

**Vancouver, BC**

**May 18, 2012**

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

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Yes, Mr. Gratl.

MR. GRATL: Yes, Mr. Commissioner, we have a witness to be called essentially by the Vancouver Police Department this morning, Deputy Chief LePard. As I understand it from Mr. LePard's will say the evidence he proposes to testify about or what he intends to testify about concerns the evidence given by Ms. Dicks and by David Dickson and by Sandra Cameron.

THE COMMISSIONER: Yeah.

MR. GRATL: And as I understand it those were matters not put to Ms. Dicks or David Dickson or Sandra Cameron in cross-examination, and so one problem with having Deputy Chief LePard to attend to speak of those issues is a *Brown v. Dunn* type problem, that the witnesses whose credibility is being attacked haven't had an opportunity to speak to Deputy Chief LePard's version of things. I don't blame the Vancouver Police Department, because I think they were taken by surprise by some of that evidence, but the appropriate procedure here is to

1 have Ms. Dicks and David Dickson and Sandra  
2 Cameron recalled so that the new version of things  
3 can be put to them and give them an opportunity to  
4 respond.

5 The second difficulty is that Deputy Chief  
6 LePard here is being called to give hearsay  
7 evidence about various matters and it would be  
8 more appropriate to have direct evidence from  
9 witnesses.

10 THE COMMISSIONER: Okay. Let me hear why these two witnesses  
11 are being called first before I make a ruling on  
12 that. Mr. Hern.

13 MR. HERN: So these two witnesses are being called in response  
14 to some of the allegations that were raised in the  
15 course of cross-examination generally from other  
16 witnesses, and it's correct this is largely  
17 instances or allegations that came up that were  
18 not -- are not central to your mandate in the  
19 sense of they are not linked to the missing women  
20 case directly for the most part, but nevertheless  
21 were allegations that reflected very poorly in  
22 some cases on the Vancouver Police Department. My  
23 friends wish to raise them, and we're here to set  
24 the record straight from showing that there is  
25 certainly two sides to these stories.

1 THE COMMISSIONER: Okay.

2 MR. HERN: Now, Mr. LePard here has -- some of his evidence is  
3 direct, some of it is from reviewing records which  
4 are business records of the Vancouver Police  
5 Department, they would get in under the hearsay  
6 rule I submit, and I think that you should reserve  
7 your view as to whether you need to have anybody  
8 come back until after you hear it.

9 THE COMMISSIONER: I understand now. Now, I understand. Okay.  
10 Yes.

11 MR. GRATL: There's one further problem in that disclosure in  
12 relation to the challenge to Ms. Dicks's  
13 credibility, and disclosure in respect to former  
14 Constable Dickson's credibility is woefully  
15 inadequate. There's a very sketchy selection of  
16 documents in relation to the matters that are  
17 going to be -- that Deputy Chief LePard will  
18 testify, and in my respectful submission  
19 disclosure on those issues should be complete.

20 THE COMMISSIONER: Well, you don't need disclosure on matters  
21 of this sort where there has been a challenge to  
22 -- there have been allegations made concerning  
23 sexism and racism and all of those factors that  
24 pervade, and I assume that these witnesses are  
25 going to be here to deny that.

1 MR. GRATL: Well, I'll just give you an example,  
2 Mr. Commissioner.

3 THE COMMISSIONER: Okay.

4 MR. GRATL: You may recall David Dickson's testimony about a  
5 North Vancouver -- a recent North Vancouver  
6 investigation that in David Dickson's view wasn't  
7 handled appropriately, there were a number of sex  
8 workers who were complainants about being taken to  
9 North Vancouver and drugged, and David Dickson  
10 said that it wasn't handled properly.

11 THE COMMISSIONER: Yeah.

12 MR. GRATL: And that when he pressed the Vancouver Police  
13 Department on the issue they took away his access  
14 to the Vancouver Police station. Now, I  
15 understand that Deputy Chief LePard is going to  
16 say that he has himself reviewed an investigation  
17 conducted by the Vancouver Police Department of  
18 their own investigation and that they've  
19 discovered that the allegations are  
20 unsubstantiated. We don't have disclosure of  
21 either the underlying David Dickson -- either the  
22 underlying North Vancouver investigation or the  
23 review of that investigation.

24 THE COMMISSIONER: I don't know if anything turns on any of  
25 that. I mean this inquiry is looking at a lot

bigger issues than this matter of he said she said. I can tell you that whatever happened in that part of the investigation may have its weaknesses and may have its drawbacks, but that's something that can go to weight. I'm not going to spend a lot more time on this. Mr. Roberts, what do you have to say? You wanted to get up.

MR. GRATL: It actually goes to credibility of civilians who have come before you to testify, Mr. Commissioner, and the question of whether they'll be dealt with in a manner that's fair. So here they come to you and they say here's specific examples of troubles that I had that are emblematic of a certain kind of sexism and racism and in responses or award for that public service they have their credibility attacked in a way that makes it almost impossible to refute that attack on their credibility. And that's what's unfair here, it's unfair to the civilians that --

THE COMMISSIONER: Well, it works two ways, doesn't it, because the allegations that were made by Ms. Dicks some of them were specific, some of them were at large, so they could say well, it's difficult for us to respond to them because we don't even know which officers said some of the things that she said

1           they said. So I don't know at the end of the  
2           day -- you know what, this is not a hill to die  
3           on.

4   MR. GRATL: Well, actually when I think of the treatment  
5           accorded to Jane Smith yesterday I think that  
6           pretty much is a hill to die on, Mr. Commissioner.

7   THE COMMISSIONER: What treatment was it on Ms. Smith?

8   MR. GRATL: Well, there she was cross-examined on material that  
9           hadn't been disclosed to the participants. It's  
10          just unfair. It's just radically unfair.

11   THE COMMISSIONER: You know, it's cross-examination. She made  
12          allegations and so the police are entitled to  
13          cross-examine. Whether or not at the end of the  
14          day --

15   MR. GRATL: Not without disclosure.

16   THE COMMISSIONER: You know, you don't need disclosure on those  
17          matters. And I point out the law is quite clear  
18          that the rules of *Stinchcombe* do not apply to  
19          inquiries of this sort. Now, we've taken  
20          extraordinary steps here to ensure that  
21          disclosure, sometimes it's come late and sometimes  
22          it's sporadic, but we've done our best to ensure  
23          that there is disclosure on both sides. But, you  
24          know what, I don't want to argue this issue  
25          anymore. I have your point that their evidence

1                   ought not to be heard. Mr. Ward.

2       MR. WARD: Yes, the Jane Smith issue is of significant  
3                   importance to me and to my clients, and I'm  
4                   appalled, appalled by the handling of it. And I  
5                   want to apply for the third time for an order from  
6                   you directing the Vancouver Police Department to  
7                   produce to me forthwith the records they retrieved  
8                   in respect of Jane Smith that Mr. Hern used  
9                   yesterday to cross-examine her about the incident.  
10                  I want that order and I'm applying for it now,  
11                  please. The reason it's so important is this, you  
12                  know from what my friend Mr. Vertlieb, who isn't  
13                  here, said about Anderson she lacked the courage  
14                  to come and testify about her experience with  
15                  Pickton.

16       THE COMMISSIONER: Who lacked the courage?

17       MR. WARD: Anderson. Anderson was too fragile and wasn't  
18                  willing to come in and testify about that  
19                  experience. Critical evidence. She was fearful.  
20                  Jane Smith summoned up the courage to do that.  
21                  She wanted to testify anonymously, we got her in  
22                  touch with commission counsel weeks ago, we said  
23                  keep her name to yourself. Commission counsel  
24                  came back to us, Mr. Chantler now, and said well,  
25                  the VPD wants her name so that they can go to

1           their records and verify the statement she's  
 2           giving to us. And we gave the true name. We  
 3           authorized disclosure of the true name to  
 4           commission counsel and hence to the VPD. So then  
 5           what the VPD did based on the cross-examination  
 6           yesterday was go to their records and verify and  
 7           find the records pertaining to aspects of her  
 8           evidence, some but not all of it, and put those to  
 9           her in an effort to detract from her credibility.  
 10          My assessment of it was that they completely  
 11          failed, that she acknowledged that each thing they  
 12          had in the records was the case, but the record  
 13          would have showed, I expect, references to the  
 14          beatings she talked about, the beatings of the sex  
 15          trade workers, the report of her complaint and so  
 16          on. I don't have those records. I need them. I  
 17          should have them. I should have had them  
 18          yesterday. I should have them today. It's  
 19          appalling. It's completely unacceptable that  
 20          those records used to cross-examine that witness  
 21          in the possession and control of the VPD weren't  
 22          produced to me yesterday. I seek an order that  
 23          they be produced today.

24    THE COMMISSIONER: All right. I thought there was some  
 25          arrangement being made between the two that you



1                   were going to produce the records.

2   MR. HERN:   Let me just speak to this.

3   MR. WARD:   Just before -- no.

4   MR. HERN:   Mr. Ward, you've had your opportunity to --

5   MR. WARD:   Just a moment.

6   THE COMMISSIONER:  Let me hear from -- could I have one of you  
7                   standing at once.

8   MR. WARD:   I will sit down as soon as I'm finished.

9   THE COMMISSIONER:  Would you calm down and go ahead.  I'm  
10                  giving you the opportunity to be heard.

11   MR. WARD:   The reason I'm frustrated about this is because this  
12                  is symbolic of the problem that's plagued this  
13                  commission from the day it was convened, and that  
14                  is you've made it clear that you would not make  
15                  orders, you wanted a collaborative approach to  
16                  document disclosure.  Could we get together and  
17                  could we agree on it.  Well, the Vancouver Police  
18                  Department and the RCMP will not -- they have made  
19                  it clear they will not produce documents we  
20                  consider relevant unless they're told to by  
21                  someone, unless they're ordered to.  We don't have  
22                  an agreement.  Certainly it should have been  
23                  conceded by VPD.

24   THE COMMISSIONER:  Okay.  Let me hear from Mr. Hern on that.

25   MR. HERN:   Mr. Commissioner, those submissions in my respectful

view in submission are complete nonsense.

Mr. Ward never asked for Ms. Smith's records to be produced prior to her testifying. What he wanted to do was put her up and have her make all kinds of allegations without any cross checking of underlying records, so I was never asked for that in advance. Now, we'd certainly asked commission counsel to provide that out of fairness so that we could have some opportunity to know who this witness was. We don't even know her name, all right, prior to that being disclosed to us by consent. And what I did in cross-examination was put certain facts to her. You'll recall she initially said that she never had a positive interaction with the Vancouver Police Department and never made any reports in 1999 or 2000 to them about offences committed against her. So then I put to her certain facts that I asserted, and she adopted them and said yes, that's true, yes, that's true. I never had to go to a record because she agreed to every single fact. She remembered those things.

THE COMMISSIONER: All right.

MR. HERN: So that's why it wasn't necessary in cross-examination to put the documents to her.

1           They're not relevant to your mandate. She adopted  
2           them as correct in her own recollection, and  
3           Mr. Ward has never asked for them previously. So  
4           there's just no basis for those kinds of spurious  
5           allegations that this is all connected with some  
6           kind of non-disclosure. It's not. They would  
7           prefer to have unsubstantiated allegations through  
8           witnesses without any opportunity for the police  
9           department to respond, and that's in my submission  
10          unacceptable. That's what we're dealing here with  
11          Ms. Dicks's evidence --

12   THE COMMISSIONER: Okay. All right. I have your point.

13   MR. HERN: -- in the same way.

14   MR. WARD: I need to respond to that, Mr. Commissioner.

15   THE COMMISSIONER: No.

16   MR. WARD: I do. I need an opportunity to be heard.

17   THE COMMISSIONER: Yes, go ahead.

18   MR. WARD: Ms. Smith was not my witness, she was the  
19          commission's witness. I didn't put her up as  
20          Mr. Hern has suggested. The simple solution to  
21          this issue that is vexing all of us at the moment,  
22          it's so simple it just cries out to be done,  
23          please order that he produce the documents about  
24          this to me.

25   THE COMMISSIONER: I've heard you on that. I don't have to

1                   hear you again.

2   MR. WARD:   That's all I want.

3   THE COMMISSIONER:   Okay.   Just calm down and I'll make the  
4                   order.

5   MR. WARD:   Thank you.

6   THE COMMISSIONER:   All right.   Mr. Roberts?

7   MR. ROBERTS:   Thank you.

8   MR. WARD:   I'm sorry, is the order made now?

9   THE COMMISSIONER:   No, I want to hear Mr. Roberts first.

10   MR. WARD:   I just want to get the documents as soon as I can  
11               before Mr. LePard testifies.

12   THE COMMISSIONER:   Just have a seat.   Calm down.

13   MR. ROBERTS:   Darrell Roberts for Marion Bryce.   I've almost  
14               forgotten what I wanted to say.

15   THE COMMISSIONER:   Yeah, and who can blame you.   I've forgotten  
16               why we're here.

17   MR. ROBERTS:   I'm responding to the motion or application or  
18               submission I suppose by Mr. Gratl.   He's correct  
19               with respect to his reference to the law of *Brown*  
20               *v. Dunn*, but in my particular case with respect to  
21               Marion Bryce I take a different position.   I'm not  
22               opposed to the evidence that will come from this  
23               panel.   You may recall that Marion Bryce testified  
24               here when Mr. Nathanson was here and called her  
25               evidence, and all I want to say is that if there

1 was an opportunity to cross-examine Marion Bryce  
 2 it wasn't at that time. What has happened is that  
 3 she spoke about making a 9-11 call, and her  
 4 testimony was that it was soon after her son or  
 5 daughter's birthday on March 5 of 2001. Well,  
 6 9-11 calls are recorded. And the Vancouver Police  
 7 have searched and they have found a 9-11 call and  
 8 that's what they wish to testify about. It's at a  
 9 different time, it's May 31st. All I would like  
 10 you to know is I don't oppose it, and if I'm  
 11 sitting silently it's because I know what the  
 12 evidence is. I've discussed it with my colleague  
 13 Mr. Nathanson and we don't wish to recall  
 14 Ms. Bryce, we regard this much as a collateral  
 15 matter and so I'm not opposed.

16 THE COMMISSIONER: Okay. Well, that's a logical submission,  
 17 with respect, and I agree with that that -- I  
 18 agree that in the strict terms of *Brown v. Dunn*  
 19 this type of evidence normally would not be  
 20 admissible that's being called by these two  
 21 witnesses, however, in fairness it ought to be  
 22 allowed because in a general way the evidence  
 23 given by Ms. Dicks was challenged. It wasn't  
 24 challenged in a specific way so as to fit within  
 25 the parameters of *Brown v. Dunn*, but in fairness

1 if those serious allegations were made here the  
2 opposing side, in this case the police, should  
3 have an opportunity to reply to them.

4 The second issue dealing with Ms. Smith, I  
5 think it's unrealistic for those people who rely  
6 on her evidence as being accurate and true to  
7 assume that the Vancouver Police or any other  
8 person who challenges that evidence ought not to  
9 cross-examine her and ought not to be prepared to  
10 cross-examine her and to simply accept her  
11 evidence. That's not the way the system works.  
12 So there's nothing wrong with what Mr. Hern did.  
13 I agree with Mr. Ward that if there's any evidence  
14 there that they relied on then that evidence  
15 concerning her background, that ought to be and  
16 will be ordered to be produced to Mr. Ward. But I  
17 also agree with what Mr. Hern said that I don't  
18 know for what it's worth. She agreed with a lot  
19 of those things independent of any documentary  
20 evidence that may or may not be produced.

21 So let's get on with it. Okay. Let's swear  
22 the witness.

23 MR. WARD: I'm just waiting for Mr. Hern to comply with the  
24 order.

25 THE COMMISSIONER: Well, you don't have to do it right now.

1                   Why don't we do it sometime during the break.

2   MR. WARD:   With respect --

3   THE COMMISSIONER:   Mr. Ward, we don't have to do it right now.

4                   Let him get his material in order.  I've made the  
5                   order.  And, you know, we try to do things here in  
6                   a civil way if possible, and you don't have to be  
7                   on his case right away.  I've ordered him to  
8                   produce it and he'll produce it.

9   MR. WARD:   Well, here's the thing, sir.  Mr. LePard is on the  
10                  stand.

11   THE COMMISSIONER:   Yeah.

12   MR. WARD:   He presumably was the go to guy to dig this stuff  
13                  up.

14   THE COMMISSIONER:   Yeah.

15   MR. WARD:   I want to cross-examine LePard, and I will likely be  
16                  cross-examining him on that issue.

17   THE COMMISSIONER:   Okay.

18   MR. WARD:   Now, I have to prepare for my cross-examination.  I  
19                  can't do it if --

20   THE COMMISSIONER:   Mr. Ward, just listen to me for half a  
21                  minute.

22   MR. WARD:   I will.

23   THE COMMISSIONER:   Okay.  I'll give you an opportunity to look  
24                  at what Mr. Hern has got.  We can get on with the  
25                  other cross-examinations.  If you want to go

1 outside to prepare I'll give you an opportunity to  
2 do that. Okay.

3 MR. WARD: Thank you. Thank you.

4 THE COMMISSIONER: Let's get on with what we're here for.

5 THE REGISTRAR: Good morning. Deputy Chief LePard, we'll  
6 consider you as sworn from your previous oath.  
7 Ms. Hammell, just turn your microphone on, please.

8 **DOUG LEPARD:**

9 **Previously affirmed**

10 **TAMARA HAMMELL: Affirmed**

11 THE REGISTRAR: Would you state your name, please?

12 MS. HAMMELL: My name is Constable Tamara Hammell. 1560 is my  
13 badge number.

14 THE REGISTRAR: Thank you.

15 THE COMMISSIONER: Your first name again was?

16 MS. HAMMELL: Tamara. T-a-m-a-r-a.

17 MR. HERN: So, Mr. Commissioner, Deputy Chief LePard of course  
18 needs no introduction.

19 **EXAMINATION IN CHIEF BY MR. HERN:**

20 Q Constable Tammy Hammell, I'd just like to ask you  
21 a few questions about your background. You've  
22 been a sworn member of the VPD since 1990?

23 MS. HAMMELL: Yes, I have, Mr. Commissioner.

24 Q And you have worked in a variety of roles within  
25 the department?



1 MS. HAMMELL: Yes, I have.

2 Q And that included a number of years down in  
3 District 2 on patrol?

4 MS. HAMMELL: Yes, it did.

5 Q How many years were you down there?

6 MS. HAMMELL: Ten years.

7 Q All right. And you've also worked as an  
8 instructor in the police academy with respect to  
9 firearms and other arms; is that right?

10 MS. HAMMELL: Police academy it was in reference to control  
11 tactics, drill and physical training. It was  
12 after that that I attended back to the VPD for my  
13 tour of duty as a firearms instructor with the  
14 VPD.

15 Q I see. And where are you presently working now?

16 MS. HAMMELL: I'm currently in patrol, District 1, Team 7.

17 Q All right. Now, the first issue I want to address  
18 is from evidence that was given on April 23 and 24  
19 from former communications officer Rae-Lynne  
20 Dicks, and she gave evidence about a specific  
21 incident. And, Mr. Commissioner, you'll recall  
22 last Friday's panel was dealing with some of her  
23 general allegations. Today I want to deal with  
24 one specific incident that she raised. And you  
25 should have before you, Mr. Commissioner, and the

1 witnesses, a VPD response panel transcript  
2 extracts brief as well as a documents brief, and  
3 the reason I've separated them out is because I  
4 don't intend to enter the transcript extracts as  
5 exhibits, but will seek to enter the other one.  
6 So, witnesses, if you could turn to tab 1 of the  
7 transcript extracts you should see a transcript  
8 from April 23, 2012, and that's on the first page,  
9 and then behind the blank page we have the  
10 evidence that I wanted to refer to from Ms. Dicks,  
11 and it starts at the bottom of page 90 where she  
12 says:

13 I have a specific call that is just atrocious  
14 that I will never forget for the rest of my  
15 life. A young woman phoned in from a pay  
16 phone, crying, trying to give me information.  
17 She's sounding weaker and weaker by the  
18 moment. She gave me a partial plate, three  
19 letters, OHO, and then she passed out. I  
20 heard her fall to the ground. I heard the  
21 phone clattering. The clerk in the gas  
22 station gets on the phone and starts  
23 yattering at me about this stupid hooker  
24 that's taking up space and bleeding all over  
25 his floor.

1 This is page 91 now:

2 We sent police and ambulance obviously  
3 and we went quickly. She was a working girl.  
4 She had been ripped between her anus and her  
5 vagina with a tennis racket.

6 One of the constables assigned to the  
7 call started sending me messages on CAD  
8 asking me what the OHO stood for and I said,  
9 "I'm not exactly sure but I think it's a  
10 partial plate." His response, one of the  
11 comments that he made on the CAD messaging  
12 system, "It's just a hooker. Hookers don't  
13 get raped."

14 Two and-a-half years later I met that  
15 young woman in a courtroom because I went to  
16 testify at her trial. They caught the guy.  
17 She was 14 years old when that happened to  
18 her. At that point in time she had already  
19 had a child who was living in foster care and  
20 the child was from a john and had been taken  
21 away from her because of her heroin  
22 addiction.

23 At that point in time the system worked.  
24 They got the guy. He did time. Of that I am  
25 happy, absolutely. And it gave me a little

1 bit of closure, which we very rarely ever  
2 get. She was living outside the Lower  
3 Mainland, reunited with her family. She had  
4 her daughter back and she was going to  
5 university, trying to get her Grade 12 and  
6 actually became a productive member of  
7 society.

8 But I'll never forget those comments  
9 made. "She's just a hooker. She can't get  
10 raped."

11 So that's the evidence that I want to address now.  
12 And, Deputy Chief LePard, you were able to  
13 identify the incident of which Ms. Dicks spoke,  
14 and can you please tell the commissioner how you  
15 were able to do that?

16 MR. LEPARD: Ms. Dicks had an ID number, she actually had two  
17 during her time on the VPD communications centre  
18 and at E-Comm, and we had our information  
19 technology technician query for every single  
20 sexual assault incident that she had created  
21 throughout her employment at the VPD and E-Comm,  
22 and there were 19 of those incidents. I went  
23 through and reviewed each one of those incidents,  
24 and there was one that stood out right away as  
25 being the right one. None of the others were

1 similar at all. There were quite a few data  
2 points to look at in that it was a teenage female  
3 sex worker who had been anally raped, who had  
4 called in from a Chevron gas station, who had gone  
5 to the hospital and who Ms. Dicks had been called  
6 to court two and a half years later to testify  
7 about, so that was -- oh, and that there had been  
8 a partial plate given. So that was quite a bit of  
9 information that I was able to verify the right  
10 incident. There were also other things that I was  
11 able to do to verify that we were looking at the  
12 right incident.

13 Q All right. So you were clearly satisfied this was  
14 the same call of which she was testifying about,  
15 and you obtained the file relating to that  
16 incident?

17 MR. LEPARD: I did.

18 Q And the audio recording of the 9-1-1 call that  
19 Ms. Dicks spoke about was in that file?

20 MR. LEPARD: The transcript was in the file, but the audio  
21 recording still existed and I acquired it and  
22 listened to it.

23 Q All right. And there, I understand, are major  
24 discrepancies between what Ms. Dicks said about  
25 that call and what actually happened. And if you

1 look to the document brief on tab 1 there is the  
2 transcript, and in this transcript we have made a  
3 redaction, which is to keep out the victim's name,  
4 because obviously she's nothing to do with this  
5 case other than this testimony. So in the -- in  
6 the 9-1-1 call Ms. Dicks testified that the victim  
7 initiated the call to 9-1-1.

8 MR. WARD: Mr. Commissioner, Cameron Ward, counsel for the  
9 families of 25 murdered women. I fail to see the  
10 relevance of any of this to anything that we're  
11 doing here, and I object to the testimony. I've  
12 tried to get, for instance, Beverly Hyacinth, who  
13 had an intimate knowledge of the RCMP  
14 investigators and the Pickton brothers, and the  
15 information that was going back and forth  
16 vis-a-vis what the Picktons were doing between '97  
17 and all to, I couldn't get her here to take the  
18 stand. That evidence is critical in my view to  
19 understanding why it was the RCMP didn't get  
20 Pickton sooner. But here we've got evidence that  
21 bears on nothing but Rae-Lynne Dicks's testimony  
22 as a former employee of the Vancouver Police  
23 Department. I don't know what you need it for.

24 THE COMMISSIONER: Well, as I understand it the evidence that  
25 she gave concerned an incident of inappropriate

1           conduct, if you will, on the part of a Vancouver  
2           Police officer, so now I'm getting the other side  
3           of it. So you can argue at the end of the day  
4           that I ought to accept her evidence over this  
5           evidence, and I think it's admissible and I have  
6           to deal with it.

7   MR. WARD: It seems like a complete waste of our time.

8   THE COMMISSIONER: All right.

9   MR. HERN:

10           Q    Sir, Mr. LePard, was the call initiated by the  
11                victim?

12   MR. LEPARD: No, it wasn't, it was initiated by the employee in  
13                the Chevron gas station.

14           Q    All right. And that can be seen on page 1 of the  
15                transcript at tab 1?

16   MR. LEPARD: Yes.

17           Q    Ms. Dicks said the victim gave a partial plate of  
18                OHO?

19   MR. LEPARD: Yes.

20           Q    Is that correct?

21   MR. LEPARD: No, it was not.

22           Q    All right. Ms. Dicks said that the girl fell to  
23                the ground and that Ms. Dicks, the communications  
24                operator, heard the phone clattering. Is that  
25                true?

1 MR. LEPARD: No, she never passed out, she never fell to the  
2 ground, the phone never clattered, she never lost  
3 contact with her from the beginning of the 9-1-1  
4 call until the end when they said good-bye to each  
5 other when the ambulance arrived.

6 Q Ms. Dicks said the clerk then got on the phone and  
7 started yattering about a stupid hooker taking up  
8 space and bleeding all over his floor?

9 MR. LEPARD: I listened to the 9-1-1 tape, he only spoke at the  
10 very beginning of the call before he turned the  
11 phone over to the victim, he sounded concerned,  
12 and he didn't say any words like that.

13 Q And we can see that he doesn't say any words like  
14 that from the transcript itself because you can  
15 see at line 9, the second entry within the  
16 transcript on page 1, he says:

17 Hello, I'm calling from a Chevron Station...

18 I have a girl came here she says she was  
19 raped.

20 MR. LEPARD: Correct.

21 Q All right. So those are the actual words?

22 MR. LEPARD: Yes.

23 Q Now, Ms. Dicks cited the girl as being 14 years  
24 old. Is that accurate?

25 MR. LEPARD: No, she was 16 at the time.



1           Q   And that the victim being raped with a tennis  
2               racket, was that true?

3   MR. LEPARD: No. There was never a mention in the 9-1-1 call  
4               or at any other time during the investigation of a  
5               tennis racket.

6           Q   Counsel and the commissioner can of course read  
7               the 9-1-1 transcript for themselves as it's here  
8               in tab 1, but is it correct to say then that  
9               Ms. Dicks' recollection of that call was very  
10              inaccurate?

11   MR. LEPARD: In every material way her evidence about the call  
12               was false.

13          Q   All right. Now, Deputy Chief, you then began  
14               looking for any trace of a message that Ms. Dicks  
15               suggested she received from an investigating  
16               officer that "a hooker can't be raped"?

17   MR. LEPARD: Yes.

18          Q   How did you go about doing that?

19   MR. LEPARD: As I explained in my evidence previously the  
20               communication system is an extremely accountable  
21               system in that every call is taped, every dispatch  
22               is taped, and every piece of information that is  
23               entered by a communications operator, dispatcher  
24               or the assigned unit is entered into what's called  
25               an incident history. So I acquired the incident

1 history from our computer aided dispatch system  
2 which would show everything that the officers did  
3 that was entered in the system, such as running a  
4 licence plate, changing their location, memoing  
5 information, including any messages that they had  
6 sent from their MDT, their mobile data terminal,  
7 to anyone that would be logged in the call. There  
8 were no MDT messages logged in the call, nor were  
9 there any MDT messages logged into the call from  
10 any other unit that was assigned, for example a  
11 sergeant that was directing the operation that  
12 morning.

13 Q So from that review you can conclude that there  
14 was simply no message sent to Ms. Dicks as she  
15 stated, in fact not even that the message that she  
16 attested to was sent, but no message at all was  
17 sent to Ms. Dicks?

18 MR. LEPARD: There was no message at all sent to Ms. Dicks from  
19 any unit that was assigned to this incident.

20 Q Okay. So, Constable Hammell, you were in fact  
21 assigned to this file itself; correct?

22 MS. HAMMELL: Yes, I was that morning.

23 Q Can you tell the commissioner how that occurred,  
24 and who you were working with?

25 MS. HAMMELL: Mr. Commissioner, we arrived on duty prior to

1 five o'clock that morning, and we were dispatched  
2 upon clearing for duty to the hospital to go see  
3 the victim.

4 Q When you say we who are you referring to?

5 MS. HAMMELL: My partner at the time was Constable 1889 Kevin  
6 Torvik.

7 Q All right. And were any other officers involved  
8 at the outset?

9 MS. HAMMELL: No, there was not.

10 Q How long did you work on the case?

11 MS. HAMMELL: We spent our shift for the day on the case till  
12 after two o'clock in the afternoon.

13 Q So you first attended with the victim in the  
14 hospital?

15 MS. HAMMELL: Yes, we did.

16 Q And then what did you do?

17 MS. HAMMELL: We acquired a lot of information from this brave  
18 young lady. We were able to understand from her  
19 incredible descriptions after the trauma she had  
20 suffered, very impressed that she could come up  
21 with the information she did, including a partial  
22 licence plate. We did try to obtain some  
23 information that might lead to the identification  
24 of that licence plate. We attended with her at  
25 the hospital for a while, and once she was well

1 enough to attend with us she was able to give us  
2 landmarks from the location she was originally  
3 taken, and the path in which this man drove her,  
4 and assaulted her along the way. So we attended  
5 several locations in Vancouver, through North  
6 Vancouver, and back down to the gas station where  
7 she had escaped at -- from the truck. She had  
8 also given us some information about some evidence  
9 that she had disposed of above the hill in the  
10 Vancouver area which is above the Second Narrows  
11 Bridge. So we attended back there, and she said  
12 she'd had to remove a tampon at the time, and so  
13 she did that, my partner and I re-attended that  
14 area and located that evidence which we tagged for  
15 forensics.

