people were effectively considered for signing
                   off on the contents? Is that what that indicates?
 6
7
      MS. MALONEY: Apart from my own where it says "not available",
8
                   so it means that I did not sign off on it.
9
               Q
                   All right. Now, Professor Maloney, you testified
                   that, on a weekly basis, you would have telephone
10
11
                   conversations with Assistant Commissioner Murray
12
                   of the RCMP, and I take it you meant Murray
13
                   Johnston?
14
      MS. MALONEY: Yes, I did. Sorry.
15
                   You were on a first-name basis with him?
      MS. MALONEY: Yes, I was.
16
17
                   And most of those offices -- sorry, it's late.
               Q
                   Most of those conversations would take place while
18
19
                   you were in your office?
20
      MS. MALONEY: Yes, that's correct.
                   And you had a practice of keeping notes of
21
               Q
22
                   important telephone conversation?
      MS. MALONEY: I did not. I maybe would jot down if it was
23
                   something important, but that would be because I
24
25
                   would want somebody in the ministry to follow up.
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No, I did not. 1 2 All right. So, if there was something important Q 3 being discussed, you would keep a record of it? 4 MS. MALONEY: Well, I probably would write it down and then ask 5 somebody in Police Services or in wherever, to 6 follow up on it. 7 Now, we've seen Kevin Begg referred to in a couple Q of these documents. You know him to be still be 8 9 employed by government today? MS. MALONEY: He certainly was several months ago, so I assume 10 that he still is. 11 And can you, either of you, explain why -- explain 12 Q this to me? February 5, 2002 comes along and 13 Pickton's farm is the subject of a massive search 14 15 which attracts massive media attention. Do you recall that? I am not referring to any document 16 17 now. MS. MALONEY: All right. Sorry. 18 19 Do you recall the news about Pickton's farm in Q 20 Port Coquitlam being searched and all these people and equipment coming onto the site? 21 22 MS. MALONEY: Yes, I do. MR. DOSANJH: I do too. 23 At that point, I know you are both out of the 24 Q 25 Ministry of the Attorney General, but you are

still following the news. Uhm, how is it that if 1 2 -- let me start again. 3 From the ministry's perspective, knowing as 4 you did the people who worked there in 1999 and 5 2000, and knowing that you dealt then with the missing women's case, and being concerned, as you 6 7 are today, about a lack of records and briefing notes about that, can you explain why, when the 8 9 issue of the missing women reached a, a head with the search of the farm, why records from just 10 11 three years before 1999 weren't available or retrievable from the files? 12 Or let's put it another way. Can you explain 13 why some documents from 1999, like, the unsent 14 15 letters to Mayor Lornie and Mr. Leng, were found, but other documents in connection with the same 16 17 file, like briefing notes, that you believe to have been created, were not available? Can either 18 of you explain that or cast any light on that? 19 20 MR. DOSANJH: You ask a very broad question. 21 I'm sorry. 0 22 MR. DOSANJH: And broad questions are very difficult to answer and the answers can be very misleading, uhm, if 23 24 given. Uhm, but, for instance, I rarely took any

notes at these meetings. Uhm, so, you know, none

25

of my notes would have been destroyed. So, not

1

2 everyone took notes. Not every meeting had memos. 3 Uhm, and this is not a criticism of the 4 government that came in after us, but I am 5 concerned that, uhm, that the Ministry of the 6 Attorney General in particular, the government in 7 general, but the Ministry of the Attorney General in particular, would not have more records than 8 9 appear to have been preserved in this case in particular, but generally. Why wouldn't they? 10 11 So, I, I can't explain to you why. Let me, let me maybe ask it another way. Would 12 Q 13 Kevin Begg be a good person to make this inquiry of, based on his role within Police Services and 14 15 the ministry of the day, or would there be perhaps someone better to ask about this issue, the lack 16 17 of records? MR. DOSANJH: I wouldn't even begin to guess where you needed 18 19 to begin. I've been out of that for too long. 20 MS. MALONEY: Kevin Begg would be the place to start, but he would have only been responsible for briefing 21 22 notes and notes that were generated by the Police 23 Services Branch. 24 Now, there was meant to be a proper system 25 record in the Ministry of Attorney General. As

