

Vancouver, BC

November 22, 2011

(PROCEEDINGS RECONVENED AT 10:04 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Yes, Mr. Hern.

MR. HERN: Mr. Commissioner, there's two binders that I've placed before Mr. Giles, and they are documents that I wish to put before this witness and introduce through him.

THE COMMISSIONER: All right.

MR. HERN: And so, Mr. Giles, could you please place the top binder in front of the witness, and the second copy is for the commissioner. I've provided my friends with a number of copies of this. I want to begin this portion of my examination of Deputy Chief LePard with some questions about friction that has developed between the RCMP and the VPD in relation to the missing women investigation.

DOUGLAS ALAN LEPARD: Resumed

CROSS-EXAMINATION BY MR. HERN:

Q And so, deputy chief, on a number of instances with Mr. Vertlieb in his examination you were careful to point out that the jurisdiction for the Pickton investigation lay with Coquitlam, and that the RCMP was closely involved in all aspects of

1 the investigation into Pickton?

2 A Correct.

3 Q I want to ensure that people understand why these
4 points are being emphasized forcefully, and so
5 could you please turn to tab 14 of the binder that
6 I've put in front of you. And at tab 14 you
7 should have an extract from your report, pages 297
8 to 301. Do you see that?

9 A Yes.

10 Q All right. And this is a section from the
11 analysis portion of your report that deals with a
12 topic which you title on page 297 "The Media
13 Response to the Search of the Pickton Property and
14 Subsequent Murder Charges."

15 A Correct.

16 Q And would you please read the first paragraph
17 under that heading?

18 A After the search warrants were executed on
19 the Pickton property on February 5th and 6th,
20 2002, media scrutiny of the Pickton
21 investigation was intense and sensational.
22 Much of the reporting centred on criticism of
23 the VPD for allegedly failing to conduct an
24 adequate investigation into the Missing Women
25 case generally, and into Pickton

1 specifically. Many allegations were made
2 about the VPD doing nothing with the
3 information provided to it years earlier
4 regarding Pickton. For example, the *Province*
5 newspaper reported that despite the VPD being
6 given a tape of Hiscox's conversation with
7 Wayne Leng (in which Hiscox described to Leng
8 the information he later provided to police)
9 "the VPD did not investigate Robert "Willie"
10 Pickton until February 5th, 2002, when RCMP
11 got a search warrant." This was obviously
12 incorrect.

13 Q Please carry on through the next paragraph.

14 A The media coverage generally inappropriately
15 blamed the VPD for the failure to adequately
16 investigate Pickton despite the involvement
17 of the RCMP throughout and despite the fact
18 that the Pickton investigation was under the
19 jurisdiction of the RCMP.

20 Q Let me just stop you there for a moment. That
21 first line:

22 The media coverage generally inappropriately
23 blamed the VPD for the failure to adequately
24 investigate Pickton...

25 You weren't suggesting that the VPD had no role in

1 the investigation of the missing women generally
2 or in the investigation of Pickton?

3 A No, not at all. And, Mr. Commissioner, I think
4 that the majority of my report is focused on the
5 inadequacies of the VPD's investigation into the
6 missing women generally, and in failing to take
7 the steps that they could have and should have
8 regarding a better investigation into Pickton in
9 Coquitlam.

10 Q All right. So maybe that sentence would be --
11 that sentence is really focused on that the
12 inappropriateness of the media coverage was that
13 they were blaming only the VPD and weren't even
14 aware or acknowledging the RCMP's involvement?

15 A About the Pickton investigation in Coquitlam
16 specifically, yes.

17 Q All right. If you could carry on reading that
18 paragraph. You're at the second sentence, The
19 RCMP were generally.

20 A The RCMP were generally characterized as
21 having rescued the VPD's investigation and
22 the theme of many media articles was that the
23 VPD was incompetent and worse. This was in
24 no small part due to the actions of the
25 RCMP's media spokesperson Constable Kate

1 Galliford, who made misleading statements
2 such as those broadcast November 2nd, 2002,
3 on "Dateline Special," a popular NBC
4 television program seen throughout North
5 America and elsewhere. The Dateline episode
6 was highly critical of the VPD, and included
7 footage of a JFO media conference at which
8 the VPD was not represented.

9 Q All right. If you could skip down to the bottom
10 paragraph there that begins -- that talks about
11 the specific items with respect to the Dateline
12 show.

13 A Dateline incorrectly?

14 Q Yeah.

15 A Dateline incorrectly described the reason
16 the RCMP became involved as follows:

17 The marches, the vigils, the reward, and
18 the growing number of missing women all
19 finally got the attention of politicians
20 outside of Vancouver. The Royal
21 Canadian Mounted Police was brought in.

22 Q Carry on, please.

23 A This characterization of how the RCMP became
24 involved was patently false. In the Pickton
25 investigation specifically (i.e., the

1 investigation in 1998 and 1999 into the
2 information provided by Hiscox, Calder and
3 others), the RCMP was involved and in command
4 from the beginning. In the Missing Women
5 investigation generally, the RCMP became
6 involved because of the relentless efforts of
7 Sergeant Field, later assisted by Inspector
8 Spencer, not because "politicians outside
9 Vancouver" brought them in.

10 MR. ROBERTS: Excuse me. Darryl Roberts for reported First
11 Nations' interests.

12 THE COMMISSIONER: Yes.

13 MR. ROBERTS: Excuse me, Mr. Chairman -- Mr. Commissioner, I
14 had thought that Mr. Hern was not going to try and
15 repeat questions or areas that have been the
16 subject of questioning by commission counsel. I
17 don't understand why this is being done. This
18 report's been marked as an exhibit. We have it,
19 we can read it. We don't need Deputy Chief LePard
20 to sit here and read it to us. And this whole
21 subject of who had jurisdiction to investigate the
22 crimes of the missing and murdered women has been
23 thoroughly canvassed already by questions by
24 commission counsel, so I had thought that Mr. Hern
25 was not going to do this.

1 THE COMMISSIONER: All right.

2 MR. ROBERTS: I don't see any value in it for us.

3 THE COMMISSIONER: Mr. Hern?

4 MR. ROBERTS: It's really just taking up the time of this
5 commission when this witness should now be under
6 cross-examination.

7 MR. HERN: First of all, we've now spent five minutes on this.
8 It's a convenient way to approach a topic which is
9 different than what Mr. Vertlieb has done, and I
10 think it's entirely appropriate in a circumstance
11 like this in a cross-examination to give counsel
12 the benefit of the doubt that, for a while anyway,
13 that we're going into an area that is different --

14 THE COMMISSIONER: All right. Okay.

15 MR. HERN: -- than commission counsel, and I would ask for your
16 indulgence.

17 THE COMMISSIONER: Yeah, Mr. Roberts' point is well taken in
18 that we've heard a lot of this before of how the
19 RCMP -- statements made by certain officers of the
20 RCMP blamed the Vancouver Police.

21 MR. HERN: Yes.

22 THE COMMISSIONER: And so we heard that, but if you're moving
23 on to something else and this is a part of the
24 narrative and you need to lay the groundwork, then
25 I understand that.

1 MR. HERN: That's exactly what this is.

2 THE COMMISSIONER: Otherwise the point is well taken.

3 MR. HERN: Laying the groundwork is exactly what this is.

4 THE COMMISSIONER: All right.

5 MR. HERN: And this is the fastest way to do it, because the
6 alternative would be to be playing the Dateline
7 Special show, and I don't think we want to take an
8 hour to do that.

9 THE COMMISSIONER: Yeah. All right.

10 MR. HERN: So if I could just have some indulgence on this I'm
11 grateful. And this is an important point and it
12 is different, and I think you'll see that shortly.

13 Q So, deputy chief, I'm not sure where you got to
14 there before I was interrupted. I think you were
15 on the -- if you could read the next paragraph,
16 Constable Galliford.

17 A Constable Galliford was shown on the
18 Dateline program stating, "I'm not in any
19 position to make any comment with regard to
20 the Vancouver Police Department
21 investigation..." The narrator then states,
22 "But Galliford acknowledged that the RCMP
23 found ample information to go after Pickton
24 in the Vancouver Police Department's very own
25 files." Constable Galliford is then shown

1 saying, "Our investigators arrived at this
2 conclusion based on a lengthy file review."
3 The reporter then asked, "A file review of
4 the Vancouver Police Department?" Galliford
5 responded, "That's correct, and any further
6 comment with regard to that will have to be
7 made by the Vancouver City Police." The
8 narrator then intones, "But they were nowhere
9 to be found."

10 Q If you could turn over the page and then in the
11 middle paragraph beginning the Dateline episode.

12 A The Dateline episode spawned intense
13 condemnation of the VPD, and generated
14 countless venomous e-mails from North America
15 and Europe where the episode was shown. The
16 RCMP made no public statements subsequent to
17 the episode to correct the impression left by
18 the show generally, and the comments of
19 Constable Galliford specifically. (This
20 leads to the inevitable inference that
21 Constable Galliford's original comments, or
22 at least the RCMP's failure to correct the
23 misinformation, were part of a planned media
24 strategy at senior levels of the RCMP to
25 focus criticism on the VPD and away from the

1 RCMP). This was extremely hurtful to the
2 VPD, and particularly to the key VPD
3 investigators.

4 Q And could you conclude by reading the next
5 paragraph?

6 A The incalculable damage to the reputation of
7 the VPD and individual members could have
8 been at least partially mitigated if the RCMP
9 had responded to the "character
10 assassination" of the VPD in Dateline. The
11 RCMP could have briefly stated that the show
12 was inaccurate, and that the VPD had shared
13 all information it received about Pickton in
14 a timely manner, without discussing the
15 investigation further. It did not do so.
16 The lack of response by the RCMP was not in
17 keeping with the finest traditions of that
18 organization.

19 Q Thank you. So is it fair to say that the VPD felt
20 that the RCMP by its silence was refusing to take
21 responsibility for anything to do with the failure
22 to catch Pickton?

23 A Yes, and that it never acknowledged that there
24 even was an investigation by the Coquitlam RCMP.

25 Q All right. And then as you discussed with

1 Mr. Vertlieb at some point in your work you
2 reviewed the Williams report and that report
3 contained a conclusion to the effect that if the
4 RCMP could do it again nothing much would have
5 changed?

6 A Correct.

7 Q And so that was a report written in 2002?

8 A Yes.

9 Q And if you go over the tab to tab 15. This is a
10 -- what is this document?

11 A This is an issue of the *RCMP Gazette* that came out
12 in the summer of 2010.

13 Q And what is the -- the *RCMP Gazette*, is that a
14 magazine that's published on the Internet?

15 A It's published both in hard copy, I think there's
16 about 5,000 copies that are distributed in hard
17 copy, I received one in my office, and it also
18 goes on to their website, so it's available
19 on-line to anybody.

20 Q All right. And so the first page of this document
21 in tab 15 is -- well, the cover page shows that
22 there's an article in there called *Snaring Pickton*
23 *Catching Canada's Worst Serial Killer*. Do you see
24 that?

25 A Yes.

1 Q And the date on this is from 2010?

2 A Yes.

3 Q And over the page the introductory passages of
4 this article contain some -- a summary that the
5 task force had got a break when Constable Nathan
6 Wells got on the Pickton farm?

7 A Right.

8 Q Over the page on -- *Gazette* page 8, I guess, in
9 the lower left, there is in the second paragraph
10 down, could you just read out that paragraph
11 please?

12 A How did the Missing Women Task Force arrive
13 at this critical break? It wasn't luck, says
14 Don Adam, the now retired RCMP inspector who
15 headed the Missing Women Task Force until
16 November of 2004, it was sound methodology
17 and solid team work that cracked the case,
18 that and a willingness to assess the costs
19 and benefits of every decision upon which the
20 investigation was founded.

21 Q Now, from your review of *Evenhanded* is that an
22 accurate depiction of --

23 A I don't know if it's an accurate depiction of what
24 Inspector Adam said to the interviewer, but it's
25 certainly not an accurate depiction of what

1 actually occurred.

2 Q Yeah, I'm sorry, I was assuming that that was an
3 accurate account of Don Adam's statement. And
4 then you can see in the middle of that document
5 that there's a passage in quotes that is allegedly
6 from Don Adam that:

7 When you're faced with an enormous problem
8 like this the first thing to do is (conduct)
9 an investigation of the investigation.

10 Do you see that?

11 A Yes.

12 Q Now, are you -- in your review of Evenhanded was
13 that a strategy that was employed in terms of
14 investigating the original investigation?

15 A Well, certainly Evenhanded was reviewing the VPD
16 files of the VPD investigation, but clearly were
17 not reviewing the files of the Coquitlam RCMP in
18 any detail.

19 Q And had they interviewed the VPD officers from the
20 original missing women review team investigation?

21 A Not to my knowledge.

22 Q All right. If you can look at the bottom right
23 corner, the paragraph there. Could you just read
24 that out on page 8?

25 A Even without the break at the farm, says

1 Adam, the team was slowly closing in on
2 Pickton. Task force members were out on the
3 streets tracking sex trade workers and
4 looking for any hint of suspect activity.
5 The team knew that victims were still being
6 taken from the Downtown Eastside at a rate of
7 approximately one every six weeks and
8 investigators were closely examining the
9 habits and acquaintances of the missing
10 women. Prior to February 2002 members had
11 identified a female subject who had
12 transported a recently missing sex trade
13 worker out of the city. Later after the
14 February 5th search investigators would
15 closely link this female to Pickton.

16 Q All right. And you can see just two paragraphs
17 below that there's a quote allegedly from
18 Inspector Adam:

19 That the fact that Nathan Wells, a young
20 member, obtaining his second search warrant
21 got us on the farm, that was luck. The fact
22 that we were there on the farm in the first
23 place, that's good policing. We positioned
24 ourselves to win.

25 Do you see that?

1 A Yes.

2 Q Now, and do you have a view as to whether if --
3 whether that's an accurate account, assuming that
4 the quote is correct, whether that would be an
5 accurate account of Evenhanded's positioning at
6 the stage that Nathan Wells got on the farm?

7 A It's not accurate. The evidence given under oath
8 at trial was that Constable Wells called
9 Evenhanded because Pickton was still flagged on
10 CPIC because he was on their list of suspects, and
11 so he called Evenhanded and asked if they wanted
12 to attend while he executed his search warrant.
13 Two investigators did attend. They didn't assist
14 in any way, they stood off the property. The
15 evidence at trial was that they were not
16 particularly looking at Pickton, he was on their
17 list because of the victim 1997 incident, but that
18 otherwise that he wasn't of interest to them.
19 Sergeant Little, who was one of the investigators,
20 gave in his statement that they weren't
21 particularly looking at Pickton and that he didn't
22 even actually know what the warrant was for, that
23 there wasn't any sense that they were about to
24 crack the case or anything like that.

25 Q So is it -- is it right that what concerned you,

1 or one of the things that concerned you in this
2 article published in this RCMP magazine is that
3 there was a sense that history was being
4 reconstructed?

5 A Yes, that was one of the concerns.

6 Q And did you have other concerns with that article?

7 A Well, there were a couple of concerns. First of
8 all, we were in a joint task force and so there
9 was agreement always that any statements that were
10 going to be made would involve consultation and
11 would be jointly agreed. There was no
12 consultation with the VPD on this article. Number
13 two, is that this article was published before the
14 Supreme Court of Canada's decision upholding the
15 convictions. A possible outcome of the decision
16 could have been to order a new trial, so we were
17 very concerned about anything going out, any
18 public statements that might compromise a future
19 prosecution. And so again that's something that
20 we would have wanted to be consulted on, and in
21 fact there was agreement not to make any comments
22 about the case prior to the decision. And the
23 third decision when you asked about history being
24 revised is that in this entire article, although
25 it mentions coming into assist with the stalled

1 VPD investigation, there is no mention of an
2 investigation conducted by the Coquitlam RCMP.

3 Q All right. Now, if you can turn over the tab to
4 tab 16 in this binder. This is a document, a
5 report written by Superintendent Nash of the RCMP
6 and it's dated September 1, 2010. That's a
7 document you've seen before?

8 A I first saw a redacted version of that earlier
9 this year when it was being released to the media,
10 and I saw the unredacted version for the first
11 time yesterday morning.

12 Q All right. Now, this document, is it fair to
13 say -- what's your understanding of how this
14 document came to exist?

15 A My understanding from reading it is that
16 Superintendent Nash was assigned to write a
17 critique of my report.

18 Q All right. And is it -- what's your -- how would
19 you summarize this document in terms of what
20 Superintendent Nash says about your report in it?

21 A I think that it could be summarized as saying that
22 my report was inflammatory, biased, not objective,
23 without merit, not based on facts. Similar
24 adjectives.

25 Q Misleading?

1 A Misleading.

2 Q Those are all adjectives that appear in the
3 report?

4 A Yes.

5 Q And the overall thrust of it is it takes great
6 exception to the criticisms that you made of the
7 RCMP within your review?

8 A Yes, extremely defensive and aggressive in its
9 criticism.

10 Q All right. Now, at tab 17 is a document that you
11 prepared; correct?

12 A Yes.

13 Q And now you see it says today's date on it, and
14 it's titled as a response to Superintendent Nash's
15 critique of the missing women investigation
16 review?

17 A Yes.

18 Q All right. And it goes through each of the points
19 that Superintendent Nash makes and responds from
20 your perspective as to why those points are
21 inaccurate or unfounded?

22 A Yes.

23 MR. HERN: All right. Mr. Commissioner, what I've done here is
24 because Superintendent Nash's report is lengthy,
25 and because I know that there are concerns with

1 timing, rather than take the deputy chief through
2 every point, and you'll see that there are many,
3 where he takes great exception to things that
4 Superintendent Nash has said and points out the
5 inaccuracies and where the corrections may be
6 found in the record, rather than taking the deputy
7 chief through all of those in oral evidence which
8 really would take about an hour, I propose to have
9 this, his evidence is summarized here, we don't
10 need to go through it. Superintendent Nash's
11 report is not something that I understand the RCMP
12 adopts as its official position, so it's sort of
13 an event in time, and that's what I'm relying on
14 it for, but it contains allegations that need to
15 be responded to. And I've asked my friend from
16 the DOJ whether she takes exception to entering
17 this within this binder, or whether any of the
18 other participants do, but in my view it's an
19 efficient way of dealing with this corner of the
20 evidence.

21 THE COMMISSIONER: All right.

22 MR. HERN: Perhaps I could hear from anybody who has an issue
23 with that.

24 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias for the Government
25 of Canada. I have not had the opportunity to read

1 this document, so please accept my comments in
2 that light. I understand my friend Mr. Hern's
3 position, but what I don't understand is why the
4 Nash report is sought to be entered in the first
5 place as my friend has indicated. It's not the
6 RCMP's official position necessarily. It was
7 disclosed from the point of view of --

8 THE COMMISSIONER: I haven't read the Nash report. I haven't
9 seen it. What does the Nash report say?

10 MS. TOBIAS: Well, my friend has included it at tab 16 of the
11 binder, so you have it in front of you.

12 THE COMMISSIONER: Yes.

13 MS. TOBIAS: And you'll see that it is dated September the 1st,
14 2010, so it was written a few days after Deputy
15 Chief LePard's report was released, and it's an
16 internal memo to the OIC with a reaction to the
17 report. And I understand my friend's position in
18 the sense that he's saying that there are some
19 allegations, and I can only assume that he's
20 talking about allegations that may or may not be
21 made in this hearing, but it's my position that
22 until allegations are made they're not there to be
23 responded to, and I really question whether this
24 is of any use to you at all. And, similarly, you
25 know, the responses, Deputy Chief LePard can

1 respond to points asked of him in
2 cross-examination, he's entitled to do that. So I
3 think that's my position on it, but my objection
4 to it in terms of whether or not it can go in as
5 -- if you decide that that material is something
6 that should be admitted because it is of
7 assistance to you, I don't have any objection to
8 my friend introducing Deputy Chief LePard's
9 evidence reduced to writing, which is what I
10 understand this to be, and he can perhaps confirm
11 that.

12 THE COMMISSIONER: So I assume the Nash report is critical of
13 Deputy Chief LePard's report?

14 MS. TOBIAS: Yes, it is, but as I said it's an internal
15 discussion within the RCMP, it's the opinion of
16 Superintendent Nash expressed to his OIC. That's
17 all it is.

18 THE COMMISSIONER: Is he being called?

19 MS. TOBIAS: Nash is being called later, yes. But, you know --

20 THE COMMISSIONER: Well, if he's being called and he
21 contradicts --

22 MS. TOBIAS: I should qualify that. I'm assuming he'll be
23 called. We don't -- I have not had confirmation
24 from Mr. Vertlieb, so really that's the person to
25 ask that question of.

1 THE COMMISSIONER: Well, I agree with the basic position that,
2 you know, I don't know how much more evidence I
3 need to hear of this -- this -- you know, what's
4 happened here is that the RCMP has made certain
5 statements about the conduct of the file and the
6 arrest of Pickton that the Vancouver Police
7 completely disagree with. I have that point. I
8 have the point about Nathan Wells and when he
9 executed the warrant and that the JFO didn't know
10 about it until the next day, and so I have all of
11 that evidence, and I know -- I think I have a
12 pretty full picture of, I'm going to call, animus
13 that existed between the two police departments,
14 so I don't know if I need to hear anything more on
15 how the report is going to help me.

16 MS. TOBIAS: If I may just add one thing to my comment, it is
17 that at some point opinion piling upon opinion
18 piling upon opinion is not, in my respectful
19 submission, helpful to this commission. Obviously
20 various of the parties will be putting -- will be
21 cross-examining Deputy Chief LePard quite closely
22 on some of the things he said, but I don't think
23 layering another internal critique on top of that
24 is particularly of assistance.

25 THE COMMISSIONER: Okay. All right. Mr. Hern?

1 MR. HERN: Let me speak to that. We don't know whether
2 Superintendent Nash is going to be called, but I
3 assume he will. Commission counsel haven't
4 provided a firm list, and that's fine, but we can
5 assume for the purposes of today, I think, that he
6 will be called. He is actually a relevant person
7 because he's actually from not an opinion, but
8 from the date of the investigation, he was
9 actually involved in the Pickton investigation.
10 So the purpose here, and the reason that this is
11 important is because Superintendent -- this has
12 been produced by the Department of Justice and the
13 RCMP as being relevant, so I am fully expecting my
14 friends will put it to Superintendent Nash and
15 then it will sit there as his statement regarding
16 this witness's work that we may have to recall
17 Deputy Chief LePard, and I want to avoid that by
18 putting in his responses. I'm proposing to do it
19 in this way because it saves time. And I just
20 want to show you --

21 THE COMMISSIONER: How long is this going to take you to do
22 this?

23 MR. HERN: It's not going to take any time, because I've got
24 the -- I've put his evidence in writing in tab 17.

25 THE COMMISSIONER: So the report is being filed as an exhibit?

1 MR. HERN: Right.

2 THE COMMISSIONER: All right. You're now going to ask the
3 witness what his views are on Nash's opinions,
4 right, of Nash's evidence?

5 MR. HERN: Let me -- what I'm going to do is I'm going to ask
6 if he adopts the written responses that he's put
7 in tab 17 to Nash's statements. And let me just
8 take you to a statement, for example, from Nash to
9 show you what kind of evidence we're dealing with
10 here or what kind of statements from an RCMP
11 member we're dealing with. If you could turn,
12 deputy chief, to tab 16, page RCMP 00019 at the
13 top corner.

14 THE COMMISSIONER: Yes.

15 MR. HERN: And under the -- in this part he's -- Superintendent
16 Nash is quoted at length from the very same
17 passages that we just read through from Deputy
18 Chief LePard's report and here's his comment.
19 This is Superintendent Nash's words:

20 I find these comments particularly
21 distasteful, offensive and completely without
22 merit. One would wonder, and I believe
23 should demand from Deputy Chief LePard
24 whether his comments about a planned media
25 strategy at senior levels of the RCMP is an

1 attempt to besmirch the reputation of the
2 VPD...

3 I assuming that's RCMP:

4 ... is a position held by Chief Constable Chu
5 either then or now. To make such an
6 outrageous statement and to follow it up with
7 comments by how the lack of response from the
8 RCMP hurt the feelings of the VPD is further
9 confirmation that Deputy Chief LePard had no
10 intention of remaining objective in his
11 review. Certainly anyone seeking to offer
12 such a bizarre criticism of an organization
13 would do more than rely on one version of a
14 story.

15 And so on. I mean these are the kind of
16 statements that are replete in this document, and
17 what I'm introducing it for, the point is not to
18 have a big dispute over each and every allegation,
19 and I don't want to waste your time going through
20 that, but what it speaks to, and the point of this
21 line of cross-examination that I started, is it
22 shows the institutional responses to this issue
23 which is something that is directly before you.

24 THE COMMISSIONER: Well, I think I have a pretty good picture
25 of that.

1 MR. HERN: Exactly.

2 THE COMMISSIONER: And I don't know that it's necessary to go
3 through what Nash says is, you know, outrageous
4 statements made by Deputy Chief LePard. I gather
5 that clearly they're at opposite ends of what took
6 place, and at the end of the day I'm going to have
7 to resolve those issues.

8 MR. HERN: Right. So what I want to do is I want to put in --
9 rather than having to take your time up today of
10 going through each of those, but I don't want to
11 leave them unanswered, because they're things that
12 a witness is going to come and may say well, I
13 adopt those positions, that's exactly what he did.
14 I want to just answer it with tab 17 and move on.

15 THE COMMISSIONER: Okay. The problem here is that essentially
16 you're setting up a straw man here and then
17 getting this witness to knock it down.

18 MR. HERN: Well, we do that all the time though in the sense
19 the straw man is going to become a firm character
20 when he takes the stand, and if he doesn't then
21 you can disregard this incident altogether. But
22 this is a document they've produced, and rather
23 than having to recall witnesses to answer other
24 witnesses' allegations, in my submission, it's
25 just most efficient to do it this way and move on.