16 Q All right. And then after your day of working on  
17 -- the whole day you spent working on this file?

18 MS. HAMMELL: Yes, we did, Mr. Commissioner.

19 Q Okay. And then it was handed off to a detective  
20 in the Sex Offence Squad the next day; is that  
21 right?

22 MS. HAMMELL: Yes, Mr. Commissioner, it went to the Sex Offence  
23 Squad.

24 Q Okay. Who was the officer that then took over?

25 MS. HAMMELL: I think it was Constable O'Donnell.

1           Q   All right. Now, if we look at tab 2 of the  
2               documents brief, Deputy Chief LePard, from your  
3               review of the file -- and, in fact, you had a link  
4               to this file yourself in that you were an on duty  
5               sergeant when this call came in?

6   MR. LEPARD: Mr. Commissioner, I was actually the on call  
7               sergeant for the Sex Offence Squad. This happened  
8               on November 11th which was Remembrance Day. I was  
9               called about it, I didn't recall this, but from  
10              looking at Detective O'Donnell's notes I was  
11              called about it, it was likely by the duty  
12              officer. I then called Detective O'Donnell to  
13              flag the case for him that it was being  
14              investigated, there was lots of work going on with  
15              the patrol members at the time and that he would  
16              be taking over the investigation the next morning,  
17              which he did.

18          Q   All right. And tab 2 of the documents brief is  
19               entitled "Chronology of Evidence of Detective  
20               O'Donnell." Is that -- this is the document that  
21               came out of the investigative file?

22   MR. LEPARD: Yes. I acquired the whole -- the entire  
23               investigative file from archives and this was one  
24               of the documents in it which he summarized the  
25               actions he took on the file.

1           Q   All right. And it shows that between November 12  
2                   when he begins working on the file he works on it  
3                   steadily, and in fact an arrest was made fairly  
4                   quickly?

5   MR. LEPARD: Yes, Detective O'Donnell worked on it with others,  
6                   including Detective Dueck. They took a number of  
7                   steps including conducting an additional interview  
8                   of the victim, this time on audiotape, followed up  
9                   on information, tried to locate the vehicle. They  
10                  had to do some work with ICBC around locating that  
11                  vehicle. They did locate it. They got a search  
12                  warrant, they -- they took many exhibits from that  
13                  truck. There were exhibits submitted for DNA  
14                  analysis. There were a number of other  
15                  investigative steps taken. When they had enough  
16                  to recommend a charge, although the investigation  
17                  was not complete, they did recommend multiple  
18                  charges. They were approved. They continued the  
19                  investigation up to and including meeting the  
20                  accused when he arrived for the preliminary  
21                  hearing and serving a DNA warrant on him and  
22                  acquiring a DNA sample for him.

23          Q   All right. And, Constable Hammell, you stayed  
24                  connected or in touch with the victim while the  
25                  offender was going through the criminal justice

1 process, did you?

2 MS. HAMMELL: We did not stay in touch with the victim, but did  
3 attend court.

4 Q I see. And at court you met the victim's family?

5 MS. HAMMELL: Yes. Yes, Mr. Commissioner, we did that day.

6 Q And did you testify in the trial?

7 MS. HAMMELL: I did.

8 Q All right. And the offender, I understand, was  
9 convicted and sentenced to three and a half years  
10 in jail?

11 MS. HAMMELL: Yes, I've come to understand that.

12 Q And the victim's mother was -- did she say  
13 anything to you in the court?

14 MS. HAMMELL: The victim's mother was -- she was very gracious.  
15 She expressed her gratefulness to us for the  
16 investigation that took place that brought her  
17 daughter to a form of salvation. And this young  
18 lady, she's incredibly brave, and what she did is  
19 she took herself out of such a horrific way of  
20 life and brought herself home. I have to say I'm  
21 extremely proud of her, and I hope to this day  
22 that she's well off and, you know, educated where  
23 she wanted to get herself re-educated, but the  
24 mother was very, very appreciative.

25 Q Ms. Dicks testified that at the time of the

1           offence the victim had a child with a john who was  
2           in foster care. Is that correct as far as you  
3           know?

4       MS. HAMMELL: There is nothing that I recall about a child in  
5           the incident as it occurred in the beginning or  
6           even in court.

7           Q All right. And so this file was held -- this  
8           example was held up by Ms. Dicks as something she  
9           would never forget in her words as an example of  
10          the bias that some VPD members hold against sex  
11          workers. In your review of the file, Deputy Chief  
12          LePard, what is this file indicative of in respect  
13          of the quality and the type of police work that  
14          was accomplished here?

15       MR. LEPARD: Mr. Commissioner, when you Google Ms. Dicks what  
16           you come up with is multiple articles like this  
17           that said missing women were considered scum of  
18           the earth, and it's just entirely inconsistent  
19           with what was actually going on. And, in fact, we  
20           didn't pick this case. It couldn't have been more  
21           random that it was picked, it was picked by  
22           Ms. Dicks, but in fact what it was an example of  
23           is the type of police officers that we had in the  
24           1990s doing that work that dealt with the case  
25           very professionally, did an excellent job, did



1 everything that could be expected in an  
2 investigation from the response of the patrol  
3 officers to the sergeant that directed certain  
4 things to occur, including sending a member to  
5 Richmond to look at a possible address, directing  
6 that the description of a suspect and the vehicle  
7 be sent to all units every couple of hours for the  
8 next one to two days, notifying me as the on call  
9 sergeant in sex offences right away, to Detective  
10 O'Donnell's very competent investigation in  
11 difficult circumstances that led to a conviction  
12 and a three and a half year sentence on each count  
13 to be served concurrently on this predatorial  
14 offender. So we didn't pick this case to be  
15 discussed at the inquiry, Ms. Dicks did, but this  
16 randomly chosen case showed exactly what we expect  
17 was that our officers will behave professionally  
18 and compassionately and conduct themselves in the  
19 way that Constable Hammell has described, and will  
20 conduct thorough investigations. This was a  
21 violent sex offence against a young sex worker and  
22 it was handled very well, and I'm very proud of  
23 the work that Constable Hammell and her -- and  
24 Constable Torvik, who became emotional when I  
25 talked to him about it because he was so invested

1 in the case and remembered it like it was  
2 yesterday, to the detectives in the Sexual Offence  
3 Squad it was a success story, but it was actually  
4 typical of the work that was done at that time.

5 Q All right. The next issue I want to address is  
6 something that arose in Dave Dickson's testimony  
7 on March 12th, and that's reflected in tab 2 of  
8 the transcript brief. And so if you can go to  
9 that. This came up in cross-examination with  
10 Mr. Ward. Now, Mr. Ward asked him, if you would  
11 turn to page 13 and look to the bottom of that, in  
12 the middle Mr. Ward was asking Mr. Dickson --  
13 sorry, Mr. Giles.

14 THE REGISTRAR: I just want to make sure which brief you've got  
15 here.

16 MR. HERN: There's two briefs. One is transcripts and the  
17 other is documents.

18 THE REGISTRAR: I didn't realize that there are two different  
19 briefs.

20 MR. HERN: So, Mr. Commissioner, I'm on tab 2, page 13 of the  
21 transcript extracts.

22 Q And this is cross-examination by Mr. Ward of  
23 Mr. Dickson, in the middle of the page he had put  
24 to Mr. Dickson a blog entry and asked him if that  
25 was his or if they're words attributed to him.

1 And so at the bottom of page 13 you see question  
2 of Mr. Ward:

3 Tell us please, tell us please, how it is the  
4 priorities of the Vancouver Police Department  
5 leaders are questionable to say the least in  
6 respect of the abuses that women are  
7 suffering on the Downtown Eastside?

8 And Mr. Dickson's answer at that time was as  
9 follows:

10 A Being out there on a daily basis I have  
11 opportunities to speak to many of the women  
12 and I hear daily complaints about their  
13 treatment from some of the officers, and  
14 there are many excellent police officers out  
15 there. But I think that the leadership is a  
16 bit questionable because there's -- three  
17 years ago when I left I put some information  
18 in about some women being hurt or tortured  
19 and it was just when I left the police  
20 department. It was handled very poorly by  
21 senior detectives in the Homicide Division,  
22 to the point where it went down the toilet.  
23 I offered my assistance to get the women in  
24 to be interviewed properly and I asked for  
25 the assistance of a female officer to do that

1 and I was turned down and the investigation  
2 was concluded and went nowhere, but I voiced  
3 my concerns and reminded the officers about  
4 the missing women's investigation and had  
5 they learned nothing from that. I was  
6 basically -- I'm trying to look for the  
7 word -- my access to the building was cut off  
8 the following day by the senior detectives  
9 and they were under the command of Deputy  
10 Chief Doug LePard. There are senior people  
11 on the job that still do not know how to  
12 treat the women.

13 And, Mr. Commissioner, you interrupted and asked a  
14 question about whether there was change in the  
15 Downtown Eastside, and you said:

16 Are you saying there's been no change?

17 A I don't see it and when this happened Deputy  
18 Chief Doug LePard -- in fact I think I made a  
19 statement a while back when this happened  
20 about the leadership and Deputy Chief Doug  
21 LePard called me and I invited him in for a  
22 walk-around so he could talk to the women  
23 himself.

24 Now, that evidence was revisited a couple of pages  
25 later on page 17. Mr. Ward said:

1 Q And three years ago when you brought your  
2 concerns to the attention of Doug LePard,  
3 that's 2009, isn't it, roughly 2008, 2009,  
4 somewhere in there?

5 A Yes, that's right. I left in I think the  
6 summer of 2008 so it was shortly after that.

7 Q And you said that you had learned that  
8 numbers of women in the same class as the  
9 women who were murdered by Pickton were being  
10 tortured by one or more people; is that  
11 correct?

12 A That's correct.

13 Q And you brought those concerns forward to  
14 LePard?

15 A Originally when I put the report in I was  
16 called in by one of the senior detectives in  
17 the Homicide Squad. The Major Crime Squad I  
18 think it was called at that time.

19 Q Who was that?

20 A Detective -- I'm not sure if he's a sergeant  
21 or detective -- Lawrence Rankin.

22 Q So you explained what you had learned about  
23 the women being tortured?

24 A I did.

25 Q And what happened?

1           A     I advised them that the women had been around  
2                   a long time, they were very -- not what I  
3                   would call pro-police, and I would assist him  
4                   if I had to in getting the women to be  
5                   interviewed. He advised me that I was  
6                   civilian now and they didn't want me  
7                   involved. So I sat back and watched them  
8                   handle it and basically watched it go down  
9                   the dumper. The women were treated so poorly  
10                  they wouldn't talk to them. In fact, one  
11                  victim gave them a phoney statement just to  
12                  get them out of the house. She was in  
13                  recovery house in Surrey.

14          Q     So you learned from the women themselves how  
15                  they had been treated by the Vancouver Police  
16                  Department investigators who were ostensibly  
17                  looking into their claims of torture and  
18                  abuse?

19          A     Yes.

20          Q     What you learned from them was the Vancouver  
21                  Police Department police officers themselves  
22                  were conducting the interviews in a way that  
23                  further abused the women; is that fair?

24          A     That's fair. The one victim was in a  
25                  recovery house in Surrey and instead of going out

1                   there themselves and setting up an interview,  
2                   they had a French-speaking RCMP member attend  
3                   there at ten o'clock at night when she was in  
4                   bed, so it did not go well.

5                   So those are the allegations that were made in  
6                   cross-examination with Mr. Ward and elicited.  
7                   And, Deputy Chief LePard, obviously you're  
8                   implicated in there, you're mentioned a number of  
9                   times by Mr. Dickson, and do you recall this  
10                  matter?

11       MR. LEPARD: Yes, I do.

12                  Q   And have you obtained and reviewed the file on  
13                      that and refreshed your memory as to what  
14                      occurred?

15       MR. LEPARD: Yes, I have.

16                  Q   And what in fact occurred from your perspective?

17       MR. LEPARD: First of all, when Mr. Dickson raised the  
18                      allegations in 2008 they were with the inspector  
19                      in charge of District 2, who was Adam Palmer at  
20                      the time, and provided that information to me. I  
21                      directed that there be a thorough investigation.  
22                      I was very alive, I wrote extensively about the  
23                      work that Dave had done during the missing women  
24                      investigation, that he had been the one to raise a  
25                      red flag about women going missing and the list

1           that he provided in 1997. I know Dave well. We  
2           were partners at one point, squad mates. We've  
3           been to each other's homes and feel very  
4           comfortable with each other. And so there was an  
5           investigation in 2008. Very experienced  
6           detectives assigned, Sergeant Rankin, Detective  
7           Joe Danieli, who had previously worked in the  
8           Domestic Violence Unit, Detective Raymond Payette,  
9           who I believe that you have met who works in our  
10          Missing Persons Unit, very competent investigator,  
11          and other homicide investigators as well, and  
12          tried to run down this information and did a very  
13          thorough investigation.

14                 In 2009 Dave contacted me directly by e-mail  
15          and said I've got more information, and again  
16          asked me about his gym card, which wasn't taken  
17          away from him, he had -- when he ceased to be our  
18          employee of course he turned in his access card to  
19          the building, and so on, asked about that. I  
20          actually arranged for it to be restored to him  
21          because he said he would help with interviews and  
22          needed access to the building, so that's what that  
23          reference was. He provided more information. I  
24          directed that another investigation be undertaken  
25          to be overseen by Superintendent Rob Rothwell.



1           There were a number of very competent people  
2           involved.  Inspector Bob Usui, one of our most  
3           experienced investigators, Inspector Mike  
4           Cumberworth, another of our very experienced  
5           investigators, long time sex offence and homicide  
6           investigator.  Detective Leah Terpsma was the lead  
7           investigator on that case.  She's an exceptional  
8           investigator and I believed did a very competent  
9           job.  She took the time to listen to all the audio  
10          taped interviews that had been done, came to the  
11          conclusion that they were done in a professional  
12          and compassionate way that was inconsistent with  
13          the allegations that were being made.  I did more  
14          work and recommended more work to occur.

15          Q   Let me stop you there and take you to a document.  
16               At tab 3 of the documents brief is an executive  
17               summary of Leah Terpsma, the officer you just  
18               mentioned.

19   MR. LEPARD:  Yes.

20          Q   And this was the executive summary of a 353 page  
21               report that she prepared?

22   MR. LEPARD:  Yes.

23          Q   Now, was that report delivered to you?  Is she  
24               reporting up to you with respect to completing  
25               that report or was that to Inspector Palmer?

1 MR. LEPARD: No. She was reporting to Inspector Usui, although  
2 the entire investigation was being overseen by  
3 Superintendent Rothwell of Investigative Services  
4 and so he was monitoring that, but the lead  
5 manager on that was Inspector Bob Usui who she was  
6 reporting up to.

7 Q All right. And so this summary of the  
8 investigation explains as you were saying  
9 summaries of the interviews on page 2, on page 4  
10 summaries of the evidence from Dickson, on page 5  
11 she identifies several issues. And, Commissioner,  
12 these have been redacted by my office because the  
13 witness names are not important. And on page 5  
14 and 6 are the number of recommendations and her  
15 conclusion on page 6. And so that's the document,  
16 that's the report that you're referring to?

17 MR. LEPARD: Yes.

18 Q All right. And what happened with the case from  
19 that point, what were her conclusions and what  
20 happened to the case after that?

21 MR. LEPARD: Well, her conclusions were that despite the  
22 thorough investigation that had been done by a  
23 number of investigators that there were problems  
24 with the information, that they were not able to  
25 verify any of it, but that there was more work to

1 be done, and the allegations were alleged to have  
2 occurred in North Vancouver in this alleged cabin  
3 in the woods, and then there were discussions with  
4 the North Vancouver RCMP and there was agreement  
5 from the North Vancouver RCMP that then they  
6 should take over and continue the investigation,  
7 and I have read their concluding report.

8 Q The North Vancouver RCMP provided their concluding  
9 report back to the VPD?

10 MR. LEPARD: Yes.

11 Q All right. And that's contained at tab 4 of the  
12 documents brief?

13 MR. LEPARD: Yes, a redacted version of it.

14 Q Yes. And ultimately the North Van RCMP concluded  
15 that these files didn't appear to be linked and  
16 separated them out and where there was the  
17 investigative work that could continue to be done  
18 those files remain open today?

19 MR. LEPARD: Correct.

20 Q And so were you satisfied with their continuation  
21 of the Vancouver Police Department's work?

22 MR. LEPARD: Yes, I thought the RCMP did exceptional work.

23 Q Okay. And there were some critical comments of  
24 Mr. Dickson's work in participation in that  
25 investigation as well?

1 MR. LEPARD: Yes, there was a number of them.

2 Q All right. Now, and is it right that one of the  
3 key complainants was determined -- that  
4 Mr. Dickson had brought forward was determined to  
5 be compromised?

6 MR. WARD: Mr. Commissioner, this is examination in chief. It  
7 doesn't sound like it though.

8 MR. HERN: Well, I'm happy to ask more open ended questions.

9 MR. WARD: I think that's appropriate. The last question was  
10 isn't it true that Dickson compromised the  
11 investigation.

12 THE COMMISSIONER: Well, I agree with you.

13 MR. HERN: I'm sorry, I just didn't realize this was anything  
14 that was contentious 'cause it's already in the --

15 THE COMMISSIONER: Well, if there's an issue on it then --

16 MR. HERN: Sure. I'm happy with that, it's just going to take  
17 a little bit longer.

18 Q Was there an issue, Deputy LePard, with one of the  
19 key witnesses brought forward by Dave Dickson?

20 MR. LEPARD: Yes, one of the key witnesses that he assessed as  
21 being intelligent and articulate and credible was  
22 actually known to be grossly mentally ill to the  
23 point of being psychotic. Allegations that she  
24 made about other people having things happen to  
25 them, those alleged victims absolutely denied it.

1 Her information wasn't assessed to be credible at  
2 all.

3 Q All right. And that file is -- those files remain  
4 with the North Vancouver RCMP today?

5 MR. LEPARD: Yes.

6 Q Now, there was also a -- I'm going to move on from  
7 that investigation, and my friends can ask  
8 questions of you if they wish to. There was  
9 another allegation that Mr. Dave Dickson made in  
10 cross-examination with Mr. Ward, which is at tab  
11 2, page 20 of the transcript book, and that  
12 concerns Dave Dickson's allegations about an  
13 officer who was found to be having sexual  
14 relations with some women in the Downtown  
15 Eastside. Do you recall that?

16 MR. LEPARD: I'm aware of that. I'm sorry, can you point me to  
17 the right tab again?

18 Q Sorry, it's the transcript extract book now.

19 MR. LEPARD: Yes.

20 Q And it's tab 2 and page 20 at the bottom.

21 MR. LEPARD: Yes.

22 Q And in answer about line 15 on the left side there  
23 Mr. Dickson says:

24 There was one particular incident where I  
25 discovered an officer, for lack of a better

1 term, preying on women, taking advantage of  
2 them and these women were all -- there was  
3 four what I would deem as vulnerable -- and  
4 he was getting favours from them.

5 And it goes on to talk about that. And I won't  
6 read through it all, but that's something --  
7 that's a specific allegation that you attempted to  
8 locate the VPD's records about that incident?

9 MR. LEPARD: Yes.

10 Q And were you successful?

11 MR. LEPARD: No, we were unable to recover the file.

12 Q There's a reference to an Inspector Al Grandia  
13 handling that as an internal investigation. And  
14 when was he an inspector in the Internal  
15 Investigations Section?

16 MR. LEPARD: I believe that he was there for a year long period  
17 over 1994 and 1995.

18 Q So if Mr. Dickson is correct that he had a  
19 discussion with Mr. Grandia about this it's likely  
20 that this is one that these allegations arose and  
21 were handled?

22 MR. LEPARD: Yes. Although he was also immediately preceding  
23 that I believe he was the inspector in charge of  
24 human resources so it's conceivable it could have  
25 been during that time or earlier.

1 Q So we're talking about 17, 18, 19 years ago?

2 MR. LEPARD: Yes.

3 Q And unfortunately we're not able to recover the  
4 files?

5 MR. LEPARD: Correct.

6 Q All right. Now, moving along to allegations made  
7 by Marion Bryce as to the handling of her call to  
8 9-1-1, if we look at the transcript extract book  
9 again and go to tab 3 there is evidence that  
10 Ms. Bryce gave to this commission in chief to  
11 Mr. Nathanson and then in cross-examination to  
12 Mr. Vertlieb, and I won't read through it all in  
13 the interests of time, but there was -- she  
14 attempted to explain she had two calls in this  
15 evidence. I'll try to summarize it clearly, I'm  
16 sure Mr. Roberts will correct me. There were two  
17 calls that she referenced to where she was giving  
18 to the department and was told that she needed  
19 to -- she couldn't speak directly with missing  
20 persons but needed to call upstairs to 9-1-1, and  
21 that she did that and on the first occasion they  
22 suggested that she needed to wait and call back.  
23 And then she called back the next day and  
24 described a telephone interaction that was where  
25 the operator was nasty, snappy, and made Ms. Bryce

1           feel like she was being interrogated, and I think  
2           it's fair to characterize it as a negative  
3           interaction on the phone. In the course of  
4           looking at Ms. Dicks's conduct of incidents  
5           relating to the missing women you were able to  
6           locate a 9-1-1 call from Katherine Bryce to the  
7           Vancouver Police Department or to E-Comm 9-1-1;  
8           correct?

9       MR. LEPARD: Yes.

10           Q   And if you look at tab 5 of the document brief,  
11           what is that?

12       MR. LEPARD: Tab 5 of the document brief, that is the  
13           transcript of the 9-1-1 call that was actually  
14           made not by Marion Bryce but by Katherine Bryce,  
15           Mrs. Bryce's daughter, to 9-1-1.

16           Q   Okay. And you listened to the audio recording of  
17           this as well?

18       MR. LEPARD: Yes, I did.

19           Q   And from both your review of the transcript and  
20           your listening to the audio recording how was the  
21           conduct of the communications operator on this  
22           instance who in fact was Ms. Dicks; correct?

23       MR. LEPARD: Yes, it was Ms. Dicks, and I listened to the  
24           entire recording, it was almost all Katherine  
25           Bryce speaking although it was clear she had her



1 mother with her there and she was speaking to her,  
2 and I think that Mrs. Bryce came on the phone at  
3 the end.

4 Q But you can see Marion Bryce giving her part of  
5 the call on page 5 of the transcript.

6 MR. LEPARD: Yeah. But -- so in any case I listened to it and  
7 reviewed the transcript, it was a very I would say  
8 a pleasant conversation. They were -- Ms. Bryce,  
9 Katherine Bryce was very pleasant and cheerful I  
10 would describe her. You can see that she finishes  
11 off by saying thank you very much for all your  
12 help, it was wonderful. You're welcome, good  
13 luck. The call went very well, and I don't in any  
14 way suggest that Marion Bryce might not have had  
15 some unpleasant conversation with someone at some  
16 point, but not in the 9-1-1 call that she  
17 testified that that's where it occurred. In fact  
18 that conversation was very professional and  
19 pleasant.

20 Q And is it that call of which we have the  
21 transcript here that did generate the incident  
22 report?

23 MR. LEPARD: Yes, that was the phone call that generated the  
24 first incident report of Patricia Johnson being  
25 missing.

1           Q   And you located this as a result of receiving the  
2               incident report number from commission counsel  
3               based on their inquiries; is that right?

4   MR. LEPARD: Yes, that's right.

5           Q   All right. So we can leave that and move on to  
6               some allegations that Ms. Cameron made regarding  
7               the amendment of the missing persons policy, and  
8               Ms. Dicks made some allegations about that as  
9               well. So if you could go back, Deputy Chief, to  
10              the transcript extract book and go to tab 4. The  
11              tab 4 is examination in chief by Ms. Brooks to  
12              Ms. Dicks, and on the second page of the extract  
13              you'll see is page 58 at the bottom, and  
14              Ms. Brooks is taking Ms. Dicks to a policy, 1999  
15              communications policy. So if you can just keep  
16              that page open and have in hand the document  
17              brief, please, and turn in the documents brief to  
18              tab 6. Do you have that missing persons  
19              communication section procedures and policy manual  
20              section?

21   MR. LEPARD: Yes.

22           Q   All right. So this is the document they were  
23               referring to, it's from a different exhibit filed  
24               in the inquiry, but I put it here for convenience.  
25               And so with respect to this policy Ms. Dicks is

1 asked a question in the middle of page 58:

2 Q So, I want to ask you some questions about  
3 the policy, and in particular, I want to  
4 focus on some of the, uhm, concerns that  
5 we've heard about with respect to, to how  
6 it's been applied and, and so, I would like  
7 to just go that through that with you.

8 So, we'll start with the first  
9 paragraph. And then this is a qualifying  
10 paragraph, as I understand it, about, about  
11 who the report should be taken from. So,  
12 only those persons who are missing as  
13 residents of Vancouver shall qualify, uh, for  
14 a report by this department.

15 MS. DICKS: That's correct.

16 Q Okay. So, this is the, this is the residency  
17 requirement.

18 MS. DICKS: That's the residency requirement, yes.  
19 Uhm, if a person did not a resident --  
20 residence within the City of Vancouver, they  
21 were, therefore, not a resident and, uhm, and  
22 we were to refer the person to the police  
23 department where the missing person lives.

24 Q What do you understand "resident" to mean?

25 MS. DICKS: A home address.

1 Q You needed a home address?

2 MS. DICKS: A home address.

3 And then she goes on further down the page:

4 Q So, tell me more about the situation of the  
5 no, not having a fixed address, because I  
6 understand that was something that was a  
7 particular concern to you and that you  
8 experienced some frustration from callers  
9 about not being able to take a report if they  
10 didn't have a fixed address.

11 MS. DICKS: Yeah, in those early years, uhm, it  
12 was a big bone of contention for me, uhm,  
13 because if a person didn't have a home  
14 address in the City of Vancouver, I was to  
15 refer them to another police department where  
16 they did reside, if they did have a home  
17 address elsewhere. But if they were a person  
18 with no fixed address, I would then turn and  
19 go to my sergeant and ask -- give him the  
20 details, that, you know, this person may be a  
21 missing street worker or homeless, and the  
22 answer was always, "no home address, don't  
23 take the report." Quite simple. It was cut  
24 and dried.

25 And then she repeats that again on page 61 saying

1 specifically no home address, we don't take the  
2 report. Now, with respect to Ms. Cameron she was  
3 asked to comment on this by Mr. Gratl, and I'll  
4 show you that in a moment, but she said she wasn't  
5 aware of that requirement until her testimony --  
6 just prior to her testimony at the inquiry. So  
7 it's really Ms. Dicks's testimony about this  
8 residency requirement. And you were in the  
9 communications centre for a period of time in the  
10 1990s, Deputy Chief?

11 MR. LEPARD: Correct.

12 Q And what years were those approximately?

13 MR. LEPARD: 1990, 1991.

14 Q Okay. And what was your role there?

15 MR. LEPARD: I was a constable, but most often I was the acting  
16 corporal, which meant I was the chief dispatcher,  
17 but I performed all roles in there from call  
18 taker, dispatcher, chief dispatcher to acting  
19 sergeant.

20 Q And what is your recollection as to the residency  
21 requirement that Ms. Dicks -- of which Ms. Dicks  
22 spoke?

23 MR. LEPARD: Well, with respect to the residency requirement I  
24 know that the policy has gone through a number of  
25 iterations over the years, but I can tell you that

1           the -- it was always the practice was to err on  
2           the side of caution to ensure that the missing  
3           person's interests were paramount. So even when  
4           there appears to be a residency requirement, which  
5           if you look farther down the policy is qualified  
6           to provide much more latitude than is implied by  
7           the evidence that was elicited.

8           Q    Okay. Well, you've got it in front of you. Can  
9           you just take the commissioner to what you're  
10          talking about there?

11       MR. LEPARD: Well, for example in the second paragraph it says:  
12                   Persons visiting Vancouver and staying within  
13                   the Vancouver jurisdiction, shall be treated  
14                   as residents and subject to the usual  
15                   procedure and screening process.

16          So that qualifies the residency requirement as  
17          basically that someone that is in Vancouver is  
18          also considered to be a resident. But you also  
19          have to understand how the system worked in the  
20          communications centre is that the Vancouver  
21          communications centre was actually what was called  
22          the regional control centre for 9-1-1 for the  
23          Greater Vancouver Regional District, so that was a  
24          service that we received funding for to do the  
25          service for the entire region, and so when a call

1           came in, and you'll see in the transcript it says  
2           police, fire or ambulance, if the person said  
3           police the next question is for what city. If  
4           it's for Vancouver they would stay on the line  
5           with that 9-1-1 operator. If it was for another  
6           city because for whatever reason it was decided  
7           no, you actually need to report that person  
8           missing to the Delta police, it was simply one  
9           button to downstream the call to the  
10          communications centre for whatever police agency  
11          was involved. So there's no runaround, it's  
12          simply downstreaming the call for the police  
13          agency. But I can tell you the practice was the  
14          staff were there, it was no problem to take a  
15          report. We would err on the side of caution. And  
16          I would like to speak to the issue of the no fixed  
17          address matter.