you can imagine, we dealt with a number of 1 2 important documents, including obviously this very 3 important issue, and I am not quite sure who is the keeper of those documents. So, uhm, I think 4 5 the Deputy Attorney General may be -- the current 6 Deputy Attorney General may be the person to ask. 7 All right. Thank you. And I just have one last Q question of you, Professor Maloney, because it's 8 9 bugged me too, Mr. Dosanjh. Your recollection, as you sit here today, is that, given the 10 11 significance of this issue, the missing women 12 case, and the attention that it was attracting in the media, both here and abroad, and your own 13 14 experience in dealing with the police on it, that there should have been briefing notes recorded and 15 available for us in this process, right? 16 MS. MALONEY: Well, "should" is a normative word. I think I 17 would be more comfortable by saying I was 18 19 surprised that there were not briefing notes that 20 came to me. MR. WARD: All right. Thank you very much, both of you. 21 22 MR. DOSANJH: Thank you. THE COMMISSIONER: Mr. Hern? 23

MR. HERN: I don't have any questions. Thank you.

THE COMMISSIONER: All right, thank you.

24

25

1 CROSS-EXAMINATION BY MR. MAKOSZ: 2 Rory Makosz, for the Government of Canada. I will Q 3 be very brief. 4 Ms. Maloney, it was your evidence, I believe, 5 that the police could have asked --6 MR. DOSANJH: Maybe I am going deaf, but can you --7 Oh, I'm sorry. 0 MR. DOSANJH: I am no longer a politician, but I --8 9 Q I will stand a little closer to the microphone. Does that help? 10 11 MS. MALONEY: Yes, it does. Thank you. 12 All right, thank you. And I will ask these 0 questions of both of you as we go along. 13 As I understand your evidence, you would have 14 15 understood, at the course of this meeting, that the missing women's investigation at that time was 16 17 being handled by the Vancouver Police Department; is that correct, Ms. Maloney? 18 19 MS. MALONEY: That's certainly my recollection, yes. 20 And was that your understanding as well, Mr. Q Dosanjh? 21 22 MR. DOSANJH: Yes. 23 And I take it that, from what both of you have 24 said, that there was no request for resourcing 25 made in the course of that meeting? Do I have

that correctly? 1 MS. MALONEY: You do, yes. 2 MR. DOSANJH: Yes. But going back to the previous question, 3 4 you remember we -- when I sent the letter to 5 Mathias and John and Louie, in that letter, we 6 refer their inquiry to the Unsolved Homicide 7 Squad. So, you -- one would assume that they would have a role --8 9 Q Yes. MR. DOSANJH: -- along with the VPD. 10 11 And Mr. Bass was present, Gary Bass was present at, at that meeting as well? 12 13 MR. DOSANJH: Yes. Yes. And he was the officer in charge of the "E" 14 15 Division Major Crime Section at that time, as I understand it? 16 17 MR. DOSANJH: Yes. And so he would have sort of broad authority over 18 0 19 and above the Unsolved Homicide Unit? 20 MR. DOSANJH: Right. And, and as, as I understand your testimony, Mr. 21 Q 22 Dosanjh, you have no recollection of the RCMP, and 23 I suppose that would be Gary Bass, saying that he would not get involved in the missing women's 24 25 investigation at that time?

1	MR. DOSANJH:	You know, it would be as I said before, I have
2		no recollection, but, but it would be extremely
3		odd to sit with the Attorney General and to say
4		that, "We're now going to we are the provincial
5		police force and we are not going to cooperate
6		with VPD." I just think that it would be they
7		may have been doing it, they may have been
8		sparring in the background away from that meeting,
9		but for that to happen at the meeting, uhm, you
10		know, I am now just sort of thinking what my
11		reaction would be. It would be, like, why?
12	Q	It would have been memorable, had it happened; is
13		that fair to say?
14	MR. DOSANJH:	I would, I would think so.
15	Q	All right. And do you have any do either of
16		you have any recollection of the RCMP or Gary Bass
17		being asked to actually do anything as a result of
18		this meeting?
19	MS. MALONEY:	I think, other than the fact that we had called a
20		meeting to try and ensure that all that was being
21		done that could possibly be done, sort of an
22		encouragement, other than that, no.
23	Q	And Mr. Dosanjh, does that accord with your memory
24		as well?
25	MR. DOSANJH:	You know, this meeting wasn't called to give