1 THE COMMISSIONER: Well, let's get on with it then, Mr. HERN.

2 MR. HERN: Thank you.

3 Q So, deputy chief, at tab 17, those are your
4 responses to Superintendent Nash's criticisms of
5 you?

6 A Yes.

7 Q All right. And you wrote that document?

8 A I did.

9 Q And it's correctly dated November 22, 2011?

10 A Yes.

11 Q And if you could flip to the very last page could
12 you just read your conclusion, please?

13 A In conclusion, as I found with the Williams
14 report, I find it incredible that there's not
15 a single reference to the RCMP having made a
16 mistake at any point in any respect. It
17 appears from reading the Williams and Nash
18 reports that the RCMP didn't make a single
19 error and are blameless. The VPD are simply
20 wrong to blame bias, et cetera, that my whole
21 report is inflammatory and inaccurate in
22 every respect where it refers to failings of
23 the RCMP. Having now read Deputy Chief
24 Evans' report, which makes findings of fact
25 and conclusions highly consistent with mine,

1 I think that speaks to the objectivity and
2 accuracy of my report. It also speaks to the
3 complete lack of merit to Superintendent
4 Nash's comments which DC Evans' report
5 contradicts extensively. As I found with
6 Keith Williams' report I do not think the
7 posture Superintendent Nash took in his
8 critique served the RCMP well in terms of
9 being able to make informed judgments as to
10 how to respond.

11 Q Thank you. So is it right in view of those
12 various documents we've looked at and the
13 chronology we've gone through this morning, is it
14 right that this unwillingness of the RCMP to
15 acknowledge that it had the lead in the 1998 to
16 2001 investigation of Pickton in Coquitlam is one
17 of the reasons that you have been so careful to
18 explain and assert in your evidence that the RCMP
19 in Coquitlam knew everything about Pickton and had
20 jurisdiction?

21 A Yes. And we've had many conversations with the
22 RCMP and we found it frustrating to deal with them
23 as an institution in that it was unwilling to even
24 concede to this date, as far as I know, that there
25 even was an investigation in Coquitlam.

1 Q And they have refused to concede to this date that
2 there were any shortfalls in the investigation of
3 Pickton notwithstanding the extent of the
4 information and evidence available between 1998
5 and 2001?

6 A Not based on any of the reports that I have
7 reviewed or any of their public statements.

8 MR. HERN: All right. Thank you. So, Mr. Commissioner, you
9 see that the point there is that that context
10 assists to understand Deputy Chief LePard's --

11 THE COMMISSIONER: No, I understand what you're doing here.
12 But going back to what Mr. Roberts said earlier,
13 you know, the documents speak for themselves, and
14 in tab 17 he has responded to Nash's allegations,
15 and we can all read those, so.

16 MR. HERN: Yes, absolutely.

17 THE COMMISSIONER: All right.

18 MR. HERN: But, you know, this is an important context, in my
19 submission, as to how to understand Deputy Chief
20 LePard's strong forceful assertions about
21 jurisdiction.

22 THE COMMISSIONER: You're going to tell me at the end of the
23 day that the RCMP position cannot be believed,
24 that's what you're going to tell me?

25 MR. HERN: Well, I'm also going to tell you that you shouldn't

1 misinterpret Deputy Chief LePard's forceful
2 assertions about jurisdiction as being any attempt
3 to duck responsibility for the VPD, but is instead
4 trying to establish the facts.

5 THE COMMISSIONER: All right.

6 MR. HERN:

7 Q Now, I want to turn to a different subject matter,
8 deputy chief, and that's the relationship of the
9 police and sex trade workers in the Downtown
10 Eastside. One of the things that has often been
11 said about the missing women investigation is that
12 if the missing women had been from wealthier
13 neighbourhoods there would have been many more
14 resources allocated to the investigation. Do you
15 agree with that statement?

16 A Well, I agree to the extent that if there had been
17 an assumption made about missing women from the
18 west side of Vancouver, for example, I think they
19 would have come to the assumption that if a bunch
20 of women from the west side of Vancouver went
21 missing much more quickly than they did with the
22 Downtown Eastside women where they had great
23 difficulty coming -- making that big leap that it
24 was foul play involved because of the very
25 different circumstances involved. What I wrote in

1 my report is in the face of a murder of any
2 person, whether it's a woman from the west side or
3 a sex trade worker from the Downtown Eastside,
4 that the VPD does not discriminate, that we put
5 whatever resources that we need to, and in fact
6 have had excellent results. The problem in the
7 missing women investigation was that managers in
8 the VPD did not come to the conclusion quickly
9 enough that this was a matter of foul play, that
10 that's what was responsible for the missing women.
11 Contemporaneous with that same time, 1993 to 2000,
12 I've given evidence before that 1992 or 1993 to
13 1999 we had ten murders of sex trade workers and
14 solved by arrest and charge eight of them, which
15 is quite a bit better than the national solve
16 rate. And in fact there was another one, the
17 murder of April Reock in 2000, so there was
18 actually nine out of eleven murders of sex trade
19 workers solved during that time, which is a very
20 high rate of success for any kind of a murder
21 investigation. And I think the record will show
22 that even at that time the murder of April Reoch
23 was led by Sergeant Geramy Field and her homicide
24 squad, that was a successful investigation and
25 they put whatever resources they needed into

1 solving that case. It makes no difference what
2 the background of the victim was. It was a
3 different problem with the missing women of the
4 Downtown Eastside compared to, for example, if 20
5 women went missing from the west side there first
6 of all would be --

7 THE COMMISSIONER: Yeah, excuse me for interrupting, but I'm
8 going to ask you the question then, and I'm sure
9 the other lawyers will -- the lawyers here will be
10 asking you this question, and that is that -- and
11 you've drawn this comparison as to whether or not
12 the different type of investigation that ensued
13 had the women been missing from the west side of
14 town as opposed to the poor, disenfranchised women
15 that were missing from the Downtown Eastside, and
16 in fact from the evidence that we've heard so far
17 is that that's precisely what did happen, didn't
18 it? When you had Sandy Cameron saying things like
19 we don't have time to look for hookers, why don't
20 -- and making the racial comments that she made,
21 isn't that an indication that at the time the
22 Vancouver Police wasn't interested in listening to
23 those poor women, the disenfranchised women who
24 were living in poverty in the Downtown Eastside?
25 I'll ask you that, because I know other people

1 here will ask you. And the reason I'm asking you
2 now is because you've brought this subject up
3 right now that the Vancouver Police doesn't
4 discriminate regardless of where the victim
5 resides.

6 THE WITNESS: What I've said, Mr. Commissioner, is that when
7 it's clear that a murder has taken place that the
8 investigation precedes with no -- there is no
9 difference depending on the victim typology. I
10 agree, and I've written in my report, that there
11 was an inadequate response to the reports of women
12 missing from the Downtown Eastside, and I've
13 written about issues that you have raised in terms
14 of people being unreceptive to that information.
15 But in terms of the dedication of investigators
16 involved they were completely committed to it.
17 The VPD as an institution, their response was
18 inadequate and put inadequate resources into it.
19 But there's no question in my mind that if their
20 managers no matter who they were, had they become
21 satisfied, and they should have been earlier, that
22 missing women had been killed, for example, if
23 there had been a body found like April Reoch, who
24 might not have been found, the killer tried to get
25 her into a Smithrite can and she may never have

1 been seen again and she would have been on the
2 list of the missing women. All the resources
3 necessary to solve that case and make an arrest
4 were put into that investigation because it was
5 clear what they were dealing with. In the case of
6 missing women who were reported weeks, months,
7 years after they were last seen it wasn't as clear
8 what the problem was, and I've written it should
9 have become clear sooner. Certainly by the time
10 of Detective Inspector Rossmo's report of May
11 27th, 1999, because even he prior to that in
12 February of 1999 said that Inspector Biddlecombe's
13 theory that given enough time these women would
14 also reappear, he said that had some merit to it
15 so I had to do more analysis. When I did more
16 analysis his theory did not hold up. So clearly
17 by May 1999 it was clear that the most likely
18 reason for the missing women was a serial killer.
19 And the response, and I've written about that, was
20 inadequate. And there was, you know, the issues
21 that you have raised, but what I was
22 differentiating or describing as what would the
23 response of the VPD have been to the known murder
24 of a sex trade worker, and I think the record
25 speaks for itself that the response is excellent.

1 THE COMMISSIONER: All right. Thank you.

2 MR. HERN:

3 Q Just following up on that answer, deputy chief, is
4 it right to differentiate between the three things
5 of reporting issues in terms of a missing persons
6 report coming in the door and whether that's
7 taken, and taken properly and so on, and then the
8 linkage issues as to whether absences of missing
9 persons is linked to being a homicide as a
10 separate link, and then third, respond issues
11 where it is identified there's a homicide, what
12 steps are taken and are those appropriate. Is
13 that a fair way to differentiate?

14 A Yes.

15 Q All right. And so in your Chapter 3 when you
16 discussed the bias issue and when you asked
17 yourself about whether bias was at the root of the
18 shortcomings of the missing women's investigation,
19 is it right then that one of the ways you went
20 about that was to look at the response issue and
21 examine the quality of the response when a murder
22 was known of a sex trade worker?

23 A Right. And what I said was when a murder was
24 known of a sex trade worker the response was
25 excellent. The problem in the missing women case

1 is that there were people that found it very, very
2 difficult to make that conceptual leap that the
3 evidence that they were the victims of a serial
4 killer was the absence of the women without a
5 plausible explanation. There were other issues
6 that, Mr. Commissioner, that you raised about
7 unprofessional conduct and taking missing persons
8 reports and that sort of thing, but that wasn't
9 the root of the problem. The problem was that
10 there were people in roles of responsibility who
11 did not understand how important the evidence of
12 the absence of the women was.

13 THE COMMISSIONER: All right. Okay. Mr. Roberts?

14 MR. ROBERTS: Mr. Commissioner, Darryl Roberts for the First
15 Nations women. I'm sorry to be a thorn in this
16 aspect of the hearing, but I respectfully submit
17 that this commission should not be taking time out
18 now with this after-the-fact explanation and
19 somewhat self justification until we've engaged in
20 the fundamental task of this inquiry to find out
21 what happened in the actual on-the-street
22 on-the-line conduct of these investigations into
23 the missing and murdered women. That means
24 starting in 1998. It's all very well to have this
25 report which assumes to canvass that subject, but

1 we all know it doesn't, it really focuses on the
2 systemic matters, and then having this time spent
3 up in explaining their position on the report
4 because of a dustup with the RCMP, in my
5 respectful submission, is offensive to the very
6 purpose of this inquiry.

7 THE COMMISSIONER: All right.

8 MR. HERN: Well, if that's Mr. Roberts' position I think he
9 should have argued it on October 11 that the whole
10 structure of the evidence that's going in at this
11 commission was misguided, because that's what I'm
12 hearing. Commission counsel decided to put the
13 reviewers up first, and decided to put the context
14 evidence up first, and I don't think there's any
15 way around this.

16 THE COMMISSIONER: I'm not so sure that I fully understand your
17 position, Mr. Roberts. You're saying that -- I
18 thought that's what we're talking about here, what
19 happened during the course of the investigation,
20 and why so many women went missing and what was
21 done with respect to the investigation both by the
22 Vancouver Police and the RCMP.

23 MR. ROBERTS: Well, I've been hearing the evidence, with
24 respect, Mr. Chairman, a little differently, and
25 perhaps incorrectly, but I've been hearing it as

1 an explanation for the positions that this
2 particular witness in the writing of his report
3 has taken, and effectively that's simply a
4 regurgitation of what's written in this report,
5 and why his position is sound in relation to
6 attacks by others on that report.

7 THE COMMISSIONER: Well, yeah, I understand what you're saying,
8 but surely in light of the criticisms that will be
9 made against the Vancouver Police, and already
10 have been made here, he's entitled to give an
11 explanation, is he not?

12 MR. ROBERTS: I suppose he does. Perhaps Mr. Hern is correct
13 that I'm really focusing on the way this has been
14 structured by calling this witness before actual
15 on-the-street officers who were engaged in that
16 investigation, but it's exaggerated in my
17 respectful submission by the fact that he's been
18 taking us through those parts of his report which
19 we can easily read which explain what the VPD were
20 doing at the time.

21 THE COMMISSIONER: I think you're absolutely right there, and
22 that really indicates one thing to me, that is
23 that maybe we're spending way too much time on the
24 LePard report, because he really wasn't involved
25 in the investigation, and he's made that clear at

1 the outset. What he's done is done a review of
2 the investigation both from his perspective or
3 from the perspective of the VPD and from the
4 perspective of the RCMP and the relationship
5 between the two forces. So there will be other
6 officers who will be called no doubt, I expect,
7 who will talk about the actual investigation. And
8 I fully agree with you that his report really
9 speaks for itself and I think maybe we don't need
10 to spend as much time as already has been spent on
11 his evidence. Now, I recognize that it was
12 important to lay the groundwork and to lay the
13 background of what took place. I get that. But I
14 don't think we need lengthy cross-examinations or
15 lengthy examination of this witness, particularly
16 in light of the fact that he's done a review, and
17 it's nothing more than a review, and he's outlined
18 what the position of the Vancouver Police is and
19 so on. So I have your point there.

20 MR. ROBERTS: Well, in making that point, Mr. Commissioner, I
21 don't want to leave the impression that I'm of the
22 view that there shouldn't be a vigorous
23 cross-examination on the accuracy of this report.

24 THE COMMISSIONER: Well --

25 MR. ROBERTS: I strongly think there is, but that

1 cross-examination is not coming from Mr. Hern.

2 THE COMMISSIONER: Well, Mr. Hern's in a different position.

3 He acts for the Vancouver Police. I don't
4 disagree for a minute that you're not entitled to
5 examine him on the accuracy of the report, but not
6 necessarily on the facts that are underlined in
7 any event.

8 MR. ROBERTS: Let me just underscore my point, my remark by
9 this observation if I may, Mr. Commissioner. You
10 will remember when Mr. Hern made his opening
11 address, and I think I have this correct in my
12 memory, I clipped the pages from that time of the
13 record, and I heard Mr. Hern say that this report
14 was being offered for an explanation of what went
15 wrong. For myself I want to very much
16 cross-examine on that proposition, on this subject
17 as to what is the value of this report for this
18 commission.

19 THE COMMISSIONER: Yes. All right. And you'll have that
20 opportunity.

21 MR. HERN: I really take exception to the interruption, because
22 I have now spent, let's see, an hour and -- almost
23 an hour and a half with the key witness from my
24 client who has the broadest stretch of knowledge
25 about this investigation and who has produced this

1 exhaustive report. I know my friend Mr. Ward for
2 the families will say that he should be able to
3 spend as much time as he wants because he doesn't
4 know what fact witnesses are being called in
5 January, and you're going to have to deal with
6 that.

7 THE COMMISSIONER: Well, go ahead.

8 MR. HERN: Well, really a half day's examination in context I
9 think is pretty fair.

10 Q Now, just to follow up on where we're at, I'm
11 having trouble remembering, I think we had just
12 spoken about the three separate issues of
13 reporting, linkage and then the strength of the
14 homicide investigations of sex trade workers where
15 the homicide is known.

16 A Right.

17 Q All right. So am I right then, is it fair to
18 suggest that when you approached the bias issue
19 what you were doing was analyzing that third
20 component of the quality of the homicide
21 investigations of a known homicide?

22 A Yes.

23 Q And from that did you extrapolate that if there
24 wasn't evidence of a systemic bias there it
25 probably wasn't evident -- it probably wasn't a

1 systemic issue with respect to the linkage and
2 reporting problems that you identified?

3 A Yes.

4 Q All right. And the key issue on linkage in your
5 view in your report was that it wasn't understood
6 that what Rossmo, Inspector Deputy Rossmo, was
7 writing about in terms of statistical numbers was
8 in fact -- should in fact be taken as evidence and
9 not just as opinion or statistics?

10 A Yes, it should have had more force than was given
11 it.

12 Q All right. And so as opposed to there being -- as
13 opposed to you finding systemic bias against sex
14 trade workers or marginalized people you found
15 that there were other problems with the inability
16 to make the link that these disappearances were
17 most likely homicide?

18 A Correct.

19 MR. HERN: All right. Now, it's eleven o'clock. Did you want
20 to take the break, Mr. Commissioner?

21 THE COMMISSIONER: How much longer are you going to be?

22 MR. HERN: I'll be until the lunch break.

23 THE COMMISSIONER: Okay.

24 THE REGISTRAR: We're now recessed for 15 minutes.

25 **(PROCEEDINGS ADJOURNED AT 10:59 A.M.)**

(PROCEEDINGS RESUMED AT 11:14 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.

MR. HERN:

Q Deputy chief, I understand you wanted to refer back to a comment that the commissioner had made this morning and just provide a slightly further response.

A Mr. Commissioner, you mentioned something about animus between the VPD and the RCMP, and I just want to be really clear that there has been friction, this case has been a thorn in our sides, but generally our relationships with the RCMP are very good. And I have the greatest of respect generally with those people that I deal with at my level over the years since I've been a deputy chief since 2003. Gary Bass, Al McIntyre, Peter German, these are all people that we enjoy working with and have a very good relationship with. This particular case has been an unfortunate thorn in that relationship.

Q All right. Now, going back to this issue of the relationship between the VPD and the sex trade workers in the Downtown Eastside and other marginalized people. Do you agree that there are barriers that sex trade workers face in terms of

1 reporting crimes of violence committed against
2 them to the VPD?

3 A Yes, absolutely.

4 Q And what are those in your view?

5 A Well, there are many barriers to reporting just in
6 terms of their life circumstances, the survival
7 sex trade. They live in terrible circumstances.
8 There is poverty, deep addictions, homelessness,
9 mental illness. I mean, these are all barriers.
10 The fact that they are engaged in a variety of
11 criminal conduct whether it's communicating for
12 the purposes of prostitution, but also drug
13 possession or drug trafficking or crimes of
14 violence that they might become involved in, so
15 those are all aspects of their life that make it
16 difficult for them to report crimes. And lack of
17 confidence in the police and criminal justice
18 system generally for sure. I mean, I've dealt
19 with many sex trade workers in various contexts
20 and I know that that is the case. I would have to
21 say probably the number one barrier is the fact of
22 their addictions in that even when they have been
23 victimized and do report the crime it's sometimes
24 difficult for them to make the commitment that's
25 necessary in terms of sitting down for an

1 interview and that sort of thing just because
2 their addictions are so deep. And in my
3 experience I've watched the difference from when I
4 was a patrol constable and the drug of choice was
5 heroin which they did not need to inject that
6 often during the day to crack cocaine where it's
7 like an insatiable need to smoke it so frequently,
8 so they're really driven by their addiction. So
9 there's a variety of circumstances that contribute
10 to there being barriers to them reporting crimes.

11 Q And to state the obvious, I guess, that the --
12 it's very important that the barriers be minimized
13 because these people are often victimized by
14 criminals who the VPD very much needs to put
15 behind bars; right?

16 A Yes, absolutely. And the fact is is that they are
17 among the most vulnerable people in our society
18 and the most likely to be the victims of a
19 predator, so it's obviously important that we do
20 whatever reasonably we can to not only protect
21 them, but also to create the mechanisms that they
22 can feel safe in reporting crimes to us.

23 Q And what kind of changes or efforts has the VPD
24 made since 2002 to improve reporting of violent
25 crime on sex trade workers?

1 A Well, there are a number of things that we looked
2 at is how can we reduce these barriers? And for
3 example we rarely, if ever, charge a sex trade
4 worker with communicating for the purposes of
5 prostitution in public. In fact, I think the
6 number of charges in the last few years has been
7 zero, because we don't want them to feel that
8 they're at risk of being charged as that might
9 deter them from reporting other offenses. So
10 that's one. I think Ms. Davis, Susan Davis,
11 testified about being involved in the education of
12 young police officers, and that's something that
13 we have embraced for a number of years now is
14 having actual sex trade workers provide education
15 right from the recruit level. We have
16 collaborated with sex trade worker advocacy groups
17 like WISH. For example, in 2004 we collaborated
18 with sex trade workers in developing a program to
19 train the trainers, train sex trade workers to
20 train others on how better to defuse violent
21 situations and protect themselves. And the
22 Vancouver Police Department in 2004 won a national
23 award for that work. We have a sex trade liaison
24 position, Constable Linda Malcolm, who we're very
25 proud that last year, I believe, she won the YWCA

1 Woman of Distinction Award for her work with sex
2 trade workers. We have created some mechanisms
3 under what we in the community have called our
4 Sister Watch program to make it easier for
5 marginalized women to report crimes of violence
6 against them. So it's a work in progress, and
7 will always have to be a work in progress.

8 Q With respect to working with vulnerable witnesses
9 we've seen, for example, in the fact matrix that
10 underlies the missing women review team
11 investigation issues with working with Caldwell as
12 a drug addicted witness. Are there other efforts
13 that the VPD makes or specific efforts that the
14 VPD makes in respect of working with vulnerable or
15 addicted witnesses?

16 A Yes. We actually have a witness management
17 co-ordinator and so has some expertise and a
18 full-time assignment in dealing with particularly
19 when you have difficult witness issues, but
20 investigators in our various squads that are
21 dealing with marginalized women, particularly like
22 our Sex Offence Squad or Domestic Violence and
23 Criminal Harassment Unit, they spend an incredible
24 amount of time supporting victims so that they are
25 able to come forward, and have been very

1 successful in that respect. In our Domestic
2 Violence Unit we actually have community
3 counsellors who are employees of Family Services
4 of Greater Vancouver, but work with our
5 detectives, and they are there to provide support
6 to female -- to women who are victims of violence.
7 So we know that when we've got someone, for
8 example, who has addictions or other issues that
9 they require a lot of extra support so that they
10 are able to participate in the process.

11 Q And have there been changes in the missing persons
12 office in respect of handling sex trade workers
13 and missing persons reports?

14 A Well, the difference is that when we have a report
15 of a missing sex trade worker or other
16 marginalized person we recognize that that is a
17 high risk situation, so it becomes a very high
18 priority report and our Missing Persons Unit,
19 which is completely different than it was back in
20 1998, for example, have been extremely successful
21 in their investigations.

22 Q And does Project Lockstep fit in somewhere within
23 the changes?

24 A Project Lockstep was a report in 2009 that the VPD
25 published, and briefly what it talked about was --

1 provided a history of how we got to the current
2 situation in the Downtown Eastside, and talked
3 about the need to co-ordinate resources to better
4 address the needs of homeless, mentally ill and
5 drug addicted marginalized people in the Downtown
6 Eastside. So that was one of a series of reports
7 that we've done to try to advocate for better
8 services to people in the Downtown Eastside. Like
9 our report in 2008 called *Lost in Transition* which
10 was about the lack of capacity for mentally ill
11 people. We've done other projects as well. For
12 example, one in 2005 we called Project Haven in
13 which we actually had police officers essentially
14 living in three single room occupancy hotels in
15 the Downtown Eastside to uncover unscrupulous
16 building managers who were taking advantage of
17 marginalized and mentally ill people and ripping
18 them off essentially. So we had police officers
19 that were living in those hotels and putting
20 themselves at risk in order to uncover scams that
21 were being run on marginalized people.

22 MR. HERN: All right. I'm going to turn back to the binder
23 that's in front of you. And, Mr. Commissioner,
24 I've collected here just some touch points on
25 changes that -- documents that touch upon the

1 changes that have been made, and so that it's a
2 reference point both for you and for the other
3 participants, and I just want to preface going
4 through these with the remark that I think it's
5 important that these be raised at the outset
6 because it assists people, all the participants,
7 and I think it will assist the commission as well
8 in understanding what changes have been made,
9 assists in helping them formulate ideas about what
10 more may need to be done which is obvious
11 essential to your mandate. But as we hear all the
12 fact evidence it's, in my submission, good to have
13 it in mind what's already been done so we don't
14 try to remake the wheel on this.

15 THE COMMISSIONER: Yes.

16 MR. GRATL: And just in terms of the process here,
17 Mr. Commissioner, it's difficult to understand
18 this line of questioning as any more than an
19 unsubstantiated public relations exercise on the
20 part of the Vancouver Police Department. We
21 haven't had any disclosure in respect of these
22 programs that have been referred to except for the
23 most self-flattering portraits painted by the
24 Vancouver Police Department themselves. It would
25 seem inappropriate to engage any further in this

1 line of questioning.

2 THE COMMISSIONER: Well, at the end of the day I'm going to
3 have to make some recommendations, and if -- if
4 the Vancouver Police have made some -- if doing
5 all of these things that the witness says they are
6 doing, then obviously those are things that I have
7 to take into consideration. You may call it
8 flattery, but the fact is that I think in light of
9 the fact that the Vancouver Police have been
10 criticized here, and I expect will be more --
11 there will be more criticism of them as the
12 inquiry proceeds, I don't think it's altogether
13 unfair that they have the opportunity to reply to
14 some of the things that they've done, particularly
15 in light of the fact, as I said a moment ago, we
16 have to make recommendations at the end of the day
17 as to how some of the mistakes that were made in
18 the past which have been acknowledged, how those
19 can be corrected.

20 MR. GRATL: And I appreciate that, Mr. Commissioner, and it
21 would be important that your recommendations
22 aren't redundant or superfluous given changes that
23 have been made. The difficulty is that we haven't
24 had disclosure in respect of these programs that
25 have been implemented and --

1 THE COMMISSIONER: Well, how much disclosure do you need on
2 something like that? I mean, they have a Sister
3 Watch program, so --

4 MR. HERN: Mr. Commissioner --

5 THE COMMISSIONER: Disclosure is given in order to achieve
6 fairness between the parties so that someone isn't
7 caught by surprise, and when the deputy chief
8 speaks of some of the positive things that the VPD
9 is doing are you -- are you telling me that you're
10 prejudiced by the fact that you're hearing about
11 these for the first time? As a matter of fact
12 some of the things that he's referred to, the WISH
13 program, the Sister Watch program, those are
14 matters that are out there already and so --

15 MR. GRATL: All right. Thank you, Mr. Commissioner.

16 THE COMMISSIONER: All right. Thank you.

17 MR. HERN: Just to clarify, almost -- I think all but two of
18 these things are in the disclosure, it's called
19 Phase 4 on Concordance, and they're all available
20 to Mr. Gratl.

21 THE COMMISSIONER: All right.

22 MR. HERN: The other ones are publicly available, and there's
23 two exceptions that I will take you to.

24 Q So, deputy chief, what we have at tab 1 you'll
25 recognize as the recommendation section of your

1 report extracted?

2 A Yes.

3 Q It's just for convenience here. And just to
4 briefly review that you had made -- you made
5 recommendations not only to the VPD, but also
6 suggested steps that be taken by other agencies?

7 A Yes.

8 Q And those included who?

9 A I'm sorry, I didn't --

10 Q The other agencies -- the other agencies that you
11 made recommendations were who?

12 A To the BC Association of Chiefs of Police for one,
13 and to the City of Vancouver for another.

14 Q All right.

15 A So some of them are directed to the provincial
16 government.

17 Q And we can see from the topic headings that they
18 included recommendations about
19 multi-jurisdictional policing, regional policing,
20 major case management, electronic case management,
21 missing persons investigations. And then under
22 the heading B to the Vancouver Police Department
23 you make, it looks like, eight points there. And
24 could you just quickly review those, please?