18               Q    Sure, go ahead.

19   MR. LEPARD:   So her evidence was that if there was no fixed  
20                   address then the sergeants would direct that they  
21                   not take a report. That is demonstrably false.  
22                   On that poster over there there are the pictures  
23                   of 24 women who were reported missing to the  
24                   Vancouver Police Department comm centre between  
25                   1990 and 1999 when we transitioned to E-Comm.

1 Fourteen of those 24 reported missing women were  
2 of no fixed address, the reports were taken. In  
3 12 of them they were taken by civilian  
4 communications operators. In two of them the  
5 reports were taken by police officers, one a  
6 constable working in the communications centre and  
7 the other the sergeant, then Sergeant Ian  
8 McKenzie, who was my sergeant when I was in the  
9 communications centre. So it is demonstrably  
10 false to say that a report would not be taken from  
11 someone with no fixed address when in fact the  
12 majority of the reports of missing women who  
13 appear on that poster were of no fixed address.

14 Q When former Sergeant Joyce had indicated that it  
15 wasn't -- you weren't creating a lot of work for  
16 the patrol in taking a missing persons report, is  
17 that -- in the sense that when you erred on the  
18 side of caution and took the missing persons  
19 report what actually happened in terms of police  
20 department responsiveness?

21 MR. LEPARD: Correct. Unless it was something that had just  
22 happened and so there was some urgency that  
23 required the dispatch of a patrol car, which would  
24 generate work for the police officers on the  
25 street, but that wasn't the case in these cases,



1           these were generally people who had been reported  
2           days, weeks, months, years after the fact so they  
3           weren't going to be dispatched to a patrol car. A  
4           report which could be taken quite quickly was  
5           taken in the communications centre and then it was  
6           forwarded for follow-up to the Missing Persons  
7           Unit. So it was simply a matter of spending a few  
8           minutes to submit a report and get the missing  
9           person on CPIC.

10           Q    Okay. So it generates an incident report, places  
11           it on CPIC, and then the file is moved to the  
12           missing persons department?

13   MR. LEPARD: Correct.

14           Q    And we know that from your evidence before that  
15           there were lots of problems within Vancouver  
16           Missing Persons Unit at that time?

17   MR. LEPARD: Yes.

18           Q    But in terms of the movement of the information  
19           from the communications centre through it's as  
20           you've just testified?

21   MR. LEPARD: Yes.

22           Q    Okay. Now, another aspect that Ms. Dicks  
23           testified about with respect to communication  
24           centre practice was the 24 hour waiting period.  
25           Were you familiar with that?

1 MR. LEPARD: Yes.

2 Q And there was a suggestion from Mr. Joyce, and I'm  
3 not suggesting that the witnesses that testified  
4 about this were all consistent on this point, but  
5 there is a suggestion by Mr. Joyce that there were  
6 interim reports that would be taken if a  
7 particular caller didn't meet the 24 hour  
8 requirement. What's your recollection of that?

9 MR. LEPARD: Yes, my recollection of that there was an interim  
10 report, I think it was called the yellow was the  
11 phrase that was used to describe it, and it was a  
12 partial missing report to get the person on CPIC  
13 and then there would be further inquiries done or  
14 maybe to wait to see if it was, you know,  
15 depending on the circumstances if the person  
16 showed up, and if they didn't what was called a  
17 full missing would be taken.

18 Q And would the full missing be generated because  
19 that yellow had been sitting there for 24 hours or  
20 would there have to be another call in from  
21 somebody, from the complainant?

22 MR. LEPARD: I do not recall whether there would have to be  
23 another call in, but there was a process in place  
24 to ensure that it was dealt with, and usually that  
25 would involve calling back the complainant. You

1           would see in the calls many times the missing  
2           person has been located, the complainant forgot to  
3           call and notify us and so they'd still been on  
4           until we checked it out.

5           Q    I see. All right. Now, Mr. Commissioner, you'll  
6           see where this links back into Deputy LePard  
7           again, which is when he's an inspector in planning  
8           and research. Just tell the commissioner when you  
9           went in to planning and research?

10       MR. LEPARD: I went in to planning and research as the  
11           inspector in April of 2000 and I left three years  
12           later in April of 2003.

13       Q    Okay. And an issue arose over the residency  
14           clauses and the wording of the policy while you  
15           were inspector of planning and research; right?

16       MR. LEPARD: Yes. In 2000 then Inspector Al Niedtner raised a  
17           concern about how an incident had been handled  
18           when there'd been a resident of Coquitlam who had  
19           gone missing in Vancouver and there'd been some  
20           disagreement about who should take the report  
21           because of a lack of harmonization between  
22           policies at that time between the VPD, the RCMP,  
23           other police agencies, and so as often what  
24           occurred we would identify that as a flaw in our  
25           policy that needed to be examined, and I assigned

1           that for research by one and then a second  
2           researcher working for me.

3           Q   All right. Mr. Commissioner, for your reference  
4           there's a -- this was raised with Ms. Cameron in  
5           cross-examination by Mr. Gratl, and Mr. Gratl's  
6           been asking further questions about it and I'm  
7           going to largely leave the issue to him to address  
8           as he sees fit now that he has the file on this  
9           and has Mr. LePard to question about it, but just  
10          for your reference it's at tab 5 of the transcript  
11          book is Sandy Cameron's evidence, and running from  
12          page 5 through 15 is the question and answer that  
13          she had with Mr. Gratl about concerns that she  
14          said she had back then. I won't read it all out  
15          to you because it's fairly lengthy and it's a  
16          little bit disjointed, frankly. But what I want  
17          to reference with Deputy LePard is in the  
18          documents brief at tab 7, please. So, Deputy  
19          LePard, this issue was brought forward, you were  
20          the inspector of planning and research, and you  
21          asked people working within the section to do  
22          what?

23       MR. LEPARD: In the first case I asked my sergeant at the time  
24       to assign it. It was assigned to Constable Ab  
25       Humayun to examine the issue. And I know that he

1 did the things that I would expect him to do,  
2 which is to review the incident, what occurred in  
3 the original report from Inspector Niedtner, to  
4 acquire the policies of other police departments  
5 to look and see what theirs are, Victoria, the  
6 RCMP and so on, to meet with Missing Persons Unit  
7 staff, so Constable Dickhout, Ms. Cameron,  
8 Sergeant Field to discuss it with them, and to  
9 then come up with recommended draft amendments to  
10 the policy to try to rectify the issue that had  
11 been identified.

12 Q All right. And so the memos in the reports that  
13 were brought back to your attention are contained  
14 at tab 7. There's one from Ruben Sorge or Sorge?

15 MR. LEPARD: Yes, what happened was is that there was some  
16 competing recommendations that came from  
17 Ms. Cameron and they were at odds with what  
18 Constable Humayun was recommending as a result of  
19 his analysis and consultations, including with  
20 Sergeant Field, and so I asked Constable Sorge,  
21 who was my most experienced police researcher in  
22 there, to bring fresh eyes to it, and he wrote a  
23 report to me. And as a result of that he and  
24 Constable Humayun worked together in consultation  
25 with the Missing Persons Unit and they came up

1 with a final report in which they had reconciled  
2 the competing issues and had sign off from  
3 Sergeant Field who was in charge of the Missing  
4 Persons Unit. That report came to me. Once minor  
5 revisions were made to it, a proposed policy I  
6 brought forward to the executive and it was  
7 approved by Chief Constable Blythe and published.  
8 That occurred in May of 2001.

9 Q All right. If you flip back to the documents  
10 brief to the last tab, tab 10, you'll see that's  
11 the amended policy there?

12 MR. LEPARD: Yes.

13 Q And we can see on the bottom of this second page  
14 amended 2001.05.24, so May 24th?

15 MR. LEPARD: Correct.

16 Q Okay. And so looking on the first page of that  
17 the changes include in number 2 under procedure:

18 The police agency in which the missing person  
19 normally resides shall generally be  
20 responsible for the investigations, including  
21 entering or amending CPIC records. This does  
22 not prevent a police agency from requesting  
23 assistance from other agencies or  
24 jurisdictions that may be linked to the  
25 missing person's movements.

1                   Then in 3:

2                   If the missing person was last seen... in  
3                   another jurisdiction, the police agency  
4                   having jurisdiction where the last sighting  
5                   took place is responsible for the  
6                   investigation.

7                   And so that's cleaning up the language that was  
8                   confusing from that earlier policy; is that right?

9   MR. LEPARD:   Yes.

10   MR. HERN:    Okay.  Thank you.  So we can put that aside.

11                  Mr. Commissioner, I've got three areas, I don't  
12                  expect to be more than -- these are probably 20  
13                  minutes, and so I'm happy to --

14   THE COMMISSIONER:  Do you want to break now?

15   MR. HERN:    If you wish.  It's five to, so this first issue will  
16                  take probably ten minutes, so if you want to take  
17                  a break now.

18   THE COMMISSIONER:  Mr. Gratl.

19   MR. GRATL:    I wonder, Mr. Commissioner, I see that David  
20                  Dickson is in the courtroom.

21   THE COMMISSIONER:  Yeah.

22   MR. GRATL:    And I wonder if we might stand these witnesses down  
23                  so that Mr. Dickson can speak to the issues and be  
24                  challenged in cross-examination by counsel for the  
25                  Vancouver Police Department.

1 THE COMMISSIONER: Mr. Dickson can speak to what issues?

2 MR. GRATL: Well, he can take the stand and then the rule in  
3 *Brown v. Dunn* can be satisfied.

4 THE COMMISSIONER: Well, you know, I don't -- you know there  
5 needs to be some closure here at some stage, and  
6 Mr. Dickson has said -- given one version of the  
7 facts and the deputy chief has said something  
8 else. And, you know, I have the transcript of  
9 what David Dickson said, and is it going to help  
10 me by having him come back and say well, I'm right  
11 and he's wrong. At the end of the day if it needs  
12 to be resolved, that is the conflict, I'll have to  
13 resolve it. This is not new for me to resolve  
14 evidentiary conflict, so --

15 MR. GRATL: It's just the rule in *Brown v. Dunn*.

16 THE COMMISSIONER: Well, it's not quite the rule in *Brown v.*  
17 *Dunn* that you have to keep calling evidence and  
18 then it turns into a he said she said, but  
19 that's --

20 MR. GRATL: Credibility of a civilian who is under attack by  
21 the --

22 THE COMMISSIONER: Well, credibility is always --

23 MR. GRATL: -- institutional interests here.

24 THE COMMISSIONER: Credibility is always a collateral issue,  
25 and collateral issues are not normally the subject



1 matter of rebuttal evidence, but --

2 MR. GRATL: It persists in --

3 THE COMMISSIONER: Don't interrupt me.

4 MR. GRATL: I thought you were done. Sorry.

5 THE COMMISSIONER: So you think about it, and I'll deal with it

6 if you think that Mr. Dickson has got some

7 evidence that is new or that I ought to hear I'll

8 consider your application.

9 MR. GRATL: Well, it's not new, it just deals with credibility,

10 and we don't have disclosure of that North

11 Vancouver file.

12 MR. HERN: Well, just hold on. Mr. Cooper was at my office

13 yesterday reading through the entire file, and

14 it's sitting here so, and he asked for certain

15 copies to be provided and those were provided to

16 him, so that's not correct.

17 THE COMMISSIONER: Okay. Well, we'll take the break.

18 MR. GRATL: Thank you.

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

20 **(PROCEEDINGS ADJOURNED AT 10:55 P.M.)**

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

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

23 MR. HERN: So, Mr. Commissioner, I'm just going to move on to a

24 couple of items from a different witness that were

25 raised with Jane Smith.

1 Q Deputy LePard, you made inquiries within your  
2 records keeping system as to who was the officer  
3 with badge 1946?

4 MR. LEPARD: I did.

5 Q And who was?

6 MR. LEPARD: That was Constable Charlene Vilkas.

7 Q All right. And what do you know about her?

8 MR. LEPARD: She's now a detective assigned to our Robbery  
9 Assault Section, and back in 2000 she was a very  
10 new officer working in the northeast area of the  
11 city.

12 Q Okay. Not in the Downtown Eastside?

13 MR. LEPARD: She may have had occasion to go in the Downtown  
14 Eastside, yes.

15 Q All right. And was there a sound system in the  
16 paddy wagons?

17 MR. LEPARD: No, there were no sound systems in the paddy wagon  
18 other than the radio in the dashboard that the  
19 driver could listen to.

20 Q Nothing that could broadcast into the prisoner  
21 holding area?

22 MR. LEPARD: No, it was just a steel shell, there's nothing in  
23 there.

24 MR. HERN: All right. Now, Mr. Registrar, if you could give  
25 the witness Deputy LePard Exhibit 193NR, please.

1 THE REGISTRAR: They have it.

2 MR. HERN:

3 Q All right. And, sir, there's a binder there in  
4 front of you, and that was some materials put to  
5 Ms. Chapman, formerly of the RCMP, her previous  
6 name was Ruth Yurkiw, and I just want you to flip  
7 to tab 2 of that document and you'll see an e-mail  
8 with your name on it. Do you recognize?

9 MR. LEPARD: Yes.

10 Q All right. Just tell the commissioner what the --  
11 actually if you could flip over to tab 3 as well  
12 you'll see another e-mail exchange, it is an  
13 e-mail exchange between yourself and Ruth Yurkiw?

14 MR. LEPARD: Yes.

15 Q You recognize that as being from your e-mail  
16 accounts?

17 MR. LEPARD: Yes.

18 Q And can you just tell the commissioner the  
19 circumstances of Ms. Yurkiw coming to be  
20 interviewed by you for the purposes of your  
21 missing women's review?

22 MR. LEPARD: Yes. Actually I didn't go looking for her, I came  
23 on to her, it was very much a fluke, is that she  
24 worked with the sister of a VPD inspector who told  
25 me about Ms. Yurkiw and statements that she had

1 made to her sister about her involvement in the  
2 investigation, and so I called her and I explained  
3 to her who I was and what I was doing, and that I  
4 asked her I understand that you were upset about  
5 how the investigation went, and that she said,  
6 "Yes, not with the VPD, the RCMP." And I said,  
7 "Well, would you be willing to come and talk to me  
8 about it?" She was very enthusiastic and said  
9 yes, and I think that that was -- she was in my  
10 office the next day. I had no preconceived  
11 notions about what she might say. I didn't have  
12 any notes of questions that I might want to ask  
13 her, because unlike others that I had documents of  
14 and so on I didn't know what she would tell me.  
15 And she impressed as a very frank and honest  
16 witness who was self critical, but also understood  
17 -- was frustrated by what she described as the  
18 lack of resources and support for the  
19 investigation. So like the others I e-mailed her  
20 her statement, and she sent it back to me with  
21 some corrections that she controlled, and a couple  
22 of comments about things that she had said that  
23 she didn't want in her statement. And as I said  
24 in my evidence before she also took out something  
25 of her statement, but she didn't flag that in her

1 e-mail to me that she didn't want in there, and  
2 that was a comment that she had made about  
3 Sergeant Connor, and so -- and I've apologized in  
4 my evidence before I didn't take that out because  
5 I didn't know about it, I didn't compare the two  
6 statements word for word. But in any case she  
7 e-mailed me the final version of the statement and  
8 I have disclosed that.

9 Q And so you never suggested to her that all the  
10 other RCMP members were co-operating such that she  
11 felt compelled to give -- provide you with her  
12 evidence?

13 MR. LEPARD: No, not at all. Like I say she was very willing.  
14 And I spoke to her again in person in mid 2010 and  
15 met with her, and again she was very pleasant and  
16 very complimentary, and she made some remarks to  
17 me at the time because I called her to ask if she  
18 would like to read the report before we thought we  
19 were going to release it before a draft of it was  
20 leaked.

21 Q And she came in and reviewed the report?

22 MR. LEPARD: She did.

23 Q All right. And she didn't express to you that it  
24 incorrectly reflected her evidence?

25 MR. LEPARD: No, not at all.

1           Q   All right. I want to turn lastly to this question  
2               that's come up in the inquiry about allegations of  
3               sexism, racism and bias in the VPD. And the  
4               commissioner has been hearing some anecdotal and  
5               experiential evidence about this issue from some  
6               other witnesses, and I want to ask you about your  
7               experiences, both of you, in that regard. I'm  
8               really focusing on whether the VPD in the 1990s,  
9               in the late 1990s tolerates under enforcement and  
10              under investigation of violence against women  
11              involved in the sex trade, and whether you  
12              consider that sexism within the department  
13              contributed or contributes to that bias against  
14              sex workers. And perhaps, Constable Hammell, you  
15              could express your views from your experience  
16              being in the department since 1990 as a woman and  
17              as someone who has worked in the Downtown  
18              Eastside, is it your view that the Vancouver  
19              Police Department suffers from or suffered from  
20              pervasive sexism or bias toward sex workers?

21   MS. HAMMELL: No, it is not, Mr. Commissioner.

22           Q   And with respect to the work environment generally  
23               have you -- do you consider it to be a sexist  
24               workplace, do you feel that your own personal  
25               advancement within the department has been

1 affected by you being a woman?

2 MS. HAMMELL: To the contrary it definitely has not. I've been  
3 asked to partake in some advancements. I've  
4 rejected some, I've taken up others. I'm very  
5 proud to work with this organization, and my -- I  
6 know my advancements within the department can  
7 happen for me if I choose to take them and if I  
8 choose to compete for them.

9 Q And from your work on the Downtown Eastside and in  
10 patrol generally have you observed the behaviour  
11 or conduct of other officers around you demeaning  
12 or degrading attitudes towards sex workers?

13 MS. HAMMELL: No, Mr. Commissioner. I've been mentored by a  
14 lot of people. I started my career in the  
15 Downtown Eastside, and it's from the people around  
16 me that I learned how to do my job. I've had many  
17 occasions to converse and speak with men and  
18 women, children and veterans and people who are  
19 contributing people, and I can't -- I can't  
20 suggest at all that that was a factor in my  
21 experience.

22 Q Deputy Chief LePard, what is your perspective on  
23 those issues?

24 MR. LEPARD: Well, with regard to sexism towards female police  
25 officers in the organization I think that, you

1 know, I cannot speak from being a female, but you  
2 can certainly -- you have an experienced female  
3 officer here that you can ask questions of. But  
4 in terms of the attitudes towards sex workers and  
5 treating violence against sex workers seriously,  
6 the example that Constable Hammell investigated  
7 and that was followed up by sex offences, again we  
8 didn't choose that case, it was chosen for us to  
9 respond to, and it was the example of the sort of  
10 good work that was routine. In my work I  
11 documented and in my previous evidence all kinds  
12 of problems in the investigation of the missing  
13 women, but they weren't related to bias against  
14 sex workers. And I documented a number of cases  
15 that happened during that same time period like  
16 this case that Constable Hammell was involved in  
17 where the VPD took extraordinary steps to  
18 investigate crimes against sex workers.

19 Ms. Smith who testified yesterday, I know  
20 from reviewing the files, for example, she accused  
21 someone of threatening her and that was  
22 investigated and he was charged and convicted.  
23 She was assaulted by somebody and even though she  
24 was not interested in proceeding as a result of  
25 police officer's observations and a civilian



1 witness's recommendations a police officer  
2 recommended charges anyway, and in fact requested  
3 that the offender be detained without bail so as  
4 to protect the victim. So those are typical  
5 examples.

6 Regarding sexism in the VPD, I've heard some  
7 of the anecdotal evidence that was led from people  
8 who were completely unqualified to give evidence  
9 to agree that we've had a men only regimental  
10 dinner, for example, which we do not. Our  
11 officers mess dinner has always been open to  
12 women. It is an officers mess dinner, and that  
13 means the rank of commissioned officer and above,  
14 inspector and above.

15 Q And that was also the case in the 1990s?

16 MR. LEPARD: Yes. Our first female inspector in the VPD was  
17 Inspector Nancy Hewitt in 1974. We hired our  
18 first woman in the Vancouver Police Department,  
19 who was the first policewoman in Canada, in 1912.

20 Q Just by contrast when was the first policewoman  
21 hired into the RCMP as far as you understood it?

22 MR. LEPARD: 1974. Eventually Commissioner Bev Busson was in  
23 the first troop of female police officers in the  
24 RCMP in 1974.

25 Q So the VPD had its first woman officer in 1912,

1 RCMP 1974. By that time -- by 1974 you had your  
2 first woman inspector?

3 MR. LEPARD: We had a picture of Nancy Hewitt in her mess  
4 uniform, her officers mess uniform is proudly  
5 displayed in our officers mess at 2120 Cambie.

6 Q How many female officers are in the department  
7 now?

8 MR. LEPARD: Three hundred and twenty-four.

9 Q Okay. And I understand that in the 1990s you had  
10 an officer who underwent transgender --

11 MR. LEPARD: Yes. Detective Roz Shakespeare came out in 1995,  
12 and he remained in the VPD until at least 2003, if  
13 not a little bit longer, for eight years. I knew  
14 him well.

15 Q And that transgendering was well known, well  
16 publicized within the VPD and accommodated?

17 MR. LEPARD: Oh, yes. In fact Roz asked if he could have an  
18 opportunity to go around and speak to all the  
19 different teams about his journey and that was  
20 accommodated. I thought there was great  
21 leadership from, I believe it was, Chief Constable  
22 Canuel in terms of his attitudes and trickling  
23 those attitudes down the organization, and he was  
24 -- she was completely accommodated.

25 Q All right. And so your view then of whether the

1 VPD tolerates under enforcement or under  
2 investigation of violence against women in the sex  
3 trade is that it simply -- it's simply not there?

4 MR. LEPARD: No. And there are many examples now and during  
5 that time as I say of when known serious crimes  
6 were committed against sex workers that vigorous  
7 investigations ensued and those are documented in  
8 an appendix to my report some examples of those  
9 from the same time period.

10 MR. HERN: Thank you. Those are my questions.

11 THE COMMISSIONER: Cross-examination.

12 MR. WARD: Yes, thank you. Cameron Ward, counsel for the  
13 families of 25 missing and murdered women.

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

15 Q Just on the last topic, Constable Hammell, after  
16 22 years in the Vancouver Police --

17 THE COMMISSIONER: Yes.

18 MR. VERTLIEB: Sorry to interrupt. I don't know that counsel  
19 have been informed of the time estimates.

20 THE COMMISSIONER: Oh, I see. All right. Okay. I've got  
21 Mr. Ward 30 minutes, Mr. Gratl 30 minutes,  
22 Ms. Narbonne 15 minutes, Ms. Tobias 10,  
23 Mr. Skwarok 10. He's not here. I'm sure there  
24 will be a scurrying around to get his time. Ms.  
25 Bateman 20. That's it. All right. Thank you.

1 MR. WARD: Thank you. I need more than 30 minutes,

2 Mr. Commissioner. These witnesses have been

3 testifying for two hours.

4 MS. NARBONNE: I won't need my time, Mr. Commissioner.

5 MR. WARD: I will gladly take it. And I'll take Mr. Skwarok's

6 too, if I may.

7 MR. ROBERTS: I don't have any time to give. Sorry.

8 MR. WARD:

9 Q I was about to ask before that, Constable Hammell,

10 you've been 22 years in the Vancouver Police

11 Department and you haven't been promoted past the

12 rank of constable; is that right?

13 MS. HAMMELL: That is correct, Mr. Commissioner, yes.

14 Q And, Deputy Chief LePard, of the 346 women in the

15 department what's the total number of members?

16 MR. LEPARD: It's actually 324 I believe I said.

17 Q Sorry.

18 MR. LEPARD: Our total sworn strength is 1327.

19 Q So less than a quarter, less than 25 percent of

20 the membership is female?

21 MR. LEPARD: About 23 percent of the membership is female,

22 which is among the best of any police agency in

23 Canada, and it's increased 70 percent since 1999.

24 Q And of course you would know that a little over 50

25 percent of the population is female?

1 MR. LEPARD: I do know that.

2 Q All right. So it's fair to say that the Vancouver  
3 Police Department generally through its ranks is  
4 -- women are grossly underrepresented in relation  
5 to the number of women in the population at large;  
6 right?

7 MR. LEPARD: Well, women are underrepresented in the police  
8 department in terms of their proportion in the  
9 population at large. I do not accept an  
10 implication that that represents something evil.

11 Q Well, there should be -- if you wanted -- if you  
12 wanted the police force to represent the community  
13 in terms of gender then you would need to have  
14 more than twice as many women as you do now;  
15 correct?

16 MR. LEPARD: Mr. Commissioner, there are many different reasons  
17 why people are attracted to --

18 Q Sir, answer the question, please.

19 THE COMMISSIONER: Yeah, I agree with Mr. Ward. The question  
20 simply is if you wanted --

21 MR. LEPARD: Yes, if we wanted --

22 THE COMMISSIONER: The answer is yes.

23 MR. WARD: Yes. Could the witness please be shown Exhibit 181.

24 Q Sir, I'm showing you a copy of Exhibit 181 which  
25 is a current organizational chart taken off the

1 website a week ago of the Vancouver Police  
2 Department, and you are shown here as heading up  
3 the Operations Division of the VPD; right?

4 MR. LEPARD: Yes. This is not a current organizational chart.

5 Q Well, it's the one that's posted on the website,  
6 so for the public's perception on the public  
7 website this is the organizational chart. You  
8 accept that?

9 MR. LEPARD: I don't know when you acquired this, I'm simply  
10 telling you it's not accurate. There are people  
11 on here that have retired and been replaced.

12 Q Fair enough. Fair enough. But this is -- I'm  
13 telling you, and I can show you the website  
14 because we've got Internet here, that this is what  
15 the VPD tells the public its organizational chart  
16 is. So at some point in the recent past, I take  
17 it, this represented the organizational chart of  
18 the VPD. Would you accept that?

19 MR. LEPARD: Yes, at some point it would.

20 Q All right. Under your name there are one, two,  
21 three, four, five, six, seven, eight, nine, ten,  
22 eleven, twelve members listed as -- have I got  
23 that right? One, two, three, four, five -- I'll  
24 just name them. Petit, Porteous, Nelmes, Zuccato,  
25 Thompson, Forsberg, Robinson, Eviston, Newman,

1 Eely, Sorge, Zanatta and Schinbein. They're all  
2 listed under you, presumably as your senior  
3 managers in the operations department. You see  
4 that?

5 MR. LEPARD: Yes, they were -- that was true at one point.

6 Q Recently?

7 MR. LEPARD: Well, I'm not sure what you mean by recently.

8 Q Well, it's on the website right now. You accept  
9 that?

10 MR. LEPARD: Okay. Well, I've accepted that --

11 Q All right.

12 MR. LEPARD: -- by telling you it's not that recent and that  
13 some of these members have been retired for some  
14 time now. Obviously we need to update our  
15 website.

16 Q All right. Well, that might be useful. But  
17 anyway can you tell us, please, how many of those  
18 senior people I've just listed under your command  
19 are female?

20 MR. LEPARD: Well, at the time of this --

21 Q Yes.

22 MR. LEPARD: -- none of them are female.

23 Q Thank you.

24 MR. LEPARD: Yes.

25 Q All right. And you've read by now, I trust, Lori

1                   Shenher's manuscript about her experience on the  
2                   missing women investigations?

3       MR. LEPARD: I did read it.

4                   Q   And you agree reading it as a whole she paints a  
5                   very clear picture of the Vancouver Police  
6                   Department at the time of the investigations as  
7                   being dysfunctional and being sexist and denying  
8                   women the opportunity to advance upward in the  
9                   ranks, doesn't she?

10       MR. LEPARD: I don't actually recall those things, no.

11                  Q   Well, I can -- I don't have time, I've only got a  
12                  limited time, but you've read the whole document,  
13                  I put it to you that's what it reveals. You don't  
14                  accept that?

15       MR. LEPARD: I'm not agreeing or disagreeing with you. I don't  
16                  know whether you're fairly characterizing her  
17                  particular perspective at that time or not.

18                  Q   Biddlecombe, his management style was one of total  
19                  indifference to women. There's an example of  
20                  sexism; right?

21       MR. LEPARD: I don't know if that's an example of sexism. I  
22                  think there are probably some men who would say  
23                  the same thing.

24                  Q   It is the case I suggest to you that although 23  
25                  percent of the female -- of the members of the



1 Vancouver Police Department are women they do not  
2 enjoy the opportunity to advance to the senior  
3 managerial ranks.

4 MR. LEPARD: Mr. Commissioner, that is --

5 Q The same way that men do in the department.

6 MR. LEPARD: -- absolutely false. In fact if we were to go  
7 over the last three years women who have applied  
8 for management rank have been successful 55  
9 percent of the time, men who have applied for  
10 management rank have been successful 30 percent of  
11 the time. The last two inspectors that we have  
12 promoted directly from the sergeant rank and who  
13 skipped the staff sergeant rank were both women.

14 Q Who are they?

15 MR. LEPARD: Inspector Seita Airth and Inspector Leslie  
16 Stevens.

17 Q Okay. Were they married to other VPD members or  
18 in marriage-like relationships with other VPD  
19 members?

20 MR. LEPARD: Inspector Seita Airth is in a partnership with  
21 Inspector Adua Porteous who is a woman.

22 Q And she was married to another inspector Mike  
23 Porteous who was a man?

24 MR. LEPARD: Inspector Porteous was married at one point to now  
25 Superintendent Mike Porteous, yes. Inspector

1 Stevens is married to a lower ranking member.

2 Q And in fact, and we've heard some evidence of this  
3 throughout this proceeding, the VPD is a place  
4 that is rife with not only sexism but nepotism,  
5 isn't it?

6 MR. LEPARD: I strongly disagree with that assertion. The  
7 people that are responsible for promoting to the  
8 inspector rank, for example, are the executive.  
9 That means the deputy chiefs and the chief. So  
10 there's no one that we promoted that is married or  
11 the son or daughter of anybody that is in the  
12 executive. Chief Constable Chu's wife was a  
13 police woman. She retired as a constable, that's  
14 what she chose.