marching orders, because that's never done, uhm, 1 2 vis-a-vis operational issues. Uhm, this meeting 3 was called to express concern, that we wanted to 4 know what was going on and, you know, we need to 5 make sure we do the utmost that we can. But the 6 actual details, you don't tell the police what to 7 do. Thank you, sir. And, and just one final question. 8 Q 9 My friend, Mr. Ward, referred you to a passage in Exhibit 1, which is, which is Deputy Chief Doug 10 11 LePard's report, which contains excerpts from an interview that he had with Brian McGuinness. And 12 Brian McGuinness, I understand, was present at 13 14 that meeting as well. I don't know if you have a 15 recollection of that. But he, what Brian McGuinness recalls is that the RCMP did make an 16 17 offer to review the missing women file at that meeting, or about that meeting. Do either of you 18 19 have a recollection of that as well? 20 MR. DOSANJH: No, I don't have a specific recollection. MS. MALONEY: I don't have a specific recollection, but I 21 22 wouldn't be surprised if they had done so. All right, thank you. 23 Q MR. DOSANJH: But if they had done so, that would contradict 24 25 your previous question to me.

- 1 THE COMMISSIONER: Yes. Yeah, I don't understand the logic.
- 2 MR. MAKOSZ:
- 3 Q That was the area I was trying to get to.
- 4 MR. DOSANJH: Okay.
- 5 Q I thought I might tease out a bit more memory.
- But those are my questions. Thank you.
- 7 MR. DOSANJH: Thank you.
- 8 THE COMMISSIONER: All right. I want to thank each of you for
- 9 coming here and testifying. I know that it's
- 10 difficult because these events took place --
- 11 MS. LIVINGSTON: Excuse me --
- 12 MR. GRATL: Mr. Commissioner, I think Ms. Livingston has --
- 13 THE COMMISSIONER: Oh, I'm sorry.
- 14 MS. LIVINGSTON: Yes.
- 15 THE COMMISSIONER: Sorry, Ms. Livingston.
- 16 MS. LIVINGSTON: My attendance is very inconsistent.
- 17 THE COMMISSIONER: You were sitting there guite silently.
- 18 MS. LIVINGSTON: Yes, I was trying to collect my thoughts.
- 19 CROSS-EXAMINATION BY MS. LIVINGSTON:
- Q My name is Ann Livingston. I am representing the
 Vancouver Area Network of Drug Users and I am here
- to ensure that the role of the drug policies and
- laws of British Columbia played in contributing to
- the deaths and disappearances of our women are not
- overlooked.

1		Uhm, most of the women appear to have been
2		addicted to illegal drugs, that were murdered or
3		missing, and they appear to have failed been
4		failed by our addiction treatment system in
5		British Columbia.
6		We've heard from former Mayor Owen yesterday
7		that the Four Pillars Approach to dealing with the
8		huge drug problem in Vancouver was controversial.
9		So, my first question was, do you agree that the
10		Four Pillars Approach to
11	MR. DOSANJH:	It was controversial, but it was the right
12		approach. Sometimes right things are always
13		controversial.
14	Q	So, the Four Pillar Approach came about because
15		there was a huge number of illegal drug overdoses
16		in the province, followed by a large outbreak of
17		HIV. Were you aware of those overdoses and
18	MR. DOSANJH:	Yes.
19	Q	Okay. Because the Four Pillars document suggested
20		that safe injection sites be considered, it was
21		seen as a radical, and that was the section of the
22		Four Pillars Approach that was the most radical.
23		Do you agree with that? Are you familiar with it?
24	MR. DOSANJH:	It, it was radical and innovative, yes.
25	Q	So, you guys, I mean, I don't know a lot about

1		Attorney Generals, in fact, I'm not even a lawyer,
2		but anyway. So, I was just going to have an
3		understanding about how whether that was
4		something that you guys were familiar with from
5		the Attorney General, and the pressures being
6		brought. The VPD would not, for instance, say in
7		2001 that they would support the injection site
8		and neither would the RCMP. Do you recall this?
9	MR. DOSANJH:	I was, by 2001, I was far away from the Attorney
10		General's position, but I, I generally remember
11		the resistance of the various police forces to
12		these kinds of approaches. Uhm, you know, we all
13		evolve in terms of our views, uhm, but I remember
14		I'll let Ms. Maloney elaborate, because her
15		memory is probably better than mine.
16	Q	Okay.
17	MR. DOSANJH:	But when I became the Attorney General, I
18		remember there was a report from a previous chief
19		coroner of the province, Vince
20	MS. MALONEY:	Vince Cain.
21	MR. DOSANJH:	Cain, yes, that had documented several hundred
22		overdose deaths, and, and we were anxious to make
23		sure that we proceeded in a direction that reduced
24		the overdose deaths. And I remember the
25		struggles, yes.