25 A There's nine recommendations, and briefly they're

1 about ensuring that supervisors and managers,
2 investigative squads receive major case management
3 training. That the inspector in charge of the
4 Major Crime Section and other investigative
5 sections have a background in criminal
6 investigations. That the executive of the
7 Vancouver Police Department ensure -- have a
8 policy to ensure they're properly briefed. That
9 major case management protocols are followed in
10 task forces. That a full-time supervisor is
11 assigned on major case teams. The importance of
12 team commanders being able to select their team
13 members. That major investigations have a written
14 strategy as part of their -- a media strategy as
15 part of their operational plan as per the major
16 case management manual from the Canadian Police
17 College, and ensuring that there's proper briefing
18 when there is transition of investigators or
19 investigative teams in major cases.

20 Q All right.

21 A There's some other recommendations on the next
22 page there about major case management. And,
23 finally, that the current efforts by the VPD to
24 forge and improve relationships with sex trade
25 workers of the Downtown Eastside continue and be

1 strongly supported by VPD management.

2 Q And have those recommendations been implemented?

3 A Yes, all of the VPD recommendations were
4 implemented.

5 Q All right. Now, in your review at tab 2 is an
6 extract from a review titled "Epilogue" from page
7 338 and 339?

8 A Yes.

9 Q And that's just a summary of the steps that have
10 been taken since the -- since February 2002?

11 A Yes.

12 Q All right. And that was current to the date of
13 the report's release obviously?

14 A Yes.

15 Q All right. Now, at tab 3 this is a -- what is
16 this document?

17 A This is a document we put out as part of the media
18 package when -- after the leaked early draft of my
19 report then we released the report and we provided
20 some other information to the media at the time
21 and this was one of them. It was a document to
22 show what had changed in summary since -- since
23 the events of '98 to 2002.

24 Q And that's a document that you authored or
25 participated in authoring?

1 A I authored it, yes.

2 Q Thank you. At tab 4 begins a collection of
3 materials relating to the missing persons office
4 and changes that have been made there. And we've
5 seen this document because it was included in one
6 of the binders that Mr. Vertlieb put before you.
7 You recognize that Missing Person Unit review?

8 A Yes, this was an audit that I contracted retired
9 Inspector John Schouten to conduct in 2004 for me.

10 Q All right. And he made 50 recommendations in the
11 course of that audit; correct?

12 A Yes.

13 Q And tab 5 is a spreadsheet. Can you just explain
14 to the commissioner what that is?

15 A Well, what I did when I received Mr. Schouten's
16 audit was I assigned it to the inspector in charge
17 of the Major Crime Section and told him that I
18 wanted a monthly report on the progress of the
19 implementation of the 50 recommendations or how
20 they were addressed one way or the other, and so
21 that continued on a monthly basis until all 50
22 recommendations had been addressed. And then
23 there was a concluding report that was provided to
24 me in 2006 summarizing the implementation of the
25 recommendations.

1 Q And some of the recommendations that were made by
2 Mr. Schouten were things for consideration as
3 opposed to mandated changes; correct?

4 A Yes.

5 Q All right. And so in some circumstances we will
6 see recommendations that have been considered but
7 perhaps not changed as a result of that
8 consideration?

9 A Right. They were for consideration, and they were
10 considered and weighed and a decision was made
11 about how to deal with that.

12 Q All right. And in some cases there's -- at least
13 in one case there was a found -- in the
14 implementation part of the work that was being
15 done it was found that some of the sources that
16 Mr. Schouten had relied upon weren't entirely
17 accurate and so that recommendation was -- the
18 implementation was changed from what the
19 recommendation dictated?

20 A That's correct.

21 Q All right. So it's important to read this
22 spreadsheet together with the review to understand
23 all of what's actually been done?

24 A Yes.

25 Q And then at tab 6 is a document that we also saw

1 earlier which is the May 25, 2006 memo summarizing
2 the completion of the 50 recommendations?

3 A That's correct.

4 Q All right. And at tab 7 is the 2010 document.

5 Can you just explain to the commissioner what that
6 is?

7 A This is just a spreadsheet that I asked for at one
8 point to look at how we were doing since 2002 with
9 reports of missing women whether they were from
10 the Downtown Eastside or elsewhere, and as you can
11 see from the spreadsheet that the success rate is
12 more than 99 percent, and in fact we have one
13 woman who we have not accounted for reported
14 missing in 2010, and we believe that we know why,
15 but other than that their success rate has been
16 virtually a hundred percent.

17 Q The ability to track those through statistics, how
18 has that changed, is it computerized in the office
19 now?

20 A Yes, and we use PRIME extensively for tracking
21 this sort of information, but other systems as
22 well, and we have much better analytical capacity
23 to be able to address issues like this.

24 Q Now, there's a provincial body that has also been
25 formed and become involved in handling missing

1 persons reports. Can you explain to the
2 commissioner what that is?

3 A Yes. While I was doing my review it was clear
4 that there needed to be some sort of oversight
5 mechanism to look for anomalous patterns of
6 missing people especially when they crossed
7 jurisdictions, because the situation during the
8 missing women investigation is that there were
9 women going missing from the Downtown Eastside,
10 but actually contrary to information that's oft
11 repeated there were women going missing from other
12 jurisdictions as well. And, in fact, if you look
13 at the missing women of the Downtown Eastside
14 poster it's clear even on the poster that there
15 were women that had gone missing from Surrey and
16 New Westminster, Coquitlam, Burnaby I believe, sex
17 trade workers from those jurisdictions. There was
18 also the case that there were women that were
19 reported missing to other jurisdictions but they
20 actually were associated to the Downtown Eastside,
21 but the Vancouver Police wasn't aware of that
22 information unless Detective Constable Shenher,
23 and what she did is she would regularly phone
24 around to other jurisdictions and say do you have
25 reports of missing women who are associated with

1 the Downtown Eastside. So it was my belief that
2 there needed to be someone looking over all the
3 information that would spot early on anomalous
4 patterns of missing people. I spoke to Assistant
5 Commissioner, I believe he was, Bass at the time
6 and he was very receptive and supportive. The
7 RCMP were very supportive of that idea. It was
8 proposed to the BC Association of Chiefs of Police
9 in 2004 and supported there, and by 2005 it was
10 implemented. It's called the BC Police Missing
11 Persons Unit, and it is an integrated unit of
12 Vancouver Police officer and RCMP members who
13 exist for that purpose, to look at harmonizing
14 policies, to look at anomalous patterns. So that
15 was something good that came out of that.

16 Q Does that organization have any role in
17 supervising other jurisdictions in terms of the
18 way they conduct their missing persons reports?

19 A Well, for those small jurisdictions that don't
20 necessarily have a full-time unit or don't have
21 expertise they're certainly available to them, my
22 understanding is, to provide them advice and
23 support and assistance.

24 Q And there was some -- there was some commentary
25 within the evidence from -- documentary evidence

1 from back at the review team stage here that other
2 police departments didn't even have a Missing
3 Persons Unit; correct?

4 A Yes. During the missing women investigation our
5 information was that having a full-time Missing
6 Persons Unit was actually quite rare, that most
7 police departments, even larger ones, did not have
8 a full-time Missing Persons Unit or missing
9 persons detective. The reports were taken by an
10 individual police officer and often there wasn't
11 much more work than that.

12 Q And that's one of the things that Mr. Schouten
13 looked into as to how other departments across
14 Canada were dealing with missing person reports?

15 A Correct.

16 Q And just for reference, Mr. Commissioner, back at
17 tab 2 on the second page is a very brief overview
18 of the Missing Persons Analysis Unit. Is that
19 right, deputy chief?

20 A Yes, it's on page 339, so the second page of the
21 Epilogue.

22 Q Right, tab 2, page 2. All right. And if we could
23 flip forward to the next tab here at tab 8. Many
24 of the Vancouver Police Department missing persons
25 policies are in evidence, and there was a series

1 of these binders, binder 1 that Mr. Vertlieb put
2 to you earlier. This is one that was not
3 evidenced and because it's quite recent. Can you
4 just outline what this is?

5 A This is a draft policy. It actually was developed
6 earlier this year in our Planning and Research
7 Section, unfortunately it was delayed because of
8 the riot and the internal riot review, but it's a
9 draft policy that we hope to take to our police
10 board soon, and the genesis of the changes which
11 speak specifically to aboriginal and marginalized
12 people being sometimes at higher risk of going
13 missing and facing additional challenges. I was
14 doing research for another report earlier this
15 year, Easter of this year, and was reminded of a
16 2006 Canadian Association of Chiefs of Police
17 recommended model policy around investigation of
18 missing persons reports involving aboriginal
19 people, and then also a 2011 Ontario Provincial
20 Police best practice policy or policy manual
21 around this, and when I saw that I recommended
22 changes to our policy to be consistent with that.
23 But since 2002 there's actually been a series of
24 recommendations for changes, like there is with
25 many of our policies, we're constantly updating

1 them to be consistent with best practices and
2 that's what this is. And we are currently
3 consulting with some of our partners in the
4 community, particularly aboriginal groups, before
5 we finalized this policy to get their input.

6 Q All right. And so the gist of the changes there
7 are to recognize that in some cases a person's
8 aboriginal descent needs to be taken into account
9 in determining whether the priority that should be
10 given to that missing persons report?

11 A Yes. I mean if it is that, and it reflects the
12 understanding that there's considerable
13 information out there about missing and murdered
14 aboriginal women in Canada that's quite alarming.
15 It's a problem that crosses many provinces.

16 Q And today where do reports of sex trade workers
17 who have gone missing fit in in terms of priority
18 being given to them in the Missing Persons Unit?

19 A The highest priority.

20 Q And why is that?

21 A Because we know that they are at risk and time is
22 of the essence, that they may be the victim of
23 foul play, for example, and knowing that we know
24 that we need to get on it right away. But also
25 it's sometimes for other reasons. They may have

1 overdosed, for example, and time is still of the
2 essence. So we know that they're at risk for a
3 number of reasons and so it is a priority for us
4 to get on those right away, and we do, and have
5 had excellent success as the statistical
6 spreadsheet shows.

7 Q All right. If you could turn to tab 9. This is a
8 document that's publicly available, I understand,
9 on your website?

10 A Yes.

11 Q It's also been produced within Phase 4 to the
12 commission. This is the public copy only because
13 it printed out better, and it's titled *The Tragedy*
14 *of Missing and Murdered Aboriginal Women in*
15 *Canada*. Could you outline what that is?

16 A This is a report that was authored on behalf of
17 our Sister Watch Committee, which is a committee
18 that's comprised of VPD representatives and
19 community representatives, primarily members of
20 the Women's Memorial March Committee which exists
21 in part to honour missing and murdered women. I
22 want to preface my remarks by saying that I'm
23 going to be brief, because some of our partners
24 feel conflicted about this, although we're all
25 proud of the work they're also -- they had

1 standing in this inquiry but didn't get funding
2 despite your efforts, Mr. Commissioner, and so
3 feel conflicted about this information being in
4 there and they have asked me to be brief. So I
5 will be brief to say that this was an initiative
6 that actually came from some fairly dramatic
7 action by the community and we formed a very
8 productive committee which has resulted in some
9 excellent initiatives, and information that has
10 come forward to us that we know that we would not
11 have got but for the help of the community that
12 has allowed us to focus on predators in the
13 Downtown Eastside. This report was written on
14 behalf of the committee, and we began working on
15 it in March, I believe, of this year, and it
16 describes the problem of missing and murdered
17 aboriginal women in Canada, and also what we're
18 doing in Vancouver with the community and the
19 Vancouver Police Department in Sister Watch, and
20 it also makes some recommendations about how we
21 can reduce the barriers to reporting for missing
22 aboriginal women and how we can do better in our
23 response.

24 Q All right. And just to be clear, this is a
25 committee that's an ongoing effort?

1 A Yes.

2 Q And so it meets regularly and minutes are taken
3 and so on?

4 A Yes, it meets regularly, and in fact I just met
5 with some of the key players for the community
6 last week.

7 Q And who sits on it from the Vancouver Police
8 Department side?

9 A Myself, Chief Constable Chu, Inspector Giardini in
10 charge of our Aboriginal and Diversity Relations
11 Section, investigators from our Sex Crimes Unit
12 and Domestic Violence and Criminal Harassment
13 Units, other people from our operations division.
14 It's a cross-section of people, very senior
15 ranking people.

16 Q All right. So fair to say senior -- the most
17 senior participation for the VPD, and the VPD
18 considers this a very important initiative?

19 A It's a very important initiative, and we really
20 appreciate the community that -- it was really
21 their actions that initiated it.

22 Q I know you don't want to dwell too far into the
23 work of this Sister Watch Committee, but one of
24 the things it does link to is to the reporting
25 barriers that you spoke of before, and I

1 understand that the Sister Watch program has its
2 own reporting number so that individuals who have
3 experienced violence or other criminal activity
4 can phone in and they won't be talking to a police
5 officer or an E-COMM representative, but someone
6 from the Sister Watch program; is that right?

7 A That's not quite right. They are speaking to
8 someone at E-COMM, but they've received special
9 briefing, and we've also had an agreement that
10 they will only speak with female employees. So
11 when the Sister Watch line rings at E-COMM they
12 receive someone that is female and someone who had
13 been briefed on our expectations of what the
14 Sister Watch program is. It's just one more
15 mechanism to reduce barriers to reporting. And
16 then that information is provided directly to
17 police officers associated with the Sister Watch
18 Committee to ensure that there is rapid followup.
19 There is other mechanisms that we have created as
20 well, but that's one of them.

21 Q All right. And when you say we you mean Sister
22 Watch?

23 A The Sister Watch Committee.

24 Q Okay. If you can turn over the tab then, it is a
25 document referencing the roles of Constable Linda

1 Malcolm?

2 A Yes.

3 Q Whom you had referred to earlier this morning as
4 the sex trade worker liaison?

5 A Yes.

6 Q Can you just briefly outline what her
7 responsibilities are?

8 A Well, in short her responsibility is to do
9 everything she can to build relationships with sex
10 trade workers and sex trade worker advocacy groups
11 like PEERS and WISH and PACE so that the lines of
12 communication are always open. And so she works
13 extensively with sex workers and trying to address
14 whatever problems they have whether it's reporting
15 being victimized or assisting them exiting from
16 the sex trade. I know that she's very proud to
17 have been involved in helping some women exit the
18 sex trade and get into educational programs, for
19 example.

20 Q The next tab is tab 11, that's another document
21 that's in Phase 4 of the production. I again
22 printed this off the web because it prints out
23 better. It's a public document. That's Project
24 Lockstep. That's the report you were referring to
25 earlier today?

1 A Yes.

2 Q All right. I don't think I need to go take you
3 through that any further as you outlined it, but
4 that's the report, and it recommends a steering
5 committee, and I understand some changes have been
6 made in terms of implementing that?

7 A Well, it certainly was a catalyst for discussion
8 with various senior people in government, and we
9 got a fair level of support for the concept of the
10 need for better co-ordination of services and
11 better information exchange in the Downtown
12 Eastside, so I'd certainly say that that is a work
13 in progress. One of the things that has occurred
14 recently is that we have formed a partnership with
15 Vancouver Coastal Health and we have assigned a
16 full-time sergeant and they have assigned staff,
17 and they've just recently started working together
18 to try to identify vulnerable marginalized people
19 with mental illness that we can together target
20 resources to those people that are the most at
21 risk to try to do better than is occurring now in
22 assisting them in reducing their level of
23 victimization and their utilization of police and
24 hospital services as well.

25 Q And that report and the others that you had

1 referenced were worked on by your Planning and
2 Research Department; is that right?

3 A Various people. This particular one was mainly
4 written by our Planning and Research Section or
5 co-ordinated with lots of input from a variety of
6 people. Not all of the reports I referenced came
7 out of our Planning and Research Section.

8 Q Just so people understand what that is, can you
9 just outline that, is that part of your department
10 of Planning and Research?

11 A Yes, our Planning and Research Section is the
12 area, it's a combination of civilian researchers
13 right up to the Ph.D. level and police officers,
14 and they develop policy, review policy, implement
15 new policy, do research on a wide variety of
16 issues, strategic planning, organizational change.
17 So a wide variety of issues that arise in a large
18 police department.

19 Q Okay. And turning over the tab to tab 12, this is
20 a document, and you'll see it, Mr. Commissioner,
21 and it says "A Report from the Missing Women
22 Inquiry." It's not up on Concordance. Now, this
23 was produced in the early days of the commission
24 where the commission was trying to produce a
25 neutral document describing policing in the Lower

1 Mainland or in the metro Vancouver area, and the
2 RCMP and VPD were at some odds as to how exactly
3 to describe those things. So in what I propose,
4 because I think it's of assistance to
5 participants, is this is the VPD's perspective on
6 policing in the Vancouver census metropolitan
7 area, and so it links to the regionalization issue
8 in that it describes just simply from a factual
9 perspective from the Vancouver Police Department's
10 perspective how policing works in this region.
11 And, deputy chief, you participated in authoring
12 this document, reviewing and editing?

13 A Yes. Reviewing and editing and making suggestions
14 as to the content, yes.

15 Q All right. And this is one that you consider to
16 be accurate?

17 A Yes, I do.

18 Q All right. So unless there's any objections I
19 would propose to have this in here as a resource
20 to participants who may wish to understand what
21 the VPD's perspective on those issues are. And
22 just by way of reference here, deputy, at page 8,
23 if you can turn in that document just to show
24 what's in there, we have a heading of Regional
25 Police Services that outlines, for example, at

1 item one emergency communications service within
2 the Lower Mainland?

3 A Yes.

4 Q All right. And various other regionalized support
5 services. And then over on page 9 is integrated
6 units?

7 A Yes.

8 Q And there's a distinction that you draw between
9 integration and regionalization; right?

10 A Yes.

11 Q And could you just outline what that means?

12 A Well, there's debate about what integration should
13 look like period. There are units that are
14 described as integrated unit, and they're
15 certainly integrated in that they may have
16 participants from multiple agencies, but the main
17 difference between an integrated unit, at least
18 the integration that we have in BC and, say, a
19 regional police force is that the RCMP has created
20 certain integrated units, for example we've talked
21 about the BC Police Missing Persons Unit and it
22 has a Vancouver Police Constable and RCMP members
23 in it, but it is entirely in the RCMP's chain of
24 command. It reports up through the RCMP's chain
25 of command, it adopts RCMP policies. It is not

1 integrated in terms of its management, it is
2 integrated in terms of who the participants are,
3 as opposed to a regional police force where you
4 have one unified command structure making
5 decisions for the region on a regional basis.
6 None of these integrated units with other police
7 forces on them have any sort of a management
8 structure that has representation from regional
9 participants. They are RCMP units that municipal
10 police departments participate in by seconding
11 police officers to them.

12 Q All right. And so the table then that's at page 9
13 and carries through to page 12 is a list of
14 various integrated units operating within the
15 Vancouver CMA?

16 A Yes.

17 Q And the CMA being the census metropolitan area?

18 A Yes.

19 Q And I understand the Vancouver Police Department
20 uses that term in distinction to a term used by
21 the RCMP, the Lower Mainland district. Could you
22 just explain the distinction that you draw in that
23 respect?

24 A Well, the RCMP is Lower Mainland district, the
25 geography of it is very large. I believe it goes

1 from Pemberton to -- sorry, to Hope or Boston Bar,
2 so it is very large. So for the purposes of any
3 discussion about regionalization we think that the
4 largest area that's appropriate to discuss is the
5 one that Statistics Canada uses which is the
6 census metropolitan area, which is virtually
7 identical to what the jurisdictions what is known
8 now as Metro Vancouver, the Greater Vancouver
9 Regional District, which has the 22 communities
10 that are tightly grouped around Vancouver.

11 Q Okay. Now, on page 13 of that document it also
12 talks about informal regional policing
13 arrangements. Do you see that?

14 A Yes.

15 Q And just briefly what is that referring to?

16 A Well, it refers to the fact that there is a lot of
17 co-operation, collaboration around policing
18 resources in the Metro Vancouver area even if it's
19 not described as an integrated unit or something
20 like that, it's certainly we assist each other.
21 And as a larger organization Vancouver Police
22 Department certainly provides assistance to other
23 police departments or focuses on regional issues
24 that benefit everyone in the region that's smaller
25 police departments or detachments may not be

1 resourced or have the infrastructure to contribute
2 to.

3 Q So the loaning of the Strike Force, for example,
4 to the surveillance efforts in Coquitlam in 1999
5 would be an example of that?

6 A Yes.

7 Q So that's that document. The next tab, and the
8 last one I'm going to reference here, is -- what
9 is that document?

10 A That is a paper that was produced by the Vancouver
11 Police Department a few years ago, 2008, and it
12 was during a time that there was a fair amount of
13 discussion about regionalization. There was
14 actually a forum held at the Wosk Centre on it,
15 and this was our contribution to the discussion
16 which it was basically a white paper on
17 regionalization.

18 Q Okay. And what is the department's position on
19 regionalization?

20 A Our position consistently has been that we support
21 there being a regional police service in the Metro
22 Vancouver area.

23 Q One of the issues that arose within the Missing
24 Women Review Team investigation was the speed and
25 mechanisms in place to form the joint forces

1 operation that was eventually formed in January of
2 2001. Are there new mechanisms in place or new
3 protocols in place that would assist the formation
4 of an operation like that today?

5 A There's no formal mechanism that's been created
6 since that time. There is certainly a spirit of
7 co-operation and collaboration, but no, there's
8 been no mechanism created. And many of the
9 barriers that existed then still exist now, and
10 they're not barriers put up by anyone or any one
11 agency to be obstructive, they are simply
12 structural barriers. You have unionized police,
13 non-unionized police, you have different policies,
14 different electronic systems that are used. There
15 are many structural barriers to rapid decision
16 making on a regional basis, and the number one
17 being that there actually is no one in charge in
18 Metro Vancouver. We have a collection of RCMP
19 detachments and municipal departments, and so
20 decision making on regional issues necessarily
21 takes more time to get consensus and collaboration
22 and decisions about how things are going to
23 proceed, and then MOUs which need to be reviewed
24 by lawyers for liability issues and so on. So
25 none of those things would exist if it was one

1 police force, one unified command structure. So
2 it is what it is and we work around it, and
3 there's lots of goodwill around working around it,
4 but there are lots of structural barriers to rapid
5 decision making and prioritization of issues.

6 Q Right. Just to note for the commissioner and the
7 participants, there is discussion of
8 regionalization and multi-jurisdictional
9 investigations in your report, and it's at page
10 233 to 246.

11 A Yes.

12 Q And Mr. Vertlieb noted that Deputy Chief Evans'
13 report lends a very brief sentence, but that was
14 in support of regionalization as well; correct?

15 A Correct.

16 Q Now, I want to move to a different area,
17 Mr. Commissioner, which is some responses to
18 particular allegations made by witnesses to date,
19 and so this will jump around a little bit, but
20 this is the witness I need to ask a few questions
21 about in that regard. And just to let you know we
22 are on track for being wrapped up before the
23 break. So with respect to Ms. Frey's testimony
24 that in 1998 she had located several witnesses who
25 had identified Pickton as a suspect, and then she

1 had went out to his farm in the late summer or
2 fall of 1998. In your review of the file
3 materials did you come across any evidence of
4 that?

5 A No. I found reference to Ms. Frey reporting to
6 Detective Constable Shenher information about a
7 wood chipper that was in the basement of the
8 Cambie Hotel, which Detective Constable Shenher
9 investigated, but no such information regarding
10 Pickton. And, in fact, given the information that
11 Detective Constable Shenher had received from
12 Hiscox and was pursuing vigorously with Corporal
13 Connor that would have been extremely important
14 information and of great interest to her.

15 Q All right. Dr. Lowman testified that in some of
16 his studies he had heard allegations made by sex
17 trade workers that police officers had used their
18 status as police officers to coerce prostitutes
19 into having sex with them. Have you heard
20 complaints like that before?

21 A I'm certainly aware of cases where men claiming to
22 be police officers have engaged in that sort of
23 conduct. It would be extremely high risk for a
24 police officer, an actual police officer to do
25 that obviously because of the risk of detection.

1 And I am embarrassed to know of two cases in the
2 1980s where there were reports of police officers
3 who were coercing sex from prostitutes, and in
4 both those cases that I am aware of they were
5 investigated, they were fired, they were charged
6 criminally and they went to prison.

7 Q There's also a reference made by Dr. Lowman in his
8 evidence to a report prepared for the organization
9 PACE by Mr. Clair Cunningham. Are you familiar
10 with that report?

11 A Yes, I remember reading that when it came out.

12 Q All right. And it made some very serious
13 allegations as well to the effect that police
14 officers were as likely as pimps to commit sexual
15 assaults on sex trade workers and have unprotected
16 sex with them. Do you recall that?

17 A Yes.

18 Q And what was the Vancouver Police Department's
19 view of that report?

20 A Well, it seemed highly unlikely framed in the way
21 it was. We had great concerns about the validity
22 of the research. And I note that there were
23 advocates in the Downtown Eastside, well-respected
24 people like John Turvey, who are also very
25 dismissive of it and noted that they met

1 frequently with sex trade workers and they hadn't
2 heard anything like that, that it did not seem
3 likely. So it was obviously something that was
4 very disturbing to us.

5 Q All right. Noted, but not believed to be
6 accurate?

7 A No. But if we did receive information about a
8 police officer abusing a sex trade worker in the
9 way that was described it would be a very, very
10 serious matter for us, and we've demonstrated that
11 on those rare occasions where that information has
12 come to our attention, and one of the two cases
13 that we investigated the information came from
14 another police officer, and the other came from a
15 sex trade worker advocate that brought the victim
16 in to see the police and that resulted in a major
17 investigation and the offender receiving a federal
18 prison sentence.

19 Q You mentioned Mr. Turvey's response, and as an
20 example at tab 18 of this binder that I put in
21 front of you there's a media article that's
22 printed here off of Mr. Leng's website where
23 there's a collection of almost every written
24 article of this nature, and in there this is
25 speaking about this report that you had

1 referenced; right?

2 A Yes.

3 Q And you can see at the bottom or the before bottom
4 paragraph there's references and comments made by
5 John Turvey where he's quoted as the executive
6 director of the Downtown Eastside Youth Activities
7 Society. That would be DEYAS; correct?

8 A Yes.

9 Q And the quotes are:

10 It is also bewildering that nothing of this
11 has come up before. We have regular safety
12 meetings and the women who attend are very
13 outspoken.