15 Q Correct. Now, you, I take it, have been  
16 monitoring all these proceedings very closely  
17 since they began and since you testified before,  
18 and --

19 MR. LEPARD: No.

20 Q Well, you've been monitoring it in some fashion,  
21 and you've been brought in today to rebut a few  
22 things that came up in evidence.

23 MR. LEPARD: I've been monitoring in some fashion in that I get  
24 many requests from Mr. Hern.

25 Q And you're --

1 THE COMMISSIONER: Let him finish his answer.

2 MR. WARD: Thank you.

3 MR. LEPARD: And, yes, I can tell you there was great upset in  
4 the VPD about the false evidence of Ms. Dicks,  
5 which is demonstrably false and hurtful to many  
6 members of the VPD, and simply was not truthful.

7 MR. WARD:

8 Q I'll come back to that in just a moment, but you  
9 must have been aware of the evidence of lawyer  
10 Elizabeth Watson who served on the Vancouver  
11 Police Board who described the culture of the VPD  
12 as one in which white males who were related or  
13 sons of other members were given hiring  
14 priorities. You must be aware of that evidence?

15 MR. LEPARD: I am not aware of that evidence, and I did not  
16 hear her evidence.

17 Q All right. With respect to Ms. Dicks, now you say  
18 her evidence given under oath here the few weeks  
19 ago is demonstrably false, and you've got evidence  
20 of that?

21 MR. LEPARD: Correct.

22 Q And you're a police officer with a duty to uphold  
23 the law?

24 MR. LEPARD: Yes.

25 Q So you will be delivering a report to Crown

1 counsel recommending --

2 THE COMMISSIONER: Actually, Mr. Ward, you don't have to go  
3 into that, because as you well know it's not  
4 permissible for one witness to pass on the  
5 credibility of another witness.

6 MR. WARD: That's what he came here to do.

7 THE COMMISSIONER: Well, no, that isn't what he came here to  
8 do. I mean I don't know why he came here, but all  
9 I'm telling you is that when he said the other  
10 evidence was false that really is inadmissible in  
11 any hearing for reasons that I'm sure you know, so  
12 I don't need to hear anything more on that.

13 MR. WARD: All right. Thank you.

14 Q Anyway, coming back to sexism, and Ms. Shenher's  
15 manuscript speaks for itself as a first person's  
16 perspective from a woman at the material time, but  
17 you both said it didn't affect the department's  
18 response to pleas for assistance from sex trade  
19 workers, that sexism had nothing to do with their  
20 complaints or those of their family members going  
21 unheeded. Did I understand that correctly?

22 MR. LEPARD: My evidence was that there were many problems in  
23 the missing women investigation that I did not  
24 believe were the product of an unwillingness to  
25 treat seriously known violent crimes against sex

1 workers.

2 Q And I want to ask you, Constable Hammell, the next  
3 series of questions about the incident involving  
4 the 16 year old that Deputy Chief LePard has  
5 described as a shining example of how well the  
6 department responds to those types of matters.  
7 Just to recap, this was a woman who -- a girl,  
8 actually, a 16 year old girl who called  
9 frantically 9-1-1 complaining that she'd been  
10 raped and violated and was bleeding from her anus  
11 and was distraught and needed immediate help.  
12 That's what the call was all about; right?

13 MS. HAMMELL: I wasn't there to hear the call come in.

14 Q Right. Okay. And you responded to the call and  
15 went to the hospital to get her statement?

16 MS. HAMMELL: Yes, we did.

17 Q And then you reviewed your records about that so  
18 you can testify about it today?

19 MS. HAMMELL: Yes, Mr. Commissioner, I did.

20 Q Okay. What time did you take her statement?

21 MS. HAMMELL: I have it here if I could look at it.

22 Q Yes, please. You were the first police officer to  
23 take her statement; right?

24 MS. HAMMELL: My partner took her statement.

25 Q Okay. What time did your partner take her

1 statement? Time and date, please.

2 MS. HAMMELL: The statement was taken by my partner Constable  
3 1889 Torvik, 1999, November 11th.

4 Q Yes.

5 MS. HAMMELL: At 07:49.

6 Q 07:49.

7 MS. HAMMELL: It was completed at 07:49.

8 Q Okay. So it started a few minutes before that?

9 MS. HAMMELL: Oh, no. No. We don't just arrive and take a  
10 statement. It's important to find out what we're  
11 needing to work with.

12 Q Sure. All right. The reason I'm asking you is if  
13 you go to exhibit --

14 MR. HERN: Maybe we could mark it. I forgot to mark the  
15 documents brief. I don't want to mark the  
16 transcript extract brief, just the documents  
17 brief. It should be NR, Mr. Giles.

18 THE REGISTRAR: That will be Exhibit 205NR.

19 **(EXHIBIT 205NR: VPD Response Panel**  
20 **Brief of Documents)**

21 MR. WARD: Thanks. No wonder I didn't know the number.

22 Q Exhibit 205NR, please. The transcript of her  
23 urgent, frantic, distraught 9-1-1 call is here.  
24 And she was told by Rae-Lynne Dicks, as you know  
25 from reading the transcript, that a police officer

1 would be coming to see her; correct?

2 MS. HAMMELL: At some point I imagine she was, yes.

3 Q Look over here on page 4. Rae-Lynne Dicks, the  
4 operator, says to the distraught 16 year old girl  
5 who has just been raped, who was injured and  
6 desperate for help from the police:

7 It is 20 after 2.

8 Do you see that?

9 MS. HAMMELL: I'm just getting to the right page.

10 Q Yes. She says up above she -- and I'm sorry about  
11 this, she's bleeding from her asshole, she  
12 describes the man who's raped her, she's pleading  
13 for help, she's called 9-1-1, or the garage  
14 attendant has, for help from the Vancouver Police  
15 Department and the operator tells her it's twenty  
16 after two. Do you see that line 20 on the fourth  
17 page?

18 MS. HAMMELL: Yes, I see that.

19 Q And the Vancouver Police Department in the shape  
20 of you and your partner don't get around to  
21 talking to her until 7:49, five and a half hours  
22 later; right?

23 MS. HAMMELL: That's inaccurate, Mr. Commissioner.

24 Q Well, when did you get there?

25 MS. HAMMELL: We arrived -- we were dispatched at --

1 Q When did you arrive at the hospital?

2 THE COMMISSIONER: She's trying to answer that.

3 MR. WARD: Thank you.

4 MS. HAMMELL: We were dispatched to the call before our shift  
5 officially started at 05:00 that morning, and when  
6 we attended the hospital, and I'll just check for  
7 the time because you asked for it.

8 MR. WARD:

9 Q Please, please.

10 MS. HAMMELL: Mr. Commissioner, we arrived to the hospital at  
11 05:21 hours in the morning on the date of November  
12 11th, 1999.

13 Q So you arrived at the hospital three hours and  
14 eleven minutes after the emergency 9-1-1 call.  
15 Twenty after two she's on the line with the 9-1-1  
16 operator calling the police; right?

17 MS. HAMMELL: Yes, a call came in at 02:12 hours.

18 Q Two-twelve. Three and a half hours. And you  
19 would agree in a case like this where she's just  
20 been raped, she's describing her assailant, she's  
21 badly injured, immediate response is required in  
22 order to get -- have the best chance of getting  
23 the culprit; right?

24 MS. HAMMELL: Mr. Commissioner, that is optimal, absolutely.

25 Q The Vancouver Police Department with its thousand



1 or so officers back then, Canada's third biggest  
2 city, responded to calls 24 hours a day, didn't  
3 it?

4 MS. HAMMELL: As you know, yes, we did.

5 Q Of course. Now, the reason I suggest nobody  
6 responded between 2:20 and 5:30 to see this woman  
7 is because the men on duty that night didn't want  
8 to go and they're waiting for a woman to come on  
9 the shift. Is that what happened?

10 MS. HAMMELL: Mr. Commissioner, that is utter nonsense.

11 THE COMMISSIONER: Sorry?

12 MS. HAMMELL: That's utter nonsense. This is a very serious  
13 incident that took place, and there was somebody  
14 dispatched before we were dispatched, and when my  
15 partner and I came on we were -- we were the first  
16 unit of the day to attend to this call so that we  
17 could spend the time required with this person.

18 MR. WARD:

19 Q Well, I thought you said that your partner was the  
20 first person in the VPD to talk to her?

21 MS. HAMMELL: A unit was called, and if you look at the  
22 transcript here on the -- if you look at the  
23 incident history details you're going to see they  
24 were pre-empted.

25 Q Oh, so something else came up?

1 MS. HAMMELL: And I don't know what could have come up, but --

2 Q All right. So --

3 MS. HAMMELL: -- this woman was -- this child was in a place of  
4 safety. When we arrived at the hospital after  
5 being dispatched the doctors were not quite  
6 finished with her examination.

7 Q I understand that, but this was an emergency call  
8 for a very, very serious alleged criminal offence,  
9 the rape of a 16 year old child, and a VPD didn't  
10 come to see her -- sorry. Deputy Chief LePard,  
11 you're whispering to the witness. Can I ask you  
12 what you just said?

13 MR. LEPARD: Yes, I said let me answer that.

14 Q Oh, okay. Well, I'm asking the witness. Thank  
15 you.

16 THE COMMISSIONER: I can say that I don't want to interrupt  
17 your cross-examination, but counsel will have the  
18 opportunity to re-examine if it's appropriate to  
19 re-examine.

20 MR. WARD: This is another patent flaw of the panel system.

21 THE COMMISSIONER: This is not a flaw.

22 MR. WARD: You have Deputy Chief LePard whispering to the  
23 witness I'm cross-examining that he'll take this  
24 one. That's -- I don't need to say anything more  
25 about that.

1 Q It wasn't a priority for the VPD as an institution  
2 to respond to this rape complaint by the 16  
3 year-old child because she was just a hooker;  
4 right?

5 MS. HAMMELL: That is very inaccurate, Mr. Commissioner. I'm  
6 quite insulted by that comment.

7 Q Well, can you explain on behalf of your department  
8 that Deputy LePard is so proud of why, why it took  
9 three hours and eleven minutes for a police  
10 officer to see her, can you explain it?

11 MS. HAMMELL: I cannot explain why it took that long for the  
12 police to attend. I wasn't there for the three  
13 hours preceding. I am grateful that I had the  
14 opportunity to work with this incredibly brave  
15 young lady.

16 Q All right. Thank you. I'd like to turn to  
17 another related subject on this issue of how the  
18 VPD has historically treated those involved in the  
19 sex trade and their relatives. I'd like to show  
20 you next Exhibit 198, and these questions will be  
21 for you Deputy Chief LePard, and 194.

22 THE COMMISSIONER: Exhibit 194?

23 MR. WARD: Exhibit 194 and 198 together. Thank you.

24 Q And at 194 I'll ask you to turn to tab 39, please,  
25 Deputy LePard, and -- we'll start with 198 though,

1 198 and then if you open the binder to tab 39.  
2 I'll refresh your memory, you've seen these  
3 documents before in the course of your work on  
4 this file, and I'm going to refresh your memory on  
5 it. Exhibit 198, minutes of an in camera meeting  
6 of the Vancouver Police Board held on May 15, 2002  
7 from 4:15 to 6:50 p.m. And the police board, of  
8 course, is the board that is responsible for  
9 overseeing the police department; right?

10 MR. LEPARD: Yes.

11 Q And you see that the members of the board, save  
12 and except for Ken Bagshaw, were all present,  
13 including the mayor, and that many senior members  
14 of the VPD including Chief Constable Blythe,  
15 Deputy Chiefs Unger, Daley, Greer, various  
16 inspectors were all present including yourself?

17 MR. LEPARD: Yes.

18 Q And you'll see at item 5.2, most of this is all  
19 blacked out for reasons that are not at all clear  
20 to me, but at item 5.2 under the heading Missing  
21 Women Task Force this appears:

22 Inspector Beach outlined the missing women  
23 case from 1997 and involvement of the VPD.  
24 Detective Driemel and Eli Sopow, RCMP  
25 communications strategist, explained the

1 media and communications strategy being used  
2 by the Missing Women Task Force and its  
3 rationale.

4 Just stopping there. Do you remember this  
5 presentation at the police board on this date?

6 MR. LEPARD: No, I don't.

7 Q All right. Let me just put it in context further.  
8 It's three months after all the media furor over  
9 the Pickton search has blown up in the print  
10 media, the electronic media. So you appreciate  
11 the timing?

12 MR. LEPARD: Yes.

13 Q Here's a copy of the presentation. Detective  
14 Scott Driemel of course then spoke for the VPD as  
15 its media relations person?

16 MR. LEPARD: I'm sorry, is that somewhere that I can look at?

17 Q Well, do you remember him being the media  
18 spokesperson?

19 MR. LEPARD: Yes, I do remember.

20 Q All right. So Inspector Beach, Scott Driemel and  
21 Eli Sopow, these three men attend to give this  
22 presentation to the board and senior management of  
23 the VPD. And look over here at the second to last  
24 page. They list the names of several people  
25 including the family members of four of the women;

1 Ernie Crey, Sandra Gagnon, Mr. and Mrs. Dreyer,  
2 and Kathleen Hallmark. Do you see that on those  
3 two pages?

4 MR. LEPARD: Yes, I do.

5 Q They also --

6 MR. HERN: Sean Hern for the VPD. My objection to the  
7 characterization of this question, I know you're  
8 going to the document, but I want to be careful of  
9 the characterization because he's attributing it  
10 to all three of these individuals. This document  
11 has been produced by us, we acknowledge that, it  
12 was Mr. Beach did not recall -- did not say he was  
13 the writer, he didn't know who had written it or  
14 whether he was the writer, and Mr. Owen didn't  
15 know whether this had actually been presented to  
16 him. So all I want to hear is that the question  
17 specifies that this is a document that may reflect  
18 what was presented or is a draft of it, but we  
19 don't know who the writer is and we don't know  
20 that it was actually presented.

21 THE COMMISSIONER: Well, that may be, but counsel is entitled  
22 to cross-examine as to the knowledge that this  
23 witness may or may not have had of what was said  
24 at the time, because Inspector LePard at the time  
25 was there.

1 MR. HERN: That's fine, and he said he doesn't remember it, and  
2 this may refresh his memory, and that's fine, I  
3 just wanted to make sure the question doesn't  
4 mislead the witness to suggest that other  
5 witnesses have said yes, this is what was --

6 THE COMMISSIONER: All right. I'm sure he will be fair.

7 MR. WARD: I will endeavour to be so.

8 Q Go back to 5.2. The minutes themselves just  
9 contain a very short description of this  
10 presentation and it says this:

11 Inspector Beach outlined the missing women  
12 case from 1997 and involvement of the VPD.  
13 And then Driemel and Sopow explained the  
14 media and communications strategy.

15 Stopping there. If you turn to the document at  
16 tab 39, and you know I'm from, what do they say,  
17 Kansas, I wasn't in the VPD, I don't know who  
18 prepared this, but it was produced to us as a VPD  
19 document. It says police board meeting May 15,  
20 2002, and then it says this:

21 Good afternoon. I'm here today, along with  
22 Detective Scott Driemel and Mr. Eli Sopow.

23 So I take this, sir, to be a script of what  
24 Inspector Beach said to the VPB, Vancouver Police  
25 Board. That's what I take it as on its face.

1 Does that make sense?

2 MR. LEPARD: I don't know. Mr. Commissioner, I don't recall  
3 this. I only first saw this when documents were  
4 being disclosed and I saw this document. I have  
5 no recollection of it, so I don't know whether it  
6 was actually presented. And the way that an in  
7 camera police board meeting works once you move  
8 into the in camera portion is that generally  
9 people who are attending are only attending for  
10 their item and then they're not in the room  
11 anymore. So I was the inspector in planning and  
12 research, I would have been there to deal with  
13 policy amendments, and then I may very well have  
14 left or been excused because I was finished. All  
15 I can say is I have no recollection of it. I know  
16 who these people are.

17 Q Okay. Well, while you compiled documents you've  
18 seen this, you've read it. I just have a couple  
19 of questions about it. You'll see in the author's  
20 description of these people, Wayne Leng, Ernie  
21 Crey, Sandra Gagnon, the Dreyer family and  
22 Kathleen Hallmark, family members and friends of  
23 the murdered women, the comments there are  
24 offensive, insensitive and down right nasty,  
25 aren't they?



1 MR. LEPARD: I would have to read over it now.

2 Q Please do. Wayne Leng -- they're just short.

3 Please read them to yourself, because I don't want  
4 anybody saying this out loud it's so nasty.

5 MR. LEPARD: Some of the comments are not complimentary.

6 Q All right.

7 MR. LEPARD: Some of them are simply observations I would  
8 describe them as.

9 Q All right. I would put it to you that for each of  
10 those people -- each of the descriptions of those  
11 people by the author of this document contain  
12 uncomplimentary remarks. Would you accept that?

13 MR. LEPARD: Yes, I would.

14 Q All right. So here's the thing, sir. At a  
15 presentation to the Vancouver Police Board, the  
16 mayor, the police chief, all the deputies, whoever  
17 was there at the time, all these sergeants and  
18 inspectors listed here, the VPD representative is  
19 apparently saying uncomplimentary things about the  
20 families of the missing and murdered women and  
21 Sarah de Vries's friend Wayne Leng. You agree  
22 with that?

23 MR. LEPARD: Well, your entire statement was that you had all  
24 these sergeants and other officers there, I doubt  
25 that they were there. But in terms of the

1           comments, yes, some of them I would just simply  
2           describe as observations, that they're not  
3           complimentary, but they're not -- some of them are  
4           not inaccurate. Others are, you know, they are I  
5           would describe as more opinions rather than simply  
6           reporting known information.

7           Q   Well, here's the thing, sir, I want to ask you  
8           about given your testimony today. I understand  
9           the thrust of your testimony to be oh, the VPD has  
10          always been concerned about sex trade workers and  
11          we investigate their and their family's concerns  
12          and take them seriously; right?

13       MR. LEPARD: Well, Mr. Commissioner, I think to balance that  
14       there's no one that's been more critical of the  
15       VPD and its lack of response, an effective  
16       response to the missing women case than I have  
17       been. My 400 page report is very critical of the  
18       VPD. But also when it comes to things that --  
19       allegations that are made that I do not believe  
20       are borne out by the evidence then, yes, I will  
21       defend the police department that I have been a  
22       member of for 31 years and I'm proud of.

23       Q   Let me put this question to you this way. If the  
24       comments made in this VPD prepared document, in  
25       this presentation that may have been delivered by

1 Inspector Beach to the board and the executive,  
2 are reflective of the department's attitude  
3 towards these families at a time when literally  
4 bone fragments of their lost loved ones were being  
5 retrieved from the Pickton pig farm dirt, then it  
6 follows that their views and the department's view  
7 of the families and their concerns before the  
8 department even conceded the women were dead were  
9 uncomplimentary as well, doesn't it?

10 MR. LEPARD: You lost me a little bit. I'm sorry, but I don't  
11 know whose views these are.

12 Q I assume they're Inspector Beach's because that's  
13 what the document suggests.

14 MR. LEPARD: I don't know that. I don't know whether Inspector  
15 Beach made these comments, whether he wrote them,  
16 whether he introduced them, whether they were  
17 written by Dr. Sopow, I don't know.

18 Q All right. I'll move to the next subject. You  
19 remember just after you finished your report and  
20 were about to release it for publication, you  
21 remember that time frame back in August 2010?

22 MR. LEPARD: Yes.

23 Q And you remember -- bear with me for a minute.  
24 You remember in August 2010 Kevin Begg getting in  
25 touch with you and Chief Chu and Gary Bass and Al

1 Macintyre, the latter two the most senior members  
2 of the RCMP in this province, for a meeting to  
3 discuss the issues arising from the Pickton case?

4 MR. LEPARD: Yes.

5 Q And Kevin Begg, who you know to be a bureaucrat in  
6 the office of the solicitor general, Ministry of  
7 the Solicitor General, Public Safety and Solicitor  
8 General?

9 MR. LEPARD: Yes, he was the assistant deputy minister.

10 Q Got you all together around the time you were  
11 going to release your report so that you could  
12 come up with a joint strategy for public face that  
13 all of you were going to put on the issue of the  
14 Pickton missing women investigations; correct?

15 MR. LEPARD: That's not quite correct, Mr. Commissioner. There  
16 was certainly discussion of the fact that we had a  
17 report that we had always committed to releasing  
18 once the Pickton trials were over, and so there  
19 was certainly discussion of that and how that was  
20 going to be handled and whether the report would  
21 be released or not, what public comments would be  
22 made, yes, there was discussions around that  
23 issue.

24 Q And there was a concern, and certainly expressed  
25 by Mr. Begg, that the two police services involved

1           in the investigation, your institution, the VPD on  
2           the one hand, and Mr. Bass's, the RCMP on the  
3           other, collaborate in putting forward a public  
4           face on what had happened during the  
5           investigations that made the police come off in a  
6           most positive light possible?

7   MR. LEPARD: No, that was never his suggestion, and that wasn't  
8           the tone of the conversation. There was  
9           discussion about the commitment that we had made  
10          to release the report that I had written and  
11          whether there was a different way to handle that.  
12          For example not releasing it and simply providing  
13          it to government, and I believe Mr. Coleman made  
14          comments at the time about that they would have  
15          preferred to have taken the two reports and  
16          created some sort of a common document. And if  
17          not at that meeting we certainly did discuss with  
18          the RCMP the value of coming out together jointly  
19          and not being in conflict in terms of public  
20          confidence in the police, and we did invite the  
21          RCMP to join us at our press conference when we  
22          were -- when the process of releasing our report  
23          was accelerated by the leak of an earlier draft.  
24          So, yes, we did talk about that.

25       Q   And just to put this in temporal context, this is

1 after the Supreme Court of Canada has dismissed  
2 Robert William Pickton's appeal?

3 MR. LEPARD: That's correct.

4 Q And during the time that the families' request for  
5 a public inquiry is being contemplated; right?

6 MR. LEPARD: I don't know if it was being contemplated or not.  
7 I certainly know that we had been asked for our  
8 position. Before that I'd actually -- Ms. de  
9 Vries had communicated with me and asked me if we  
10 supported a public inquiry and I told her that we  
11 did.

12 Q Sure, and it's the same time as we heard the other  
13 day from former Mayor Owen that he and our  
14 commissioner were going on the radio to discuss  
15 the implications of a public inquiry?

16 MR. LEPARD: I'm not aware of that.

17 Q All right. And what you did was that you released  
18 your report to get ahead of the public inquiry, to  
19 get your story out into the public domain before  
20 any sort of messy inquiry began, didn't you?

21 MR. LEPARD: No, that's not correct. I actually have a very  
22 different understanding of what the influence of  
23 releasing my report was and discussions of whether  
24 there would even be a public inquiry, but in any  
25 case the matter was taken out of our hands because

1 of the leak of an earlier draft, because at that  
2 time Chief Constable Chu was in conversation with  
3 Minister Coleman who had asked us to delay the  
4 release of the report.

5 Q Now, I just want to touch on some of the leg work  
6 you've been doing lately. You were able to find  
7 the transcript of Marion Bryce's 9-1-1 call;  
8 right?

9 MR. LEPARD: No. I recovered the actual recording and I had a  
10 transcript created from it.

11 Q I'm sorry, I misspoke. Yes, you were able to get  
12 the recording and then you were able to get  
13 someone to transcribe it?

14 MR. LEPARD: Correct.

15 Q Now, Ms. Bryce testified, and it's in evidence in  
16 the excerpt my friend has provided at page 3 of  
17 her testimony, line 16, that she believe the call  
18 was placed on March the 5th, the day after her  
19 son's birthday. The transcript reveals in fact  
20 the recording was made May 31st. That's about two  
21 and a half, three months later; right?

22 MR. LEPARD: Yes.

23 Q Now, Jane Smith also testified she made a 9-1-1  
24 call, she said it was she believed it was around  
25 September, October of 2000?

1 MR. LEPARD: I'm going to have to accept that. I didn't listen  
2 to her evidence.

3 Q But you were informed of it?

4 MR. LEPARD: Generally.

5 Q And you didn't try, you didn't undertake any  
6 effort to get that transcript, did you?

7 MR. LEPARD: Of Ms. Smith's 9-1-1 call?

8 Q Let me back up. I'm sorry. Let me start again.  
9 When you heard of Ms. Smith several weeks ago.

10 MR. LEPARD: Yes.

11 Q And you procured her full name.

12 MR. LEPARD: Yes.

13 Q You undertook a search of VPD records and located  
14 files in which she had been involved?

15 MR. LEPARD: Correct.

16 Q And you were able through your counsel to check  
17 her evidence in effect, verify her evidence on  
18 those matters?

19 MR. LEPARD: I didn't know what her evidence was going to be, I  
20 simply endeavoured to acquire every single record  
21 that we had in our possession concerning her so  
22 that we would have some documents that we might be  
23 able to compare against what she might have to  
24 say.

25 Q And after doing the comparison, in light of your



1 earlier examination today, it looked like there  
2 were two things that conflicted with all the  
3 records. And, by the way, I've got the records  
4 here finally, 113 pages of them, I haven't  
5 reviewed them yet, but it looks like she made two  
6 errors according to the earlier examination in  
7 chief of herself. 1946 must have been the wrong  
8 badge number because that belongs to a woman, and  
9 if she said there was a sound system within the  
10 interior of the paddy wagon then she must have  
11 been wrong according to you; right?

12 MR. LEPARD: Those two things are both correct, but those  
13 weren't the only errors that I understand she made  
14 in her evidence, although my understanding is that  
15 in cross-examination that she agreed that there  
16 was information that she had been incorrect about.

17 Q Now, the critical aspect of her evidence, the  
18 critical aspect, the reason she was presumably put  
19 on the stand by commission counsel was this I  
20 suggest, she described encountering Robert William  
21 Pickton in October or November of 2000, escaping  
22 from his clutches and phoning the police to tell  
23 them that she had just encountered the man who was  
24 murdering her friends and the other sex trade  
25 workers, and she described the conversation she

1 had first with the 9-1-1 operator and then the  
2 same call, the member of the VPD who the 9-1-1  
3 operator put her through to?

4 MR. LEPARD: Well, that's not my understanding of what she  
5 said.

6 Q Well, if I got it wrong the transcript will get it  
7 right, but I think that's a fair summary of her  
8 evidence.

9 MR. LEPARD: My understanding of her evidence was that she said  
10 that she was put through to someone from the  
11 quote unquote task force.

12 Q Yes, and what she understood to be discussions  
13 with her friends in the community some group at  
14 the VPD was looking into the disappearances?

15 MR. LEPARD: That's not my understanding.

16 Q I don't want to quarrel with you. Anyway, it --

17 MR. LEPARD: I just don't want to agree to something you're  
18 putting to me that I believe might be inaccurate.

19 Q You're able to get historic 9-1-1 recordings,  
20 'cause you did so for Ms. Bryce's call back in  
21 2001?

22 MR. LEPARD: Yes, and I actually did for Ms. Smith as well.

23 Q Oh, so you have the recording for the call she  
24 made?

25 MR. LEPARD: No, we were not able to recover any such

1                   recording, but I did recover two 9-1-1 recordings  
2                   of calls that she did make that there is a record  
3                   of.

4                   Q   Where are they?

5   MR. LEPARD:   I've provided them to counsel.

6   MR. HERN:   They're just an audio.

7   MR. WARD:   I'd like them, please.

8   MR. HERN:   You can have them, but just to be clear that you're  
9                   talking about the same things, the ones that  
10                  Deputy LePard's talking about are ones that have  
11                  incident numbers associated with them which are on  
12                  the files you now have in their possession, and  
13                  that's why they're able to be found.  So you may  
14                  want to ask him how he can find the ones -- and by  
15                  the way, Ms. Smith's testimony was September,  
16                  October, not October, November.

17   MR. WARD:   Thank you.

18                  Q   Did you hunt down what I've characterized as the  
19                      critical call, the September, October call about  
20                      Pickton?

21   MR. LEPARD:   Mr. Commissioner, without some specific  
22                   information about a date and an approximate time  
23                   that would be virtually impossible.

24                  Q   Why?

25   MR. LEPARD:   Because there are -- the number of 9-1-1 lines

1 coming into the communications centre or E-Comm  
2 that are operating 24 hours a day, seven days a  
3 week there are literally hundreds of thousands of  
4 calls. Just to the VPD there are I think last  
5 year was something like 225,000 calls that were  
6 made to 9-1-1 where there was an incident created.  
7 So to look -- you would essentially have to have  
8 someone listen to thousands of hours of 9-1-1  
9 calls over a period of months how many ever hours  
10 there are in several months in 2000 to try and  
11 track that down, because there is no record to  
12 suggest that she called, there's no record to  
13 search with a case number by her name, there is no  
14 record suggesting that she made a call. Those  
15 calls that she did make to 9-1-1 we have records  
16 of them, there are reports associated, and we have  
17 the recordings.

18 Q You've got computerized logs, you know the  
19 substance of the call, you know her name, you know  
20 the window of time it occurred in, you had the  
21 nature of her evidence for months since it was  
22 first raised. It could have been done; correct?

23 MR. LEPARD: It would be --

24 Q It would be hard.

25 MR. LEPARD: Well, in a week there are 168 hours, so if we knew

1           the week times 168 hours by the, I don't know, 20  
2           incoming lines that are coming in, so you're  
3           talking about thousands of hours of audio that  
4           would have to be listened to. It's simply  
5           completely unrealistic, it couldn't be done.

6           Q   All right. I'm going to put another possibility  
7           to you. You didn't embark on that exercise  
8           because you didn't want to find the call?