Yes. That report, he recommended a safe injection 1 Q 2 site as well as heroin prescription. And it was 1994, I believe, as early as '94. 3 4 MS. MALONEY: Yes, certainly John Millar, a --5 The provincial health officer, there was a series 0 of provincial health officers' reports that I 6 7 think also made these recommendations. Go ahead, sorry to interrupt you. 8 9 MS. MALONEY: Yes, that's correct. And it was an issue certainly that concerned the Attorney and myself 10 11 and other officials that were within the ministry following Vince Cain's report. And indeed, at one 12 13 point, the Attorney and I, on different business, 14 went to England and actually visited, I suspect in 15 1998, but a similar safe drug treatment in Wirral, just outside Liverpool, in England, and it was 16 17 very successful. We went to a number of the centres there and were very impressed with them 18 and really came back and tried to press for that. 19 20 MR. DOSANJH: And we also, in fact, it was during our time that we started working on the issue of the drug court. 21 22 Uhm, so, you know, what happens is, these kinds of things do take time and one doesn't, shouldn't 23 24 apologize for all the mistakes one makes, but one 25 understands that we have all made mistakes and we

move on and make it better. 1 2 I am an activist and I certainly gave up all my Q 3 weekends and evenings trying to get these 4 initiatives in, and came to understand that the 5 RCMP and the Vancouver Police Department, part of 6 the resistance, and they wouldn't say a lot, was 7 that they work closely with the DEA. Are you familiar with this line, "worked closely with the 8 9 DEA"? MR. DOSANJH: Yes, I am familiar with the line, and I am sure 10 11 Ms. Maloney is. But, you know, since I am no longer in politics, I have actually, I have come 12 to a conclusion that, uhm, we shouldn't be guided 13 14 by the views of the police officers on what laws 15 to, uhm, promulgate or what legislation to bring about but -- we should listen to them, but not 16 17 necessarily follow their advice because, uh, ultimately, police officers are the servants of 18 the public. They're the quardians of our safety 19 20 and security. But we, the collective we, through 21 our legislatures, make the law. 22 And what happens in our business, particularly in the business of politics, uhm, if, 23 24 if a chief of police says something, the 25 politicians are so loathe sometimes to, to, to

contradict those remarks, because police, 1 2 generally speaking, at least used to be and still 3 are more popular than the politicians. 4 Uhm, the DEA has an office in Vancouver, I Q 5 understand. Are you aware of this? 6 I was not aware of that, no. MS. MALONEY: 7 Because part of the reason for this inquiry is to Q look at preventing another tragedy, and we know 8 9 that addiction to illegal drugs cause terrible desperation of these actual women who ended up 10 11 missing and murdered, it may be possible to look at best practice for innovative things, like you 12 13 are mentioning from Merseyside, or Liverpool where 14 you visited. What I am curious about is, did the DEA ever 15 16 contact the Attorney Generals? I mean, they were 17 in touch with I believe Mayor Owen and Kash Heed, who was then in the Vancouver Police Department, 18 and, uhm, I just --19 20 MS. MALONEY: I certainly don't recollect having been 21 contacted. While we were in BC, we did have at 22 least one, if not more meetings, with some law enforcement from, from Washington. 23 24 MR. DOSANJH: Yes. MS. MALONEY: And they raised the issue that it was -- raised 25

1		many issues, but one of the issues that was raised
2		at that meeting was with respect to their concern
3		about the possible legalization of drug use. And
4		also, they were very concerned about the amount of
5		marijuana that was going from BC into Washington
6		State.
7	Q	Is there any other comment, as we move is there
8		any advice that you would give us about
9	MR. DOSANJH:	Well, it's easy to give advice when you are not
10		facing the voters, isn't it? But it's, you know,
11		from my perspective, uhm, I, I think the, the drug
12		war has failed, miserably failed. And, and even
13		in the U.S., you see the trend in the opposite
14		direction. Their jails are bursting at the seams.
15		Their drug policies have failed. Their states
16		are, many of their states are decriminalizing, if
17		not legalizing marijuana. And ultimately, I think
18		we need to do a rethink on all of that and, and
19		you're doing good work.
20	Q	So, in terms of, I just was wanting to if there
21		was any having been both the premier and the
22		Attorney General of the province,
23	MR. DOSANJH:	And the Minister of Health.
24	Q	There you go. That's why I'm asking. I'm not
25		trying to