14 He's further quoted as saying:

15 There is also an active rumour mill so you
16 would have expected to hear a word if there
17 were rogue cops out there. I know that if a
18 sex trade worker came into my office
19 complaining of being assaulted by an officer
20 I would be reaching for the telephone to
21 contact a lawyer who could represent her.

22 And at the bottom he noted:

23 The report says there are 4,700 injection
24 drug users in Downtown Eastside, about four
25 times the count in a recent mayoral report on

1 the problem.

2 Obviously you can't speak for Mr. Turvey, and no
3 one can, about whether those comments are 100
4 percent accurate, but is that consistent with your
5 recollection of his views at the time?

6 A Yes.

7 Q Now, turning to Susan Davis's evidence. You know
8 Susan Davis?

9 A Yes.

10 Q And you respect her work?

11 A I do.

12 Q You have -- you communicate with her about issues
13 that she raises as an advocate for sex trade
14 workers in the community; right?

15 A Yes, we've spoken a number of times and exchanged
16 e-mails and we have met.

17 Q Ms. Davis spoke about an incident in 1990 to 1991
18 where she tried to -- she says she tried to report
19 that she was raped by a bad date, and her
20 recollection was that she had called 9-1-1 from a
21 motel on Kingsway and that police had told her to
22 meet them on the street and then didn't show up
23 within the hour. And in 1990 to 1991 you were
24 actually in the communications centre?

25 A I was.

1 Q And what was your role there?

2 A Usually I was the chief dispatcher, so watching
3 over the operations of the communication centre,
4 which included monitoring the calls that were
5 coming in from all the 9-1-1 operators and going
6 to the four dispatchers, and specifically
7 monitoring for high priority calls and making sure
8 that they were being dealt with appropriately, and
9 then handling myself any serious calls that were
10 coming in that were in progress I would take over
11 the handling of the information and the dispatch
12 of the information.

13 Q All right. And so you referenced high priority
14 calls. Would a call such as Ms. Davis's be
15 characterized as a high priority call at that
16 time, 1990 to 1991?

17 A Absolutely a report of a sexual assault would have
18 been a high priority call.

19 Q Would it have been normal for the dispatcher to
20 ask the complainant to meet the police officers on
21 the street?

22 A No, not unless that was what the complainant
23 wanted for some reason.

24 Q All right. And her estimate of an hour long wait
25 before anybody showed up, from your recollection

1 from that period of time what are your thoughts on
2 that?

3 A No, that would just be incredibly unusual.
4 Normally what we would do if we received a
5 complaint like that is that every single call to
6 9-1-1 and the non-emergency numbers are taped.
7 Now it is digital, at the time it was big
8 reel-to-reel tapes. So every communication was
9 taped, every dispatch was taped, all the
10 conversation with the 9-1-1 operators was taped.
11 Every word entered into the computer aided
12 dispatch system is a matter of permanent record.
13 So if it was close enough to the time that it
14 occurred we would simply go back to the tapes and
15 find out exactly what happened and if there had
16 been a mistake to fix that. So I did look to see
17 whether we could find this call, but unfortunately
18 the tapes from that time they were only kept for
19 30 days so there was no way to review the actual
20 voice communications. What I did do is I had our
21 information technology people produce for me every
22 single report to 9-1-1 of a sexual assault the
23 last two months of 1990 and the first two months
24 of 1991, and then scanned through that information
25 to see whether Susan Davis's name appeared in any

1 of those calls. It did not. There was one report
2 from a sex trade worker at that same motel around
3 the same time, even somewhat similar
4 circumstances, but it was not her. That call was
5 dispatched in three minutes and police were on
6 scene eleven minutes after that. That would be a
7 typical response.

8 Q So obviously we don't -- we can't know exactly
9 what happened in this instance because you haven't
10 -- weren't able to identify this specific
11 incident, but suffice to say from someone who was
12 there it was contrary to policy and practice for
13 that kind of event to have happened?

14 A Yes. And if an operator had actually told her or
15 they had agreed where she was to meet then she
16 would have created a call that would have gone to
17 the dispatcher in the computer aided dispatch
18 system, and so had that occurred we would have
19 been able to look and see exactly what the time
20 delay was down to the second and so on, but
21 clearly there was no call ever created by a 9-1-1
22 operator or it would be in our computer aided
23 dispatch system even though the tapes of the
24 conversations would be gone.

25 Q All right. Returning to Elaine Allan's testimony,

1 she said that she experienced dropped calls from
2 9-1-1 from E-COMM. I say dropped calls, but in
3 the examples she had given she had suggested that
4 contact was made with the communications
5 operators, and that when they found out that she
6 was trying to report incidents of violence from
7 the Downtown Eastside that those calls were
8 discontinued. Is that kind of complaint something
9 that you've heard before?

10 A No. As I said everything is taped. It's a very
11 accountable system. Our communication services
12 since 1999 have been provided by E-COMM. That
13 would be a very significant issue for someone to
14 allege that someone was just hanging up on them.
15 And why would a 9-1-1 operator do that
16 considering that, like I say, everything is taped.
17 I would have expected if that was a problem to
18 have heard about it in other cases or to have
19 received a complaint about it to E-COMM or the
20 Vancouver Police or to the police board or
21 something like that, and it absolutely would have
22 been investigated and taken very seriously. It's
23 not that mistakes are never made. But in terms of
24 calls from the Downtown Eastside, we receive tens
25 of thousands of calls from the Downtown Eastside

1 and investigate tens of thousands of incidents as
2 a result of those 9-1-1 calls, so it's not like a
3 call from the Downtown Eastside is something
4 unusual. We have more frontline resources in that
5 district of the city than any other district
6 because of the volume of calls and the problems in
7 that community.

8 Q So given the volume of calls if there was a
9 pervasive practice or bias against calls coming
10 from those areas we would be talking about
11 discontinued calls in the hundreds or perhaps
12 thousands I assume?

13 A Yes. And I can tell you having received the
14 occasional complaint from a member of the public
15 that they weren't happy with the service of a
16 9-1-1 operator for example, that's treated very
17 seriously, and the first thing they do is go and
18 review the tapes and find out exactly what
19 happened, what was said, what information went
20 into the commuter aided dispatch system. So it's
21 a very, very accountable system.

22 Q So taking her evidence in the context of the
23 practice that you know is it your view that it
24 just doesn't have any merit?

25 A No.

1 Q All right. Now, Ms. Allan also referred to an
2 incident over a missing woman named Tiffany Drew
3 and recounted that Constable Dickson did -- she
4 alleged that Constable Dickson did not take a
5 report of her disappearance in 1999 seriously.
6 Are you aware of that allegation?

7 A I'm aware of it.

8 Q All right. And do you have any specific knowledge
9 about it?

10 A I have no personal knowledge, I only know what I
11 know from reading Evenhanded's records, and in
12 fact one of their briefs to Crown on that issue.

13 Q All right. So in the course of your work on your
14 review you saw a notation that casts some doubt on
15 Ms. Allan's account?

16 A Yes. What I saw in Evenhanded's records is that
17 they had documentation that this report was
18 supposed to have been made in 1999, yet Evenhanded
19 documented that Ms. Drew was checked on March 10th
20 of 2000 by a police officer in Vancouver.

21 Q If you could just turn to the last tab in the
22 binder that's before you, tab 19, that is a page
23 extract number 32 from the report to Crown counsel
24 that was prepared jointly by the RCMP and VPD to
25 Crown for Pickton's charges?

1 A Yes, I believe that this is a brief provided to
2 Crown, and from a brief provided to Crown in 2003.

3 Q Okay. And at the bottom there you can see the
4 words -- the name Tiffany Drew and the first
5 paragraph. Is that what you're referring to as a
6 reference point?

7 A Yes.

8 Q And could you just read that out, please?

9 A It says:

10 Tiffany Drew DLS...

11 Or date last seen:

12 ... March 10, 2000. The established date
13 last seen for Tiffany Drew was March 10, 2000
14 which was the date of a street check by a VPD
15 officer which occurred at 1610 hours. The
16 officer made notes in her notebook of that
17 street check.

18 Q So if that were true that seems to contradict
19 Ms. Allan's account that she was last seen in 1999
20 and was reported to Dave Dickson as being missing?

21 A Yes.

22 MR. HERN: Mr. Commissioner, we've reviewed all of the
23 documents in that binder and I would ask that it
24 be marked as -- well, perhaps it should be marked
25 as an Exhibit A for now in case anybody -- I

1 haven't consulted with the commission or the RCMP
2 as to whether they have any concerns about
3 confidential information in there. I don't think
4 there are, but perhaps they need an opportunity to
5 look at it.

6 THE COMMISSIONER: All right.

7 THE REGISTRAR: It will have to be marked for identification is
8 what you're saying, Mr. Hern?

9 MR. HERN: I'm sorry?

10 THE REGISTRAR: You're asking to have that marked for
11 identification?

12 MR. HERN: Correct, Mr. Giles.

13 THE REGISTRAR: Okay. That will be marked for identification
14 as F, letter F.

15 **(EXHIBIT F FOR IDENTIFICATION:**
16 **Binder of Documents)**

17 MR. HERN:

18 Q The last question I have for you, deputy, relates
19 to methodology in your report. You created not
20 full transcripts of your interviews with people
21 but instead notes of interviews. Could you just
22 outline what the process was that you undertook to
23 produce those?

24 A Mr. Commissioner, I have very good keyboard skills
25 and I took what I describe as close to verbatim

1 notes of my interviews. So I had my questions
2 prepared and documents to show each witness, and
3 then I recorded their responses into a coherent
4 narrative and then I would e-mail their statement
5 to them after I fixed my typos and that sort of
6 thing, and ask them to advise me if I had captured
7 their statement accurately and to advise me of any
8 corrections or changes or additional information
9 that they wanted to provide to me and then they
10 would e-mail it back to me, and that way not only
11 would I have it but that document would be on our
12 servers so that if we needed to find out exactly
13 what they sent if there was concerns about it had
14 been changed, it's always available on our server
15 in its original format as sent to me.

16 Q All right. And you've become aware that was a --
17 with respect to Ms. Yurkiw's interview note that
18 you used for the purposes of your report there was
19 one change that was not reflected in those?

20 A Yes. I became aware just recently what happened
21 is when I interviewed Constable Yurkiw on, I
22 believe it was, April 22nd, I sent her her
23 statement on April 23rd, this is 2004, she sent it
24 back to me on April 26, she noted that she had
25 made a few corrections where I had spelled

1 people's names wrong, she also noted that she had
2 taken some information out that on reflection that
3 she didn't think was fair that she had said and so
4 I was aware of that information, and in case -- in
5 case I used her original statement in my report
6 which I had already incorporated in. What she
7 didn't tell me in her e-mail is that she had taken
8 out a little bit of information she had told me
9 about Corporal Connor, and so I didn't know to
10 look and I left that information in and so I
11 apologize to Constable Yurkiw 'cause apparently
12 that caused her some concern that that remained in
13 my report. However, she did review it in 2010
14 before it was released and did not raise any
15 concern with me then.

16 Q And apart from that one change there were no other
17 issues raised about Constable Yurkiw's transcript?

18 A No.

19 MR. HERN: Okay. Thank you. Mr. Commissioner, I think I'm
20 concluded, and I note the time. I'm wondering if
21 perhaps we just take a slightly early lunch and
22 that will allow me to check my notes and begin --

23 THE COMMISSIONER: All right. We'll adjourn until two o'clock.

24 MR. HERN: Thank you.

25 THE REGISTRAR: The hearing is now adjourned until two p.m.

1 **(PROCEEDINGS ADJOURNED AT 12:22 P.M.)**

2 **(PROCEEDINGS RESUMED AT 2:00 P.M.)**

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

4 THE COMMISSIONER: Yes, Mr. Hern.

5 MR. HERN: I've concluded my examination.

6 THE COMMISSIONER: Thank you, Mr. Hern.

7 MR. WARD: Mr. Commissioner, Cameron Ward, counsel for the
8 families of Dianne Rock, Georgina Papin, Marnie
9 Frey, Cynthia Feliks, Cara Ellis, Mona Wilson,
10 Helen Mae Hallmark, Dawn Crey, Angela Hazel
11 Williams, Jacqueline Murdock, Brenda Wolfe, Andrea
12 Joesbury, Elsie Sebastian, Heather Bottomley,
13 Andrea Borhaven, Tiffany Drew, Angela Jardine,
14 Stephanie Lane, Tanya Holyk and Olivia Williams.

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

16 Q Deputy Chief LePard, you have a copy of your
17 report that was marked as Exhibit 1 in this
18 proceeding, do you?

19 A I do.

20 Q And I notice, sir, when I was reading the report
21 that you got some 490 footnotes, many of which
22 reference some binders that you prepared of the
23 relevant documents; correct?

24 A Close. There were binders of information that was
25 collected, and the collection of it started before

1 I started my review and I referenced that
2 material.

3 Q And that collection process was done by Darcy
4 Sarra?

5 A She was one of several staff that were gathering
6 documents from throughout the department, yes.

7 Q So that process started around the time that Chief
8 Constable Graham commissioned you to do a review?

9 A No, the collection of the documents started before
10 then, but it wasn't much before.

11 Q In any event, these documents that were collected
12 for you by others in the VPD were then assembled
13 into a set of 36 binders; correct?

14 A Something close to that. I don't remember if the
15 number was 36, but I remember 33 for sure.

16 Q All right.

17 A And then there were some additional binders that
18 had the individual missing persons files.

19 Q And to understand your report by reference to the
20 footnotes you need to access those documents in
21 the binders to cross-reference; right?

22 A I think that you can understand the report without
23 looking at them, but they're noted as the source
24 documents for information that I summarize in my
25 report.

1 Q And you know, sir, I'm sure, that I've asked that
2 you ensure that the 33 or 36 binders are brought
3 here to the room; correct?

4 A I wouldn't be dealing with that issue, issue of
5 disclosure of documents.

6 Q Well, let me ask again, the VPD and the firm that
7 represent you, Farris, have the resources to bring
8 those binders to this room?

9 THE COMMISSIONER: How does he know? How does he know?

10 MR. HERN: This is an issue --

11 THE COMMISSIONER: Should we take judicial notice of the fact
12 that Farris & Company is a substantial firm and
13 they have the resources?

14 MR. WARD: Six Bankers Boxes of material, I don't think it
15 would be a struggle to get them across the street
16 if that's where they are.

17 THE COMMISSIONER: Okay. Well, it might be better if you make
18 that request or application or demand from counsel
19 rather than the witness.

20 MR. WARD: Well, I did, and it apparently fell on deaf ears.
21 I've requested in writing the last several days
22 about binders be here.

23 MR. HERN: Well, to say it fell on deaf ears is not quite
24 accurate. It was responded to that the binders
25 were produced in that form, in electronic form to

1 the commission a long time ago and when they asked
2 for it and they're uploaded into Concordance
3 accordingly, and so I told Mr. Ward in the e-mail
4 that we didn't have hard copies of those binders
5 available in the form that they have been produced
6 to the commission, and he responded thank you for
7 the information. I didn't hear any objection and
8 I didn't hear any request come back from the
9 commission to produce those, so I think that's an
10 unfair comment.

11 MR. WARD: Well, in any event, I'll ask you, witness, to make
12 appropriate arrangements to get the binders here,
13 not the Concordance material, because,
14 Mr. Commissioner, Concordance is an impossible way
15 to access these documents and make sense of this
16 report. We've been given a ten page manual
17 describing how one might go about it, but if not
18 impossible it is highly, highly problematic. I'm
19 making a simple request that six boxes of the
20 binders come in here and sit in this room so that
21 I can retrieve the documents I need to refer to.
22 I'll move on and I'll leave that request with the
23 witness.

24 MR. HERN: Well, I don't think you can leave that request with
25 the witness. If it's something that can be dealt

1 with between the commission counsel, Mr. Ward and
2 myself outside of the actual hearing proceedings
3 I'm more than happy to discuss how we can assist
4 Mr. Ward.

5 THE COMMISSIONER: Why don't we move on and you can deal with
6 that at the conclusion of today's hearing with
7 commission counsel and Mr. Hern.

8 MR. WARD: Thank you.

9 Q Anyway, your report, Exhibit 1, was a document
10 that was prepared by you ultimately for public
11 consumption; is that fair?

12 A Yes.

13 Q And the VPD has a media relations team within it?

14 A We have a public affairs section that has some
15 media liaison people, yes.

16 Q And presumably before your report was released it
17 was considered and signed off on by both the
18 Public Affairs Unit and the chief constable; fair?

19 A No, not by the Public Affairs Unit. They had no
20 role in it at all. Certainly the chief constable
21 endorsed the report as the official position of
22 the VPD, and it was also endorsed by the Vancouver
23 Police Board. Media liaison was made aware of it
24 for whatever arrangements they needed to make, but
25 they had no role in signing off on it as you

1 described.

2 Q All right. You conducted interviews as you
3 described?

4 A Yes.

5 Q And looked at some documents that were assembled
6 for you?

7 A Yes.

8 Q And you're aware that Inspector Nash of the RCMP
9 characterized your report as lacking objectivity?

10 A Superintendent Nash. Yes, I'm aware of that.

11 Q And I think you indicated that you had Exhibit 2
12 in your possession, the Williams report as we
13 referred to it, by the time you finished your
14 work?

15 A I actually had it before I started writing my
16 report.

17 Q Now, your report, if I understood your evidence
18 correctly, was leaked to the media somehow?

19 A It was leaked to the media within a matter of
20 weeks before we planned on releasing it. It was
21 an earlier draft that was leaked.

22 Q And that was sometime in 2010?

23 A Yes.

24 Q And the Williams report ended up in the hands of
25 the CTV before it was officially published by the

1 RCMP; right?

2 A I don't know that. I recall that it was
3 eventually released pursuant to freedom of
4 information requests, to my knowledge, but I could
5 be wrong about that. I'm not aware that it was
6 leaked prior to it being accessed through normal
7 channels.

8 MR. WARD: All right. I'd ask you to turn to Volume 1. By the
9 way, I've been waiting patiently for these binders
10 to be marked as an exhibit. Have they been marked
11 or are they ready to be marked?

12 THE REGISTRAR: They have not been marked yet.

13 THE COMMISSIONER: Which binders?

14 MR. WARD: Commission counsel's. I think there were seven
15 binders.

16 MR. VERTLIEB: Mr. Giles said they're not yet marked.

17 THE COMMISSIONER: Sorry?

18 MR. VERTLIEB: They are not yet marked as Mr. Giles said.

19 THE COMMISSIONER: They're marked?

20 MR. VERTLIEB: They're not marked.

21 MR. WARD: Can they be, please?

22 MR. VERTLIEB: I don't think they're quite ready. They're just
23 close. I'm trusting my colleagues who are working
24 diligently from the RCMP and VPD.

25 MR. WARD: All right.

1 Q Well, I'm looking at what is described as Volume
2 1, Phase 1, tab 22. Will you turn that up,
3 please?

4 A Yes.

5 Q And this was mentioned earlier, and this is a copy
6 of a letter from Chief Constable Jim Chu of the
7 VPD to Deputy Minister Gary Bass of the RCMP E
8 Division. Do you see that?

9 A Yes.

10 Q Copied to David Morhart, Deputy Solicitor General,
11 David Loukidelis, Deputy Attorney General, and
12 Kevin Begg, ADM Policing and Community Safety
13 Branch. Do you see that?

14 A Yes.

15 Q And it purports to attach a copy of your response
16 to the RCMP review, which I take it is the
17 Williams report?

18 A Yes.

19 Q Exhibit 2 in this proceeding; right?

20 A I don't know what exhibit number it is, but it is
21 in reference to the Williams report.

22 Q If I could just take you to the very last sentence
23 of the attachment which is your response to
24 Williams. You said:

25 In my opinion this...

1 The Williams review, Exhibit 2:

2 ... is not an adequate or objective review of
3 the Coquitlam RCMP investigation into the
4 Pickton information regarding missing women.

5 Do you see that?

6 A Yes.

7 Q And that remains your view today?

8 A It does.

9 Q Another way to put that is that you perceive that
10 the Williams review report was a white wash; fair?

11 A Well, I've described it in this seven page
12 response, I don't use that term, but I thought
13 that it was inadequate and inaccurate.

14 Q And lacking in objectivity?

15 A Yes.

16 Q All right. And you say in the preceding
17 paragraph, I'll just read it:

18 I feel very safe in saying that there are
19 several members in the RCMP who wish from the
20 bottoms of their hearts that they could do
21 the investigation over again given the
22 opportunity to explore the many other avenues
23 that were available given the right
24 leadership and resources.

25 Do you see that?

1 A Yes.

2 Q And that remains your view?

3 A It does.

4 Q Now, based on your work who are those members of
5 the RCMP that wish that they could do it over
6 again?

7 A Oh, Corporal Connor for sure, Constable Yurkiw,
8 Staff Sergeant Zalys. There are probably others.
9 I can't imagine that there would be any police
10 officer that wasn't involved in this case that
11 doesn't wish that they could do it over again.

12 Q And the phrase right leadership suggests that at
13 the time there was the wrong leadership?

14 A Yes.

15 Q Is that your --

16 A Yes.

17 Q Who in your view were the wrong leaders?

18 A Well, I was using the term leadership more
19 generically than focusing on a particular
20 individual, because I don't think that the
21 responsibility belongs with any one individual, it
22 was shared, but certainly the inspector -- the
23 operations inspector in the Coquitlam RCMP who did
24 not seem to understand all the evidence that
25 demanded, I felt, more aggressive investigation

1 and didn't make a case for additional resources to
2 be able to carry that out, I think that he had
3 some key responsibility. And Deputy Chief Evans
4 describes the individuals in her report that she
5 -- that in particular she thought needed to do
6 more that were in leadership positions.

7 Q All right. Now, sir, the next document I want to
8 ask you about is one that was tendered this
9 morning and shown to you. It's part of Exhibit F,
10 and it's tab 15. Exhibit F for Identification,
11 Mr. Hern's binder, tab 15. This was, as I
12 understand it, a copy of the cover of the *RCMP*
13 *Gazette*, Volume 72, number 2 from 2010.

14 A Can you just give me the tab number you're at.

15 Q Sorry, 15.

16 A Fifteen, yes.

17 Q You recall this one?

18 A Yes.

19 Q And this one doesn't -- this document doesn't have
20 these Concordance numbers up in the upper
21 right-hand corner. I gather this was a document
22 you came into possession of yourself?

23 A Yes, I had a hard copy delivered to my office, and
24 I also went on-line and got an electronic copy.

25 Q All right. And the story that's excerpted here is

1 called *Snaring Pickton How the Vancouver Missing*
2 *Women Task Course Caught Canada's Worst Serial*
3 *Killer*. Do you see that?

4 A Yes.

5 Q It would seem based on your understanding of this
6 commission's terms of reference that this document
7 would be relevant to the work we're doing here?

8 A Well, I don't think that's for me to answer.

9 Q All right. In the next page, I'll just read this
10 passage that I don't think was referred to you on
11 the far left column, second paragraph. After
12 describing the results of the search that was
13 conducted in February of 2002 the author says
14 this:

15 How did the Missing Women Task Force arrive
16 at this critical break? It wasn't luck, says
17 Don Adam, the now retired RCMP inspector who
18 headed the MWTF until November of 2004, it
19 was sound methodology and solid team work
20 that cracked the case, that and a willingness
21 to assess the costs and benefits of every
22 decision upon which the investigation was
23 founded.

24 Do you see that?

25 A Yes.

1 Q And you would agree on the basis of all the work
2 that you did in preparing your report that that
3 passage I just read to you was utter nonsense;
4 correct?

5 A I notice that it is not in quotes, so I just want
6 to be careful not to attribute that necessarily to
7 Inspector Adam or the context that it was provided
8 in, but I agree that that is inaccurate.

9 Q All right. That's a more diplomatic way of
10 putting it.

11 A I try to be diplomatic.

12 Q Indeed. Now, let me ask you about Don Adam for a
13 moment, who is referred to there and who has been
14 quoted elsewhere, and indeed you've probably seen
15 his lengthy op-ed piece in *The Vancouver Sun*;
16 right?

17 A Yes, I read it.

18 Q And I think you mentioned that you didn't formally
19 interview him, but you talked to him and took some
20 notes?

21 A Yes, it wasn't an interview like the other
22 interviews like I did, but I did speak to him on
23 several occasions and I did take notes of our
24 meeting. I didn't try to make them verbatim like
25 I did other interviews.

1 Q And, of course, he headed up the JFO known as
2 Project Evenhanded?

3 A Yes.

4 Q Started in early 2001?

5 A Yes.

6 Q Took those two months off in the summer that we
7 heard about?

8 A I heard about that.

9 Q And was still in that lead role by February 5th,
10 2002, the date that young Nathan Wells, as you put
11 it, serendipitously executed a search warrant;
12 right?

13 A Yes.

14 Q Just to be clear, your opinion is that Don Adams'
15 team's work, the work of Project Evenhanded, had
16 nothing to do with the apprehension of Mr. Pickton
17 for the murders of the missing women; correct?

18 A Well, in the most generous description, I suppose
19 that because Evenhanded had Pickton listed on CPIC
20 as a person of interest that's what prompted -- I
21 believe that's what prompted Constable Wells to
22 contact Evenhanded, or at least it was the
23 information that was on CPIC about Mr. Pickton, so
24 there was that connection to the task force. It
25 wasn't because of any investigating that they were

1 doing that they ended up on the farm with
2 Constable Wells.

3 Q All right. And it was in fact Constable Wells who
4 himself noticed the name on the inhaler that
5 twigged his mind to realize that there was
6 something more than just a search for unlawful
7 firearms; right?

8 A Yes, that's my understanding.

9 Q And he then called in the JFO personnel?

10 A Yes, there were two JFO detectives who were
11 actually standing by near the property, and he
12 called them to let them know what he had found and
13 that's what the catalyst for the next phase was.

14 Q Now, just focusing on Don Adam for a moment and
15 his role as the RCMP member in the lead on this
16 JFO. You, I take it, have read the interview of
17 him that was conducted by Deputy Chief Evans?

18 A Yes, I did.

19 Q Right. And so you know that Don Adam himself
20 served in the Coquitlam detachment of the RCMP for
21 a decade, ten years?

22 A I remember something about that. I wouldn't want
23 to verify that it was ten years or anything like
24 that. I don't recall that.

25 Q Do you recall that not only from your work, and in

1 particular your review of the Adam interview by
2 Evans, not only were the Pickton brothers, and
3 Robert William in particular, known to the police,
4 but they were known to Don Adam from his days at
5 Coquitlam; correct?