9   MR. LEPARD: False, Mr. Commissioner.

10          Q   All right.

11   MR. LEPARD: I would love to be able to find the call if there  
12               was one. I didn't know what I would find when I  
13               asked for Marion Bryce's 9-1-1 call either, but  
14               simply as a matter of being responsive we acquired  
15               the call.

16          Q   When you and Begg and Bass and Chu and Macintyre  
17               met prior to the announcement of this missing  
18               women inquiry you by then had the nature of your  
19               defence sorted out that you started working on in  
20               2003; correct?

21   MR. HERN: I've objected to this one question before. When  
22               Mr. Ward talks about defence I don't want that  
23               being confused with civil litigation because  
24               there's no waiver of privilege there, so I'd ask  
25               him to make sure the question indicates that he's

1 focusing on a response for some kind of linking to  
2 the review that he did, and I don't want him to  
3 stray into solicitor-client privilege.

4 THE COMMISSIONER: All right.

5 MR. WARD:

6 Q Your review was designed to express the following  
7 components. Number one, key management didn't  
8 know anything about Willie Pickton, if they'd only  
9 known what Shenher and Field and Lepine and  
10 Chernoff were working on in 1999 they would have  
11 made sure more resources were available. That was  
12 one thing you wanted to get across?

13 MR. LEpard: I disagree.

14 Q All right. Another thing you wanted to get across  
15 was Fell and Wolthers, bad apples, they interfered  
16 with the proper functioning of the missing women  
17 investigative team?

18 MR. LEpard: That was a finding of my report.

19 Q All right. And you wanted to convey that there  
20 weren't any issues of indifference or sexism that  
21 contributed to the poor investigation?

22 MR. LEpard: I did not explore that issue. What I explored was  
23 whether there was bias in the VPD that resulted in  
24 failing to take proper action when known violent  
25 offences were committed against sex workers.

1           Q    Okay. Just on that point, when you started your  
2                    review in 2003 --

3   MR. LEPARD: I started my review in late 2002.

4           Q    Late 2002, I stand corrected, you started your  
5                    review you made no effort yourself or through  
6                    Darcy Sarra to go to the computers that the  
7                    members used to converse among themselves and  
8                    gather up the e-mails from 2002, 2001 and 2000,  
9                    '99 about this issue of the missing sex trade  
10                  workers from downtown, did you?

11   MR. LEPARD: What I did, Mr. Commissioner, it was actually done  
12                  before I became involved in it, was Deputy Unger  
13                  sent out a letter to every member of the  
14                  department saying to secure all relevant documents  
15                  that had anything to do with the missing women  
16                  investigation. That was repeated in a letter by  
17                  Chief Constable Jamie Graham to everyone in the  
18                  police department to provide all notes and records  
19                  regarding the missing women investigation, and  
20                  then Constable Sarra and Constable Lambert both  
21                  went out and began meeting with people directly to  
22                  acquire their notes and any records that they had.

23           Q    So you left it up -- you, collectively the  
24                  management, left it up to the members to determine  
25                  what e-mails would be relevant to your work?

1 MR. LEPARD: No, but there are were two members that were  
2 assigned to scour everywhere they could and that  
3 included our network. Many of the documents that  
4 were produced actually were ones that Constable  
5 Sarra recovered from our computer network. That's  
6 where that problem came out about where they were  
7 auto dating and with mistaken dates on them  
8 because she'd recovered them from a computer  
9 rather than someone's file.

10 Q Who were the two individuals?

11 MR. LEPARD: Sorry, which?

12 Q Who were the two individuals who were tasked with  
13 that exercise?

14 MR. LEPARD: Darcy Sarra and Cinda Lambert.

15 Q All right. You've seen because you've read it  
16 Lori Shenher's reference to the jokes, the pig  
17 jokes that members made, the insensitive comments  
18 they made, the band wagon jumping by members, male  
19 members who wouldn't have pissed on the women when  
20 they were alive and wanted to become involved in  
21 the investigation now that they were dead and gone  
22 and there was a high profile case to investigate,  
23 you've seen all that?

24 MR. LEPARD: I did read her draft manuscript or script or  
25 whatever it is. I'm also aware of what her



1 evidence was, and in her evidence about the  
2 differences between what she testified to and what  
3 she felt as a deeply affected police officer at  
4 that time, and some of it was accurate and some of  
5 it was her feelings and some of it was inaccurate.

6 Q And you know two things from your many decades of  
7 experience in police investigative work about  
8 e-mails, I suggest. You know number one, people  
9 speak candidly over the e-mails, number two,  
10 e-mails can be retrieved from computer hard drives  
11 even after they have been deleted by the user;  
12 right?

13 MR. LEPARD: Regarding whether people speak candidly or not, I  
14 suppose that's an individual thing. Certainly  
15 some people do. Regarding whether they can be  
16 recovered, that depends at the point in time of  
17 them, because technology is constantly advancing  
18 and I know that when it came to trying to recover  
19 e-mails earlier on in our technology when we got  
20 e-mail into the department, which was only in the  
21 '90s, it was very difficult. And even now when I  
22 have tried to recover e-mails that were exchanged  
23 while I was doing my review, so in the early  
24 2000s, it's been explained to me that they  
25 couldn't be recovered, that our technology wasn't

1           capable of that at the time, but our technology is  
2           now improved so that they're archived and they are  
3           accessible and so on. So even e-mails from 2004  
4           couldn't be recovered.

5           Q   You know a third thing too. You know as deputy  
6           chief of the Vancouver Police Department that male  
7           members within the department have used internal  
8           e-mail networks inappropriately for communicating  
9           pornographic material, don't you?

10       MR. LEPARD: I know that 15 male employees of our 1800 in the  
11           Vancouver Police Department exchanged some  
12           inappropriate material and used VPD time and  
13           resources inappropriately, and it was unacceptable  
14           and they were all disciplined.

15       THE COMMISSIONER: I'm going to stop you there for the break.  
16           I think your time is almost expired. We'll come  
17           back and finish it off.

18       MR. WARD: Thank you.

19       THE COMMISSIONER: Thank you.

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

21                   **(PROCEEDINGS ADJOURNED AT 12:31 P.M.)**

22                   **(PROCEEDINGS RESUMED AT 1:47 P.M.)**

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

24       MR. WARD: Mr. Commissioner, Cameron Ward, counsel for the  
25           families of 25 missing and murdered women. I have

1 a few more questions. I think I can finish in  
2 about fifteen minutes.

3 THE COMMISSIONER: Well, I'd like you to do it quicker than  
4 that, because you've already gone over and I don't  
5 want to deprive anyone else of the right here.

6 MR. WARD: My understanding is there are no other witnesses  
7 today and there seems to be ample time to do this.  
8 I don't know what the rush is.

9 THE COMMISSIONER: Well -- yes.

10 MR. MAKOSZ: Mr. Commissioner, Rory Makosz for the Government  
11 of Canada. My friend is welcome to five minutes  
12 of my time.

13 THE COMMISSIONER: Okay. Thank you.

14 MR. WARD: Thank you. I'm grateful for that.

15 Q Now, Deputy Chief LePard, you checked the VPD  
16 records for everything you could dig out on the  
17 woman who came here yesterday that we have  
18 referred to as Jane Smith; right?

19 MR. LEPARD: Yes, every record that we could find.

20 Q And I counted about 113 pages of various  
21 interactions she had with police.

22 MR. LEPARD: That makes it sound like a lot. There's actually  
23 not that much, because it's a number of reports of  
24 varying numbers of pages each.

25 Q I'm going to show you some of the information I

1           was given just a couple of hours ago from that  
2           bunch of documents, and I'm going to suggest that  
3           this is -- this illustrates the typical experience  
4           of a sex trade worker with the Vancouver Police.  
5           I'm showing you a package of documents with  
6           respect to one of the incidents that involved  
7           Ms. Smith, this one occurred October 20th, 2000.  
8           And you see that this package is divided up, the  
9           first three pages are CAD reports, computer  
10          assisted dispatch reports, and the last four pages  
11          are handwritten continuation reports. You're  
12          familiar with this format?

13       MR. LEPARD: Yes.

14           Q   All right. I'll summarize what happened, you can  
15               correct me if I'm wrong from the document. People  
16               in the neighbourhood were complaining that  
17               Ms. Smith was standing on the corner of Fraser and  
18               East 16th. Two VPD members went to respond. They  
19               were firstly -- sorry, let me start again here.  
20               Yes, they were Smith and Canning, and they  
21               attended on scene and spoke to her after getting  
22               the call in the afternoon about 15:49, they  
23               checked her at 16:07, a paddy wagon came and was  
24               on scene at 16:34 in the afternoon and put  
25               Ms. Smith in it. And the paddy wagon drove around

1 Vancouver with her in the back until 18:24 when it  
2 just simply let her out at Seymour and Georgia  
3 downtown, in the area of Seymour and Georgia,  
4 perhaps an alley?

5 MR. LEPARD: No.

6 Q That's what happened, isn't it?

7 MR. LEPARD: No.

8 Q All right. Well, let's take it step by step. The  
9 call starts at 15:49 in the afternoon; right?

10 MR. LEPARD: Yes.

11 Q 16:07, I'm on the first page, officers checked  
12 what is described as a known prostitute. They  
13 decide to breach her. There you see at 16:14 on  
14 that same page, PC Canning decides to breach her.  
15 Do you see that?

16 MR. LEPARD: Yes, I do.

17 Q And the breach then is referred to in the third  
18 page of the CAD report. She's picked up at  
19 16:34:09 when they're on the scene and they clear  
20 16:24 after finishing the call; right?

21 MR. LEPARD: I'm sorry, who clears?

22 Q The unit that picked her up at 16:34 clears at  
23 18:24?

24 MR. LEPARD: Yes.

25 Q Yes. And then the narrative says, and I'll just

1 take you to a passage 'cause my time is very  
2 limited, it says this at page 4 of 4:

3 PC Canning requested permission to arrest  
4 Jarvis for breach of the peace and remove her  
5 from the area to resolve the disturbance of  
6 the citizens in the area. Acting Sergeant  
7 Demeris approved the arrest. A subsequent  
8 search of Jarvis's person showed her in  
9 possession of four unused condoms.

10 Sorry, I misspoke. I shouldn't have said that.

11 Smith was transported by police wagon to the  
12 area of Seymour and Georgia and was  
13 subsequently released as the breach had been  
14 resolved.

15 So what happened here in short is that citizens  
16 were complaining she was standing on the street,  
17 the police came, they searched her, they found  
18 four unused condoms, they put her in the back of  
19 the paddy wagon, they drove around with her in the  
20 back for about two hours and released her in a  
21 different part of town without charging her with  
22 any offence; correct?

23 MR. LEPARD: No. Many material things that you have stated are  
24 incorrect.

25 MR. WARD: Well, this document speaks for itself. Mr.

1 Commissioner, I'll ask that it be marked as the  
2 next exhibit. In light of my time here counsel  
3 can re-examine you on how I say it's incorrect,  
4 but the document speaks for itself. I don't have  
5 time to pursue this further, Mr. Commissioner,  
6 you've made that clear.

7 THE COMMISSIONER: You've taken a lot of time and --

8 MR. WARD: I got these documents this morning.

9 THE COMMISSIONER: I'm not going to get into it. That's fine.  
10 You're marking that as an exhibit?

11 MR. WARD: Yes, please. NR.

12 THE COMMISSIONER: Thank you. Ms. Bateman.

13 MS. BATEMAN: Mr. Ward, could have ten minutes of my time. I  
14 don't anticipate that I'll be using it.

15 THE COMMISSIONER: All right.

16 MR. WARD: Thank you.

17 THE REGISTRAR: That will be marked as 206NR.

18 **(EXHIBIT 206NR: CAD Call History**  
19 **Report - Detailed)**

20 MR. HERN: I'm just going to have to ask him about that in  
21 re-direct, so I don't know --

22 MR. WARD:

23 Q And all I'm going to say is it's well known to you  
24 that that's how sex trade workers, or as the VPD  
25 called them hookers, were treated in this time

1 period '99, 2000, if they were bothering the  
2 residents they would be picked up, searched,  
3 thrown into a paddy wagon, driven around for a  
4 while and dropped off somewhere else. That's what  
5 would happen, right, and it was called breaching?

6 MR. LEPARD: Mr. Commissioner, it's not what the record shows.  
7 I'm happy to explain what it does show.

8 THE COMMISSIONER: Go ahead.

9 MR. LEPARD: So, first of all, what the constable carefully  
10 documents in quite a thorough report is it was not  
11 simply a matter of Ms. Smith standing on a corner  
12 and acting as a sex worker, it's that she had been  
13 aggressive and harassing in her actions with  
14 people in the neighbourhood, number one. Number  
15 two, Mr. Ward put it to me that first she was  
16 searched and then she was arrested. That's not  
17 what the report says. It says that a decision was  
18 made to arrest her for breach of the peace. The  
19 officer properly consulted and had his sergeant  
20 attend, because our policy requires that a  
21 sergeant approve an arrest for breach of the peace  
22 under section 31 of the Criminal Code. His  
23 sergeant did do that and did give permission.  
24 Next there's no information there in any way  
25 saying that she was driven around in the wagon for



1 two hours. The time that Mr. Ward put to me at  
2 the end of the call, 18:34, was the time that the  
3 officer who made the arrest cleared and made  
4 himself available for service again. We would  
5 have to look at the unit history of the wagon to  
6 see what time the wagon left and what time the  
7 wagon arrived at his or her location and dropped  
8 her off. So this was a carefully considered step  
9 based on the documentation by the police officer  
10 for someone who was acting in breach of the peace,  
11 not simply someone who was acting as a sex worker  
12 on the corner.

13 MR. WARD:

14 Q Well, you well know that the VPD's practice of  
15 breaching undesirable folks was the subject of a  
16 lot of public criticism arising from the VPD  
17 breaching some citizens from Granville Street,  
18 taking them to Stanley Park, releasing them where  
19 several VPD members beat them up, you know that?

20 MR. LEPARD: I'm aware of that case.

21 Q And breaching was a practice employed to  
22 discourage the activities of sex trade workers in  
23 the late 1990s and early 2000 as it was used here  
24 against Ms. Smith; right?

25 MR. LEPARD: No, I do not know that. I think that this was

1           actually relatively unusual and the level of  
2           documentation in this report in which Constable  
3           Canning provides the full justification for his  
4           actions and is accountable for them in this report  
5           rather than some cavalier action speaks for  
6           itself.

7           Q    Thank you.  When was John Dragani the head of the  
8           Missing Persons Unit?

9   MR. LEPARD:  Not until mid 2003, well after Mr. Pickton was  
10           arrested.

11          Q    And he fits your description of a broken toy to a  
12           tee, doesn't he?

13   MR. LEPARD:  He did not at the time, no.

14          Q    Well, he was an ineffective police officer, he'd  
15           been a long time vice-president of the union, he  
16           spent most of his time travelling around with the  
17           Vancouver pipe band, he was nearing retirement so  
18           he was put out to pasture in the Missing Persons  
19           Unit in '03, and subsequently convicted and  
20           sentenced for child pornography offences, that's  
21           the man we're talking about?

22   MR. LEPARD:  None of those things are true except for the last  
23           statement.

24          Q    Okay.  He was convicted of possessing child  
25           pornography while he was on duty and at home?

1 MR. LEPARD: Yes. I don't know about the on duty.

2 Q Why would you in management put such a person in  
3 charge of the work of the Missing Persons Unit  
4 after, after you had had the Pickton experience?

5 MR. LEPARD: What I can tell you, Mr. Commissioner, is that in  
6 2002 or even earlier I wrote a report, in fact it  
7 was in 2001 I believe as the inspector in charge  
8 of planning and research recommending that a full  
9 time sergeant be assigned to the Missing Persons  
10 Unit. That was 2002, I guess. That decision or  
11 recommendation was approved and in mid 2003  
12 Sergeant John Dragani was assigned as the first  
13 sergeant in there. That selection was made by  
14 management in the Major Crime Section, but what I  
15 can tell you was that obviously Sergeant Dragani  
16 went off the rails at the end of his career, but  
17 he was also a well respected police officer. Yes,  
18 he was part of the band. He was not a broken toy.  
19 He was not put out to pasture. I think that it  
20 was understood the importance of having a proper  
21 sergeant in there. I can't remember all the  
22 allegations that Mr. Ward made, but he was a  
23 qualified, experienced sergeant.

24 THE COMMISSIONER: I don't need to hear any more.

25 MR. WARD: All right.

1 Q Now, you testified in response to some questions  
2 that the Vancouver Police Department didn't have a  
3 men's only regimental dinner?

4 MR. LEPARD: That is correct.

5 Q Well, you see the newspapers of this city reported  
6 that it did. In numerous reports in 1995 it says  
7 there was an annual men's only police affair  
8 called the gentlemen's regimental dinner to raise  
9 money for the Vancouver Police Department's pipe  
10 band, and I've seen no corrections by the VPD.

11 MR. LEPARD: Well, I'm happy to speak to that. The pipe band  
12 might well have had a dinner. I have no idea.  
13 Maybe that's what was referred to. The context of  
14 the evidence that I heard was that it was the  
15 officers dinner that only men were invited to. We  
16 do have an officers mess, it's for police officers  
17 at the commissioned rank, so inspector or above.  
18 Unlike other so-called regimental dinners ours has  
19 always been open to guests from the outside, so  
20 police board members, women would have attended  
21 that during that time. As I said our first female  
22 inspector was in 1974. It is not exclusive to  
23 men, it is exclusive to people who have attained  
24 the rank of inspector. But as I said it's always  
25 had women attend because there were always guests

1 from the public invited including members of the  
2 police board. I can recall Mr. and Mrs. Bauman  
3 attending the dinner during that time when Sue  
4 Bauman was a member of the police board. So there  
5 are always women at the annual officers mess  
6 dinner.

7 Q All right. Two last questions. You came here and  
8 devoted some considerable time this morning to  
9 providing evidence about things that three former  
10 employees of the Vancouver Police Department said  
11 during this hearing. First of all, you agree that  
12 Rae-Lynne Dicks, David Dickson, Sandy Cameron are  
13 all former employees of the VPD?

14 MR. LEPARD: Yes.

15 Q And they had to pass security checks and be deemed  
16 persons of good character in order to retain their  
17 employment with the department while they worked  
18 there; correct?

19 MR. LEPARD: Well, when the police officer Dave Dickson was  
20 hired he certainly would have gone -- undergone  
21 background checks back in 1980 when he was -- when  
22 he was hired. I do not know what security checks.  
23 And I don't know what that means for Ms. Dicks,  
24 for example, in terms of her ability many years  
25 later to give accurate evidence.

1           Q    You haven't seen any indication in your review of  
2                the records that any of the three of them were  
3                ever disciplined for lying while they were  
4                employed with the VPD, have you?

5   MR. LEPARD:  No, I have not.

6   MR. WARD:

7           Q    All right.  And lastly, sir, you've devoted many,  
8                many hours to reviewing this matter, you testified  
9                about your views on it, and I want to ask you one  
10               last question in the nature of possible  
11               recommendations that this commission might make.  
12               Given everything you've seen, especially  
13               everything you've seen in the files about the  
14               very, very difficult and damaging experiences the  
15               families endured, would you agree that one  
16               recommendation this commission might make to  
17               government would be that it would be only fair to  
18               compensate those families for everything they've  
19               endured?

20   MR. LEPARD:  I do not think that I am qualified to answer that.  
21               That's not one of the recommendations in my report  
22               as original or our newer sister watch report that  
23               we wrote in consultation with the community about  
24               what we think would make service to victims  
25               improve the quality of missing persons

1 investigations go forward.

2 Q Well, wouldn't such a gesture like was made in the  
3 Air India federal inquiry go a long way perhaps to  
4 soothing the injured feelings of the family  
5 members who have had to endure their treatment  
6 during the time that Pickton was killing their  
7 loved ones and the investigators were failing to  
8 stop him and their experiences ever since that  
9 over the last decade?

10 MR. LEPARD: I don't know whether the money would make them  
11 feel better.

12 MR. WARD: Thank you. Those are my questions.

13 THE COMMISSIONER: Thank you. Mr. Gratl.

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

15 Q A question from Ms. Narbonne who unfortunately was  
16 unable to be here this afternoon. What's the  
17 percentage of aboriginal officers, Mr. LePard, at  
18 the Vancouver Police Department in the year 2000?

19 MR. LEPARD: In the year 2000?

20 Q Yes.

21 MR. LEPARD: I don't know that. I can tell you back to 2004  
22 what the percentage of visible minority and  
23 aboriginal officers was, but I don't have that  
24 information back to 2000. I have a rough idea.

25 Q Are there reports available of the racial and

1 ethnic composition of the --

2 MR. LEPARD: I'm sorry, I couldn't hear you.

3 Q The racial and ethnic composition of the Vancouver  
4 Police Department, are there reports available?

5 MR. LEPARD: I do have statistics back to 2004. I have them  
6 for gender back to 1999. I have them for visible  
7 minority and aboriginal officers back to 2004.

8 Q Are they annual reports?

9 MR. LEPARD: Pardon me?

10 Q Those are annual assessments?

11 MR. LEPARD: It was information that was gathered for me from  
12 our Human Resources Section, and that was as far  
13 back as they had that information.

14 Q All right. It might be helpful to have those  
15 produced ultimately for the analysis of  
16 composition of the force.

17 MR. LEPARD: I can tell you what it is now and you've asked me  
18 that before.

19 Q Sure. What's the current percentage of aboriginal  
20 officers at the executive level?

21 MR. LEPARD: There are none at the executive level, one at the  
22 management level.

23 Q And one -- and by management level what level are  
24 we talking about?

25 MR. LEPARD: An inspector that I know of. Not everyone self



1 identifies.

2 Q Fair enough. And has there ever been an  
3 aboriginal officer at the senior management level  
4 at the Vancouver Police Department?

5 MR. LEPARD: Yes, we have one right now.

6 Q And who would that be?

7 MR. ROBERTS: That is Inspector Marcie Flamand.

8 Q Okay. And Marcie Flamand is the only aboriginal  
9 officer that was ever at the senior management  
10 level to your knowledge?

11 MR. LEPARD: To my knowledge.

12 Q Okay. Now, it's true that you worked with Geramy  
13 Field; correct?

14 MR. LEPARD: Yes.

15 Q And it's true that you worked with her husband  
16 Ron. Do you know his last name?

17 MR. LEPARD: Yes.

18 Q What's his last name?

19 MR. LEPARD: Her current husband's name is Ron Powell.

20 Q Okay. You worked with him as well, did you?

21 MR. LEPARD: I worked in the same area as him. I didn't work  
22 directly with him.

23 Q All right. And then you worked with Al Howlett  
24 too, did you?

25 MR. LEPARD: I worked in the same area with him in that we were

1                   both in the Sexual Offence Squad at the same time,  
2                   but I didn't work with him.

3                   Q   And then you also worked with Biddlecombe, did  
4                   you?

5   MR. LEPARD:   Well, he was an inspector in the Major Crime  
6                   Section when I was a sergeant there, so we were in  
7                   the same area.  I wouldn't say that I worked with  
8                   him.

9                   Q   Now, in your -- in your report.

10   MR. LEPARD:   Yes.

11                  Q   Your investigative report, Exhibit 1 at this  
12                   inquiry, you don't mention that your section,  
13                   Policy and Research Section, was engaged in a  
14                   review of the missing persons policies, do you?

15   MR. LEPARD:   No, I did not.

16                  Q   You appreciate that your section was in fact  
17                   during the terms of reference involved in a review  
18                   of missing persons policy?

19   MR. LEPARD:   I am aware of that.  We reviewed dozens and dozens  
20                   of policies during that time, including the  
21                   missing persons policy.

22                  Q   Okay.  And that -- I'm just passing forward a  
23                   package of recall documents disclosed to me today,  
24                   it's a package of documents that came in a yellow  
25                   folder that you no doubt recognize, Mr. LePard?

1 MR. LEPARD: Yes, I do.

2 Q This is the package of documents that is in your  
3 final, in essence, your missing persons policy  
4 analysis file; is that correct?

5 MR. LEPARD: It was the project file of the constable that was  
6 assigned to do the work.

7 Q Sure, and you did the assignment; correct?

8 MR. LEPARD: I assigned it to my sergeant to assign actually.  
9 Indirectly it came from me.

10 Q All right. And the general nature of your -- and  
11 you were assigned of course to do this review of  
12 the missing persons policies; correct?

13 MR. LEPARD: You're talking about this now?

14 Q Yes. When were you assigned to do this? When  
15 were you assigned to do this review?

16 MR. LEPARD: If you look at the bottom document I think that  
17 you will find that there was a 2000 memo from  
18 Inspector Al Niedtner, the District 4 inspector,  
19 identifying a problem that occurred and asking me  
20 as the inspector in charge of Planning and  
21 Research Section to look at our policy and see if  
22 it can be refined to better serve the public.

23 Q And you can see the third bottom document there  
24 you can see is a facsimile transmission from Lori  
25 Chapman the NCO of Coquitlam Detachment?

1 MR. LEPARD: I don't actually see that, but --

2 Q It's the third last document in this package from  
3 Staff Sergeant Lunn, the NCO "D" Watch, Coquitlam  
4 Detachment. It says:

5 Please find attached our policy on missing  
6 persons last seen and reported missing in  
7 another jurisdiction. The policy is very  
8 clear that we will not open a file on someone  
9 who was missing from another location.

10 Do you see that?

11 MR. LEPARD: I don't see it, but I understand what you're  
12 talking about. The original complaint was about  
13 the handling of a missing person from Coquitlam,  
14 so it makes sense that they would have got  
15 Coquitlam's policy.

16 Q Sure. What kind of complaint was it?

17 MR. LEPARD: I'd have to read over Al Niedtner's memo, but my  
18 recollection of it was that there was a dispute  
19 about who should handle the call because the  
20 person was a resident of Coquitlam but may have  
21 gone missing in Vancouver, and so it was resolved  
22 in favour of dealing with it by the VPD and the  
23 VPD investigated it.

24 Q Now, in the course of conducting your review you  
25 looked at, and I just say this, at least three

1 aspects --

2 MR. LEPARD: I didn't --

3 Q -- of the missing persons policy?

4 MR. LEPARD: I didn't conduct the review, the review was

5 conducted by Constable Ab Humayun and then

6 assisted by then Constable Ruben Sorge.

7 Q Yes, of course, but you're the supervisor of the  
8 section?

9 MR. LEPARD: I'm the manager of the section, yes. It had a  
10 supervisor as well.

11 Q You're supervisor, you're in charge, you're the  
12 boss of the section?

13 MR. LEPARD: Yes.

14 Q And so you're ultimately responsible for this  
15 review?

16 MR. LEPARD: Yes.

17 Q Okay. So you're not trying to punt down  
18 responsibility down the ladder, you're taking the  
19 responsibility, aren't you?

20 MR. LEPARD: No, I just want to be careful to agree with  
21 factual information and not being led into  
22 agreeing with something that's not accurate.

23 Q Now, there are at least three aspects of missing  
24 persons policy that were dealt with in the course  
25 of this 2000 review. The first was the question

1                   about persons who go missing in Vancouver, but  
2                   reside elsewhere; correct?

3       MR. LEPARD: That was one of the issues looked at, yes.

4                   Q    Okay. And then the second was the issue about the  
5                   24 hour waiting period; correct?

6       MR. LEPARD: Yes, that was examined.

7                   Q    And then there's a last -- then there's a last  
8                   issue, isn't there, one last aspect of policy?

9       MR. LEPARD: You'll have to prompt me with it. I don't know if  
10                   there was one more issue.

11                   Q    It's the last seen issue?

12       MR. LEPARD: Pardon me?

13                   Q    When a person is last seen in Vancouver?

14       MR. LEPARD: That's part of the analysis, yes.

15                   Q    Now, the upshot of your section's decision is that  
16                   the 24 hour waiting period would remain in place;  
17                   isn't that right?

18       MR. LEPARD: My recollection, Mr. Commissioner, is the upshot  
19                   of it was that it was reasonable to leave the 24  
20                   hour rule but with broad and flexible language so  
21                   that if there are any other sort of extenuating  
22                   circumstances that it was -- there is specific  
23                   language in the file talking about the need for it  
24                   not to be rigid, and so there is a list I believe  
25                   of circumstances and it's clear in the policy that

1           it's not limited to that list, that decisions can  
2           be made to take a report earlier than 24 hours  
3           even when that list is not -- when it's not on  
4           that list.

5           Q   Now, I'm showing you a document, Mr. LePard, it's  
6               already filed as an exhibit, but I've made a  
7               photocopy here. Just for the record it's Exhibit  
8               147NR under tab 10, the last e-mail. It's an  
9               e-mail sent by Geramy Field to Sorge Ruben, is  
10              that right, or Ruben Sorge?

11   MR. LEPARD: Ruben Sorge.

12           Q   Yeah, March 8, 2001; correct?

13   MR. LEPARD: Yes.

14           Q   And you'll see in the second paragraph it says  
15               number one under procedure:

16               The staff here, including detectives and  
17               civilians, do not think it would be too  
18               onerous for us to disregard the 24 hour wait  
19               period and take a report when it comes in.  
20               It would be better to get going on it asap  
21               rather than to wait the 24 hours. There's  
22               the added delay before it reaches our office  
23               and further more in-depth investigation is  
24               required.

25   MR. LEPARD: Right. And then there were further discussions

1           that you have not put in front of me here in which  
2           the reasons for the policy as proposed were  
3           discussed, and in fact Sergeant Field signed off  
4           on the policy as proposed.

5           Q     All right. And Sandra Cameron never did, did she,  
6           she didn't want the 24 hour policy in place at  
7           all?