MR. DOSANJH: I wasn't counting --1 2 -- to put you too much on the spot. But just in 3 terms of the, a tragedy like this could be 4 prevented with the coordination of these kind of 5 things, and it would be a shame if it was only 6 based on fear of the United States, that we can't 7 implement our policy --MR. DOSANJH: Well, I think we should no longer be in fear of 8 9 the United States, because the United States itself is changing its policy. 10 11 And, and, and I think, you know, secondly, uhm, we need to be sovereign in the way we deal 12 with these issues. The United States doesn't come 13 14 calling and ask us what, what they should or 15 shouldn't do, and what Canada's position might be on the drug issues, and we don't need to do the, 16 17 do that with them. Ultimately, they're changing. We need to change, not because they're changing, 18 19 but because we need to change. The drug war has 20 failed. It's -- you know, like, I, I remember being resistant to, uhm, the needle exchange and 21 22 provision of --23 0 Hm-hmm. MR. DOSANJH: -- drugs to the addicts under controlled 24 25 circumstances. I evolved from that. In fact, I

1		said, when I was the premier, I remember saying
2		that very clearly, that we should actually not
3		just do the, the needle exchange and the safe
4		injection sites, that we should actually move from
5		that to providing drugs to the addicts
6	Q	Yes.
7	MR. DOSANJH:	under controlled circumstances so that we can
8		actually wean them away, so that a drug addict
9		doesn't need to commit an offence to steal
10		something,
11	Q	Hm-hmm?
12	MR. DOSANJH:	then sell that illegally, that's a second
13		offence; and the third, then inject that substance
14		into his or her body.
15		The way we're going, we are forcing people to
16		commit two offences, and then the third step,
17		we're actually helping them inject those drugs.
18		We, as a society, are then saying, "This crime is
19		fine." If you want to take the crime out of it,
20		then you have to make sure that you have treatment
21		facilities.
22	Q	That's correct.
23	MR. DOSANJH:	And one of the things that's lacking, severely
24		lacking in British Columbia, and many of the
25		jurisdictions in this country, are the treatment

1	facilities. We don't have enough of them and, and
2	we need to have more. And we need to change our
3	old view on drugs altogether. And maybe I am
4	talking absolutely freely, but I am a free person,
5	so I can, I can say the things that I feel like
6	saying.
7	Q Thank you very much.
8	MR. DOSANJH: Thank you.
9	THE COMMISSIONER: Anything else?
10	MR. HIRA: No.
11	THE COMMISSIONER: All right. Again, thank you, to both of you
12	for coming here. And as I started out saying
13	earlier, I know these events took place a long
14	time ago, but your, both your contributions are
15	important for us to determine what happened at
16	that relevant time, because you are both well
17	aware of the horrific tragedies that this
18	community suffered at that time. And we are
19	hoping that, with this inquiry, that some
20	recommendations are made that are implemented and
21	so that these mistakes and the tragedies aren't
22	repeated. Thank you very much for coming.
23	MR. DOSANJH: Thank you.
24	MS. MALONEY: Thank you.
25	(WITNESSES EXCUSED)

1	MR. HIRA: Mr. Commissioner, now that my client, Mr. Moulton's
2	interests, are no longer at stake and I am no
3	longer a participant, I will be leaving this
4	inquiry, unless of course the VPD need help coming
5	along. It's one branch I haven't acted for yet.
6	THE COMMISSIONER: You know what? Mr. Hira, anybody and
7	everybody could use your help.
8	MR. HIRA: Thank you.
9	THE REGISTRAR: This hearing is now adjourned for the day and
10	will resume at 9:30 tomorrow morning.
11	(PROCEEDINGS ADJOURNED AT 5:19 P.M.)
12	
13	
14	I hereby certify the foregoing
15	to be a true and accurate
16	transcription of the proceedings
17	herein to the best of my skill
18	and ability.
19	
20	
21	
22	Gabriele Heise, RPR
23	Official Reporter, BCSRA No. 399
24	Realtime Certified Reporter
25	United Reporting Service Ltd.

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