6 A I believe I recall reading that in his statement.
7 I read a lot of statements in a very short time,
8 so.

9 Q All right. Let me quote to you from page 13 and
10 14 of his statement, Concordance document ID Peel-
11 001-001005. The Picktons. He says:

12 They were characters.

13 After confirming that he worked there for ten
14 years.

15 They were characters. You know, not to be,
16 you know, informal about it, but sort of
17 *Deliverance* banjo playing hillbillies.

18 Do you recall him describing them that way?

19 A I believe I do.

20 Q And I go on. This is Adam again:

21 Who were, you know, if I was to characterize
22 it I think I knew that Willie wasn't
23 supposedly that smart, and they were
24 supposedly petty thieves.

25 Do you recall that?

1 A Yes.

2 Q There's a story, and I didn't know who was
3 involved, but there was a story about them
4 being involved with stolen cars and
5 supposedly burying the entire vehicle, and
6 Pickton being able to go, you know, and point
7 out where he had hidden those things.

8 A I remember reading that.

9 Q And he concluded this bit of his interview by
10 saying:

11 They...

12 The Pickton brothers:

13 ... were just kind of nerdowells.

14 A Yes, that sounds familiar.

15 Q All right. And knowing what you know about
16 policing, and community policing in particular,
17 there's an RCMP member at a detachment responsible
18 for policing a community the size of Port
19 Coquitlam and there's some characters like this,
20 they use nerdowells, banjo playing *Deliverance*
21 hillbillies within the jurisdiction, they had come
22 to the attention of the police; right?

23 A Maybe not for the banjo playing, but for the
24 criminal behaviour, yes.

25 Q All right. And you also know from your review

1 that this same Don Adam, apparently, was involved
2 in a 1989 or '90 investigation of a sexual assault
3 that was apparently being attributed to Robert
4 William Pickton as the suspect; right?

5 A I'm aware of the information that you're referring
6 to, that there was apparently a request from then
7 Sergeant Adam to check for a vehicle on the
8 Pickton property in relation to a sexual assault
9 file. And I'm aware that when they looked into it
10 apparently no one could find the report, that
11 Inspector Adam checked for his -- any notes that
12 he might have had on that and had no notes. So
13 from my knowledge it ended up being one of those
14 mysteries that no one could figure out or find any
15 notes or reports about the incident.

16 Q Don't police departments, and the RCMP in
17 particular to your knowledge, keep records of
18 everything?

19 A Police departments do keep records, yes. And in
20 fact I think that's where the information came is
21 that there was an entry on PIRS, the Police
22 Information Retrieval System, the records
23 management system used by the RCMP then that there
24 was an entry about a report but no one could find
25 the report, so I can't speak to where it went.

1 Q Well, all right. Let me ask you this. RCMP
2 member Don Adam, ten years in Coquitlam, Pickton
3 brothers are known to him as being engaged in
4 criminal activity. He apparently investigates an
5 alleged sexual assault in which Robert William
6 Pickton is a suspect in 1990. He comes on as the
7 head of the team in early 2001, and all the prior
8 RCMP work is presumably available to him; right?

9 A Yes.

10 Q And that would reveal that there were those series
11 of credible tips that made Robert William Pickton
12 the prime suspect in the mind of, among others,
13 Lori Shenher?

14 A Yes.

15 Q And Corporal Connor; yes?

16 A Yes.

17 Q How in the world do you think he failed to put two
18 and two together in early 2001 based on your
19 review of the documents?

20 A Well, as I said earlier, Mr. Commissioner, there
21 was still an active investigation going on by
22 Evenhanded when I was doing my review, so I only
23 focused on Evenhanded in a fairly superficial way
24 in terms of the startup and creation and mandate,
25 I wasn't looking at what they were specifically

1 doing. What I would refer you back to is that at
2 that time, and still today to some extent, files
3 are kept in a physical format and the local file
4 about Pickton and all the information from the
5 summer of 1999, for example, was in the local file
6 in the Coquitlam detachment, and so while there
7 was some information had been provided to
8 Evenhanded I believe from the VPD files which
9 weren't as complete as the Coquitlam files, in
10 April of 2001 it is noted in the Coquitlam RCMP
11 records that they intended to provide a package on
12 Pickton of their investigation up to that point to
13 Evenhanded, but neither myself nor Deputy Chief
14 Evans could ever find any record indicating that
15 that had actually been delivered.

16 Q Again, don't police departments in general, and
17 the RCMP in particular according to your
18 knowledge, keep a paper trail of things like that?

19 A Well, I would say generally yes.

20 Q So the Coquitlam file showing that credible
21 informants have come forward fingering Robert
22 William Pickton as the likely suspect responsible
23 for the murder of the Downtown Eastside sex trade
24 workers is delivered to Project Evenhanded, but
25 nobody's able to find a record that it arrived.

1 Do I have that right?

2 A No.

3 Q Okay.

4 A What I said was that there was no record that the
5 Coquitlam RCMP actually did what they planned on
6 doing in April of 2001. They noted in their
7 minutes of their meeting that they were going to
8 put a package together and deliver it to
9 Evenhanded, but I did not find any record or
10 information to suggest that that package was
11 delivered by the Coquitlam RCMP to Evenhanded, so
12 I can't say whether it did or not. Deputy Chief
13 Evans looked at much more documentation regarding
14 Evenhanded, and my understanding is she found no
15 record of that being delivered as well. So what
16 the Evenhanded did have though was the tip files
17 that the VPD had possession of which contained a
18 lot of the information that was in the Coquitlam
19 file, but not all of it.

20 Q It appears looking at Exhibit 33, if I understand
21 this correctly, that as many as seven women,
22 seven, perhaps eight, were likely murdered after
23 Don Adam and his Project Evenhanded team assumed
24 conduct of the JFO. Does that sound right?

25 A It sounds right. I didn't look at that point in

1 time. I looked at the point of time at the end of
2 the summer of 1999 how many women went missing
3 after that, and my count at that time was that 13
4 women had gone missing, and DNA connecting 11 of
5 them was found on the Pickton property. So I
6 didn't go to the same date that you're looking at.

7 Q You pinpointed the summer of 1999 as a key time
8 frame; correct?

9 A Yes.

10 Q We'll come to that in just a moment, but with
11 respect to the RCMP's JFO led by Don Adam, you've
12 commented, and I'm referring now to another part
13 of Exhibit F, tab 17, this is your response to
14 Superintendent Nash's critique of your report.
15 Tab 17 of Exhibit F, you've referenced the
16 conclusion where you said:

17 I find it incredible that there is not a
18 single reference to the RCMP having made a
19 mistake at any point in any respect.

20 That's your assessment of the RCMP's analysis of
21 their handling of this missing women investigation
22 file?

23 A Well, that's my assessment of Superintendent
24 Nash's report, which I understand may not be the
25 position of the RCMP.

1 Q But it's also consistent with your assessment of
2 the Williams report, as you say?

3 A Yes. Yes.

4 Q So both Williams and Nash indicated that RCMP
5 never made a mistake in the handling of the file;
6 right?

7 A That seems to summarize their reports.

8 Q And then up ahead this jumped out at me in the
9 preceding paragraph 21, five lines down, that
10 hubris is astounding. Do you see that?

11 A Yes.

12 Q And I don't know, were you here for my opening?
13 Did you hear me use the same word?

14 A No, I don't recall if I heard you use that word,
15 but I did hear your opening remarks.

16 Q So on that point, at least, if I used that term in
17 the opening referring to the RCMP's posture on
18 this file you and I are in agreement?

19 A I'm comfortable with what I wrote in this report.

20 Q Fair enough. Fair enough. I wouldn't expect you
21 to be comfortable with agreeing with me, that's
22 all right.

23 A I'm just trying to be careful.

24 Q Now, I want to move to that time period you
25 flagged for us, summer of '99. You testified, if

1 I understood your evidence correctly, that there
2 were opportunities in the summer of 1999 when in
3 your opinion the case could have been solved?

4 A There was certainly potential for the case to be
5 solved, and certainly enough information to demand
6 that a reasonable effort in the circumstances be
7 made. We'll never know whether it would have
8 been.

9 Q And as I recall it was -- when you made that
10 observation yesterday morning you followed up with
11 a comment that you believed there were those in
12 the RCMP who wished they could do the
13 investigation over from that point; right?

14 A Yes, I think any police officer would like to have
15 the opportunity to have prevented further deaths
16 and caught a serial killer earlier than he was,
17 absolutely.

18 Q And my friend Mr. Vertlieb asked you if you
19 thought there were those or some, rather, in the
20 VPD who would like to do it over again, you said
21 absolutely?

22 A Absolutely.

23 Q When in your view in 1999 were the opportunities
24 there to solve the case?

25 A In the summer of 1999?

1 Q Yeah.

2 A Well, I think that there was, as I've testified
3 before, there was so much information pointing to
4 Pickton that was all coming together in the summer
5 of 1999 that that was the opportunity, that there
6 was strategies that could have been pursued at
7 that time that might have led to the successful
8 resolution of the case.

9 Q Sir, I'd like to put the summer of '99 into
10 sharper focus or context, if I may.
11 Mr. Commissioner, I'm handing up three copies of a
12 binder the contents of which have been disclosed
13 to -- or the index of which have been disclosed to
14 my friends. I'll just indicate what this is.
15 Deputy chief, if you could open to the index at
16 the front. What we've done here, sir, is
17 assembled local print media articles running from
18 the beginning of January 1997 until the end of
19 December, 2000. So we've isolated on that period
20 of time, and we've limited this collection to only
21 articles appearing in *The Vancouver Sun* or
22 *Vancouver Province* print media. We haven't
23 included articles that may have appeared in, for
24 example, *The National Post*, *The Globe and Mail*,
25 the local community papers, et cetera, and of

1 course we haven't referred to any of the
2 electronic media, radio and television articles
3 that appeared. So you understand what this brief
4 contains?

5 A Yes.

6 Q All right. And you, of course, being a Vancouver
7 Police Department member since 1981, and a
8 self-described voracious reader, would have been
9 familiar or aware of the fact that these articles
10 were appearing in the local press?

11 A Yes.

12 Q And you'll see that by -- you turn over the page,
13 that by, say, May of 1999 we've got some 29, May
14 13th, 29 articles that have appeared in either the
15 *Province* or *The Sun* on this topic. Do you see
16 that?

17 A Yes.

18 Q And Lindsay Kines, of course, was one of the
19 reporters who spearheaded the media coverage, she
20 was with *The Vancouver Sun*?

21 A Yes.

22 Q And then others, as you recall, took up the story;
23 right?

24 A Yes.

25 Q All right. I'd like to direct you with this

1 general sense of the media in mind, and let me
2 just make one more reference before I turn to the
3 next document. If you turn over again to the
4 second page of the index you'll see tab 15, a
5 letter from Wayne Leng in *The Province*, April 6,
6 1999, articles that day and the next day in *The*
7 *Vancouver Sun*, one by David Hogren, April 7th,
8 1999 *Prostitute Group Threatens to Occupy Mayor's*
9 *Office*. Same day in *The Province*, Andy Ivens,
10 *Police Don't Think Reward Will Help*. Tab 19,
11 April 12, 1999 Maggie de Vries writes a letter to
12 the editor entitled "The Desperate Quest For Our
13 Missing Sisters and Daughters." All right. Do
14 you recall those events occurring, these
15 publications generally?

16 A Well, yes, I recall generally. I looked at many
17 media articles in the course of doing my review,
18 so I'm not sure if I remember it from reading them
19 on the original dates or looking years later, but
20 I do read the newspaper regularly.

21 Q Fair enough. And you remember Maggie de Vries,
22 her sister Sarah had gone missing, she was very
23 concerned. She, Maggie, lived I think on the west
24 side of Vancouver.

25 A Yes.

1 Q And she actually wrote a book about her
2 unfortunate experience with the case, didn't she?
3 A Yes, I read her book.
4 Q *Missing Sarah?*
5 A Yes.
6 Q Now, if you go back, please, to tab -- or, sorry,
7 Exhibit 1, your report, I'd like you to turn to
8 page 79. Sorry, I think I've missed --
9 mistranscribed the date. Pardon me, 88 -- 89.
10 Oh, no, I'm sorry. I'm sorry, my fault. Sorry,
11 Mr. Commissioner. It's actually page 90. I was
12 looking at the footnote 79. It's page 90 of your
13 report, first full paragraph beginning with the
14 words on April 9th.
15 A Yes.
16 Q Okay. So by this date the missing women issue is
17 a hot subject in the local print media?
18 A Yes.
19 Q Fair?
20 A Yes.
21 Q You probably remember that without even referring
22 back to this report the climate then?
23 A Yes.
24 Q All right. And you've written this:
25 On April 9th, 1999, Deputy Chief McGuinness,

1 Detective Constable Shenher and Acting

2 Inspector Boyd met with Superintendent Gary

3 Bass from E Division Serious Crime...

4 He, of course, went on to a more senior role with
5 the RCMP; right?

6 A Yes.

7 Q ... Attorney General Ujjal Dosanjh, Deputy
8 Attorney General Stephen Stackhouse, several
9 other cabinet ministers and their aides.

10 You see that?

11 A Yes.

12 Q And you understand that meeting took place at the
13 Hornby Street offices of the attorney general?

14 A I think that that's right.

15 Q And to be clear, put this in clearer context, by
16 this point in time as many as 31 women have gone
17 missing or been reported missing from the Downtown
18 Eastside within mere blocks of the VPD's
19 headquarters at 312 Main Street; right?

20 A I don't know if it was 31 at that time, but that's
21 probably something close. The number did
22 fluctuate.

23 Q All right.

24 A But somewhere around that number.

25 Q I've pointed to the media articles and you've

1 agreed that the case of the disappearances was
2 attracting intense interest?

3 A It was certainly attracting some interest by then,
4 yes.

5 Q And by this point in time one of the attendees at
6 the meeting, Detective Constable Shenher, has
7 interviewed Hiscox and she considers him to be the
8 number one suspect in the women's disappearances?

9 A Hiscox?

10 Q Yes.

11 A She's interviewed Hiscox, she doesn't believe that
12 he's the number one suspect.

13 Q Sorry, no, Pickton. She has interviewed Hiscox
14 and as a result she believes Pickton to be the
15 number one suspect in the women's disappearances?

16 A Yes, at that point she has the information from
17 Hiscox, it's pretty compelling, so he is number
18 one on her suspect list at that point. This is
19 before they had moved to a suspect-focused
20 investigation, which didn't begin until May of
21 1999. So she's still really on her own at this
22 point investigating the information, but yes,
23 she's had the information from Hiscox for quite a
24 while at that time.

25 Q Okay. And, by the way, I'm going to come back to

1 this later or Detective Shenher's role later, but
2 you interviewed her over three days; right?

3 A I think I interviewed her three times. So three
4 different days, yes.

5 Q How many times did she personally go out to the
6 Pickton property while she considered Robert
7 William Pickton to be a prime suspect?

8 A I don't know. I would have to check my records.
9 I do recall her with Corporal Connor, and I
10 vaguely recall that they may have driven by the
11 property and looked at it, but I don't think she
12 was personally visiting the property to look at
13 it.

14 Q I'll save that question for her. But coming back
15 to this meeting, she's there and all these other
16 very senior officials?

17 A Yes.

18 Q Do you know who the cabinet ministers were aside
19 from the attorney general, Mr. Dosanjh?

20 A No, I don't.

21 Q And it's your understanding that the sole purpose
22 of this meeting that was convened with all these
23 people was to discuss the case of the missing
24 Downtown Eastside women; right?

25 A Yes.

1 Q I suggest that there was no other Vancouver
2 Policing issue in that time frame that was
3 attracting this kind of attention at the highest
4 levels from government officials and the RCMP and
5 the VPD. Would you concur? Would you agree?

6 A I don't know if there were other issues that were
7 attracting that kind of attention, because there
8 certainly were some other big things going on, but
9 I would not disagree with you that it was
10 certainly attracting some very high level
11 attention, very serious attention.

12 Q Well, let's just touch on one. You said you were
13 at this time, April of '99, involved in the Home
14 Invasion Task Force?

15 A Yes.

16 Q You didn't have meetings with the attorney
17 general, cabinet ministers and senior
18 representatives of the RCMP to confer about that
19 issue, did you?

20 A I did not, but there had been communications at
21 that level in that the attorney general also
22 agreed in that case of the home invasions of the
23 elderly to provide -- to contribute to a large
24 reward. So there were communications about that.
25 It was considered to be a very serious issue. We

1 weren't in communication with the RCMP about it
2 because the series of home invasions were entirely
3 isolated in Vancouver.

4 Q Fair enough. Now, I'll also ask you some more
5 questions about the resources at your disposal in
6 that and some of the steps you took, but you've
7 used the word home invasions. There's no Criminal
8 Code offence of home invasions; right?

9 A No, it's in a term that we use frequently to
10 describe the offence of robbery when it's a
11 robbery with violence where people are home and
12 confronted by the robbers as opposed to a break
13 and enter where they might be surprised by
14 someone. These were robberies that were done with
15 the intention of confronting people at home and
16 often significant violence involved.

17 Q And I think you mentioned you ultimately obtained
18 some convictions, and were they robbery or break
19 and enter convictions for the home invasion work?

20 A There were some convictions for robbery, I
21 believe.

22 Q All right. Now, this high level meeting of April
23 9th, 1999, cabinet ministers, attorney general,
24 Deputy Bass, et cetera. Do you know how long that
25 meeting lasted?

1 A No, I don't. I based that information on my
2 interview of various people and Deputy Chief
3 McGuinness and Detective Constable Shenher and
4 also documentation of the meeting. I don't recall
5 if it said how long it lasted.

6 Q Did you find notes that someone had taken of the
7 meeting?

8 A There was a memo, I believe, that was written.
9 There were certainly some notes. I'm seeing if
10 there's a cite there. I think that it was that
11 information about it appeared at some point in a
12 status memo or in someone's investigation log or
13 something like that.

14 Q Well, look, here's why I'm asking this. I've only
15 been able, and I don't pretend to know all the
16 contents of the Concordance disclosure at this
17 point, but I haven't been able to find anybody's
18 notes of this meeting. Can you possibly -- have
19 you seen somebody's notes that were taken of this
20 meeting?

21 A Well, I believe --

22 Q Somebody who was actually there -- I'm sorry to
23 interrupt, but somebody who was actually there
24 transcribing or taking notes of what was said?

25 A No, I do not recall ever seeing notes of what was

1 actually said. What I have is the memo that
2 Constable Shenher wrote in preparation for that
3 meeting, and I have the interviews that I did with
4 Detective Constable Shenher and Deputy Chief
5 McGuinness about the contents of that meeting.

6 Q You see, that's my problem too, that's all I've
7 been able to find. Wouldn't you agree, sir,
8 knowing what you do about policing and policing
9 governmental relations that you would expect one
10 of these people at least at this meeting to have
11 recorded what was being discussed somewhere?

12 A I would not be surprised to find out that there
13 was some sort of a government aid that was taking
14 notes, but I'm not aware of those notes.

15 Q Well, let's look at the list of attendees. You've
16 got Deputy Chief McGuinness, Detective Constable
17 Shenher, Acting Inspector Boyd. Just stopping
18 there, three VPD members; right?

19 A Yes.

20 Q And VPD members, of course, are obliged under the
21 regulations and procedures to take notes of things
22 occurring on their duties; correct?

23 A Generally speaking when they're investigating
24 crimes there's different ways that that
25 information would be documented, but I agree

1 generally.

2 Q Generally they're trained to take notes --

3 A Yes.

4 Q -- and generally they keep them?

5 A Yes.

6 Q All right. Gary Bass from the RCMP, same thing
7 applies; right?

8 A Yes.

9 Q The attorney general, his deputy, several cabinet
10 ministers and their aides?

11 A Yes.

12 Q And you haven't been able to turn up since 2002
13 when you began working on this file anybody's
14 record of what was said at this meeting in April
15 of '99?

16 A I did not find any minutes of the meeting. If I
17 did I would have cited them. I wonder if there
18 might have been some notes in Detective Constable
19 Shenher's case log, but I would have to check on
20 that. Generally if there was a document in
21 support of something I've written I would cite
22 that in a footnote. In this case what I recall
23 was the meeting being scheduled and that there was
24 a report prepared for that meeting which covered
25 the investigation to date. So I inferred from

1 that that's what was described, and that was
2 consistent with the statements from Detective
3 Constable Shenher and Deputy Chief McGuinness.

4 Q That's April of 1999. I want to take you next to
5 something that happened the next month in May.
6 And just before I do I want to quote from the
7 transcript, this was during your examination by my
8 friend Mr. Vertlieb on November 8th. Page 140,
9 line 23 Mr. Vertlieb said this:

10 I want you to understand so that it's clear
11 to everyone that you weren't in any way
12 involved in this investigation and you come
13 in to give a review based on your experience.

14 I want to make that absolutely clear.

15 You recall that exchange?

16 A I think I know what you're leading up to, and I
17 also recall giving evidence, and I was led by
18 Mr. Vertlieb on that, that I participated in one
19 brainstorming session, that that was my
20 involvement in the investigation.

21 Q I want to take you to those notes and ask you
22 about that. They're at the same group of binders,
23 it's Phase 3, tab 26. Just before I ask you about
24 this meeting, if we can turn back to the media
25 binder again for a moment, the index. You'll see

1 at tabs 28 and 29 there are articles in *The*
2 *Province* about *The Honouring of the Missing Women*
3 and a story in particular of May 13th, '99, tab
4 29, in *The Province, Hundreds Pray for Missing*
5 *Women*. Do you see that?

6 A Yes.

7 Q So that very -- the day that that story appears in
8 *The Province* you participate in a brainstorming
9 session. I'm sorry, I think it's actually *The*
10 *Sun*, and it's the front page of Section B if you
11 go actually to the article. But you attend a
12 brainstorming session at VPD headquarters; right?

13 A Yes.

14 Q And I just want to zero in on this for a moment.
15 It's the main boardroom, or sorry, the boardroom
16 at the 312 Main Street headquarters?

17 A Yes. It was not our headquarters by that time,
18 but it was one of our main buildings, yes.

19 Q And you're one of 18 police officers in attendance
20 by my count?

21 A That looks about right.

22 Q There's a Keith Davidson from the RCMP, and Bev
23 Zaporzan from the Burnaby RCMP?

24 A Yes.

25 Q Neil Trainor from the National Crime Faculty in

1 the UK?

2 A Yes.

3 Q And then yourself and 14 VPD colleagues?

4 A Yes.

5 Q And just to put this in context, temporal context
6 again, at this point in time Robert William
7 Pickton remains Lori Shenher's prime number one
8 suspect in the disappearances that are attracting
9 all this media attention; right?

10 A He was certainly a suspect that had been reported,
11 and I've given evidence about the compelling
12 information from Hiscox. It had not been elevated
13 to the point that it was not too long after when
14 Caldwell came forward, but certainly in her mind
15 he was a good suspect that required investigation
16 absolutely. I wouldn't want to leave the
17 impression that there weren't other suspects that
18 the missing review team, which hadn't even been
19 formed at that time, were not investigating,
20 because there were many. I believe that they
21 investigated over 500 tips. I recall reading a
22 report from Sergeant Field in which she remarked
23 that what was frightening was the sheer number of
24 violent predatory men that might be capable of
25 such a thing. So it's easy to look a straight

1 line back to Pickton now. It wasn't so clear
2 then. It was certainly good information, but from
3 my own experience being in the sexual offence
4 squad and in that section around that time there
5 were many violent predators that looked like they
6 might be capable of this sort of thing that were
7 arrested for very serious offenses. So I wouldn't
8 want anybody to be left with the impression that
9 it was crystal clear that Pickton was the right
10 suspect. There was important information pointing
11 to him that demanded investigation, and at that
12 point I could point to a number of other suspects
13 too that looked like very worthy of investigation,
14 and were being investigated.

15 Q Thank you. But at that point, May the 13th, 1999,
16 you personally were aware of Pickton's name as a
17 suspect that Shenher had identified on the basis
18 of credible information?

19 A No, I don't know that I was aware at that time. I
20 don't know that that information was even brought
21 up at that meeting, because that's not what the
22 meeting was about. And, in fact, my recollection
23 even of material and interviews of Detective
24 Constable Shenher at the time was that she was
25 maintaining very careful control over that

1 information so as not to compromise an ongoing
2 investigation. So I actually have no recollection
3 of that particular issue being brought up. What I
4 remember the brainstorming was about was how to
5 advance the missing women investigation generally,
6 what should be the strategies, techniques and so
7 on. It was not a brainstorming session about this
8 discrete piece of information that Detective
9 Constable Shenher was working on with Corporal
10 Connor.

11 Q All right. You're describing your recollection of
12 a meeting that occurred some twelve and a half
13 years ago?

14 A Yes. But if that sort of information had come up
15 I would have been extremely interested in that
16 information. And I do recall generally, it is a
17 long time ago, but I do recall generally the round
18 table conversation and it was about different
19 strategies and what sort of a suspect that we
20 should be focusing on, what characteristics that
21 suspect would have, how do we get to him when
22 there's this lack of witnesses, lack of forensic
23 evidence, lack of an accurate date last seen, lack
24 of a body, all the challenges of an investigation
25 where the evidence was the absence of the women.

1 So I'm actually quite confident that wasn't
2 brought up because that would have piqued my
3 interest and many others, and in fact I think it
4 would have changed the focus of the meeting to
5 talking about that information.

6 Q Well, hang on for a second. Maggie de Vries has
7 been very public; right?

8 A Yes.

9 Q Maggie de Vries was the impetus for the attorney
10 general's meeting, I suggest.

11 A I don't know if that's true.

12 Q We can go over the timeline and I'll suggest that,
13 and we'll look at it later. Lori Shenher's
14 tipster said, and I'm paraphrasing, that there was
15 a farmer out in Port Coquitlam named Willie
16 Pickton who was responsible for Sarah's
17 disappearance and had the means to dispose of
18 bodies by grinding them up; right?

19 A I became aware of that information doing my
20 review, but I do not believe -- you'll be able to
21 ask Detective Constable Shenher, but I do not
22 believe that information was even raised at the
23 meeting of May 1999.

24 Q All right. Anyway, you've agreed, and it's common
25 knowledge that police officers are trained to keep

1 notes, they're required to do so by their
2 regulations and procedures manual in the Vancouver
3 department; right?

4 A They're required to keep notes of, for example,
5 investigations that they conduct, things that are
6 important to keep notes about. They don't
7 necessarily make notes about everything they do
8 during a day. And it depends on their assignment.
9 There's a difference between, for example, a
10 patrol officer keeping a notebook and a detective
11 who keeps notes in individual investigative files,
12 for example.