8     MR. LEPARD: Sandra Cameron if you look at her report is  
9           internally extremely inconsistent and so that was  
10          one of the challenges that Constable Humayun and  
11          Constable Sorge had was try to reconcile not only  
12          the internal inconsistencies in her report, but  
13          also the other views that they were getting. At  
14          the end of it the sergeant in charge of the  
15          Missing Persons Unit signed off on the proposed  
16          policy as it was written and approved in May of  
17          2001.

18          Q     At the end of the day you left the 24 hour policy  
19          in place, didn't you?

20     MR. LEPARD: At the end of the day in May of 2001 the policy  
21          was written so as to make clear right in the  
22          policy preamble that the safety of the missing  
23          person was paramount, and it was agreed that there  
24          was sufficient flexibility in there that that  
25          non-rigid rule could be deviated from at any time



1           that it could be justified.

2           Q   And by this time, the time that these policy  
3           changes are made, you're well aware that there's a  
4           serious missing persons problem within the  
5           Vancouver Police Department, there's a problem  
6           taking reports, and not only that that you know  
7           full well that the department has lost track of  
8           its missing people, and specifically missing  
9           women, to the point that you lost track of an  
10          active serial killer. You know that, don't you?

11       MR. LEPARD: I actually had very little information at that  
12          time. I was the inspector in charge of the  
13          Planning and Research Section, about as far  
14          removed from the investigation division as I could  
15          be, and until I started my review at the end of  
16          2002, and of course I followed the news from  
17          February of 2002, I had very little knowledge of  
18          what was going on.

19          Q   You didn't put any special protections in place  
20          for survival sex workers in March of 2001 when you  
21          had an opportunity to do so, isn't that right,  
22          Mr. LePard?

23       MR. LEPARD: Well, I think the policy was written to be broad  
24          enough to cover issues that included people who  
25          are vulnerable, and I can tell you since that time

1 in 2000 and right up until 2012 that we've  
2 continued to refine that policy as we've learned  
3 more and heard input including from the community  
4 about how we can make the policy better. But it  
5 really doesn't speak to the quality of  
6 investigation of missing persons, these are  
7 guidelines mostly for patrol officers about how  
8 they will conduct a missing persons search.

9 Q All right. So that's a long way to no, you didn't  
10 put any specific protections in place in the  
11 written policy for missing persons to ensure the  
12 safety of sex workers?

13 MR. LEPARD: Well, I don't -- I think that the policy was  
14 intended to provide protection to all including  
15 vulnerable people. I would have to look. I think  
16 that if you're saying there was no specific  
17 mention of the word sex worker, then I think that  
18 is right.

19 Q You knew there was a specific problem with taking  
20 reports about missing sex workers and you didn't  
21 change the policy to ameliorate that?

22 MR. LEPARD: No, I did not know. I do not agree with the first  
23 part of your statement.

24 Q Oh, you didn't know that there was a problem with  
25 intake, taking reports of missing survival sex

1 workers, that's what your evidence is?

2 MR. LEPARD: Correct.

3 MR. GRATL: I'm asking that this package of -- I can't go  
4 through it in detail regrettably,  
5 Mr. Commissioner, but I'm asking that this package  
6 of analysis documents be marked as the next  
7 exhibit, please.

8 THE COMMISSIONER: All right.

9 THE REGISTRAR: 207NR.

10 **(EXHIBIT 207NR: Bundle of VPD Documents Related**  
11 **to Policy and Procedure)**

12 MR. GRATL:

13 Q Now, in your independent report marked as Exhibit  
14 1, you don't mention that you had a hand in  
15 changing the missing persons policy in the year  
16 2001, do you?

17 MR. LEPARD: No, I didn't, and I continue to -- I wouldn't have  
18 drawn the connection, they were just not  
19 connected. It was a policy amendment.

20 Q Missing women's investigation, missing women's  
21 policy, no connection?

22 MR. LEPARD: It was not a missing women policy, it was a  
23 missing persons policy for all people, and as I  
24 said it speaks to age, mental or physical state,  
25 suspicious circumstances, circumstances that may

1 put them or others at risk. So it broadly covers  
2 those issues, but no, it would not have occurred  
3 to me. I'm proud of the work that I did in  
4 planning and research, so it's not something I  
5 would have wanted to keep secret had I known you  
6 would have this question ten years later.

7 Q Sir, even in 2001 though you recognize there's at  
8 least one problem with the missing persons policy  
9 that needs ameliorating; correct?

10 MR. LEPARD: Well, what I recognized is that there was as  
11 happened 70 times a year in the Planning and  
12 Research Section is that there would be identified  
13 ways that we could improve our policies and we  
14 assign people to improve them, and it was a very  
15 routine business for us.

16 Q All right. So I'll repeat the question. You  
17 found at least one thing wrong with the missing  
18 persons policy that needed improvement in March of  
19 2001; correct?

20 MR. LEPARD: Yes.

21 Q All right. You didn't bother mentioning that  
22 problem that you found in your report?

23 MR. LEPARD: Well, Mr. Commissioner, as I gave evidence about  
24 for 12 days is what I was doing with my report was  
25 reviewing the investigation conducted of the

1 missing women, not whatever policy amendments  
2 might have been made about the intake of a report.

3 Q Yes. Firstly, you didn't bother mentioning that  
4 you yourself were involved in a review of the  
5 Missing Persons Unit policies, and then secondly,  
6 you didn't -- you didn't include that aspect, the  
7 flaw that you found in 2001 you didn't include  
8 that in your report?

9 MR. LEPARD: Number one, when I was doing the review I probably  
10 didn't even remember. We dealt with hundreds of  
11 policy amendments, so it wouldn't have been  
12 significant to me. Number two, in doing the  
13 review I clearly didn't think that it was part of  
14 something that I needed to deal with. What I was  
15 reviewing was the conduct of the investigation not  
16 our broad policy and our regulations and  
17 procedures manual that I did not think had any  
18 influence whatsoever on the investigation given  
19 that things like the 24 hour rule were completely  
20 inapplicable to the cases of the missing women who  
21 were reported weeks, months and years after they  
22 went missing.

23 Q Sure, I think I have your evidence this review of  
24 missing persons policy you say has nothing to do  
25 with anything involved with the missing persons

1 investigation. I think we've got that.

2 MR. LEPARD: I don't think I said that, just that it was not  
3 relevant to what I was reviewing which was the  
4 conduct of the investigation, not the policy on  
5 our intake.

6 Q Okay. Now, I passed forward a document. Do you  
7 have that before you? It's a report from the  
8 review of the police complaints process in British  
9 Columbia?

10 MR. LEPARD: Yes.

11 Q It's a report of former Court of Appeal Justice  
12 Josiah Wood, QC.

13 MR. LEPARD: Yes.

14 Q Correct?

15 MR. LEPARD: Yes.

16 Q Now, you're aware that he conducted an audit of  
17 the police complaints process, and specifically  
18 audited 288 files, most of which were from the  
19 Vancouver Police Department?

20 MR. LEPARD: I don't know if most of them were from the  
21 Vancouver Police Department, but I am aware  
22 generally of his audit.

23 Q All right. And you're aware of the results of the  
24 audit too, aren't you?

25 MR. LEPARD: Generally that there were recommendations for

1 changes to the Police Act.

2 Q So I'm suggesting -- I'm asking you to look at  
3 page 44 of that document, please.

4 THE COMMISSIONER: What page?

5 MR. GRATL: Page 44.

6 Q This is the results of the audit at paragraph 181  
7 and 182 and 183. So you'll see:

8 In summary, there were 56 out of the 288  
9 files or 19 percent of the complaint files  
10 reviewed in which either of the ultimate  
11 outcome could not be demonstrated to have  
12 been correct because of material investigated  
13 deficiencies or the ultimate outcome was  
14 found to be inappropriate because of a faulty  
15 legal or factual analysis. Of the 56  
16 complaints in question, 36 or 64 percent  
17 involved complaints of excess force.

18 Do you see that?

19 MR. LEPARD: Yes, I see that.

20 Q And then he goes on in paragraph 182:

21 Of the 283 complaint files in the audit  
22 sample, containing allegations of a public  
23 trust default, a total of 96 included  
24 allegations of excessive force. Thus, 38  
25 percent of the excess force allegations

1 included in the investigative audit sample  
2 were either not properly investigated or were  
3 improperly concluded following an  
4 investigation which, by itself, was not  
5 materially deficient.

6 Do you see that?

7 MR. LEPARD: Yes, I see it.

8 Q All right. And then at paragraph 183 you'll see  
9 there's a conclusion there:

10 These results demonstrate that, while  
11 Division 4 of Part IX provides an adequate  
12 process for the investigation, resolution and  
13 oversight of less serious complaints, there  
14 is an unacceptably high risk that the more  
15 serious public trust complaints will not  
16 either be investigated thoroughly or  
17 concluded appropriately.

18 Correct?

19 MR. LEPARD: Yes, I see that.

20 Q Now, and you'll appreciate that as a result of  
21 those findings, among other things, was Mr. Wood  
22 concluded that the police should not investigate  
23 themselves. You appreciate that; correct?

24 MR. LEPARD: I don't know that that's true. My understanding  
25 that what Mr. Wood recommended was that there be



1 an improved system of contemporaneous civilian  
2 oversight of investigations.

3 Q All right. And I take it you appreciate that the  
4 conclusion of his analysis was that the more  
5 serious the complaint the more likely it is to be  
6 improperly investigated; is that right?

7 MR. LEPARD: No, I do not have that understanding.

8 Q Did you know that the Vancouver Police Department  
9 upon the release of the Wood report indicated that  
10 it would do everything it could to comply with the  
11 Wood report?

12 MR. LEPARD: I'm sure we would have.

13 Q Now, you appreciate that your independent  
14 investigative report is of the most serious type  
15 of complaint; correct?

16 MR. LEPARD: My report, first of all, I don't think its ever  
17 been claimed to be an independent report in that I  
18 did it for the Vancouver Police Department and I  
19 am a Vancouver Police Department member.  
20 Secondly, my report, and I clearly stated in my  
21 report, was not a report done under the Police Act  
22 of a complaint, for example a Police Act  
23 investigation, it was an internal management  
24 review.

25 Q So it was of serious, very serious allegations and

1                   problems; correct?

2       MR. LEPARD: Well, it was to determine what happened and to  
3                   make recommendations to improve things. So there  
4                   wasn't an allegation that I was investigating, it  
5                   was an internal management review. I was assigned  
6                   to find out what happened and make recommendations  
7                   so as to fix it.

8               Q   All right. And you appreciate that process is  
9                   analogous to a police investigation of a public  
10                  trust complaint?

11       MR. LEPARD: No, I don't appreciate that it's analogous to  
12                  that, because that's a very specific type of  
13                  investigation done under the Police Act. That's  
14                  not what I was doing.

15              Q   Sure, and what you did when you had a look at the  
16                  North Vancouver investigation of sex workers being  
17                  kidnapped from Vancouver and brought to North  
18                  Vancouver to be raped and tortured --

19       MR. LEPARD: And murdered.

20              Q   -- and murdered.

21       MR. LEPARD: Yes.

22              Q   That was akin to what's described here as an  
23                  investigation under the Police Act, isn't it,  
24                  similar to a public trust complaint where David  
25                  Dickson said that the investigation of those

1 complaints was inadequate?

2 MR. LEPARD: At what point are you talking about?

3 Q Well, you conducted your own review, you just got  
4 up this morning and you testified that you had a  
5 look at the investigation, and it looked fine to  
6 you, and you had a look at the RCMP investigation  
7 and you thought their work was extraordinary, I  
8 think was your words?

9 MR. LEPARD: Well, former Constable Dickson did not make a  
10 complaint under the Police Act. I was asked to  
11 respond to evidence that he gave recently giving  
12 his opinion on the quality of the investigation,  
13 something he is not qualified to give, and I  
14 looked at the information and responded as I was  
15 asked. But I was not conducting a public trust  
16 review or responding to a complaint made under the  
17 Police Act or anything of the kind.

18 Q Well, you're getting on the stand today and you're  
19 saying that well, look I heard these complaints  
20 and they're not substantiated?

21 THE COMMISSIONER: Well, actually in fairness he dealt with  
22 that one complaint and he felt it was adequately  
23 or satisfactorily investigated. The difficulty  
24 with putting the Wood report to him is that -- I  
25 know a little bit about the Wood report, it was

1            commissioned in 2005 after the dates that we are  
2            dealing with. I'm familiar with what's in here,  
3            and there is no doubt that Mr. Wood as he then was  
4            had serious concerns about police throughout the  
5            province the way they were investigating  
6            complaints. You may know that the 1990 act came  
7            into being as a result of the recommendations that  
8            we made in 1994, and after that there were  
9            complaints being made that the spirit of the act  
10           wasn't always being complied with. So this report  
11           was -- Mr. Wood's report then came out and that  
12           bore out those allegations. So I think really  
13           you're talking at -- I have your point that the  
14           police --

15    MR. GRATL: All I'm saying is they haven't learned the lesson,  
16               yet, they still sent Deputy Chief LePard there to  
17               investigate their own investigation, and he's come  
18               back exonerating his own police force.

19    THE COMMISSIONER: Yeah, in fairness he was asked to do it, and  
20               what happened was there was a serious allegation  
21               made about the complaint regarding that sexual  
22               assault that had taken place, a very serious one,  
23               and he did his investigation, and he says in his  
24               view they did a fair job. It will be up to me at  
25               the end of the job if that's an issue for me to

1           decide that.

2       MR. GRATL: Thank you. I understand your point,  
3           Mr. Commissioner.

4           Q    Could I take you to Exhibit 205, please. That's  
5           the VPD response panel brief of documents. This  
6           is the North Van RCMP detachment's concluding  
7           report dealing with these North Vancouver  
8           kidnappings. Now, do I understand correctly that  
9           the Vancouver Police Department knew that the  
10          women -- here the allegations were that women were  
11          being kidnapped, some of them drugged in Vancouver  
12          and then transported to North Vancouver?

13       MR. LEPARD: That they knew that that was occurring or that  
14          there were allegations that women were going with  
15          johns to North Vancouver?

16          Q    Well, let me just take you to page 6 there and  
17          we'll go through -- we'll go through this ten  
18          complainants here. Am I wrong, ten complainants?

19       MR. LEPARD: I don't know if the number was ten. That number  
20          sounds about right.

21          Q    All right. So at page 6 you'll see the second --  
22          or sorry, that first full paragraph, I'll just  
23          read that out:

24                Four of the incidents involved a victim being  
25                drugged without their knowledge, not

1 including Witness H and Witness F, who both  
2 knowingly used street drugs during the  
3 incident. Of the four drugged victims  
4 Witness C and Witness B both said that the  
5 drugs could have been in fast food.

6 Correct?

7 MR. LEPARD: Yes, that's what it says.

8 Q So that the drugging happened in Vancouver;  
9 correct?

10 MR. LEPARD: I don't know where those McDonald's and Burger  
11 Kings were actually without reviewing the entire  
12 file.

13 Q I thought you reviewed the entire file, because  
14 you gave your opinion today that the  
15 investigations were without flaw?

16 MR. LEPARD: I don't think I said the words without flaw  
17 actually, Mr. Commissioner, but what I did say was  
18 that I reviewed the investigations that were  
19 conducted first by the Major Crime Section in 2008  
20 and then by a new group of investigators in 2009  
21 and then the summary report of the investigation  
22 conducted by the RCMP and saw that it was very  
23 thorough with many interviews, with analysis of  
24 the evidence, checking out the interiors of three  
25 named locations where addresses had been provided,

1 and showing that what was alleged could not have  
2 occurred. So, yes, there was a lot of resources  
3 and time and dedication put into this  
4 investigation.

5 Q All right. So let's say we've got ten  
6 complainants here. Just on page 6 some of the  
7 commonalities are listed. Two of the witnesses  
8 describe receiving a cut beside the vagina;  
9 correct?

10 MR. LEPARD: Sorry, the size of a?

11 Q Beside their vaginas, two of the complainants;  
12 correct?

13 MR. LEPARD: I recall reading that.

14 Q Yes. And then two of the witnesses, two of the  
15 complainants reported being picked up in a dark  
16 coloured BMW; correct?

17 MR. LEPARD: I believe I recall reading that, yes.

18 Q Okay. And then we say four of the incidents  
19 involved the victim being drugged, with two of  
20 those involving drugs being put into fast food;  
21 correct?

22 MR. LEPARD: Yes.

23 Q Okay. And then four of the victims reported that  
24 other people were -- had been or were being  
25 tortured at the scenes of their own victimization;

1 correct?

2 MR. LEPARD: I'm sure that you're correct.

3 Q Okay. So these are all commonalities as between  
4 the reports of the complainants?

5 MR. LEPARD: Yes, there was some alleged commonalities, but I  
6 think that you have to read the entire report and  
7 read the information in context. I think that the  
8 RCMP investigator did a very good job of pointing  
9 out what the commonalities were, what the  
10 differences were, what the problems with the  
11 investigation were in terms of stories being  
12 commingled and where they came from, and other  
13 problems in that investigation and then what ought  
14 to be done with it.

15 Q Yeah, sure. Those commonalities though aren't  
16 fully explained, are they, by the RCMP report?

17 MR. LEPARD: Sorry, they're not fully explained?

18 Q No, no, no. This commonality about both witnesses  
19 receiving a cut beside the vagina, obviously those  
20 are not concocted, are they?

21 MR. LEPARD: Well, I don't know how you could possibly say  
22 that, Mr. Commissioner, whether they're concocted.  
23 The problem was -- one of the problems that was  
24 identified is that these stories spread like wild  
25 fire among the Downtown Eastside and there are



1 people saying this happened to somebody and the  
2 person, the actual person when they're interviewed  
3 said I've heard that story, that did not happen to  
4 me. So there are many ways that this information  
5 is disseminated among people, and so what you have  
6 to look for is evidence. And the investigators  
7 looked for evidence and they looked for those  
8 things that they could actually check out like an  
9 allegation that someone said something happened to  
10 them or an address where there's supposed to be a  
11 torture chamber inside and actually gain access  
12 and look at it.

13 Q The core commonality mentioned by David Dickson is  
14 that the victims suffered burns; correct?

15 MR. LEPARD: There was allegations of that, yes, and the  
16 reality is --

17 Q And photographs of --

18 THE COMMISSIONER: Let him finish. Let him finish.

19 MR. LEPARD: The reality is is that we know that sex workers  
20 are the victims of frequent violence. That  
21 doesn't mean that one naturally leads to the  
22 other, that this torture chamber in North  
23 Vancouver was actually occurring and that women  
24 were being murdered there, and one of them that  
25 was almost murdered many times. We know that sex

1 workers are abused, and in fact I see Inspector  
2 Brad Desmarais sitting in the front row here who  
3 is in charge of a very serious investigation into  
4 predatory violence against sex workers in 2010 and  
5 2011 in which they charged 17 people with 60  
6 offences, including first charges of criminal  
7 organization in the VPD history for predatory  
8 violence against sex workers. In those cases we  
9 did find corroboration, we did find evidence of  
10 assaults that were occurring against sex workers,  
11 and in those cases the information came from the  
12 community directly through our sister watch  
13 committee, and we were able to lay many serious  
14 charges against predatorial offenders. It was an  
15 extraordinary amount of resources that went into  
16 it. In this case there was not any corroborating  
17 evidence found and there were many problems with  
18 the investigation, and there was evidence to the  
19 contrary about allegations, but I think that the  
20 record shows that the allegations were taken very  
21 seriously.

22 MR. GRATL:

23 Q Now, you'll appreciate that the end of the  
24 Vancouver Police Department review the  
25 recommendation is that further interviews be

1 conducted?

2 MR. LEPARD: Correct.

3 Q Because the interviews weren't complete?

4 MR. LEPARD: Well, no more information had been provided that  
5 was new information, which former Constable  
6 Dickson came forward in 2009 and said that I have  
7 new information, and so Detective Terpsma  
8 recommended further work occur. And there was  
9 liaison with the North Vancouver RCMP, they agreed  
10 that there was more work to be done, accepted  
11 because the primary offences alleged were alleged  
12 to have occurred in North Vancouver that they  
13 would assume conduct of the investigation, and  
14 they did so.

15 Q Why do you say the primary offences alleged  
16 occurred in North Vancouver? It seems to me that  
17 the kidnapping, and I hate to pick up Darrell  
18 Roberts' theme here, it seems to me that there was  
19 a -- in much the same way as is alleged with  
20 Pickton there were women here, drugged some of  
21 them, picked up in Vancouver and taken to North  
22 Vancouver. How is that an exclusively North  
23 Vancouver jurisdiction?

24 MR. LEPARD: Well, again, Mr. Commissioner, I never said  
25 exclusively.

1 THE COMMISSIONER: He said primary.

2 MR. LEPARD: The primary offences were about the torture and  
3 murder of women in this house of horrors in the  
4 woods in North Vancouver, and in discussions with  
5 the North Vancouver RCMP, and given all the work  
6 that had already been done by two sets of VPD  
7 investigators and what was left to be done the  
8 RCMP agreed that they should carry on with the  
9 investigation.

10 Q Now, here at the final page of the RCMP concluding  
11 report, this is page 11, we have -- we have this  
12 statement:

13 In continuing to investigate the remaining  
14 six cases, the only viable course of action  
15 is to re-interview the victims when they are  
16 available and willing to speak with  
17 investigators. Until now, Corporal Trousdell  
18 has relied primarily on the assistance of the  
19 VPD and of Dickson to locate the victims. As  
20 described above this has been largely  
21 unsuccessful. It is unlikely that Corporal  
22 Trousdell will chance upon one of the victims  
23 should continued efforts be made for North  
24 Vancouver members to patrol the Downtown  
25 Eastside on the rare occasions where workload

1                   permits.

2                   Do you see that?

3       MR. LEPARD:   Actually you didn't read it correctly.  Where you  
4                   said when they are available and willing it  
5                   actually says able and willing.

6               Q     Sure, able and willing.

7       MR. LEPARD:   That's something different.

8               Q     All right.  So here you've got the RCMP clearly  
9                   saying --

10      MR. LEPARD:   Yes.

11              Q     -- we're not down on the Downtown Eastside, we  
12                   can't find these women.  We're not going to be  
13                   able to -- we're not patrolling the Downtown  
14                   Eastside; right?

15      MR. LEPARD:   Well, you have to read the entire report, and  
16                   there had been extensive efforts, including asking  
17                   for the assistance of Mr. Dickson, and they came  
18                   to naught, so.

19              Q     You're right I do have to read the entire report,  
20                   but I haven't been able to do so because it hasn't  
21                   been disclosed to me.

22      MR. LEPARD:   Well, I only received it at about 8:30 last night  
23                   I believe, so.

24              Q     Okay.  And you've known about this file though for  
25                   how long?

1 MR. LEPARD: Well, I've known about the investigation since I  
2 was communicating with Mr. Dickson back in 2008  
3 and 2009, but I didn't know what evidence he was  
4 going to give quite recently.

5 Q All right. When was it determined that you would  
6 take the stand to talk -- to speak to this  
7 investigation? Surely that wasn't yesterday.

8 MR. LEPARD: Well, it was sometime subsequent to Mr. Dickson's  
9 evidence. I met with our counsel for the first  
10 time last evening to discuss it.

11 Q And I put it to you, Mr. LePard, that you were  
12 responsible for the implementation of the major  
13 case management system in the Vancouver Police  
14 Department?

15 MR. LEPARD: Well, I think that that would be giving me far too  
16 much credit.

17 THE COMMISSIONER: When are you talking?

18 MR. GRATL:

19 Q 1996 after the Campbell report came out into the  
20 botched Bernardo investigation; correct?

21 MR. LEPARD: Well, after I took the major case management  
22 course in 1996 I wrote a report to Inspector  
23 Biddlecombe who was in charge of the Major Crime  
24 Section highly recommending the course, that we  
25 ought to get as many of our members on to it as

1 possible. And my understanding is that Inspector  
2 Biddlecombe was supportive of that and looked for  
3 opportunities to make that happen, and as with  
4 many things it occurred incrementally in terms of  
5 getting people the training for it. Major case  
6 management model was really in its infancy, and  
7 like other police agencies at the time it more and  
8 more became the standard to the point where we are  
9 -- now where we have at least eight provincially  
10 accredited major case management team commanders,  
11 and that is the model by which we conduct all  
12 serious crime investigations, but that occurred  
13 incrementally, and I'd like to think that my 1996  
14 memo or whenever that was played a role in  
15 starting the ball rolling, but I'm sure that it  
16 would have occurred anyway.

17 Q But you were specifically assigned to review the  
18 Campbell report?

19 MR. LEPARD: No.

20 Q Pardon me?

21 MR. LEPARD: No.

22 Q No. All right. We had testimony from Detective  
23 Constable Lori Shenher that she went to you for  
24 advice on case management. Do you recall that?

25 MR. LEPARD: I remember Lori coming to me to talk about the

1 issue of file management, and so the file  
2 co-ordinator role if you think of the command  
3 triangle in major case management where you have  
4 the team commander and the file co-ordinator and  
5 lead investigator in that triangle, and so she  
6 came to me for advice about the file co-ordinator  
7 portion of that role in terms of managing  
8 information.

9 MR. GRATL: All right. I wonder if the witness could be shown  
10 Exhibit 146, please.

11 MR. HERN: What is it?

12 MR. GRATL: At page 218, Exhibit 146.

13 MR. HERN: What is it?

14 MR. GRATL: It's then Sergeant LePard's memo to Deputy Chief  
15 Constable Battershill about case management  
16 technology.

17 MR. LEPARD: I'm sorry, where am I looking?

18 MR. GRATL:

19 Q Page 218.

20 MR. LEPARD: 218, yes.

21 Q There you can see it opens further to our recent  
22 discussion -- sorry, this is dated October 11th,  
23 1996. It says:

24 Further to our recent discussion I'm  
25 preparing a report for the Investigative



1 Division regarding the implications for our  
2 department of the Bernardo investigation  
3 review prepared by Mr. Justice Archie  
4 Campbell.

5 MR. LEPARD: Yeah, I was not assigned that, it was something I  
6 was very interested in. I had read the Campbell  
7 review, I wanted to do a report on it, it was on  
8 my own initiative and I got so busy on other  
9 things that I actually didn't write that report.  
10 That's my recollection.

11 Q I take it though that when Detective Constable  
12 Lori Shenher came to you and asked you for advice  
13 about major case management you knew she had a  
14 major case on her hands?

15 MR. LEPARD: I didn't really know very much about what she was  
16 doing. She didn't come to me for advice about  
17 major case management, she came to me for advice  
18 about file management and having a systematic way  
19 of managing incoming and outgoing information.  
20 That's my recollection.

21 Q Well, you don't recall telling her that she  
22 could just be the file co-ordinator and maybe some  
23 of the other jobs wouldn't be filled?

24 MR. LEPARD: No, I don't recall the specific discussion around  
25 that.

1           Q    You don't recall giving her advice about  
2                   implementing a tip system?

3   MR. LEPARD: I don't recall the specifics of it, but generally  
4                   I recall that that was the sort of information  
5                   that I was giving her.

6           Q    All right. And you didn't realize at the time you  
7                   were a senior officer to her and a great deal more  
8                   experienced?

9   MR. LEPARD: I was a sergeant.

10          Q    And you were running the Home Invasion Task Force  
11                  at the time; correct?

12   MR. LEPARD: That's correct.

13          Q    You knew what a major case management structure  
14                  looked like?

15   MR. LEPARD: Yes.

16          Q    And you knew from Lori Shenher's description that  
17                  whatever she was doing was not it, it was not  
18                  major case management principles?

19   MR. LEPARD: I don't know because I don't know what the  
20                  structure was. And you may have noted in  
21                  disclosure that I talked to Inspector Biddlecombe  
22                  about that very issue, because the reason that the  
23                  Home Invasion Task Force was restructured and I  
24                  was put in place is because I had written a review  
25                  and I had made recommendations about improving

1           that investigation, and I asked Inspector  
2           Biddlecombe you knew that I was capable of doing  
3           that, why didn't you ask me to do the same with  
4           this other investigation that I didn't know was  
5           having problems, and his response was I thought  
6           that there was a team commander in that Geramy  
7           Field, I thought there was a lead investigator, I  
8           thought it was going fine or I would have asked  
9           you to do such a review. So I did not know the  
10          details or the particulars of what was going on in  
11          the investigation and challenges they were facing.  
12          I was up to my eyeballs in my own work.

13           Q    She's outside of your chain of command, she  
14                doesn't necessarily come to you in the ordinary  
15                course; correct?

16   MR. LEPARD: She was not in my chain of command, no.

17           Q    So it's kind of extraordinary for her to go  
18                laterally to you obviously for help?

19   MR. LEPARD: Not extraordinary at all in that we knew each  
20                other. I was across the hall basically. I was  
21                running an investigation that it would be quite  
22                normal for someone to say why don't you go and  
23                talk to Doug LePard or maybe his file co-ordinator  
24                which is probably what I would have done. I don't  
25                recall it, but I probably would have referred her

1 to my file co-ordinator at the time for that sort  
2 of advice. So I didn't know what the structure of  
3 their investigation was. Had I been asked to come  
4 and do a review like I was of the Home Invasion  
5 Task Force late the previous year I would have  
6 done that.

7 Q And I'm just putting it to you, I mean I wasn't  
8 there for the conversation, but it just seems to  
9 me when I think about what it looks like a junior  
10 detective constable coming to you, a more  
11 experienced officer obviously with some  
12 administrative acumen, she comes to you, you could  
13 tell that she needed a major case management  
14 structure?

15 MR. LEPARD: Again, Mr. Commissioner, I didn't know. I knew  
16 that she had a sergeant who I had the greatest of  
17 respect for, Sergeant Field. Sergeant Field had  
18 operated in the major case management model  
19 because we were involved in an investigation  
20 called Project Hope which was the stranger rape  
21 and serious assault of a woman in which she had  
22 led that investigation. She was a more senior  
23 sergeant than me and a very capable person, a  
24 sergeant in charge of a Homicide Squad, so you  
25 make it out to be something that it was not.

1           However, had I been asked by Sergeant Field or  
2           Inspector Biddlecombe, just like I moved out of my  
3           area and my assignment to assist with the Home  
4           Invasion Task Force, I would have been pleased to  
5           do that. That would have required a request or an  
6           assignment from Inspector Biddlecombe. Constable  
7           Shenher came to me, asked me for some advice my  
8           recollection is around file management, and my  
9           recollection is that I gave her some advice about  
10          that.

11          Q   All right. And you don't put anywhere in your  
12               report marked as Exhibit 1 that you provided Lori  
13               Shenher with advice about file management?

14   MR. LEPARD: I did not put that in there, and I probably did  
15               not even recall it until I heard about it in this  
16               inquiry, because it was a brief -- you know, it  
17               was a brief, not very significant interaction with  
18               her in my recollection.

19          Q   Okay. So we have three points of involvement at  
20               least for you, Deputy Chief. The first is the  
21               brainstorming session which you didn't remember  
22               until cross-examination; correct?

23   MR. LEPARD: No, that's not true, and I put that in my report  
24               that that was my involvement in the investigation  
25               is that I had been present for that brainstorming

1 session. So that's well documented in my report.

2 Q All right. And we also have you're providing  
3 advice to Lori Shenher about implementing a tip  
4 system?

5 MR. LEPARD: Yes, I did provide some advice to Lori Shenher  
6 about file management, information management.

7 Q All right. And then you also conducted a review  
8 of the missing persons policy in 2000, 2001 at  
9 around the time that women were slipping through  
10 -- reports of missing women were slipping through  
11 the VPD's grasp?

12 MR. LEPARD: But, of course, I wasn't aware of the particulars  
13 of that at the time that I received the memo from  
14 Inspector Niedtner in 2000 or by the time we had  
15 completed it in April of 2001 and it was approved  
16 in May of 2001, so I wasn't familiar with  
17 circumstances then. I wasn't putting my mind to  
18 that issue.

19 Q All right. And then you worked with Field, Ron  
20 Purcell and Howlett and Biddlecombe; correct?

21 MR. LEPARD: Yes.

22 Q I'm suggesting to you that you're too close to  
23 this investigation to conduct an independent  
24 review, aren't you?

25 MR. LEPARD: Well, again, Mr. Commissioner, I never claimed

1           that it was an independent review. I certainly  
2           did the best I could to do a fair and objective  
3           review. And there's a fair amount of feedback  
4           I've got that I have succeeded to some extent on  
5           that.

6   THE COMMISSIONER: I don't think anybody's ever said it was an  
7           independent review. It was a review that he did.

8   MR. LEPARD: It was an internal management review. And I think  
9           that you could go to just about anyone in the  
10          police department, Mr. Commissioner, who has been  
11          around long enough and you would find at least as  
12          many connections between different people. I'm  
13          also connected to the BC Civil Liberties  
14          Association because I assisted them with a  
15          document that they produced in 2003. So I am  
16          someone that helps people when they come to ask  
17          me, and I'm sure that my name appears in many  
18          documents in the VPD and outside of the VPD,  
19          including like I say, I mean, Mr. Gratl and I are  
20          connected with our connection to BC Civil  
21          Liberties in that I assisted them.

22   THE COMMISSIONER: Okay. How much longer are you going to be?

23   MR. GRATL: I just want to take the witness to page 48 of his  
24          own report.

25   THE COMMISSIONER: Well, you're way over the limit, so tell me.

1 MR. GRATL: Ms. Narbonne didn't object to me taking some of her  
2 time.

3 THE COMMISSIONER: Well, I know, but I still need to go -- I  
4 mean that doesn't help me much. So tell me where  
5 you are and how much more time we need.

6 MR. GRATL: I need about ten more minutes.

7 THE COMMISSIONER: Okay. We'll do it right now. You've gone  
8 55 minutes now. So you've taken other -- who's  
9 counting, I guess, but you were supposed to have  
10 30 and you've gone 55. So you've taken -- go  
11 ahead though, take the extra five or ten or  
12 whatever you need.

13 MR. GRATL: All right.

14 Q Now, I'm not asking you to tell me what legal  
15 advice you got from Farris & Co., and I don't want  
16 you to divulge civil litigation strategies, but I  
17 take it that your report had at least two  
18 purposes. One was to provide a public report, and  
19 a second was to further the interests of the  
20 department when it comes to civil litigation?

21 MR. LEPARD: Well, to the first, yes. To the second I don't  
22 think anybody that's read my report would come to  
23 the conclusion that it furthered the interests of  
24 the police department when it comes to civil  
25 litigation except doing the work of discovery for



1 all the lawyers that might have been doing that in  
2 that my objective was to put all the facts on the  
3 table, the good, the bad and the ugly, to be self  
4 critical wherever necessary. So if I was doing it  
5 to support the defence of any potential civil  
6 litigation it wouldn't have looked like that  
7 report.

8 Q All right. At page 48 of your report, I'll just  
9 read this to you, tell me if you remember writing  
10 this. You say:

11 Notwithstanding my lack of involvement in the  
12 missing women investigation I have worked  
13 with or have been professionally acquainted  
14 with most of the VPD officers who were  
15 involved in the investigation, and  
16 acknowledge that the natural outcome of this  
17 contact sometimes led me to form opinions  
18 both positive and negative about their  
19 professional abilities.

20 MR. LEPARD: Yes.

21 Q Do you see that? There you're generally agreeing  
22 that you didn't have involvement in the missing  
23 women investigation?

24 MR. LEPARD: Correct, because I was not one of the  
25 investigators in the missing women investigation,

1 but I do identify that I attended one  
2 brainstorming meeting that many officers who are  
3 not otherwise involved in the missing women  
4 investigation were present. As for my involvement  
5 in reviewing policy around missing persons, I just  
6 find that to be so uninvolved, unconnected to the  
7 actual investigation it wouldn't have even  
8 occurred to me to note that, although I would have  
9 been pleased to note if I could have predicted  
10 your question here in 2012.

11 Q All right. And then of course there's also  
12 providing Ms. Shenher with advice on what type of  
13 file management system to implement?

14 MR. LEPARD: Yes. As I said, Mr. Commissioner, I have many,  
15 many people come to me for advice and help. I  
16 think that that is something that I'm known for.  
17 I wouldn't even have remembered that. People come  
18 to me for advice all the time.

19 Q What I want to get to though, Mr. LePard, is this,  
20 that the advice you gave to Ms. Shenher, you know  
21 she implemented that advice?

22 MR. LEPARD: I actually don't know that she implemented that  
23 advice, but I hope she did.

24 Q Okay. And the advice that you gave her did not  
25 involve implementing major case management

1 principles?

2 MR. LEPARD: Well, again, Mr. Commissioner, my recollection was  
3 it was about information management, that that's  
4 what she came to me for advice about, so what we  
5 could call the file co-ordinator role in the  
6 command triangle.

7 Q All right. But you appreciate that the system  
8 that she implemented, and you say this yourself in  
9 your investigative review, the system that she  
10 implemented is inconsistent with major case  
11 management principles. You understand that?

12 MR. LEPARD: Well, the system that she implemented with respect  
13 to what?

14 Q Well --

15 MR. LEPARD: Information management?

16 Q The reality that there was no lead investigator or  
17 team commander in her command triangle.

18 MR. LEPARD: Well, I speak to the issue of the lack of  
19 effective major case management principles at  
20 length in my report. So, yes, I am aware as  
21 though there was some efforts made in that respect  
22 that it was inadequate, that it was not following.  
23 If I had been asked to review the investigation I  
24 would have made recommendations similar to the  
25 recommendations I made for revamping the Home

1                   Invasion Task Force.

2                   Q   Now, lastly you're able to search the 9-1-1  
3                   system, the E-Comm system on a surname basis;  
4                   correct?

5   MR. LEPARD:   Incorrect.  We cannot search the 9-1-1 system by  
6                   name.  We have to search our records management  
7                   system first which we can search by name and get  
8                   an incident number, and from the incident number  
9                   we can pull up the computer aided dispatch record  
10                  which tells us exactly when the call was created,  
11                  who created it.  You've seen them, the CAD  
12                  printouts, and from that information we can then  
13                  go and we'll go to the right line at the right  
14                  time and recover the 9-1-1 information.  But the  
15                  CAD system and the 9-1-1 system cannot be searched  
16                  by name, that's not one of the searchable fields.  
17                  There is no search capacity for 9-1-1.  The CAD  
18                  system has searchable fields, but name isn't one  
19                  of them.

20                 Q   Now, the other officer who was sent to investigate  
21                     the Jane Smith --

22   MR. LEPARD:   Yes.

23                 Q   -- allegations are that the Jane Smith contact  
24                     with Willie Pickton was Mr. Torvik; is that right?

25   MR. LEPARD:   No, you're mixing up your cases.  The

1 investigation that Constable Hammell and Constable  
2 Torvik investigated was the anal rape of the young  
3 teenage girl who they visited at VGH and followed  
4 up and ended up arresting -- the suspect was  
5 arrested and convicted and it had nothing to do  
6 with Ms. Smith.

7 Q Ms. Dicks testified that it was a man, a male  
8 officer who told her that sex workers can't be  
9 raped. Do you remember that?

10 MR. LEPARD: What I recall from reading the transcript, 'cause  
11 I didn't hear her evidence, is that she said, and  
12 I would have to check the transcript to be sure  
13 about what she said was one of the investigating  
14 officers or one of the assigned officers, I don't  
15 think she said in any case. If there had been an  
16 MDT message from either Constable Hammell or  
17 Constable Torvik it would have been recorded in  
18 the incident history and it is not.

19 Q Now, why is Mr. Torvik not here?

20 MR. LEPARD: He would have very much liked to have been here,  
21 but unfortunately he already planned to be out of  
22 the country on the date that this was set for. I  
23 know he very much would have liked to have been  
24 here. He was a young officer, very invested in  
25 this case, and is affected by it to this day.

1 MR. GRATL: Thank you for the explanation, that's helpful. I'd  
2 like to ask for the Wood report to be marked as  
3 the next exhibit, please.

4 THE COMMISSIONER: All right. Okay. Thank you.

5 THE REGISTRAR: That's an open document?

6 MR. GRATL: That's an open document.

7 THE REGISTRAR: Exhibit 208.

8 THE COMMISSIONER: We'll take the afternoon break.

9 THE REGISTRAR: The hearing will now recess for ten minutes.

10 **(PROCEEDINGS ADJOURNED AT 3:03 P.M.)**

11 **(PROCEEDINGS RESUMED AT 3:15 P.M.)**

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

13 THE COMMISSIONER: Yes, Mr. Vertlieb.

14 MR. VERTLIEB: Just a small point, but I just need some help  
15 from Mr. Gratl on why Exhibit 208 as it's marked,  
16 which was the Joe Wood report, which is a --

17 THE COMMISSIONER: No reason why it should be.

18 MR. VERTLIEB: I just don't know why that would be an exhibit,  
19 and I would appreciate some clarification on why  
20 that should be an exhibit.

21 THE COMMISSIONER: It's a public document similar to -- similar  
22 to a statute, and you're quite right it shouldn't  
23 be an exhibit. Do you have any comments on that?

24 MR. VERTLIEB: Maybe it should be removed as an exhibit then  
25 unless Mr. Gratl can show you that it's properly

1 marked.

2 MR. GRATL: I know there's a rule, Mr. Commissioner, that lets  
3 you take judicial notice of it.

4 THE COMMISSIONER: I think it's out of habit.

5 MR. GRATL: But, you know, we've got I think it's Exhibit 4  
6 we've got a case -- case law marked as an exhibit.

7 THE COMMISSIONER: I know that.

8 MR. GRATL: I don't read the statute that allows you to take  
9 judicial notice as a barrier to marking anything  
10 as an exhibit under the Inquiry Act, but I'm in  
11 your hands. It's nothing too much turns on it,  
12 it's just that Mr. Vertlieb seems to take  
13 objection to that.

14 THE COMMISSIONER: I didn't pay particular attention to it.  
15 He's absolutely right, there's no way it should be  
16 an exhibit. All right. Thank you.

17 MR. GRATL: I didn't quite go that far, but thank you, Mr.  
18 Commissioner.

19 THE REGISTRAR: I will then withdraw that from the record.

20 THE COMMISSIONER: Ms. Bateman, you're next.

21 MS. BATEMAN: Thank you, Mr. Commissioner. I have no questions  
22 for this witness.

23 THE COMMISSIONER: I didn't think you would. They didn't even  
24 mention your client. Okay. Thank you.  
25 Mr. Makosz.

1 MR. MAKOSZ: I have no questions, Mr. Commissioner.

2 THE COMMISSIONER: All right. Thank you.

3 MR. HERN: I think that's it. I've got one question in  
4 re-direct, which is to Deputy Chief LePard.

5 **RE-EXAMINATION BY MR. HERN:**

6 Q Deputy Chief, you were -- I'm just going back to  
7 Mr. Ward's questioning of that time period  
8 between, and this is the incident with the teenage  
9 sexual assault victim, and Mr. Ward was asking  
10 questions of Constable Hammell about the time  
11 delay between the 2:12 or so incident call and  
12 5:15 or so attendance of the constables at the  
13 hospital. You were an on call supervisor on  
14 November 11 in the Sex Offence Squad and I'm  
15 wondering from your review of the file can you  
16 explain what likely happened there.

17 MR. LEPARD: Yes. The call was received sometime after two in  
18 the morning, there was some wait for an ambulance,  
19 that was the primary thing to take care of was get  
20 this young woman to the hospital. It's noted in  
21 the incident history that she's now safe at the  
22 hospital. As a supervisor, if I had been a field  
23 supervisor, my preference would have been that it  
24 not go to the night shift unit which is two hours  
25 away from the end of its shift. We know that



1 we're looking at, what it did turn out to be, that  
2 they were tied up on it for the full day. So  
3 you've got someone tired at the end of their shift  
4 or you've got two fresh constables coming on at  
5 five in the morning. The victim is in the  
6 hospital. We know from experience there is going  
7 to be several hours involved in terms of calling  
8 out the medical exam team and doing that work.  
9 And, in fact, when Constables Torvik and Hammell  
10 arrived at the hospital Dr. Como was just  
11 finishing her medical exam and was actually  
12 surprised to see them because she hadn't called  
13 the police yet, and I'm assuming didn't know that  
14 there had already been a call to the police. So  
15 the way that it worked out was quite appropriate.  
16 And had I been the field supervisor at the time  
17 that would have been my decision as well. She's  
18 safe in the hospital now, we don't have -- there's  
19 certain things that can be done, but let's wait  
20 for a fresh unit to come on at five a.m. and we  
21 will send them. And that is what occurred, and  
22 they spent their whole shift working on the file  
23 and then it was turned over to a detective in the  
24 Sexual Offence Squad.

25 Q All right. Thank you. And the medical exam

1           you're referring to relates in addition to caring  
2           for the victim also to the collection of evidence  
3           that would then be used in the investigation?

4   MR. LEPARD: Yes, the evidence would be turned over to the  
5           investigating police officers.

6   THE COMMISSIONER: All right. Thank you.

7   MR. HERN: So, Mr. Commissioner, that's all I have. While  
8           these witnesses have been under cross there was a  
9           document circulated this afternoon by e-mail just  
10          a half an hour ago or something and it's a fax  
11          between Deputy Chief LePard and Gary Bass. I'm  
12          assuming it will be put to Gary Bass, and what I  
13          wondered if I can have the opportunity now to just  
14          speak with Deputy Chief LePard about the document  
15          and then just determine if I want to put that to  
16          him.

17   THE COMMISSIONER: You want me to stand down so you can talk to  
18          him?

19   MR. HERN: Yeah, I just want three minutes so I can talk to him  
20          about this document.

21   THE REGISTRAR: The hearing will now recess.

22                   **(PROCEEDINGS ADJOURNED AT 3:22 P.M.)**

23                   **(PROCEEDINGS RESUMED AT 3:30 P.M.)**

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

25   MR. HERN: Thank you for that time, Mr. Commissioner.

1           Q    So I have put in front of the witness this  
2                document that's been produced, and a copy is on  
3                the ledge for yourself. As I say this was just  
4                circulated this afternoon by counsel for Gary  
5                Bass. I don't know if they're going to put it to  
6                Mr. Bass, but given that it's a fax from Deputy  
7                Chief LePard to Gary Bass, Deputy Chief LePard, I  
8                wanted to give you an opportunity to just comment  
9                on it and put it in context for us.

10       MR. LEPARD: Yeah, these were notes that I had when I went to a  
11                meeting with Deputy Commissioner Bass right around  
12                August 24th, it may have been the same day, and we  
13                had had several meetings with Deputy Commissioner  
14                Bass and Assistant Commissioner Macintyre, and the  
15                theme of those meetings was basically it's not in  
16                the public interest for us to be seen to be  
17                squabbling in the interests of public safety, and  
18                we were trying to encourage the RCMP to come out  
19                together with us when we thought our report was  
20                going to be released, and this was sort of the  
21                last meeting that Chief Constable Chu asked me to  
22                go and meet with Gary Bass and these were the  
23                notes that I had when I went there to discuss with  
24                him. Again it was one of a series of meetings  
25                where we thought it was best when we released the

1 report, we had a date that we thought we were  
2 going to release it, and we wanted to have a press  
3 conference together with the RCMP and have our  
4 messaging aligned and to be what we thought was in  
5 the public interest.

6 Q All right. And in the second bullet you say that  
7 you will keep giving your main message is the VPD  
8 could have done better, but the RCMP led the  
9 Pickton investigation and the info justified a  
10 more aggressive and sustained investigation.  
11 You weren't suggesting to Gary Bass at any time  
12 that you were going to change the message that was  
13 loud and clear in your report?

14 MR. LEPARD: No.

15 Q All right. And the advice at the bottom under  
16 where it says Paul's advice, that's from Paul  
17 Patterson?

18 MR. LEPARD: Yes, that's correct. Those were notes that I made  
19 of his advice that I shared with Gary for what it  
20 was worth for him to consider.

21 Q Okay. So if we look at this document the top set  
22 of bullets are your points and the bottom are  
23 things that Mr. Patterson was conveying?

24 MR. LEPARD: Yes.

25 MR. HERN: Okay. Thank you. I don't have any further

1           questions about that, but other counsel may. I  
2           have a point that I'd like to -- or an issue I'd  
3           like to address at the close of the evidence here,  
4           Mr. Commissioner, but that's it for me with this  
5           panel.

6   THE COMMISSIONER: All right.

7   **CROSS-EXAMINATION BY MR. VERTLIEB:**

8           Q   Just one question under your notes, because we've  
9           all just seen this. Around your section Gazette's  
10          out there. Which *Gazette* are you talking about?

11   MR. LEPARD: It was the RCMP *Gazette*.

12          Q   Thank you.

13   MR. LEPARD: Sorry, is that --

14          Q   That's fine. Thank you. And then you say:  
15               Perpetuating the "strategy" of denying the  
16               Coquitlam RCMP investigation.

17          What does that mean?

18   MR. LEPARD: Well, I've given evidence about that I think is  
19          that in that *Gazette* article it talks about the  
20          failed or stalled VPD investigation, and it talks  
21          about Evenhanded, and it doesn't mention the  
22          Coquitlam investigation at all, and so that raised  
23          some concerns in the VPD. And as a matter of fact  
24          although it was too late for the hard copies the  
25          electronic version was pulled off the Internet.

1           There were other concerns as well, because that  
2           article went out prior to the Supreme Court of  
3           Canada's decision and we were concerned about  
4           commenting on evidence and the investigation and  
5           that sort of thing prior to the Supreme Court of  
6           Canada's decision which was contrary to the  
7           agreement that the VPD and the RCMP had, and  
8           contrary to good sense.

9           Q    So the strategy in quotes, you mean an RCMP  
10           strategy?

11   MR. LEPARD: Yes, that we felt that that was one of a number of  
12           things that occurred or not occurred in that the  
13           investigation in Coquitlam was never acknowledged  
14           to have existed.

15           Q    And that's how you use the word denying, by the  
16           fact they don't acknowledge it to you that was  
17           denial?

18   MR. LEPARD: Correct.

19   MR. VERTLIEB: Thank you, sir.

20   THE COMMISSIONER: Now, this is fairly new stuff, and I'm quite  
21           prepared if you want time to look at this, you  
22           might well have questions about this, to come  
23           back.

24   MR. WARD: Well, I have a few right now if I may just -- I  
25           don't know when we'd come back.

1 THE COMMISSIONER: Well, we'll do it next week sometime. I'm  
2 sure that -- at least I think this probably caught  
3 you by surprise, it certainly has caught me by  
4 surprise, and not that I know anything or  
5 everything that goes on here.

6 MR. VERTLIEB: It's new to all of us. It just came in from Ms.  
7 Chu by Mr. Peck.

8 THE COMMISSIONER: Yeah. I don't want you to think or any  
9 lawyer to think that they're caught by surprise,  
10 and if you want time to look at it over the  
11 weekend I'm quite prepared to adjourn it till  
12 sometime next week.

13 MR. WARD: Mr. Commissioner, Cameron Ward, counsel for the  
14 families of 25 missing and murdered women. I  
15 thank you for that. I'd like to ask two questions  
16 right now if I may, two or three, and then I'm  
17 happy to adjourn, but I would like to read it over  
18 and it may be that we can alleviate any need for  
19 the witness coming back.

20 THE COMMISSIONER: We're meeting here Wednesday in any event,  
21 and Thursday, so we --

22 MR. HERN: Yeah, I would hope that we could conclude on this.  
23 I note in the e-mail conveying this from Ms. Chu  
24 at Peck & Company she writes:

25 That during Mr. Ward's cross-examination Gary

1 Bass referred to a fax DCC LePard sent to  
2 Deputy Commissioner Bass on August 24.  
3 Apparently Mr. Ward also questioned DCC  
4 LePard about this document during the hearing  
5 today.

6 So that's why it's arising, because Mr. Ward has  
7 raised it, so that's --

8 THE COMMISSIONER: Yeah, I'm not being critical of you for  
9 bringing the document to light, all I'm saying is  
10 that because of the nature of the document I just  
11 want all the lawyers to have a full opportunity to  
12 look at it and -- yes, Mr. Gratl.

13 MR. GRATL: I wouldn't mind having the weekend to look at it.

14 THE COMMISSIONER: Yes, I think we're going to do that. I  
15 don't see any useful purpose is made by asking a  
16 few questions, I think we'll adjourn it. Maybe  
17 counsel can find some time that meets with the  
18 deputy's --

19 MR. VERTLIEB: We'll work through that. There's another  
20 matter.

21 THE COMMISSIONER: All right. Okay. Thank you.

22 MR. VERTLIEB: There's another matter.

23 THE REGISTRAR: There's another matter?

24 MR. GRATL: Yes, there are two more matters, one of them more  
25 significant, and that is David Dickson is here,



1                   and he's been in attendance all day.

2       THE COMMISSIONER:   Yeah.

3       MR. GRATL:   And he's hoping to clarify a little bit about the  
4                   North Vancouver investigation from his point of  
5                   view, because he's heard evidence today that's  
6                   critical of his credibility and he would like an  
7                   opportunity to speak to the issues.  He hasn't to  
8                   date had an opportunity to speak to these  
9                   allegations.

10      THE COMMISSIONER:  I'm not so sure it's critical to his  
11                   credibility.  They have a different take on the  
12                   facts, and that's not unusual.  I don't want this  
13                   to turn into a he said she said.  I think I've  
14                   heard a lot about Mr. Dickson's contributions to  
15                   what he's done in the Downtown Eastside, in fact  
16                   from the study commissions that we've heard some  
17                   of the people have raised him to the level of  
18                   sainthood, so I don't think it's necessary that I  
19                   hear from him.  There's bound to be differences in  
20                   the way people refer to incidents, particularly  
21                   some time after it takes place, and he may well  
22                   differ from the account given by the deputy chief  
23                   and by Constable Hammell, so I'm inclined not to  
24                   turn this into a he said she said as I said a  
25                   moment ago.

1 MR. GRATL: Yeah, I understand.

2 THE COMMISSIONER: No disrespect to Constable Dickson or to  
3 anyone here. You know, this is classic case of  
4 something that happened and everybody has a  
5 different take on it.

6 MR. GRATL: It's a very complicated fact pattern and difficult  
7 to draw any inferences of credibility from that  
8 fact pattern.

9 THE COMMISSIONER: No, I agree.

10 MR. GRATL: I see Mr. Dickson is nodding there. He's in the  
11 gallery. I take it that's exactly what he meant.  
12 Yes, he's nodding. The other matter was this  
13 business about the Evans report and  
14 Mr. Boddie's --

15 MR. VERTLIEB: Before Mr. Gratl gets to that, because -- thank  
16 you, Mr. Gratl. Before Mr. Gratl deals with that,  
17 which we had planned to do, Mr. Hern said he had  
18 one other thing and I don't want that to be  
19 forgotten.

20 THE COMMISSIONER: Okay. Do you have something else?

21 MR. HERN: Yes. Sean Hern for the VPD. This is not related to  
22 the evidence here in terms of the panel, it is a  
23 separate issue, and that is that --

24 THE COMMISSIONER: Can we excuse the panel here?

25 MR. HERN: Yeah, I think we can excuse them. Sure.

1 THE COMMISSIONER: Okay. Thank you for each of you coming  
2 back. I know we're recounting incidents that took  
3 place a long time ago, but I just want to tell you  
4 I appreciate you coming here and testifying.

5 MS. HAMMELL: Thank you.

6 MR. LEPARD: Thank you very much.

7 **(WITNESSES EXCUSED)**

8 MR. HERN: So the issue I wanted to raise was that in your  
9 practice directive or the directive on witnesses  
10 you left open whether Darcy Sarra was going to be  
11 called, and I wanted to address that just so that  
12 we have it dealt with and not hanging open. I'm  
13 opposing Mr. Ward's position on that on the basis  
14 that there is simply no foundation to the  
15 allegations that any documents were covered up or  
16 destroyed or anything. He's put that allegation  
17 to many witnesses now. He's never provided any  
18 positive evidence of his own to that effect.  
19 Every witness he has put it to has denied it in  
20 the strongest terms. He has identified no  
21 documents that are outstanding that even an  
22 inference could be drawn about that, and so I say  
23 there's just no basis to call -- no evidentiary  
24 basis at all to call Ms. Sarra in to deal with  
25 that. And particularly when commission counsel

1 have interviewed Ms. Sarra and Ms. Lambert, who  
 2 Deputy Chief LePard referred to, interviewed them  
 3 and determined for their own satisfaction that  
 4 there was just simply no coverup, no limitation on  
 5 the documents they were to gather, no instructions  
 6 to do anything other than gather the documents  
 7 properly and effectively.

8 THE COMMISSIONER: All right.

9 MR. HERN: So in my submission the conspiracy is purely  
 10 something of counsel's own creation, no  
 11 evidentiary foundation and it should be -- as a  
 12 result the witness should not be called to this  
 13 inquiry.

14 THE COMMISSIONER: All right.

15 MR. WARD: Not surprisingly my friend Mr. Hern and I have a  
 16 very different view of the evidence. The evidence  
 17 is clear to me, and I'll be making submissions on  
 18 this in due course, that Deputy Chief LePard in  
 19 the preparation of his report didn't ensure that  
 20 e-mails of recent creation, by that I mean when he  
 21 started reviewing the matter in 2002 he didn't  
 22 take any steps personally, nor did he instruct  
 23 Ms. Sarra to take the steps to preserve the  
 24 e-mails that members had been sending each other  
 25 about the missing women case and the arrest of

Robert William Pickton. It would beg your belief given what Detective Constable Lori Shenher has written in her book that members were not chattering on their internal e-mails about the hookers whose bodies were being found at the pig farm and making jokes about them as Shenher has attributed to them in her book. Clearly what Deputy Chief LePard did in his exercise of review was gather what he thought would be helpful in advancing a defence on behalf of his department. He did not go looking or instruct anyone to go looking for things that might cause the department some embarrassment, and certainly it is my submission that the e-mails would have given his admission today that he's well aware that male members of the department have communicated internally by sharing pornography. The e-mails were simply not gathered up, only -- only a few emerged, and clearly you look at the documents that have been generated e-mails simply haven't been obtained.

Another class of documents that is clearly omitted from the review is all of the briefings that would have passed between Anne Drennan and her chiefs, firstly Chambers, secondly Blythe.

1           You've received evidence that those briefings and  
2           corresponding instructions back to Drennan on what  
3           to say to the media about the missing women's  
4           investigations would have been in the files. For  
5           reasons unknown to me neither Anne Drennan nor  
6           Bruce Chambers, the first chief, were on the  
7           witness list. Both of them have been called.  
8           Their files have never been produced, and it is my  
9           inference, an inference I suggest should be  
10          reasonably drawn from this, is that Bruce Chambers  
11          knew all about the fact that the members were  
12          investigating Willie Pickton in 1998, and would  
13          have created notes and files about that, and  
14          Deputy Chief LePard didn't go looking for those --

15       THE COMMISSIONER: All right.

16       MR. WARD: -- because it would have conflicted with his defence  
17          theory that key management was just in the dark  
18          and never heard about Willie Pickton.

19                It's noteworthy too on that point that Deputy  
20          Chief LePard's evidence conflicts with that of  
21          three witnesses and at least one document with  
22          respect to what he learned in the brainstorming  
23          session. Three witnesses have said, three I  
24          believe, three witnesses and one RCMP member  
25          reduced to writing a record that in fact Willie

Pickton's name was discussed at length at that meeting. LePard over two separate days of cross-examination denied hearing it.