13 Q All right. But police officers based -- you've
14 been with the VPD 30 years?

15 A Yes.

16 Q And you know that VPD officers are issued little
17 personal notebooks, they fill them up with the
18 activities that occur while they're on duty so
19 that they can refresh their memories if they're
20 called about later to testify about something that
21 happened on a particular day; right?

22 A Yes, frontline officers do that.

23 Q All right. You've got 14 members of the VPD at
24 this meeting; right?

25 A Yes.

1 Q Including yourself?

2 A Yes.

3 Q You're a sergeant then?

4 A Yes.

5 Q You're the only person at this meeting with major
6 case management file training?

7 A Yes.

8 Q You've got 18 years of experience under your belt?

9 A Yes.

10 Q Who at this meeting is more senior than you in
11 terms of time served with the VPD?

12 A Oh, there's a number of people there that are
13 senior to me. Sergeant Field, Ron Powell, Al
14 Howlett, Stu Cunningham, Brock Giles. There's
15 probably more senior to me than not.

16 Q All right. And you're clearly an intelligent,
17 talkative and opinioned person; is that fair?

18 A I'm being led into something here.

19 Q Sorry, let me rephrase that. Let me rephrase
20 that.

21 THE COMMISSIONER: I'd say that's pretty fair.

22 MR. WARD: Well, I try not to be unfair. Let me rephrase that.

23 Q You weren't shy about endeavouring to make a
24 contribution to this brainstorming session that
25 was convened to deal with the issue of sex trade

1 workers going missing from the Downtown Eastside,
2 were you, sir?

3 A I doubt I would have been shy.

4 Q Have you found, have you even looked for the other
5 members' notes of this meeting?

6 A I think that I recall reading Geramy Field made
7 some notes of this meeting and the suggestions
8 that came out of that. I would have to check to
9 confirm, but I recall reading some brief notes
10 that she had made. It was her meeting.

11 Q You're the VPD point person on this missing woman
12 review?

13 A Yes.

14 Q And you're the point person for the purposes of
15 this inquiry; right?

16 A Yes.

17 Q Did you ask these other attendees at any time
18 since you were commissioned to do your work in
19 2002 to produce their notebooks or their notes
20 from this particular event?

21 A Well, what we did in the VPD was that every member
22 of the Vancouver Police Department was directed to
23 provide any and all notes and records of anything
24 that they had to do with the missing women
25 investigation, so I had to be satisfied with that.

1 And like I say what I recall is a fairly free
2 wheeling discussion about it, and it was Sergeant
3 Field's meeting that she'd invited people to and I
4 believe that she did take some notes.

5 MR. WARD: All right. It may be a convenient time for the
6 break, Mr. Commissioner, I'm going to move to
7 another event next.

8 THE COMMISSIONER: All right. The hearing will now recess for
9 15 minutes.

10 **(PROCEEDINGS ADJOURNED AT 3:03 P.M.)**

11 **(PROCEEDINGS RESUMED AT 3:18 P.M.)**

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

13 MR. WARD: Thank you, Mr. Commissioner.

14 Q Deputy, I just actually have a few more questions
15 about this record which is at tab 26 of Phase 4 in
16 the binder, the typewritten document referencing
17 the brainstorming session of May 13th, 1999. Do
18 you still have that in front of you?

19 A Yeah. And now that I look at it I see the notes
20 that I recalled are actually at the bottom of that
21 document. Notes from the meeting is what it is.

22 Q Do you know whose notes these are?

23 A I believe that they are Sergeant Field's, but I
24 can't be certain. It was her meeting, so.

25 Q All right. And this is the only record you've

1 been able to unearth about what happened at this
2 particular meeting; is that right?

3 A To my recollection this is the only notes of that
4 meeting. There are other references to the
5 meeting, I believe, in the documentation.

6 Q And I asked you this already, I think, but you did
7 not specifically go to the attendees in the course
8 of your review and ask them to retrieve their
9 notebooks from this period to see if they had
10 handwritten notes, did you?

11 A No. I relied on the direction that had been given
12 to every member of the police department to
13 produce all notes which included handwritten notes
14 in people's notebooks which I did receive.

15 Q Do you recall how long this meeting lasted?

16 A No, I don't.

17 Q All right. Just referring to the notes at the
18 bottom of this first page, it looks like Sergeant
19 Geramy Field gave an introduction; correct?

20 A Yes.

21 Q Followed by an overview by Lori. That would be
22 Detective Constable Shenher?

23 A Yes.

24 Q About the status of the investigation to date
25 presumably?

1 A Yes.

2 Q And your evidence is that you don't recall her
3 mentioning the Hiscox tip or the fact that this
4 farmer in Port Coquitlam was a prime suspect. Is
5 that your evidence?

6 A That's my evidence. And as I think more about it
7 and think back to the meeting it would have been
8 unwise of her to bring that information up about
9 the investigation, an active investigation into a
10 suspect that could conceivably compromise the
11 investigation in this large group of people rather
12 than keeping it confined to people that needed to
13 know. So I don't believe that she did bring it
14 up, and I don't believe that she should have
15 brought it up.

16 Q Well, you've got dozens of women who have gone
17 missing from the area around 312 Main Street, it's
18 in the front pages of the newspapers, it's in the
19 newspapers regularly. Who needs to know? Doesn't
20 anybody in the VPD who has an interest in solving
21 these crimes or potential crimes need to know?

22 A No.

23 Q All right.

24 A If there's a suspect that's being actively
25 investigated the last thing that you want to do is

1 share it with people who don't need to know
2 because it could compromise the investigation.
3 I've had personal experience with information
4 heading back to suspects in ways that you would
5 have never dreamed of because of loose lips.

6 Q All right. Just referring to the note in the next
7 line:

8 Suggestions re publicizing the photos
9 commercially on billboards by sponsors.
10 Is that someone's idea to put the photos of the
11 women on billboards?

12 A That's what I infer from that.

13 Q That was not done; correct?

14 A No, I don't believe so.

15 Q Now, I want to skip a few lines and focus on this
16 entry in the note:

17 Large amounts of cash or drugs would get them
18 anywhere.

19 Do you see that?

20 A Yes.

21 Q You've got women who are in the survival sex trade
22 who have gone missing?

23 A Yes.

24 Q And we heard evidence that survival sex trade
25 means that they turn tricks for as little as three

1 and five dollars an encounter.

2 A I didn't hear that evidence, but I wouldn't
3 disagree with you that that's possible.

4 Q As a matter of common sense someone in the
5 survival sex trade is not going to accept a ride
6 from someone who says he's taking her out to Port
7 Coquitlam, what, a 45 minute or an hour drive from
8 downtown Vancouver, to perform a sexual service
9 for three to five dollars, it's not going to
10 happen is it?

11 A Not for three to five dollars.

12 Q So this reference -- and just to put the shoe on
13 the other foot for a moment. A john, a client, is
14 not going to pick up a woman in Downtown Eastside,
15 drive her to Port Coquitlam for a single sexual
16 encounter and pay her five dollars and then make a
17 round trip back to the Downtown Eastside and then
18 back home to Port Coquitlam. It's a matter of
19 common sense that's unlikely to happen; right?

20 A When you include the five dollars in it, yes. If
21 you'd left that out and knowing in fact that is
22 what happened or women did go out there.

23 Q So I suggest this reference in the note based on
24 your recollection of the meeting, "Large amounts
25 of cash or drugs would get them anywhere," is

1 someone at the meeting saying well, look, chances
2 are that these women who have gone missing from
3 the Downtown Eastside, bodies haven't turned up,
4 have been lured by the inducement of large amounts
5 of cash and/or drugs to somewhere outside of the
6 city centre; right?

7 A That's one possibility. I suspect from looking at
8 the notes and my recollection and seeing that Dave
9 Dickson was there is that's the same sort of
10 information that he provided to me when I
11 interviewed him is that a sex trade worker would
12 do just about anything, you know, if there was
13 cash involved. I think his statement was there
14 could be a gun sitting on the dashboard and they
15 would ignore it, you know, if they need the money
16 for their next fix. So I think that you're
17 inferring more than I can infer from that
18 information. Just that a sex trade worker who is
19 driven by her addictions would do just about
20 anything to get her next fix.

21 Q Isn't it a reasonable inference from this line in
22 the note that if there -- it would require -- or
23 they would go anywhere for large amounts of cash
24 or drugs?

25 A Yes.

1 Q A long trip?

2 A Yes, I think that's a reasonable inference.

3 Q Now, if you couple that suggestion or note with
4 the Hiscox tip, information that a pig farmer, a
5 named individual in Port Coquitlam may be
6 responsible for Sarah's disappearance and others,
7 has the ability to grind up women's bodies so
8 there's no trace, put two and two together at this
9 point there's something worthy of serious
10 consideration, isn't there?

11 A Well, I agree with you that the information from
12 Hiscox was very worthy of consideration, and in
13 fact it was being worked on. I think that you're
14 looking backwards rather than how it would look
15 looking forward. I don't see anything that's
16 remarkable to anybody that knows anything about
17 survival sex trade workers that a sex trade worker
18 would get into a car for large amounts of money or
19 drugs, that it's just not that remarkable. It's
20 certainly consistent with the information that was
21 being received from Hiscox about Pickton, but it
22 wasn't being married up at that meeting, for
23 example.

24 Q So the 18 experienced police officers drawn
25 together to brainstorm this didn't marry up this

1 information?

2 A Well, no, because the police officers at this
3 meeting, other than probably Detective Constable
4 Shenher and Sergeant Field, weren't aware of that
5 information from Hiscox.

6 Q And Shenher and Field opened the meeting,
7 according to the notes, they were informing and
8 explaining the status of the file to the rest in
9 the room and looking for help; right?

10 A Yes. But if you're inferring that they would have
11 provided that information I don't think so at all.
12 As I've said it wouldn't have been proper to
13 provide that. I believe it was more about look,
14 this is how many women we've got reported missing,
15 these are the steps that we've gone through to try
16 to find them, we've been unsuccessful for the most
17 part, here is the profile of the women, the
18 characteristics that they shared. That's the sort
19 of information I would expect to hear is this is
20 what we've done so far. I would not expect her to
21 provide specific information about a suspect who
22 was currently under investigation.

23 Q Well, you see 12 years ago, if you project
24 yourself back then 12 years ago sitting in that
25 boardroom, the name Willie Pickton, Robert William

1 Pickton would have meant nothing to you; right?

2 A Probably not.

3 Q You hadn't encountered the man in your police
4 work?

5 A No.

6 Q And Field and Shenher overtaxed, looking for
7 assistance trying to solve this case that's
8 attracting all this media attention get everybody
9 together to get the benefit of their collective
10 minds, investigative minds trained on the issue;
11 right?

12 A Yes.

13 Q And you say that no discussion of any potential of
14 prime suspects comes up?

15 A That wasn't the purpose of the meeting. You can
16 look at the notes and see the nature of the notes
17 doesn't reveal what you're trying to get me to
18 say, I think. But it doesn't actually make any
19 sense from a police investigative point of view,
20 it would not have been proper to bring that up, it
21 was not the purpose of the meeting. It was
22 appropriate that they keep that sort of
23 information close to the vest. It wasn't to
24 discuss investigative strategies about Pickton
25 which was -- they wouldn't have wanted to

1 compromise that investigation, and I know that
2 Detective Constable Shenher would have been
3 careful about that.

4 Q All right. These notes you would agree are pretty
5 sparse?

6 A Yes.

7 Q And not very illuminating; correct?

8 A They're brief.

9 Q All right. The meeting itself in the boardroom at
10 the detachment wouldn't have been recorded by a
11 video or audio?

12 A No.

13 Q At this point in time when you attend the meeting
14 you're no longer preoccupied with the work of the
15 Home Invasion Task Force because it's winding
16 down; isn't that right?

17 A No.

18 Q I thought you were -- shortly after this you were
19 able to release one or more people from the task
20 force?

21 A Yes, we were downsizing slightly because we'd
22 achieved the first objective which was to suppress
23 the crimes, make them stop, and we had been
24 successful in that and that gave some breathing
25 room around investigating it. And I would have to

1 check my records, but it was around that time that
2 I was returning to my substantive assignment and
3 leaving Acting Sergeant McCluskey in charge of the
4 Home Invasion Task Force, but I would not want to
5 agree that I wasn't preoccupied with work, because
6 I was very preoccupied with work. All of us had
7 busy jobs.

8 Q Fair enough. The meeting wraps up and you go back
9 to your jobs and your respective duties. We see
10 from the binder of media publications that the
11 story of the missing women appears throughout the
12 rest of the summer regularly in the local print
13 media; right?

14 A Yes.

15 Q Still lots of media interest?

16 A I think so, certainly by a couple of key
17 reporters.

18 Q Sir, given your 18 years of experience, your major
19 case management training, your voracious reading
20 about investigations and your desire to enhance
21 public safety in the City of Vancouver, why didn't
22 you in the months following this meeting take any
23 personal ownership in the issue of the
24 disappearances of the women?

25 A I was not the sergeant assigned to this

1 investigation. The investigation had a capable
2 sergeant. If I had been asked to provide
3 assistance I would have. I wasn't familiar with
4 the investigation that was going on, and in fact I
5 asked the inspector in charge at the time because
6 he had asked me to do a review of an
7 under-performing investigation and why he hadn't
8 taken advantage of some skills that I had to do a
9 review of this investigation, and his response was
10 that he thought that it was proceeding fine, that
11 he thought it was performing well. So to say I
12 returned to my assignment, which was a very busy
13 assignment, and it wasn't my role to be inquiring
14 into everybody else's investigations. There was
15 hundreds of investigations going on.

16 Q I think I stumbled over a newspaper report from
17 early '99 that said your Home Invasion Task Force
18 war room, which was the subject of a photograph,
19 very impressive facility, was right across from
20 the hall from Detective Shenher's missing persons
21 unit office; is that right?

22 A It must have been a wide angle lens being used,
23 because the room was actually identical I think.
24 It was a small stuffy room with no windows. So
25 what was impressive, I think, must have been the

1 graphics we had on the walls.

2 Q They were. But it was across the hall from
3 Detective Shenher's office where she was working
4 on the missing person files?

5 A Yes, it was close by.

6 Q And you didn't in passing in the corridors ask her
7 what's new, what's happening, I see it's still in
8 the papers, got any good leads, anything like
9 that?

10 A I didn't really know Detective Constable Shenher
11 that well. I do recall talking to her on
12 occasion, but no, I don't recall anything specific
13 like that. People were busy with their own
14 assignments, and I was busy with mine, and
15 certainly curious about it, but no, I wasn't going
16 around and asking everybody about their
17 investigations.

18 Q All right. Could I ask you, please, to --
19 Mr. Registrar, to show the witness, I think it's
20 called Witness Brief Documents Volume 2. It
21 contains Phase 4. Could you please turn to tab 12
22 under Phase 4. This should be a VPD memo dated
23 November 21, 2000, so almost exactly eleven years
24 ago, from Detective Constable Lori Shenher to
25 Inspector Spencer and Sergeant Field.

1 A Yes.

2 Q And this, as I understand it, is a summary
3 memorandum that Detective Constable Shenher
4 delivered as she was transferring away from the
5 Missing Persons Unit; is that right?

6 A I think that's right.

7 Q And you've seen this before?

8 A Yes.

9 Q And what she's doing here is she's providing an
10 overview of what has been done during her tenure
11 in the Missing Persons Section which began in July
12 of '98 up until the end of November 2000. Do you
13 see that?

14 A Yes.

15 Q And as had been noted previously, if you turn over
16 to page 3, under the heading Potential Suspects
17 she's identified, actually incorrectly, William
18 Robert Pickton as the first of the three suspects?

19 A Yes.

20 Q And described the Hiscox tip; correct?

21 A Yes.

22 Q I don't want to go over that again, but if I could
23 ask you to turn to page 6 of her memorandum under
24 the heading Police Avenues she describes her
25 efforts in liaising with police about the issue

1 and assistance she was seeking on the
2 investigation; right?

3 A Yes.

4 Q Look at the heading VPD at the bottom of that
5 page. You see it?

6 A Yes, yes.

7 Q Shenher writes this:

8 I have made regular submissions to the VPD
9 patrol bulletin board, all sworn members'
10 e-mail, and the patrol briefing boards in
11 each district advising them of updates in the
12 case and asking members to forward any
13 information they may gather on these files to
14 us.

15 Do you see that?

16 A Yes.

17 Q This has been moderately successful.
18 However, despite our best efforts at making
19 members aware of this investigation many seem
20 to have little knowledge of it.

21 Do you see that?

22 A Yes.

23 Q So that's despite the various news articles that
24 are appearing in the local press, and despite her,
25 as she puts it, regular submissions to all sworn

1 members' e-mail. Do you see that?

2 A Yes.

3 Q Now, you of course were in the e-mail loop back
4 then?

5 A If it was to all sworn members, yes.

6 Q So you would have been getting Detective Constable
7 Shenher's regular updates?

8 A If it went to all members and not to -- I read
9 from that that she was sending it to patrol
10 members, but if it went to all members I would
11 have received them.

12 Q Now, sir, you're familiar with the documents,
13 right, at least the ones you've looked at?

14 A Yes.

15 Q I've struggled moderately with this Cloud Based
16 Concordance system, again I don't pretend to have
17 a grasp of them all, but doing our very, very best
18 for literally months we haven't been able to find
19 more than one, maybe two documents that could be
20 characterized as Shenher's regular e-mail
21 investigative updates. Have you seen those?

22 A I don't recall seeing information that's described
23 here, no.

24 Q Well, it would be kind of important to know,
25 wouldn't it, if Shenher was briefing other members

1 on the status of the investigation in trying to
2 get some help on this file that was taxing her to
3 the maximum?

4 A I think the context of this is that she was
5 providing information to patrol members so that
6 they would provide information to her about
7 suspicious characters, for example, that were
8 picking up sex trade workers or assaulting sex
9 trade workers, that kind of thing, to try and
10 identify a suspect pool. So a lot of information
11 was coming in like that, because my understanding
12 is that they had investigated over 500 tips, and
13 they had many more than that that they hadn't got
14 to. So information was certainly coming in, and
15 many suspects were being looked at, but no, I
16 agree I don't recall seeing those specific e-mails
17 that are referred to here.

18 Q All right. Let me just ask you to flip ahead a
19 couple of tabs to tab 14 while I've got this book
20 open. This is an RCMP document from 00/02/11, so
21 February 11, 2000. Do you see that?

22 A Yes.

23 Q It's Investigator Cater, it looks like from
24 Coquitlam; right?

25 A Yes.

1 Q It's a reference to Pickton as a suspect then.
2 We're now up in early 2000.

3 A Yes.

4 Q Writer has placed a call to the Ministry
5 of Education in Victoria - Historical and GED
6 /transcripts.

7 What they're after there is they're trying to come
8 up with some sort of profile on this suspect;
9 right?

10 A Yes.

11 Q Let me direct you to this next paragraph in the
12 Coquitlam RCMP note to file. Actually it's a
13 continuation report.

14 Writer, Cater, has also learned of a member
15 of the Vancouver Police Department who
16 apparently used to interact with the Picktons
17 as a child, that is they used to play
18 together. Writer discussed this avenue of
19 investigation with Constable Yurkiw and
20 Corporate McCartney and it was decided that
21 this potential be pursued.

22 Do you see that?

23 A Yes.

24 Q The member to be consulted is Sergeant Larry
25 Butler at phone number, message left on this date

1 on pager and they plan to follow up. Do you see
2 that?

3 A Yes.

4 Q Now, Sergeant Larry Butler was a member of the
5 Vancouver Police Department?

6 A Correct.

7 Q A member of the motorcycle gang squad?

8 A Yes.

9 Q Now unfortunately diseased?

10 A That's correct.

11 Q You've seen, of course, in the course of your
12 review the references in various documents to the
13 proximity of motorcycle gang activities in the
14 Pickton farm?

15 A Yes, I've seen some references to that.

16 Q Now, VPD Sergeant Larry Butler with this childhood
17 friendship with Robert William Pickton was
18 correctly tagged, I suggest, as a good resource to
19 try to get a profile on this character, this
20 suspect; right?

21 A To get background information about his family
22 life and that sort of thing, yes.

23 Q Do you know whether VPD Sergeant Butler provided
24 the RCMP with the information they were seeking?

25 A I don't know that.

1 Q It appears that Cater, at least, and the others he
2 conferred with at Coquitlam didn't see any harm in
3 contacting VPD Sergeant Butler about the Pickton
4 connection and alerting him to the fact that
5 Pickton might be a suspect. Fair?

6 A Yes, to communicate with one person and do that in
7 such a way that it's understood that the
8 information is confidential, that would be far
9 different than talking about it in a room --
10 excuse me, a room full of people.

11 Q All right. Now, I want to take you a couple of
12 months ahead of that May brainstorming session to
13 this specific date, July the 30th, 1999. All
14 right. The reference in your report, Exhibit 1,
15 is page 117. And you'll be familiar with this I
16 expect. This is described up in the top right of
17 page 117 as Detective Constable Chernoff, and
18 Detective Lepine, both of VPD; right?

19 A Yes.

20 Q Meet with Caldwell for third debrief?

21 A Yes.

22 Q Caldwell's the second informant who fingers
23 Pickton as a probable or likely suspect in the
24 disappearances?

25 A Yes.

1 Q And it looks like these two VPD members spend some
2 considerable time that day with Caldwell?

3 A Yes.

4 Q In the course of their attendance with Caldwell on
5 the 30th of July, 1999 they receive all of the
6 information you've summarized at pages 118, 119,
7 120; right?

8 A Correct.

9 Q And that includes at page 119, for instance:
10 Caldwell said based on his personal
11 observation while staying at the property
12 that Pickton kept an automatic rifle in the
13 closet in the trailer.

14 A Can you just point me to the bullet, 'cause --

15 Q Last bullet, right-hand column, half way down the
16 page, page 120, Caldwell said that Pickton kept an
17 automatic rifle in the closet in the trailer.

18 A Yes.

19 Q I think it was described somewhere else as having
20 a big long clip in it; right?

21 A Yes, as having a large magazine as I recall.

22 Q And I think you said, correct me if I'm wrong, but
23 it was ironic, because that's essentially the
24 evidence that Wells used, Nathan Wells, some two
25 and a half years later in February of 2005 to get

1 a search warrant to enter the Pickton property;
2 correct?

3 A Well, the difference in the information was the
4 recency, number one, is that my understanding is
5 that Constable Wells had recent information from
6 an informant which would be necessary to convince
7 a Justice of the Peace to issue a search warrant
8 whereas this information was a little bit more
9 dated. But if the inference to be drawn that that
10 is something to investigate, well then I agree.
11 And my understanding is that Corporal Connor was
12 in consultation with Crown counsel about issues
13 such as a search warrant, so that Crown counsel
14 was aware of that information and I would expect
15 would give an assessment of the possibility of
16 getting a search warrant, for example. I don't
17 know what their conversations were, but I do know
18 that from reading Corporal Connor's notes that at
19 one point he writes that he left the investigative
20 file with Crown counsel to digest I think was his
21 words.

22 Q Well, let's just look at what's going on this day.
23 The day seems to start about 1:15 p.m., I'm on
24 page 117 now. VPD Detectives Chernoff and Lepine
25 pick Caldwell up in Surrey and they go to

1 Pickton's property in Port Coquitlam; right?

2 A Yes.

3 Q 953 Dominion Avenue. And just to be clear, you
4 know from all your document review and work on
5 this file both Pickton brothers lived on that
6 property?

7 A Yes.

8 Q Dave in a house at what I'll call the front close
9 to Dominion Avenue, and Robert William or Willie
10 in a trailer in behind near the other
11 outbuildings?

12 A Yes.

13 Q So they go there, the property is described, they
14 also visit around the corner, 2552 Burns Road,
15 Piggy's Palace, an after-hours club described as
16 being very popular; right?

17 A Yes.

18 Q And you know from all your work on this file that
19 that was an unlawful drinking establishment that
20 was frequented by many members of the community,
21 including motorcycle gang members and sex trade
22 workers?

23 A I know that it was frequented by sex trade workers
24 and I'm told motorcycle gang members. I don't
25 know whether it was illegal.

1 Q You know that it was eventually shut down by the
2 city?

3 A I'm not sure that I knew that.

4 Q Fair enough. The events of the day are discussed,
5 but I want to take you to something specific here
6 on page 119, top of the page, top bullet on the
7 left. And this is Caldwell reporting to Detective
8 Chernoff and Detective Lepine of the Vancouver
9 Police Department, your police department, these
10 facts based on his stay on the premises. He said
11 -- you say this in summarizing what the tip was:

12 During his stay in the trailer Caldwell
13 observed that cockfighting events were taking
14 place in the barn. Apparently the cockfights
15 occurred every weekend in the summer and once
16 each month for the balance of the year. As
17 many as 30 to 40 cars of people would come to
18 place bets on the cockfights.

19 Do you see that?

20 A Yes.

21 Q And around this time, I say around this time, but
22 there was surveillance being conducted
23 sporadically on this particular property; right?

24 A Correct.

25 Q And lots of cars were coming and going as noted by

1 the surveillance team; correct?

2 A Yes.

3 Q I looked at a '99 calendar and I can tell you July
4 30th was a Friday. Do you accept that?

5 A I'll take your word for it.

6 Q All right. And I looked up some old newspapers
7 and it appears that the year before 1998 the RCMP
8 did a big bust on a cockfighting operation in
9 Burnaby. Do you remember that?

10 A No, I do not.

11 Q All right. Cockfighting you know as a law
12 enforcement officer is a serious criminal offence,
13 it involves cruelty to animals and it's unlawful?

14 A I agree that it is cruelty to animals and so for
15 that I think it's serious. Cockfighting has never
16 been in part of my policing experience.

17 Q All right. You know from your general experience
18 it's an illegal activity?

19 A Yes.

20 Q Friday, July 30th, VPD Officers Chernoff and
21 Lepine acquire this direct firsthand information
22 that every weekend in the summer cockfights occur
23 on this property attended by 30 or 40 people.
24 This is the middle of the summer, July the 30th;
25 right?

1 A Yes.

2 Q Right then and there they've got plenty at hand to
3 get a warrant to search that property for
4 cockfighting birds or equipment based on
5 information that illegal activities are occurring
6 there; right?

7 A I would want to review this, but to confirm my
8 understanding was that the cockfighting events,
9 I'm not sure which property they were taking place
10 on, but if they were on the property that Willie
11 Pickton lived on then I agree that that's
12 interesting information, if that's the case then I
13 would have some more comments about that.

14 Q Well, you wrote this, sir, and let's just look at
15 what you've written.

16 During his stay in the trailer Caldwell
17 observed that cockfighting events were taking
18 place in the barn.

19 And then he draws a picture for Lepine and
20 Chernoff that's referenced on the next page, page
21 120, pointing out where the trailer is vis-a-vis
22 the barn, where the pigs are killed, and so on.

23 Every weekend in the summer 30 or 40 cars of
24 people come to place bets on the cockfights.

25 A Yes.

1 Q There you go, they've got firsthand solid
2 information they can use to obtain a warrant to
3 enter that property and search for cockfighting
4 equipment, don't they?

5 A Well, I would say not so fast. It might be that
6 that's good information to search for cockfighting
7 equipment, but first of all their assignment was
8 to handle the informant Caldwell. They were
9 assigned that by Corporal Connor, they were
10 reporting back to him all the information, they
11 weren't running off wild on their own, and there
12 was many members involved in the investigation at
13 the time. And just seeing that information on the
14 face of it I would want to be very careful with
15 proceeding with that information, because that's
16 not really what they're investigating, and that's
17 something that I would have wanted to consult with
18 Crown counsel on because there can be issues with
19 getting a search warrant for one purpose when your
20 intended purpose is actually something quite
21 different. So there are some legal issues that I
22 certainly would want to have consulted and got
23 some legal advice and not possibly compromise an
24 investigation into something much more serious
25 than cockfighting.

1 Q All right. Thank you. Based on your own personal
2 experience and your applications for search
3 warrants I understand that are used as precedents
4 one can be obtained in a matter of a few hours;
5 right?

6 A That would be extraordinarily quickly.

7 Q You can do it over the telephone?

8 A Certain warrants can be done over the telephone,
9 but only if it's not practicable to do it in
10 person, so there are certain types of warrants
11 that a telewarrant is available. But simply even
12 writing an information to obtain and the process
13 of getting a warrant in a couple of hours would be
14 very quick. And in any case if what you're
15 suggesting is they should have just gone out and
16 done that right at the moment, I would strongly
17 disagree with you, is that there needed to be a
18 proper co-ordinated investigation that this
19 information would feed into and it needs to be
20 highly organized. We're not talking about
21 cockfighting here, we're talking about information
22 about a woman being killed on this property, and
23 so it's not -- that's a very significant step that
24 you're not going to go into and compromise,
25 possibly compromise an investigation without

1 thinking it through very carefully and considering
2 whether that's the right time to do that.

3 Q All right. Thanks. Every police officer has a
4 duty to try to prevent crimes from occurring?

5 A Yes, the police have a common law duty to prevent
6 crime.

7 Q And cockfighting is a crime?

8 A Yes, but if you're trying to compare the
9 seriousness of cockfighting to the murder of women
10 I think we're down the wrong road.

11 Q All right. Well, then Nathan Wells must have gone
12 down the wrong road in February 4th and 5th of
13 2002, 'cause he was looking for illegal guns?

14 A Yes, but Nathan Wells wasn't involved in the
15 investigation of information about Pickton, he was
16 I believe a street crime drug squad officer who
17 was a completely separate investigation. He was
18 never part of the crew of Coquitlam investigators
19 at any time from 1998, 1999 and so on. So he
20 received information about an illegal firearm, he
21 went and got a search warrant for it, he did it
22 without knowledge to my understanding of anything
23 else that was going on on that property. And good
24 for him, his -- the fact that he got a search
25 warrant is what created the break in the case that

1 resulted in Pickton's arrest.

2 Q Just a couple of points and --

3 THE COMMISSIONER: You know what, I don't want to interrupt
4 your cross-examination, but I have some concerns
5 about sort of the legal jousting you're doing with
6 the witness. In fact, there's considerable merit
7 to what he said about obtaining a warrant for one
8 purpose. And you're suggesting that by getting a
9 warrant on the reasonable grounds to believe
10 there's cockfighting going on in order to
11 investigate a murder, and there's a -- I'm not so
12 sure that's -- there's a legal, sound legal basis
13 for doing that, and so I just ask you to be
14 careful in the legal principles that you're
15 suggesting to the witness.

16 MR. WARD: I accept that, and I understand that,
17 Mr. Commissioner. Let me put it a slightly
18 different way to this witness and then we can call
19 it a day.

20 Q Certainly every police officer aware of the
21 disappearances of the missing women and the theory
22 that someone -- someone or some people were
23 killing them would want those crimes to stop?

24 A Yes, of course.

25 Q And just accept for the moment that on at least

1 two occasions that I'm aware of the RCMP have
2 raided cockfighting operations and taken a large
3 number of people into custody. A raid on the
4 Pickton's cockfighting activities, if they were
5 occurring there, might have had the incidental
6 effect of impressing upon Mr. Pickton that he was
7 the subject of some serious police attention and
8 that might discourage him from continuing with his
9 murders. Is that fair? Is that analysis fair?

10 A No, I don't -- I don't agree with your whole line
11 of questioning on this, and I'll defer to
12 Commissioner Oppal.

13 Q All right.

14 A I think that it quite possibly could have had the
15 opposite effect of what was intended.

16 Q Encourage him to kill more people?

17 A Well, one possibility is he might have thought the
18 police are inept, that they're raiding him for
19 cockfighting while he's killing women and
20 emboldened him further. The fact is Pickton was
21 being extorted at the time, he was aware of police
22 interest, apparently he reported that he
23 understood that he was under surveillance, and yet
24 women continued to be killed on his property. So
25 I'm just saying that it's much more complex than

1 you're trying to make it out to be and that these
2 decisions would have to be considered very
3 carefully and not in a knee jerk way. And when
4 you're talking about strategies like search
5 warrants where evidence, for example, that might
6 have been used against him for a murder might end
7 up being ruled inadmissible because of the conduct
8 of the investigation or using one type of warrant
9 as a ruse for something else, those are very
10 serious things to consider.

11 Q You I thought said one of the investigative
12 strategies was to bring him in on something and
13 lodge him in a cell and put a cell plant with him?

14 A Yes.

15 Q All right. You said a moment ago Pickton might
16 have thought the police were inept if they were
17 raiding him for cockfighting. I'm going to
18 suggest to you before we close today the police
19 were inept in the handling of the missing women
20 investigations, weren't they?

21 A I think that after the summer of 1999 when there
22 was more to be done and it didn't get sufficient
23 priority it was an inadequate response. I would
24 say that -- not that there won't be errors that
25 will be found, things that could have been done

1 differently, that's true of every case, but I
2 think until the end of the summer of 1999 the
3 investigators were very diligent about
4 investigating that information. I don't think
5 they were inept at all. I think the ineptness was
6 after the summer of 1999 when sufficient resources
7 and priority were not applied to the information
8 that had been received to date.

9 MR. WARD: Thank you, sir. I note the time, Mr. Commissioner.

10 THE COMMISSIONER: All right. We'll adjourn.

11 THE REGISTRAR: This hearing is now adjourned for the day and
12 will resume at ten o'clock tomorrow morning.

13 **(PROCEEDINGS ADJOURNED AT 4:03 P.M.)**

14
15 I hereby certify the foregoing to be a
16 true and accurate transcript of the
17 proceedings herein transcribed to the
18 best of my skill and ability.

19
20
21 Peri McHale
22 Official Reporter
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INDEX OF PROCEEDINGS

DOUGLAS ALAN LEPARD (for the Commission)

Cross-examination by Mr. Hern 1

Cross-Examination By Mr. Ward 93

EXHIBITS

NO.	DESCRIPTION	PAGE
	(EXHIBIT F FOR IDENTIFICATION: Binder of Documents)	90

<div>•</div> <div>'90^[1] - 110:2</div> <div>'98^[2] - 55:23, 151:12</div> <div>'99^[7] - 115:25, 117:9, 124:13, 128:15, 130:3, 149:17, 162:3</div> <div>/</div> <div>/transcripts^[1] - 155:6</div> <div>0</div> <div>00019^[1] - 24:12</div> <div>001-001005^[1] - 108:11</div> <div>1</div> <div>1^[11] - 17:6, 52:24, 62:1, 93:17, 97:9, 99:8, 100:2, 120:7, 157:14, 1:4</div> <div>10^[2] - 89:12, 89:13</div> <div>100^[1] - 82:3</div> <div>10:04^[1] - 1:3</div> <div>10:59^[1] - 42:25</div> <div>10th^[1] - 88:19</div> <div>11^[4] - 37:9, 68:20, 114:4, 154:21</div> <div>117^[3] - 157:15, 157:17, 159:24</div> <div>118^[1] - 158:6</div> <div>119^[3] - 158:6, 158:9, 161:6</div> <div>11:14^[1] - 43:1</div> <div>12^[6] - 70:19, 73:13, 119:11, 145:23, 145:24, 150:21</div> <div>120^[3] - 158:7, 158:16, 163:21</div> <div>12:22^[1] - 93:1</div> <div>13^[3] - 74:11, 108:9, 114:3</div> <div>13th^[4] - 118:14, 130:3, 132:15, 138:17</div> <div>14^[6] - 2:5, 2:6, 108:10, 131:3, 135:23, 154:19</div> <div>140^[1] - 129:8</div> <div>15^[8] - 11:9, 11:21, 42:24, 103:10, 103:11, 103:15, 119:4, 138:9</div> <div>16^[3] - 17:4, 20:10,</div>	<div>24:12</div> <div>1610^[1] - 89:15</div> <div>17^[8] - 18:10, 23:24, 24:7, 26:14, 27:3, 29:14, 114:13, 114:15</div> <div>18^[5] - 80:20, 130:19, 136:8, 144:24, 148:18</div> <div>19^[2] - 88:22, 119:10</div> <div>1980s^[1] - 79:2</div> <div>1981^[1] - 118:7</div> <div>1989^[1] - 110:2</div> <div>1990^[5] - 82:17, 82:23, 83:16, 84:23, 111:6</div> <div>1991^[4] - 82:17, 82:23, 83:16, 84:24</div> <div>1992^[1] - 31:12</div> <div>1993^[2] - 31:11, 31:12</div> <div>1997^[2] - 15:17, 117:18</div> <div>1998^[9] - 6:1, 28:15, 29:4, 36:24, 48:20, 77:24, 78:2, 162:7, 166:19</div> <div>1999^[34] - 6:1, 31:13, 34:11, 34:12, 34:17, 75:4, 86:12, 88:5, 88:18, 89:19, 112:5, 114:2, 114:7, 116:2, 116:23, 116:25, 117:5, 118:13, 119:6, 119:8, 119:11, 120:25, 122:21, 125:23, 129:4, 132:15, 134:23, 138:17, 157:13, 158:5, 166:19, 169:21, 170:2, 170:6</div> <div>1:15^[1] - 159:23</div> <div>1st^[1] - 20:13</div> <div>2</div> <div>2^[9] - 55:5, 61:17, 61:22, 98:11, 100:19, 101:1, 103:13, 150:20</div> <div>20^[1] - 32:4</div> <div>2000^[10] - 31:11, 31:17, 88:20, 89:12, 89:13, 117:19, 150:23, 151:12, 154:21, 155:2</div> <div>2001^[8] - 28:16, 29:5, 76:2, 106:4, 111:7, 111:18, 112:10,</div>	<div>113:6</div> <div>2002^[15] - 2:20, 3:10, 5:2, 11:7, 14:10, 45:24, 55:10, 55:23, 58:8, 62:23, 104:13, 106:10, 128:12, 137:19, 166:13</div> <div>2003^[2] - 43:16, 89:2</div> <div>2004^[7] - 12:16, 46:17, 46:22, 56:9, 60:9, 91:23, 104:18</div> <div>2005^[3] - 49:12, 60:9, 158:25</div> <div>2006^[3] - 56:24, 58:1, 62:16</div> <div>2008^[2] - 49:9, 75:11</div> <div>2009^[1] - 48:24</div> <div>2010^[9] - 11:12, 12:1, 17:6, 20:14, 58:4, 58:14, 92:13, 98:22, 103:13</div> <div>2011^[3] - 1:2, 27:9, 62:19</div> <div>21^[2] - 115:9, 150:23</div> <div>22^[4] - 1:2, 27:9, 74:9, 100:2</div> <div>22nd^[1] - 91:22</div> <div>23^[1] - 129:9</div> <div>233^[1] - 77:10</div> <div>23rd^[1] - 91:23</div> <div>246^[1] - 77:10</div> <div>25^[1] - 58:1</div> <div>2552^[1] - 160:14</div> <div>26^[3] - 91:24, 129:23, 138:15</div> <div>27th^[1] - 34:11</div> <div>28^[1] - 130:1</div> <div>29^[4] - 118:13, 118:14, 130:1, 130:4</div> <div>297^[2] - 2:7, 2:12</div> <div>2:00^[1] - 93:2</div> <div>2nd^[1] - 5:2</div> <div>3</div> <div>3^[4] - 35:15, 55:15, 129:23, 151:16</div> <div>30^[5] - 84:19, 135:14, 161:17, 162:23, 163:23</div> <div>301^[1] - 2:8</div> <div>30th^[5] - 157:13, 158:5, 162:4, 162:20, 162:24</div> <div>31^[2] - 121:16, 121:20</div> <div>312^[3] - 121:19, 130:16, 140:17</div> <div>32^[1] - 88:23</div> <div>33^[3] - 94:15, 95:2,</div>	<div>113:20</div> <div>338^[1] - 55:7</div> <div>339^[2] - 55:7, 61:20</div> <div>36^[3] - 94:13, 94:15, 95:2</div> <div>3:03^[1] - 138:10</div> <div>3:18^[1] - 138:11</div> <div>4</div> <div>4^[7] - 52:19, 56:2, 64:11, 68:21, 138:15, 150:21, 150:22</div> <div>4,700^[1] - 81:23</div> <div>40^[3] - 161:17, 162:23, 163:23</div> <div>45^[1] - 142:7</div> <div>490^[1] - 93:21</div> <div>4:03^[1] - 170:13</div> <div>4th^[1] - 166:12</div> <div>5</div> <div>5^[1] - 56:13</div> <div>5,000^[1] - 11:16</div> <div>50^[4] - 56:10, 56:19, 56:21, 58:2</div> <div>500^[2] - 131:21, 154:12</div> <div>5th^[5] - 2:19, 3:10, 14:14, 106:9, 166:12</div> <div>6</div> <div>6^[3] - 57:25, 119:5, 151:23</div> <div>6th^[1] - 2:19</div> <div>7</div> <div>7^[1] - 58:4</div> <div>72^[1] - 103:13</div> <div>79^[2] - 120:8, 120:12</div> <div>7th^[1] - 119:7</div> <div>8</div> <div>8^[4] - 12:8, 13:24, 61:23, 71:22</div> <div>88^[1] - 120:9</div> <div>89^[1] - 120:9</div> <div>8th^[1] - 129:8</div>	<div>9</div> <div>9^[3] - 64:7, 72:5, 73:12</div> <div>9-1-1^[10] - 82:20, 83:5, 84:6, 84:10, 84:22, 85:21, 86:2, 86:15, 87:2, 87:16</div> <div>90^[3] - 120:11, 120:12, 2:5</div> <div>93^[1] - 1:5</div> <div>953^[1] - 160:3</div> <div>99^[1] - 58:12</div> <div>9th^[3] - 120:14, 120:25, 125:23</div> <div>A</div> <div>A.M^[3] - 1:3, 42:25, 43:1</div> <div>ability^[3] - 58:17, 144:7, 170:18</div> <div>able^[19] - 28:9, 41:2, 47:25, 48:10, 54:12, 58:23, 85:10, 85:19, 103:2, 109:6, 112:25, 126:15, 126:17, 127:7, 128:12, 134:20, 139:1, 147:19, 153:18</div> <div>Aboriginal^[2] - 64:14, 66:10</div> <div>aboriginal^[7] - 62:11, 62:18, 63:4, 63:8, 63:14, 65:17, 65:22</div> <div>absence^[3] - 36:4, 36:12, 133:25</div> <div>absences^[1] - 35:8</div> <div>absolutely^[11] - 29:16, 38:21, 44:3, 45:16, 83:17, 86:21, 116:17, 116:21, 116:22, 129:14, 131:16</div> <div>abusing^[1] - 80:8</div> <div>accept^[5] - 20:1, 142:5, 162:4, 167:16, 167:25</div> <div>access^[2] - 94:20, 96:15</div> <div>accessed^[1] - 99:6</div> <div>according^[2] - 112:17, 145:7</div> <div>accordingly^[1] - 96:3</div> <div>account^[6] - 13:3, 15:3, 15:5, 63:8, 88:15, 89:19</div>
---	---	---	---	--

<p>accountable [2] - 86:11, 87:21</p> <p>accounted [1] - 58:13</p> <p>accuracy [3] - 28:2, 39:23, 40:5</p> <p>accurate [14] - 12:22, 12:23, 12:25, 13:3, 15:3, 15:5, 15:7, 57:17, 71:16, 80:6, 82:4, 95:24, 133:23, 170:16</p> <p>accurately [1] - 91:7</p> <p>achieve [1] - 52:5</p> <p>achieved [1] - 147:22</p> <p>acknowledge [1] - 28:15</p> <p>acknowledged [3] - 8:22, 10:23, 51:18</p> <p>acknowledging [1] - 4:14</p> <p>acquaintances [1] - 14:9</p> <p>acquire [1] - 162:21</p> <p>Acting [3] - 121:1, 127:17, 148:3</p> <p>action [1] - 65:7</p> <p>actions [2] - 4:24, 66:21</p> <p>active [3] - 81:15, 111:21, 140:9</p> <p>actively [1] - 140:24</p> <p>activities [4] - 135:18, 156:13, 163:5, 168:4</p> <p>Activities [1] - 81:6</p> <p>activity [4] - 14:4, 67:3, 111:4, 162:18</p> <p>acts [1] - 40:3</p> <p>actual [7] - 36:21, 38:14, 39:7, 46:14, 78:24, 84:19, 97:2</p> <p>Adam [19] - 12:14, 12:24, 13:6, 14:1, 14:18, 104:17, 105:7, 105:12, 107:14, 107:19, 108:1, 108:4, 108:20, 110:1, 110:7, 110:11, 111:2, 113:23, 114:11</p> <p>Adam's [1] - 13:3</p> <p>Adams' [1] - 106:14</p> <p>add [1] - 22:16</p> <p>addicted [3] - 47:12, 47:15, 49:5</p> <p>addiction [1] - 45:8</p> <p>addictions [5] - 44:8, 44:22, 45:2, 48:8, 143:19</p> <p>additional [4] - 62:13,</p>	<p>91:8, 94:17, 103:1</p> <p>address [4] - 40:11, 49:4, 58:23, 68:13</p> <p>addressed [2] - 56:20, 56:22</p> <p>adequate [2] - 2:24, 101:2</p> <p>adequately [2] - 3:15, 3:23</p> <p>adjectives [2] - 17:24, 18:2</p> <p>adjourn [2] - 92:23, 170:10</p> <p>ADJOURNED [4] - 42:25, 93:1, 138:10, 170:13</p> <p>adjourned [2] - 92:25, 170:11</p> <p>ADM [1] - 100:12</p> <p>admitted [1] - 21:6</p> <p>adopt [1] - 26:13</p> <p>adopts [3] - 19:12, 24:6, 72:25</p> <p>advance [1] - 133:5</p> <p>advantage [2] - 49:16, 149:8</p> <p>advice [2] - 60:22, 164:23</p> <p>advise [2] - 91:6, 91:7</p> <p>advising [1] - 152:11</p> <p>advocacy [2] - 46:16, 68:10</p> <p>advocate [3] - 49:7, 80:15, 82:13</p> <p>advocates [1] - 79:23</p> <p>affairs [1] - 97:14</p> <p>Affairs [2] - 97:18, 97:19</p> <p>after-hours [1] - 160:15</p> <p>after-the-fact [1] - 36:18</p> <p>agencies [4] - 53:6, 53:10, 72:16</p> <p>agency [1] - 76:11</p> <p>aggressive [2] - 18:8, 102:25</p> <p>ago [9] - 51:15, 75:11, 96:1, 133:13, 133:17, 145:23, 145:24, 150:24, 169:15</p> <p>agree [19] - 22:1, 30:15, 30:16, 33:10, 39:8, 43:24, 105:1, 105:8, 124:5, 127:7, 127:25, 144:11, 147:4, 148:5, 154:16, 159:10, 162:14, 163:11,</p>	<p>168:10</p> <p>agreed [5] - 16:11, 85:15, 122:1, 124:22, 134:24</p> <p>agreeing [1] - 115:21</p> <p>agreement [4] - 16:9, 16:21, 67:9, 115:18</p> <p>ahead [4] - 41:7, 115:8, 154:18, 157:12</p> <p>aid [1] - 127:13</p> <p>aided [4] - 84:11, 85:17, 85:22, 87:20</p> <p>aides [2] - 121:9, 128:10</p> <p>AI [2] - 43:16, 136:13</p> <p>ALAN [2] - 1:19, 1:3</p> <p>alarming [1] - 63:14</p> <p>alerting [1] - 157:4</p> <p>Allan [1] - 88:1</p> <p>Allan's [3] - 85:25, 88:15, 89:19</p> <p>allegedly [1] - 2:23</p> <p>allegation [2] - 25:18, 88:6</p> <p>allegations [10] - 3:1, 19:14, 20:19, 20:20, 20:22, 26:24, 29:14, 77:18, 78:16, 79:13</p> <p>allege [1] - 86:14</p> <p>alleged [2] - 88:4, 111:5</p> <p>allegedly [2] - 13:5, 14:17</p> <p>allocated [1] - 30:14</p> <p>allow [1] - 92:22</p> <p>allowed [1] - 65:12</p> <p>almost [4] - 40:22, 52:17, 80:23, 150:23</p> <p>alternative [1] - 8:6</p> <p>altogether [2] - 26:21, 51:12</p> <p>America [2] - 5:5, 9:14</p> <p>amount [2] - 47:24, 75:12</p> <p>amounts [5] - 141:17, 142:24, 143:4, 143:23, 144:18</p> <p>ample [1] - 8:23</p> <p>analysis [5] - 2:11, 34:15, 34:16, 114:20, 168:9</p> <p>Analysis [1] - 61:18</p> <p>analytical [1] - 58:22</p> <p>analyzing [1] - 41:19</p> <p>Andrea [2] - 93:11, 93:13</p> <p>Andy [1] - 119:9</p> <p>Angela [2] - 93:10, 93:13</p>	<p>angle [1] - 149:22</p> <p>animals [2] - 162:13, 162:14</p> <p>animus [2] - 22:12, 43:9</p> <p>anomalous [3] - 59:5, 60:3, 60:14</p> <p>answer [4] - 26:14, 26:23, 35:3, 104:8</p> <p>anyway [3] - 7:12, 97:9, 134:24</p> <p>apart [1] - 92:16</p> <p>apologize [1] - 92:11</p> <p>appear [1] - 18:2</p> <p>appeared [5] - 84:25, 117:23, 118:3, 118:14, 126:11</p> <p>appearing [3] - 117:21, 118:10, 152:24</p> <p>application [1] - 95:18</p> <p>applications [1] - 165:2</p> <p>applied [1] - 170:7</p> <p>applies [1] - 128:7</p> <p>appreciate [2] - 51:20, 66:20</p> <p>apprehension [1] - 106:16</p> <p>approach [1] - 7:8</p> <p>approached [1] - 41:18</p> <p>appropriate [5] - 7:10, 35:12, 74:4, 96:12, 146:22</p> <p>appropriately [1] - 83:8</p> <p>April [17] - 31:17, 31:22, 33:23, 91:22, 91:23, 91:24, 112:10, 113:6, 119:5, 119:7, 119:11, 120:14, 120:25, 124:13, 125:22, 128:14, 129:4</p> <p>area [11] - 7:13, 70:12, 71:1, 71:7, 73:17, 74:4, 74:6, 74:18, 75:22, 77:16, 140:17</p> <p>areas [2] - 6:15, 87:10</p> <p>argued [1] - 37:9</p> <p>arise [1] - 70:17</p> <p>arose [1] - 75:23</p> <p>arrangements [3] - 74:13, 96:12, 97:24</p> <p>arrest [4] - 22:6, 31:14, 34:3, 167:1</p> <p>arrested [1] - 132:7</p> <p>arrive [2] - 12:12,</p>	<p>104:15</p> <p>arrived [2] - 9:1, 112:25</p> <p>article [10] - 11:22, 12:4, 16:2, 16:6, 16:12, 16:13, 16:24, 80:21, 80:24, 130:11</p> <p>articles [12] - 4:22, 117:17, 117:21, 117:23, 118:2, 118:9, 118:14, 119:6, 119:17, 121:25, 130:1, 152:23</p> <p>aside [1] - 123:18</p> <p>aspect [1] - 36:16</p> <p>aspects [2] - 1:25, 44:15</p> <p>assassination [1] - 10:10</p> <p>assault [5] - 83:17, 84:22, 110:2, 110:8, 111:5</p> <p>assaulted [1] - 81:19</p> <p>assaulting [1] - 154:8</p> <p>assaults [1] - 79:15</p> <p>assembled [3] - 94:12, 98:5, 117:17</p> <p>assert [1] - 28:18</p> <p>assertions [2] - 29:20, 30:2</p> <p>assess [2] - 12:18, 104:21</p> <p>assessment [4] - 114:20, 114:23, 115:1, 159:15</p> <p>assigned [7] - 17:16, 54:11, 56:16, 69:15, 69:16, 148:25, 164:9</p> <p>assignment [6] - 47:18, 135:8, 148:2, 149:12, 149:13, 164:7</p> <p>assignments [1] - 150:14</p> <p>assist [6] - 15:13, 16:25, 50:7, 74:20, 76:3, 97:3</p> <p>assistance [8] - 21:7, 22:24, 60:23, 71:4, 74:22, 146:7, 149:3, 152:1</p> <p>Assistant [1] - 60:4</p> <p>assisted [1] - 6:7</p> <p>assisting [2] - 68:15, 69:22</p> <p>assists [3] - 29:10, 50:6, 50:9</p> <p>associated [3] - 59:20, 59:25, 67:17</p>
--	---	--	---	--