So all that is to say that it will be my submission that LePard's work was very selective in nature, he didn't go looking for classes of documents within the VPD that would have been in existence when he began his work, and that his report should be read as such. I've tried and tried to get orders for the production of those classes of documents and haven't succeeded. So I maintain the position that you have not received all relevant documents from the VPD for those reasons, and I will be also arguing certainly after the conclusion of all the evidence that you haven't received all of the relevant RCMP documents either, and that counsel for the families haven't had disclosure of those. So that's my position and I feel that Darcy Sarra, as I've said for some months now, should be questioned about the document gathering process in light of these concerns.

THE COMMISSIONER: Okay. Has anybody interviewed Darcy Sarra?

MR. VERTLIEB: Yes, we have.

THE COMMISSIONER: Yes.

1 MR. VERTLIEB: The concern that I said to you some time ago  
2 that she's -- the allegation that was made, and  
3 here's my concern as your counsel, is that  
4 Mr. Ward I believe, and note in the transcript,  
5 had said that there was a coverup which is a  
6 different flavour than simply saying documents  
7 haven't been produced.

8 THE COMMISSIONER: There's absolutely a difference, I agree  
9 with that.

10 MR. VERTLIEB: And so the discussion Mr. Ward just had with  
11 you, I understand why he would want to take that  
12 position about documents, but it's totally  
13 different though than alleging a coverup. And my  
14 concern for you as counsel to this commission is  
15 that he's already said, he being Mr. Ward, that  
16 the commission's enabling a coverup. That has a  
17 very different tone than simply saying documents  
18 haven't been produced. I must say I was surprised  
19 when Mr. Ward discussed documents with Deputy  
20 Chief LePard and he mentioned the two people,  
21 Sarra and the other person, that that was the  
22 opportunity for Mr. Ward to put it to him.

23 THE COMMISSIONER: Never asked him about it.

24 MR. VERTLIEB: He never asked him about it.

25 MR. WARD: Because I didn't have time. I didn't have time,



1                   Mr. Commissioner.

2       THE COMMISSIONER: Mr. Ward. Yes.

3       MR. VERTLIEB: Well, it's a serious allegation.

4       THE COMMISSIONER: Yeah.

5       MR. VERTLIEB: You make time for a serious allegation. We all  
6                   know that. Mr. Ward had ample time on an  
7                   allegation as serious as the word coverup to deal  
8                   with it, and so now that Mr. LePard is here,  
9                   Deputy Chief LePard, pardon me, is here, I'm  
10                  really in your hands as far as the other two  
11                  witnesses. I was hoping that Mr. Ward might say I  
12                  withdraw the word coverup and the implication of  
13                  that, I just simply wish that more documents had  
14                  been produced, but if he's going to maintain the  
15                  allegation of coverup I say it's incumbent upon  
16                  him to go -- it's his allegation. He has an  
17                  obligation, in my respectful view, to put it to  
18                  the witness, and so I'm in your hands whether or  
19                  not you wish him to do that.

20       THE COMMISSIONER: Well, Mr. LePard is going to come back and I  
21                  expect Mr. Ward will put it to him.

22       MR. WARD: I will be delighted to, because I want that  
23                  opportunity and it will take some time because I  
24                  have to lay it out for the witness. I didn't have  
25                  time today.

1 THE COMMISSIONER: Well, it's a serious enough allegation,  
2 Mr. Ward, that I would have thought that the  
3 coverup would have been first on your list to ask  
4 him, but, in any event, we'll deal with it next  
5 week.

6 MR. WARD: I had 30 minutes to establish --

7 THE COMMISSIONER: Mr. Ward -- okay.

8 MR. WARD: Okay.

9 MR. VERTLIEB: Mr. Commissioner, I'm just wondering since the  
10 deputy chief may not need to come back, and the  
11 only reason he was coming back as I observed the  
12 discussion was because of this memo that we  
13 received this afternoon, the deputy is here,  
14 Mr. Ward says he needed time, it's his allegation,  
15 perhaps he will deal with it now, because at the  
16 end of it he may then withdraw the allegation and  
17 avoid the necessity to consider having evidence  
18 from the two police officers that your commission  
19 staff interviewed, both of whom vehemently denied  
20 any suggestion of coverup or instruction from  
21 Deputy Chief LePard to not see documents that  
22 might be relevant. So if perhaps Mr. Ward does  
23 that now, and I know it's late, but we've sat late  
24 before, and this is a serious allegation, he then  
25 may over the weekend reflect and withdraw, and if

1           so that will save us having to bring in two other  
2           police officers to deal with it, because I really  
3           want Mr. Ward to have a chance to attack that  
4           frontally because he did criticize your commission  
5           for enabling this coverup. So as late as it is I  
6           would suggest that we do that if that suits the  
7           convenience of you, Mr. Commissioner.

8       THE COMMISSIONER: All right. Mr. Hern.

9       MR. HERN: Well, I mean obviously it's in your hands as to what  
10           you want to do with that. The difficulty I have  
11           is that I think Mr. Ward's allegation has moved  
12           off of the commission's enabling anything and is  
13           simply directed at the Vancouver Police Department  
14           as not disclosing certain classes of documents.  
15           Now, he listed them off by name, and he's going to  
16           argue those. I will show you that in the  
17           transcript that the things that he has just said  
18           are patently untrue in terms, for example,  
19           briefing notes between Drennan and Blythe. He  
20           asked Blythe about that. He asked Unger about  
21           that. They said look, those briefings were  
22           verbal. That's the way it is. And he's got the  
23           binders of the media files. Those are in  
24           production, and they've always been there from the  
25           very outset. So the allegation, I don't see any

1 hope that Mr. Ward's going to move off of this,  
 2 he's been harping on it for months and months,  
 3 there's no substantiation of it whatsoever. If  
 4 he's going to make the allegation he can make the  
 5 argument, so in my submission it doesn't need to  
 6 be visited with evidence, because that dignifies  
 7 something that has no evidentiary foundation  
 8 anyway. So, in my submission, this really relates  
 9 to an application by him for documents which you  
 10 addressed, and which the VPD disclosed some things  
 11 to him. You recall we disclosed all of the  
 12 management minute meetings. You recall that over  
 13 the break I went through every management minute  
 14 that we had from the entire period of time covered  
 15 by the terms of reference and disclosed them to  
 16 him. Nothing was in there about transmission of  
 17 information of Pickton upwards to the management  
 18 chain. They have never seen the light of day in  
 19 evidence because they're not relevant, which was  
 20 the position I took in the first instance. So  
 21 you've dealt with that from a documentary point of  
 22 view. Now, we have his application for witnesses.  
 23 I say he's establishing no basis to get into this.  
 24 I mean we're way outside the terms of reference.  
 25 We're talking about our documents produced to the

1           commission or not, which is something your  
2           commission counsel deal with to me as participant  
3           counsel. And so I think we're well outside the  
4           purview of evidence relevant to your mandate as  
5           commissioner, and now we're getting into leading  
6           evidence viva voce on an application which has no  
7           foundation. And so, in my submission, he waived  
8           his opportunity to deal with LePard on this, he's  
9           tried it with various witnesses, he has nothing  
10          left in terms of an evidentiary foundation, and we  
11          should move on. He's got other witnesses that  
12          he's been asking for which actually have linkage  
13          to the merits of the case. And this is just an  
14          application and so, in my respectful submission,  
15          it should go no further.

16       THE COMMISSIONER: Okay.

17       MR. VERTLIEB: Let me say in hearing Mr. Hern my concern is as  
18                      counsel to your commission that the allegation was  
19                      made that your commission's enabling the coverup.  
20                      That's my concern.

21       THE COMMISSIONER: Yeah.

22       MR. VERTLIEB: I respect Mr. Hern has other concerns. Perhaps  
23                      over the weekend Mr. Ward will reflect on that  
24                      allegation and choose to withdraw it and then I  
25                      will be content, otherwise I will seek to have

1 Mr. Ward prove it, because the allegation being  
2 serious is one that he should be given every  
3 opportunity to prove through Mr. LePard, Ms. Sarra  
4 and the other police officer that Mr. LePard  
5 mentioned. So perhaps over the weekend Mr. Ward  
6 will reflect on this allegation and withdraw it as  
7 it relates to your commission enabling this  
8 coverup.

9 THE COMMISSIONER: All right. Thank you.

10 MR. WARD: You know, my friend Mr. Vertlieb misunderstands,  
11 with respect, what I have said. I said -- I know  
12 what I said, and it wasn't limited to the VPD,  
13 it's the police, and I stand by what I said. I'm  
14 even more convinced today that I'm correct, and I  
15 will be laying out in my submission as to why the  
16 police have covered up exactly what happened here,  
17 and I will be pursuing it with the remaining  
18 witnesses, and I'm happy to pursue it with LePard  
19 and Sarra if I get the opportunity, and I welcome  
20 it.

21 THE COMMISSIONER: All right. Okay. They are serious  
22 allegations and I want to see some evidence that  
23 justifies those allegations. Mr. Vertlieb is  
24 quite right that it's one thing that you've  
25 accused the police of covering up, but you've also

1           said that this inquiry has enabled it, and I'm  
2           concerned about that.

3   MR. WARD:   Yeah, and that was through --

4   THE COMMISSIONER:   I'm concerned about the integrity and the  
5           reputation of this inquiry.   I've been in the  
6           criminal justice system for over 40 years and I  
7           have never, ever been accused of enabling any kind  
8           of coverup, so I want to hear from you some  
9           evidence that justifies a serious allegation that  
10          you made, and we'll do that next week.

11   MR. WARD:   Mr. Commissioner, just if I may, we've got another  
12           issue to cover and that segues nicely into it.  
13           When I was referring to the commission I wasn't  
14           referring to the commissioner, I was referring to  
15           the commission, the office of commission counsel,  
16           and primarily the executive director as he then  
17           was, John Boddie, ex-sergeant of the VPD.   And I  
18           can certainly, I expect, prove exactly what I  
19           meant if he takes the witness stand.   We've  
20           applied for him to take the witness stand.   The  
21           actions of Mr. Boddie if what is reported in the  
22           media are true have devastated the credibility of  
23           this commission, both with respect to the  
24           allegations brought by five former employees of  
25           commission counsel's office with respect to sexual

1 harassment, and secondly, and most importantly,  
2 the Evans report which we're just about to get to  
3 I understand.

4 Mr. Vertlieb told me in person at 808 Nelson  
5 Street before the hearings began that I shouldn't  
6 worry about preparing for the hearings because  
7 Deputy Chief Evans was going to do all of that for  
8 us, and I was very troubled to hear that. And I  
9 was even more troubled when I read the account of  
10 Mr. Boddie being dispatched to Toronto on two  
11 occasions to help Evans finish up her report. I'm  
12 also troubled, and this leads into the application  
13 by the deputy chief's evidence in the witness  
14 stand to the effect that she didn't have meetings  
15 with Boddie in light of what appears to be a great  
16 deal of statements to the contrary. These issues  
17 are extremely serious and go to the integrity of  
18 this commission's work, and I think they have to  
19 be addressed and aired.

20 THE COMMISSIONER: Okay. Let me hear from Mr. Gratl. Sorry,  
21 Mr. Vertlieb.

22 MR. VERTLIEB: Yes, Mr. Ward's comments about meetings I don't  
23 accept the way he puts them at all. Secondly,  
24 though more importantly, Mr. Ward does not  
25 understand the distinction that we as your counsel



1 or any of your staff are part of your commission  
 2 and ultimately are answerable to you. He can't  
 3 avoid the allegation by saying he's not directing  
 4 it to the commissioner. He has gone to the heart  
 5 of the integrity of the judicial tribunal, and  
 6 that's what makes it a serious allegation, and I  
 7 will invite him over the weekend to reflect on  
 8 that and take counsel from anyone else that he  
 9 wishes to in an effort to avoid this.

10 THE COMMISSIONER: Okay.

11 MR. VERTLIEB: Having said that I think we've covered as much  
 12 as we can on that topic. I would like to move to  
 13 Mr. Gratl's motion because we told Mr. Gratl that  
 14 we would argue it the end of the day. It's his  
 15 motion, he said he will be brief, he is relying on  
 16 his written material.

17 THE COMMISSIONER: Thank you.

18 MR. VERTLIEB: He will not be very long he has assured me.

19 THE COMMISSIONER: All right.

20 MR. HERN: Just if I might. There was a conflation of issues  
 21 that Mr. Ward addressed there, but I thought I  
 22 heard him say he's not alleging that with respect  
 23 to the collection of the documents in the VPD in  
 24 2002 the commission was enabling any kind of  
 25 coverup. I have no doubt he's going to argue that

1           the police agencies are involved in some kind of  
2           coverup, and he's not going to withdraw that, I  
3           know that, that's fine, and he can argue that, but  
4           if I heard him correctly he's not saying the  
5           commission was involved somehow in that  
6           particularly, he's moved on to say the  
7           Mr. Boddie/Ms. Evans issue is where he's  
8           targeting, and if that's the case I think we're  
9           past that.

10       THE COMMISSIONER:   Okay.   We'll deal with it next week.   I  
11                            don't need to hear from you now, Mr. Ward.  
12                            Mr. Gratl.

13       MR. GRATL:   Mr. Commissioner, I was content to deal with this  
14                            in writing, but Mr. Vertlieb asked me to make some  
15                            oral comments, and perhaps that's appropriate.

16       THE COMMISSIONER:   Okay.

17       MR. GRATL:   There have been some very well publicized  
18                            suggestions that the former executive director of  
19                            your commission travelled to Ontario to assist an  
20                            independent expert with drafting her report in  
21                            some ways, not clear exactly what ways, and --

22       THE COMMISSIONER:   That's a newspaper report.

23       MR. GRATL:   Well, it quotes your -- the commission counsel.

24       THE COMMISSIONER:   Well, okay.   I mean I --

25       MR. GRATL:   And I was very careful to write my material in a

1                   way that wouldn't open me up to allegations that I  
2                   believe everything I read in the *National Post*.  
3                   So I've been careful about that.

4   THE COMMISSIONER:   Yeah.

5   MR. GRATL:   I'm not suggesting it's so, but it's certainly --  
6                   I've excerpted material from correspondence  
7                   between Ms. Tobias for the Government of Canada  
8                   and your counsel Mr. Vertlieb making further  
9                   inquiries into this issue, and your counsel did  
10                  not reply directly, but rather apparently  
11                  forwarded Ms. Tobias's questions directly to  
12                  Deputy Chief Evans, and Deputy Chief Evans  
13                  responded by indicating that Mr. Boddie -- the  
14                  nature of Mr. Boddie's work in Ontario was --  
15                  consisted of fact checking or words to that  
16                  effect. Now, the activity of fact checking is not  
17                  exactly precise. It's not exactly -- I mean it  
18                  could mean looking over Deputy Chief Evans'  
19                  conclusions --

20   THE COMMISSIONER:   She makes --

21   MR. GRATL:   -- and saying well, this proposition is not  
22                  supported. I mean for example that there was bias  
23                  against sex workers in the Vancouver Police  
24                  Department, and Mr. Boddie says well, I've looked  
25                  at the documents and that proposition is not

supported and I have to delete it. I mean I don't know, I just don't know, and that's why I say under the circumstances with the record being as it is it would be, in my respectful submission, an advantage to the public perception of the commission of inquiry to address this issue transparently. And I know I've had conversations with members of the community -- the communities --

THE COMMISSIONER: Okay.

MR. GRATL: -- that I'm intended to serve, and other conversations with members of the legal community that are not involved acting for participants and other counsel who are acting for participants, and people just seem to me to be generally unsettled by the whole business.

THE COMMISSIONER: All right.

MR. GRATL: There's no conclusions that can be drawn from the face of the record to my mind, but on the other hand it just left things in a state where I thought that it would be an advantage to the perception of the commission to either call Mr. Boddie and Ms. Evans --

THE COMMISSIONER: All right.

MR. GRATL: -- or get affidavits from them at least or produce

1                   the correspondence between Mr. Boddie and

2                   Ms. Evans. Those are my submissions.

3       THE COMMISSIONER: All right. Thank you. I have here --

4       MR. WARD: I'm sorry, may I be heard on that?

5       THE COMMISSIONER: Okay.

6       MR. WARD: Thank you. Cameron Ward, counsel for the families  
7                   of 25 missing and murdered women. I support the  
8                   application. In my respectful submission it's  
9                   necessary for both Deputy Chief Evans and the  
10                  former executive director Boddie to testify  
11                  concerning the issues surrounding the integrity of  
12                  the Evans report. I raised by way of an objection  
13                  when the report was tendered a lack of  
14                  independence issue. I questioned Evans about  
15                  that. She denied having met with Boddie, although  
16                  that seems to be very much in question. It would  
17                  appear that if Evans doesn't come back I'll  
18                  certainly be asserting a credibility issue arising  
19                  with respect to her testimony. And I stand by my  
20                  earlier comment that on a couple of occasions  
21                  based on what Mr. Vertlieb said to me it is  
22                  apparent that the commission delegated much of its  
23                  fact finding work to Evans, and that Boddie and  
24                  Evans worked together on ensuring that the report  
25                  was prepared. It wasn't an independent expert

1           report at all, at least if you accept what the  
2           press says about it, and the quotes from various  
3           people --

4   THE COMMISSIONER:   The press?

5   MR. WARD:   -- including your commission counsel.   Well, press,  
6           Mr. Commissioner.   You and your counsel made much  
7           of comments I made in the press, that were  
8           attributed to me in the press, and then you  
9           belittle us when we rely on --

10   THE COMMISSIONER:   Mr. Ward, in all my years of experience I  
11           have never ever heard an application in any level  
12           of the court being granted on what's been written  
13           in a newspaper.   Now if there's evidence there  
14           then that's different, but I mean you're asking me  
15           for a remedy based on what some reporter said in  
16           some paper.   I mean that's what you're -- you  
17           know, you don't need -- I don't need two of you to  
18           be on the floor at the same time.   Okay.   So  
19           that's what you're asking me to do here.   And  
20           there's no evidence that they collaborated  
21           together.   Where is that evidence?

22   MR. WARD:   It's in the affidavit.

23   THE COMMISSIONER:   Well, whose affidavit?

24   MR. WARD:   The affidavit of Mr. Cooper.

25   MR. GRATL:   I filed.

THE COMMISSIONER: Well, why don't we look at the correspondence here. You know on the one hand you've got a newspaper alleging this, so the deputy chief -- I've just been handed this letter. I'm going to read the letter in it's entirety. It says:

I have reviewed the correspondence from the Department of Justice dated April 26, 2002. The following information is provided to assist the commission in preparing a response to the question posed by Ms. Tobias.

1. Did Mr. Boddie travel to Ontario in November of 2011?

A Mr. Boddie travelled to Ontario in November 2011 on two occasions. This was not at my request. I am advised it was at your request.

Your being referred to Mr. Vertlieb. Question 2: If he did what was the purpose of these trips?

A I cannot speak to the manner in which Mr. Boddie was directed by the commission.

3. Did Mr. Boddie assist in the preparation of questions for witness interviews conducted by CD Evans?

1 A No, he did not.

2 Q Did Mr. Boddie assist in the selection of  
3 evidence upon which DC Evans' report is  
4 based?

5 A No, he did not.

6 Question 5:

7 Did Mr. Boddie assist in the fact finding  
8 process upon which the report is founded?

9 A No, he did not.

10 Question 6:

11 Did Mr. Boddie have input into the opinions  
12 expressed in the report or express his own  
13 opinions to DC Evans?

14 A No, he did not.

15 Question 7:

16 Did Mr. Boddie assist in the drafting or the  
17 editing of the report?

18 A No, he did not assist in the drafting or  
19 editing of my report. Mr. Boddie verified  
20 facts and documents referenced in my report.  
21 You will recall I was required to review  
22 over one thousand documents and ascertain the  
23 estimated chronology that would form the  
24 basis for my review of the evidence. The  
25 opinions and conclusions expressed in my



1 report and testified to are my own. I trust  
2 this response will satisfy the concerns  
3 raised by the Department of Justice, and I  
4 see no value in revisiting this.

5 Respectfully Jennifer Evans, Deputy Chief  
6 Peel Regional Police.

7 MR. WARD: Precisely. And that letter is meaningless unless  
8 the evidence is given under oath. And let me read  
9 the letter that generated the response. April  
10 19th, 2012 from Cheryl Tobias of the Department of  
11 Justice to Mr. Vertlieb.

12 On April 4, 2012 the *National Post* published  
13 an article entitled "Commission official told  
14 to help on arms length report." That article  
15 contained the following passage:

16 "The *National Post* has learned that over two  
17 consecutive weekends in November former VPD  
18 Officer Boddie flew to Ontario to assist Peel  
19 Regional Police Deputy Chief Jennifer Evans  
20 complete a so called independent report,  
21 expert witness report about the botched VPD  
22 and RCMP investigations. Her report was  
23 deemed crucial to the inquiry and to its  
24 Commissioner Wally Oppal. It was expected to  
25 give the commission an objective arms length

1 view of the police investigations."

2 Cheryl Tobias, QC, Department of Justice writes:

3 We are greatly concerned by the suggestion

4 that commission staff may have assisted

5 Deputy Chief Evans in completing her report.

6 Let me just pause there for a moment. We share on

7 behalf of the families of the murdered women her

8 great concerns, Mr. Commissioner. Ms. Tobias

9 writes:

10 We request that the commission provide us

11 with particulars with respect to the

12 involvement of Mr. Boddie, or indeed any

13 other members of the commission staff in the

14 following: The preparation of questions for

15 witness interviews conducted by DC Evans, the

16 selection of evidence upon which the report

17 is based, the findings of fact and

18 assumptions upon which the report is based,

19 the development of the opinions expressed in

20 the report, the writing of the report and/or

21 the editing of the report, including the

22 removal/addition of any passages of the

23 report.

24 She goes on:

25 It is our position that if Mr. Boddie or

1 other members of the commission staff  
 2 participated in any of the above Deputy Chief  
 3 Evans ought to be recalled to be  
 4 cross-examined on the independence of her  
 5 report, and other issues, including factual  
 6 findings and opinions arising from any  
 7 involvement of commission staff in the report  
 8 writing process. We note that Deputy...

9 Sorry, I'm reading off a computer:

10 We note that Deputy Chief Evans under  
 11 cross-examination by Mr. Ward on January  
 12 18th, 2012 confirmed that she had had  
 13 discussions with Mr. Boddie with respect to  
 14 her work for the commission. For your  
 15 reference the relevant excerpt of her  
 16 testimony is attached to this letter, along  
 17 with a copy of the *National Post* article in  
 18 question. You will note that DC Evans in  
 19 reference to her interaction with Mr. Boddie  
 20 stated, "I'm not sure about meetings, but  
 21 conversations and phone calls yes."

22 Ms. Tobias continues:

23 If, as it appears, Mr. Boddie travelled to  
 24 Ontario to meet with DC Evans on two  
 25 consecutive weekends in November 2011 for the

specific purpose of dealing with her report,  
for DC Evans to state that she was "not sure  
about meetings" has a tendency to mislead.

Let me just pause there. That's a charitable way  
of putting it. And I know from working with  
Ms. Tobias on this commission's work she is of  
charitable disposition. Carrying on with her  
letter:

It would be extraordinary for DC Evans to not  
recall her November meetings in Ontario with  
Mr. Boddie. Given the limited number of  
hearing days remaining available to this  
commission we ask that you provide us, as  
well as the other participants, with the  
requested information as soon as possible.

Ms. Tobias addressed that letter to Mr. Vertlieb.  
Mr. Vertlieb didn't respond. It seems he passed  
the letter on to DC Evans. And the response from  
DC Evans generated a follow-up letter from  
Ms. Tobias, and I'm going to read that as well.  
This letter from Ms. Tobias, Cheryl Tobias, QC,  
Department of Justice representing the Government  
of Canada dated April 26, 2012 reads as follows:

We are in receipt of a letter from Deputy  
Chief Jennifer Evans dated April 20th, 2012.

This letter was forwarded to us by Jessica McKeachie of your office in response to our letter of April 19th, 2012 in which we raised concerns regarding allegations that John Boddie was involved in the creation of DC Evans report. While we appreciate DC Evans' response the purpose of our previous letter was not to question her integrity, but rather to seek clarification of Mr. Boddie's alleged involvement in the production of her record. DC Evans' response does not address our concerns regarding the nature and degree of the assistance, if any, that Mr. Boddie allegedly provided to her while she was preparing her report. We, therefore, request a direct response...

And I emphasize the next words:

... from the commission with regard to the following questions.

And then she lists a series of questions.

Ms. Tobias, it would appear, never got a response from Mr. Vertlieb to whom the letters were directed. She received letters from DC Evans. They don't advance this issue at all. We need, in my respectful submission, DC Evans on the witness

stand under oath, and John Boddie on the witness stand under oath to address what the Government of Canada has characterized as these grave, concerning issues. And the families share the concern in spades. We, as you will recall, raised questions about the independence of the report at the time DC Evans was here, and certainly after we received it as well. We objected to it going into evidence, and it is -- in the circumstances we'll be arguing it has no evidentiary value unless we clear up this issue of the lack of apparent independence of the so-called expert in preparing the document. So Canada, my friend Mr. Gratl, myself on behalf of the missing women all express the view that Mr. Boddie of the commission --

THE COMMISSIONER: Okay.

MR. WARD: -- tainted the production of the Evans report and rendered it essentially useless. We need to hear from both he and Ms. Evans, in my respectful submission.

THE COMMISSIONER: Well, there's absolutely no evidence at all that he aided in it. Now, in fact there is just evidence to the contrary. So I can't accept that, but -- yes.

MR. GRATL: Mr. Commissioner, Jason Gratl.

1 THE COMMISSIONER: Yes.

2 MR. GRATL: And I don't know if I'd go so far as Mr. Ward to  
3 draw conclusions, I just think that the sum of the  
4 considerations raised are sufficient to -- ought  
5 to be sufficient to inspire the commission to  
6 act --

7 THE COMMISSIONER: Okay.

8 MR. GRATL: -- to rectify the -- to solidify the record, and I  
9 myself on behalf of the interests and perspectives  
10 I'm required to serve, would like to rely on  
11 portions of the Evans report, and any doubt cast  
12 on its independence and reliability goes to my  
13 clients' detriment.

14 THE COMMISSIONER: Clearly yes. My understanding is, I don't  
15 know why -- this is not for me to say, and I mean  
16 you know what you're doing, but I would think in  
17 light of what she has said in her report you would  
18 want the report in.

19 MR. GRATL: That's correct.

20 THE COMMISSIONER: Yeah.

21 MR. GRATL: And what I want to avoid ultimately is a situation  
22 where --

23 THE COMMISSIONER: Okay.

24 MR. GRATL: -- I'm just choosing figures at random where  
25 counsel for Earl Moulton says you can't rely on

1                   the Evans report because --

2     THE COMMISSIONER:   Okay.

3     MR. GRATL:   Because there's been some involvement, and so  
4                   forth.

5     THE COMMISSIONER:   Thank you.   Mr. Makosz.

6     MR. MAKOSZ:   Yes, Mr. Commissioner, I should state on the  
7                   record that Canada does not take a position on  
8                   this application.   Our concerns are as stated in  
9                   the letters that are appended to Mr. Cooper's  
10                  affidavit as part of that application.

11    THE COMMISSIONER:   So you rely on DC Evans' letter?

12    MR. MAKOSZ:   I would say that the letter does not fully address  
13                  the concerns that Canada has, but I have no  
14                  instructions to follow through with an application  
15                  with respect to it.

16    THE COMMISSIONER:   Okay.   Thank you.   Mr. Vertlieb, there's  
17                  some concern that the commission did not reply in  
18                  the manner sought by Ms. Tobias.

19    MR. VERTLIEB:   Ms. Tobias has not responded in any way.   We  
20                  sent her that last material and that's been the  
21                  end of it.   The motion was brought by Mr. Gratl,  
22                  not Ms. Tobias.   We accepted that that was the end  
23                  of it.

24    THE COMMISSIONER:   All right.

25    MR. VERTLIEB:   The answers were clear on their face and



1 Ms. Tobias has not had any further correspondence  
2 with anyone from your commission.

3 THE COMMISSIONER: All right. It would not be responsible for  
4 me to have Deputy Chief Evans return based on a  
5 newspaper report. I've listened carefully to the  
6 arguments raised here, but there's no evidence  
7 before this inquiry that would cause me to have  
8 any concern regarding DC Evans' report. The only  
9 sworn evidence is the evidence of an affidavit by  
10 Mr. Cooper and attached there to is an exhibit  
11 from DC Evans in which she recounts or replies to  
12 the concerns, and she categorically denies any  
13 type of interference by Mr. Boddie. And there's  
14 no other evidence, and it would be speculative at  
15 worst for me to accede to some article written by  
16 a newspaper yet. And as I've said I've never been  
17 in a courtroom where that type of evidence has  
18 ever been relied on to grant a remedy, so I am not  
19 going to accede to it and I'm going to dismiss the  
20 application. Thank you.

21 MR. VERTLIEB: That concludes the day's session. We're  
22 scheduled to be back Wednesday at 9:30. We have  
23 Mr. Bass and then we have on Thursday the McKnight  
24 cross-examination on the affidavit, and that's the  
25 schedule presently.

1 THE COMMISSIONER: All right. Thank you.

2 MR. VERTLIEB: Thank you, Mr. Commissioner.

3 THE REGISTRAR: The hearing is now adjourned for the day and  
4 will resume on Wednesday at 9:30.

5 **(PROCEEDINGS ADJOURNED AT 4:21 P.M.)**

6

7 I hereby certify the foregoing to be a  
8 true and accurate transcript of the  
9 proceedings transcribed herein to the  
10 best of my skill and ability.

11

12

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