<p>Association [3] - 53:12, 60:8, 62:16</p> <p>assume [5] - 20:19, 21:12, 23:3, 23:5, 87:12</p> <p>assumed [1] - 113:23</p> <p>assumes [1] - 36:25</p> <p>assuming [4] - 13:2, 15:3, 21:22, 25:3</p> <p>assumption [2] - 30:17, 30:19</p> <p>astounding [1] - 115:10</p> <p>AT [8] - 1:3, 42:25, 43:1, 93:1, 93:2, 138:10, 138:11, 170:13</p> <p>attach [1] - 100:15</p> <p>attachment [1] - 100:23</p> <p>attacks [1] - 38:6</p> <p>attempt [2] - 25:1, 30:2</p> <p>attend [5] - 15:12, 15:13, 81:12, 130:11, 147:13</p> <p>attendance [2] - 130:19, 158:4</p> <p>attended [1] - 162:23</p> <p>attendeess [4] - 122:5, 127:15, 137:17, 139:7</p> <p>attention [10] - 5:19, 80:12, 109:22, 124:3, 124:7, 124:11, 131:9, 146:8, 168:7</p> <p>Attorney [3] - 100:11, 121:7, 121:8</p> <p>attorney [7] - 121:13, 123:19, 124:16, 124:21, 125:23, 128:9, 134:9</p> <p>attracting [7] - 122:2, 122:3, 124:3, 124:7, 124:10, 131:8, 146:8</p> <p>attribute [1] - 105:6</p> <p>attributed [1] - 110:3</p> <p>audio [1] - 147:11</p> <p>audit [3] - 56:8, 56:11, 56:16</p> <p>author [1] - 104:13</p> <p>authored [3] - 55:24, 56:1, 64:16</p> <p>authoring [2] - 55:25, 71:11</p> <p>automatic [2] - 158:12, 158:17</p> <p>available [11] - 11:18, 29:4, 52:19, 52:22,</p>	<p>60:21, 64:8, 91:14, 96:5, 101:23, 111:8, 165:11</p> <p>avenue [1] - 155:18</p> <p>Avenue [2] - 160:3, 160:9</p> <p>avenues [1] - 101:22</p> <p>Avenues [1] - 151:24</p> <p>avoid [1] - 23:17</p> <p>award [1] - 46:23</p> <p>Award [1] - 47:1</p> <p>aware [26] - 4:14, 59:21, 78:21, 79:4, 88:6, 88:7, 91:16, 91:20, 92:4, 97:23, 98:8, 98:10, 99:5, 110:5, 110:9, 118:9, 127:14, 132:16, 132:19, 134:19, 145:4, 152:19, 159:14, 167:20, 168:1, 168:21</p> <p style="text-align: center;">B</p> <p>background [4] - 32:2, 39:13, 54:5, 156:21</p> <p>backwards [1] - 144:14</p> <p>bad [1] - 82:19</p> <p>balance [1] - 161:16</p> <p>banjo [3] - 108:17, 109:20, 109:23</p> <p>Bankers [1] - 95:14</p> <p>Bar [1] - 74:1</p> <p>barn [3] - 161:14, 163:18, 163:22</p> <p>barrier [1] - 44:21</p> <p>barriers [14] - 43:25, 44:5, 44:9, 45:10, 45:12, 46:2, 65:21, 66:25, 67:15, 76:9, 76:10, 76:12, 76:15, 77:4</p> <p>bars [1] - 45:15</p> <p>Based [1] - 153:15</p> <p>based [14] - 9:2, 17:23, 29:6, 102:4, 104:5, 111:18, 126:1, 129:13, 135:13, 142:23, 158:10, 161:10, 163:4, 165:1</p> <p>basement [1] - 78:7</p> <p>basic [1] - 22:1</p> <p>basis [6] - 56:21, 73:5, 76:16, 105:1, 132:17, 167:12</p>	<p>Bass [6] - 43:16, 60:5, 100:7, 121:3, 125:24, 128:6</p> <p>BC [6] - 1:1, 53:12, 60:8, 60:10, 72:18, 72:21</p> <p>became [5] - 5:16, 5:23, 6:5, 91:20, 134:19</p> <p>become [6] - 26:19, 33:20, 34:9, 44:14, 58:25, 91:16</p> <p>becomes [1] - 48:17</p> <p>began [3] - 65:14, 128:13, 151:11</p> <p>Begg [1] - 100:12</p> <p>begin [3] - 1:15, 92:22, 122:20</p> <p>beginning [4] - 6:4, 9:11, 117:18, 120:13</p> <p>begins [2] - 5:10, 56:2</p> <p>behalf [2] - 64:16, 65:14</p> <p>behaviour [1] - 109:24</p> <p>behind [2] - 45:15, 160:10</p> <p>belief [1] - 60:1</p> <p>believes [1] - 122:14</p> <p>belongs [1] - 102:21</p> <p>below [1] - 14:17</p> <p>belt [1] - 136:8</p> <p>benefit [3] - 7:12, 74:24, 146:9</p> <p>benefits [2] - 12:19, 104:21</p> <p>besmirch [1] - 25:1</p> <p>best [5] - 62:20, 63:1, 152:18, 153:17, 170:18</p> <p>bets [2] - 161:18, 163:24</p> <p>better [13] - 4:8, 31:15, 46:20, 49:3, 49:7, 58:22, 64:13, 65:22, 68:23, 69:10, 69:11, 69:21, 95:17</p> <p>between [12] - 1:17, 22:13, 29:4, 35:4, 39:5, 43:9, 43:22, 52:6, 72:8, 72:17, 97:1, 135:9</p> <p>Bev [1] - 130:22</p> <p>bewildering [1] - 81:10</p> <p>bias [7] - 27:20, 35:16, 35:17, 41:18, 41:24, 42:13, 87:9</p> <p>biased [1] - 17:22</p> <p>Biddlecombe's [1] - 34:12</p>	<p>big [6] - 25:18, 30:23, 84:7, 124:8, 158:20, 162:8</p> <p>billboards [2] - 141:9, 141:11</p> <p>binder [15] - 1:12, 2:5, 17:4, 19:17, 20:11, 49:22, 62:1, 80:20, 88:22, 89:23, 103:11, 117:12, 129:25, 138:16, 148:10</p> <p>Binder [2] - 90:16, 2:6</p> <p>binders [19] - 1:6, 56:6, 62:1, 93:22, 93:24, 94:13, 94:17, 94:21, 95:2, 95:8, 95:22, 95:24, 96:4, 96:12, 96:20, 99:9, 99:13, 99:15, 129:22</p> <p>birds [1] - 163:4</p> <p>bit [5] - 31:15, 77:19, 92:8, 109:9, 159:8</p> <p>bizarre [1] - 25:12</p> <p>blame [1] - 27:20</p> <p>blamed [3] - 3:15, 3:23, 7:20</p> <p>blameless [1] - 27:19</p> <p>blaming [1] - 4:13</p> <p>blocks [1] - 121:18</p> <p>board [3] - 62:10, 86:20, 152:9</p> <p>Board [1] - 97:23</p> <p>boardroom [4] - 130:15, 145:25, 147:9</p> <p>boards [1] - 152:10</p> <p>bodies [3] - 134:18, 143:3, 144:7</p> <p>body [3] - 33:23, 58:24, 133:24</p> <p>book [3] - 120:1, 120:3, 154:19</p> <p>Borhaven [1] - 93:13</p> <p>Boston [1] - 74:1</p> <p>bottom [9] - 5:9, 13:22, 81:3, 81:22, 89:3, 138:20, 139:18, 152:4</p> <p>Bottomley [1] - 93:12</p> <p>bottoms [1] - 101:20</p> <p>Boxes [1] - 95:14</p> <p>boxes [1] - 96:19</p> <p>Boyd [2] - 121:2, 127:17</p> <p>brainstorm [1] - 144:25</p> <p>brainstorming [8] - 129:19, 130:8, 130:12, 133:4,</p>	<p>133:7, 136:24, 138:17, 157:12</p> <p>Branch [1] - 100:13</p> <p>break [11] - 12:5, 12:13, 13:25, 42:20, 42:22, 77:23, 104:16, 125:12, 125:18, 138:6, 166:25</p> <p>breathing [1] - 147:24</p> <p>Brenda [1] - 93:11</p> <p>Brief [1] - 150:20</p> <p>brief [10] - 61:17, 64:23, 65:4, 65:5, 77:13, 89:1, 89:2, 118:3, 137:9, 147:8</p> <p>briefed [2] - 54:8, 67:13</p> <p>briefing [4] - 54:17, 67:9, 152:10, 153:25</p> <p>briefly [6] - 10:11, 48:25, 53:4, 53:25, 68:6, 74:15</p> <p>briefs [1] - 88:12</p> <p>bring [5] - 95:7, 140:8, 140:13, 146:20, 169:12</p> <p>broadcast [1] - 5:2</p> <p>broadest [1] - 40:24</p> <p>Brock [1] - 136:14</p> <p>brothers [4] - 108:2, 109:12, 111:3, 160:5</p> <p>brought [9] - 5:21, 6:9, 33:2, 80:15, 95:2, 132:20, 133:3, 134:2, 140:15</p> <p>build [1] - 68:9</p> <p>building [1] - 49:16</p> <p>buildings [1] - 130:18</p> <p>bullet [3] - 158:14, 158:15, 161:6</p> <p>bulletin [1] - 152:9</p> <p>bunch [1] - 30:19</p> <p>Burnaby [3] - 59:16, 130:23, 162:9</p> <p>Burns [1] - 160:14</p> <p>burying [1] - 109:5</p> <p>bust [1] - 162:8</p> <p>busy [4] - 148:7, 149:12, 150:13, 150:14</p> <p>Butler [5] - 155:25, 156:4, 156:16, 156:23, 157:3</p> <p>BY [2] - 1:20, 93:15</p>
<p>C</p>				
<p>cabinet [5] - 121:9,</p>				

<p>123:18, 124:17, 125:23, 128:9</p> <p>Calder [1] - 6:2</p> <p>Caldwell [12] - 47:11, 131:14, 157:20, 158:2, 158:4, 158:10, 158:16, 159:25, 161:7, 161:12, 163:16, 164:8</p> <p>Caldwell's [1] - 157:22</p> <p>calendar [1] - 162:3</p> <p>Cambie [1] - 78:8</p> <p>Cameron [2] - 32:18, 93:7</p> <p>Canada [6] - 19:25, 61:14, 63:14, 64:15, 65:17, 74:5</p> <p>Canada's [3] - 11:23, 16:14, 104:2</p> <p>Canadian [3] - 5:21, 54:16, 62:16</p> <p>cannot [1] - 29:23</p> <p>canvass [1] - 36:25</p> <p>canvassed [1] - 6:23</p> <p>capable [3] - 131:24, 132:6, 149:1</p> <p>capacity [2] - 49:10, 58:22</p> <p>captured [1] - 91:6</p> <p>car [1] - 144:18</p> <p>Cara [1] - 93:9</p> <p>careful [8] - 1:23, 28:17, 105:6, 115:23, 132:25, 147:3, 164:14, 167:14</p> <p>carefully [2] - 166:1, 169:3</p> <p>carries [1] - 73:13</p> <p>carry [4] - 3:13, 4:17, 5:22, 103:2</p> <p>cars [4] - 109:4, 161:17, 161:25, 163:23</p> <p>case [44] - 2:25, 12:17, 15:24, 16:22, 32:1, 34:3, 34:5, 35:25, 43:11, 43:19, 44:20, 53:20, 54:2, 54:9, 54:11, 54:16, 54:22, 57:13, 59:18, 89:25, 92:4, 92:5, 102:10, 103:1, 104:20, 116:3, 116:4, 116:24, 117:8, 120:2, 122:1, 123:23, 124:22, 128:19, 128:22, 136:6, 146:7,</p>	<p>148:19, 152:12, 163:12, 165:14, 166:25, 170:1</p> <p>cases [8] - 54:19, 57:12, 63:7, 78:21, 79:1, 79:4, 80:12, 86:18</p> <p>cash [5] - 141:17, 142:25, 143:5, 143:13, 143:23</p> <p>casts [1] - 88:14</p> <p>catalyst [2] - 69:7, 107:13</p> <p>catch [1] - 10:22</p> <p>Catching [1] - 11:23</p> <p>Cater [3] - 154:23, 155:14, 157:1</p> <p>caught [2] - 52:7, 116:16</p> <p>Caught [1] - 104:2</p> <p>caused [1] - 92:12</p> <p>cell [2] - 169:13</p> <p>census [3] - 71:6, 73:17, 74:6</p> <p>centre [3] - 82:24, 83:3, 143:6</p> <p>Centre [1] - 75:14</p> <p>centred [1] - 2:22</p> <p>certain [6] - 7:19, 22:4, 72:20, 138:24, 165:8, 165:10</p> <p>certainly [29] - 12:25, 13:15, 25:11, 34:9, 60:21, 69:7, 69:12, 72:15, 74:20, 74:22, 76:6, 78:21, 97:20, 102:22, 116:4, 116:5, 122:3, 124:8, 124:10, 126:9, 131:10, 131:14, 132:2, 144:20, 148:16, 150:15, 154:14, 164:22, 167:20</p> <p>certify [1] - 170:15</p> <p>cetera [3] - 27:20, 117:25, 125:24</p> <p>chain [2] - 72:23, 72:24</p> <p>chairman [2] - 6:13, 37:24</p> <p>challenges [2] - 62:13, 133:24</p> <p>chances [1] - 143:1</p> <p>change [3] - 70:16, 91:19, 92:16</p> <p>changed [7] - 11:5, 55:22, 57:7, 57:18, 58:18, 91:14, 134:4</p> <p>changes [15] - 45:23,</p>	<p>48:11, 48:23, 49:25, 50:1, 50:8, 51:22, 56:4, 57:3, 62:10, 62:22, 62:24, 63:6, 69:5, 91:8</p> <p>channels [1] - 99:7</p> <p>Chapter [1] - 35:15</p> <p>character [3] - 10:9, 26:19, 156:19</p> <p>characteristics [2] - 133:20, 145:18</p> <p>characterization [1] - 5:23</p> <p>characterize [1] - 108:21</p> <p>characterized [4] - 4:20, 83:15, 98:9, 153:20</p> <p>characters [4] - 108:12, 108:15, 109:19, 154:7</p> <p>charge [8] - 31:14, 46:3, 54:3, 56:16, 66:10, 76:17, 148:3, 149:5</p> <p>charged [2] - 46:8, 79:5</p> <p>Charges [1] - 2:14</p> <p>charges [2] - 46:6, 88:25</p> <p>check [8] - 89:14, 89:17, 92:22, 110:7, 123:8, 128:19, 137:8, 148:1</p> <p>checked [2] - 88:19, 110:11</p> <p>Chernoff [5] - 157:17, 159:24, 161:8, 162:20, 163:20</p> <p>Cheryl [1] - 19:24</p> <p>Chief [31] - 1:16, 6:19, 20:15, 20:25, 21:8, 21:13, 22:21, 23:17, 24:18, 24:23, 25:4, 25:9, 26:4, 27:23, 29:10, 29:19, 30:1, 66:9, 77:12, 93:16, 94:7, 100:6, 103:3, 107:17, 112:13, 113:12, 120:25, 126:2, 127:4, 127:16, 129:3</p> <p>chief [18] - 1:21, 8:13, 19:1, 19:7, 24:12, 27:3, 30:8, 35:3, 43:4, 43:16, 52:7, 52:24, 61:19, 71:11, 83:2, 97:18, 97:20, 117:15</p> <p>Chiefs [3] - 53:12,</p>	<p>60:8, 62:16</p> <p>child [1] - 155:17</p> <p>childhood [1] - 156:16</p> <p>chipper [1] - 78:7</p> <p>choice [1] - 45:4</p> <p>chronology [1] - 28:13</p> <p>Chu [3] - 25:4, 66:9, 100:6</p> <p>circumstance [1] - 7:10</p> <p>circumstances [7] - 30:25, 44:6, 44:7, 45:9, 57:5, 85:4, 116:6</p> <p>cite [2] - 126:10, 128:21</p> <p>cited [1] - 128:17</p> <p>City [3] - 9:7, 53:13, 148:21</p> <p>city [4] - 14:13, 87:5, 143:6, 161:2</p> <p>civilian [1] - 70:12</p> <p>claiming [1] - 78:21</p> <p>Clair [1] - 79:9</p> <p>clarify [1] - 52:17</p> <p>clear [17] - 33:7, 34:5, 34:7, 34:9, 34:17, 38:25, 43:10, 59:3, 59:14, 65:24, 106:14, 121:15, 129:10, 129:14, 132:1, 132:9, 160:3</p> <p>clearer [1] - 121:15</p> <p>clearly [5] - 13:16, 26:5, 34:16, 85:21, 136:16</p> <p>client [2] - 40:24, 142:13</p> <p>climate [1] - 120:22</p> <p>clip [1] - 158:20</p> <p>clipped [1] - 40:12</p> <p>close [10] - 84:13, 90:25, 93:24, 94:14, 99:23, 121:21, 146:23, 150:5, 160:8, 169:18</p> <p>closely [4] - 1:25, 14:8, 14:15, 22:21</p> <p>closet [2] - 158:13, 158:17</p> <p>closing [1] - 14:1</p> <p>Cloud [1] - 153:15</p> <p>club [1] - 160:15</p> <p>CMA [2] - 73:15, 73:17</p> <p>co [7] - 47:17, 49:3, 69:10, 70:5, 74:17, 76:7, 165:18</p> <p>co-operation [2] - 74:17, 76:7</p>	<p>co-ordinate [1] - 49:3</p> <p>co-ordinated [2] - 70:5, 165:18</p> <p>co-ordination [1] - 69:10</p> <p>co-ordinator [1] - 47:17</p> <p>Coastal [1] - 69:15</p> <p>cocaine [1] - 45:6</p> <p>cockfighting [18] - 161:13, 162:8, 162:11, 162:15, 163:4, 163:8, 163:17, 164:3, 164:6, 164:25, 165:21, 166:7, 166:9, 167:10, 168:2, 168:4, 168:19, 169:17</p> <p>cockfights [4] - 161:14, 161:18, 162:22, 163:24</p> <p>Code [1] - 125:8</p> <p>coerce [1] - 78:18</p> <p>coercing [1] - 79:3</p> <p>coherent [1] - 91:3</p> <p>collaborated [2] - 46:16, 46:17</p> <p>collaboration [3] - 74:17, 76:7, 76:21</p> <p>colleagues [2] - 99:23, 131:3</p> <p>collected [3] - 49:24, 93:25, 94:11</p> <p>collection [7] - 56:2, 76:18, 80:23, 93:25, 94:3, 94:9, 117:20</p> <p>collective [1] - 146:9</p> <p>College [1] - 54:17</p> <p>column [2] - 104:11, 158:15</p> <p>combination [1] - 70:12</p> <p>comfortable [2] - 115:19, 115:21</p> <p>coming [12] - 16:25, 30:23, 35:6, 40:1, 83:5, 83:10, 87:9, 117:4, 123:14, 154:11, 154:14, 161:25</p> <p>COMM [6] - 67:5, 67:8, 67:11, 86:2, 86:12, 86:19</p> <p>command [5] - 6:3, 72:24, 72:25, 73:4, 77:1</p> <p>commanders [1] - 54:12</p> <p>comment [7] - 8:19,</p>
--	--	--	--	---

<p>9:6, 22:16, 24:18, 43:5, 96:10, 116:11</p> <p>commentary [1] - 60:24</p> <p>commented [1] - 114:12</p> <p>comments [12] - 9:18, 9:21, 16:21, 20:1, 24:20, 24:24, 25:7, 28:4, 32:20, 81:4, 82:3, 163:13</p> <p>commercially [1] - 141:9</p> <p>commission [21] - 6:16, 6:24, 7:5, 7:15, 22:19, 23:3, 36:17, 37:11, 37:12, 40:18, 50:7, 64:12, 70:23, 70:24, 90:1, 96:1, 96:6, 96:9, 97:1, 97:7, 99:14</p> <p>Commission [1] - 1:3</p> <p>commission's [1] - 104:6</p> <p>commissioned [2] - 94:8, 137:18</p> <p>Commissioner [26] - 36:6, 42:20, 43:8, 49:23, 50:17, 51:20, 52:4, 52:15, 60:5, 61:16, 65:2, 70:20, 77:17, 89:22, 90:24, 92:19, 93:7, 96:14, 111:20, 117:11, 120:11, 138:6, 138:13, 167:17, 168:12, 170:9</p> <p>COMMISSIONER [65] - 1:5, 1:10, 6:12, 7:1, 7:3, 7:14, 7:17, 7:22, 8:2, 8:4, 8:9, 19:21, 20:8, 20:12, 21:12, 21:18, 21:20, 22:1, 22:25, 23:21, 23:25, 24:2, 24:14, 25:24, 26:2, 26:15, 27:1, 29:11, 29:17, 29:22, 30:5, 32:7, 35:1, 36:13, 37:7, 37:16, 38:7, 38:21, 39:24, 40:2, 40:19, 41:7, 42:21, 42:23, 50:15, 51:2, 52:1, 52:5, 52:16, 52:21, 90:6, 92:23, 93:4, 93:6, 95:9, 95:11, 95:17, 97:5, 99:13, 99:17, 99:19, 136:21, 138:8, 167:3, 170:10</p>	<p>commissioner [16] - 1:6, 1:13, 4:3, 6:13, 18:23, 19:24, 29:8, 33:6, 36:14, 39:20, 40:9, 43:5, 56:14, 58:5, 59:2, 77:6</p> <p>commit [1] - 79:14</p> <p>commitment [1] - 44:24</p> <p>committed [2] - 33:16, 44:1</p> <p>Committee [5] - 64:17, 64:20, 66:23, 67:18, 67:23</p> <p>committee [5] - 64:17, 65:8, 65:14, 65:25, 69:5</p> <p>common [4] - 134:24, 142:4, 142:19, 166:5</p> <p>communicate [2] - 82:12, 157:6</p> <p>communicating [2] - 44:11, 46:4</p> <p>communication [5] - 68:12, 83:3, 84:8, 86:11, 125:1</p> <p>communications [6] - 72:1, 82:24, 84:20, 86:4, 124:20, 124:24</p> <p>communities [1] - 74:9</p> <p>Community [1] - 100:12</p> <p>community [15] - 47:3, 48:2, 63:4, 64:19, 65:7, 65:11, 65:18, 66:5, 66:20, 82:14, 87:7, 109:16, 109:18, 117:25, 160:20</p> <p>commuter [1] - 87:20</p> <p>Company [1] - 95:12</p> <p>compare [1] - 166:8</p> <p>compared [1] - 32:4</p> <p>comparison [1] - 32:11</p> <p>compelling [2] - 122:17, 131:11</p> <p>complainant [2] - 83:20, 83:22</p> <p>complaining [1] - 81:19</p> <p>complaint [4] - 84:5, 86:8, 86:19, 87:14</p> <p>complaints [1] - 78:20</p> <p>complete [2] - 28:3, 112:9</p> <p>completely [5] - 22:7, 24:21, 33:16, 48:19, 166:17</p>	<p>completion [1] - 58:2</p> <p>complex [1] - 168:25</p> <p>component [1] - 41:20</p> <p>comprised [1] - 64:18</p> <p>compromise [8] - 16:18, 133:1, 140:10, 141:2, 147:1, 164:23, 165:24, 165:25</p> <p>computer [3] - 84:11, 85:17, 85:22</p> <p>computerized [1] - 58:18</p> <p>concede [2] - 28:24, 29:1</p> <p>conceivably [1] - 140:10</p> <p>concept [1] - 69:9</p> <p>conceptual [1] - 36:2</p> <p>concern [2] - 92:12, 92:15</p> <p>concerned [4] - 15:25, 16:1, 16:17, 119:23</p> <p>concerns [8] - 16:5, 16:6, 16:7, 18:25, 79:21, 90:2, 91:13, 167:4</p> <p>conclude [1] - 10:4</p> <p>concluded [3] - 92:20, 93:5, 109:9</p> <p>concluding [1] - 56:23</p> <p>conclusion [7] - 9:2, 11:3, 27:12, 27:13, 31:8, 97:6, 114:16</p> <p>conclusions [1] - 27:25</p> <p>Concordance [9] - 52:19, 70:22, 96:2, 96:13, 96:14, 103:20, 108:10, 126:16, 153:16</p> <p>concur [1] - 124:5</p> <p>condemnation [1] - 9:13</p> <p>conduct [12] - 2:23, 13:8, 22:5, 36:7, 36:22, 44:11, 56:9, 60:18, 78:23, 113:24, 135:5, 169:7</p> <p>conducted [5] - 17:2, 98:2, 104:13, 107:17, 161:22</p> <p>confer [1] - 124:18</p> <p>conference [1] - 5:7</p> <p>conferred [1] - 157:2</p> <p>confidence [1] - 44:17</p> <p>confident [1] - 134:1</p> <p>confidential [2] - 90:3, 157:8</p> <p>confined [1] - 140:12</p>	<p>confirm [3] - 21:10, 137:9, 163:7</p> <p>confirmation [2] - 21:23, 25:9</p> <p>confirming [1] - 108:13</p> <p>conflicted [2] - 64:24, 65:3</p> <p>confronted [1] - 125:12</p> <p>confronting [1] - 125:15</p> <p>connecting [1] - 114:4</p> <p>connection [2] - 106:24, 157:4</p> <p>Connor [8] - 78:13, 92:9, 102:7, 111:15, 123:9, 133:10, 159:11, 164:9</p> <p>Connor's [1] - 159:18</p> <p>consensus [1] - 76:21</p> <p>consider [2] - 71:15, 169:10</p> <p>considerable [3] - 63:12, 158:2, 167:6</p> <p>consideration [6] - 51:7, 57:2, 57:8, 57:9, 144:10, 144:12</p> <p>considered [6] - 57:6, 57:10, 97:17, 123:6, 124:25, 169:2</p> <p>considering [2] - 86:16, 166:1</p> <p>considers [2] - 66:18, 122:7</p> <p>consistent [7] - 27:25, 62:22, 63:1, 82:4, 115:1, 129:2, 144:20</p> <p>consistently [1] - 75:20</p> <p>Constable [49] - 4:25, 8:16, 8:17, 8:25, 9:19, 9:21, 12:5, 15:8, 25:4, 46:24, 59:22, 66:9, 67:25, 72:22, 78:6, 78:8, 78:11, 88:3, 88:4, 91:21, 92:11, 92:17, 94:8, 100:6, 102:7, 106:21, 107:2, 107:3, 121:1, 122:6, 126:3, 127:2, 127:4, 127:16, 128:18, 129:3, 132:24, 133:9, 134:21, 139:22, 145:3, 147:2, 150:10, 150:24, 151:3, 153:6, 155:19, 157:17, 159:5</p>	<p>constable [3] - 45:4, 97:18, 97:20</p> <p>constantly [1] - 62:25</p> <p>consult [1] - 164:17</p> <p>consultation [3] - 16:10, 16:12, 159:12</p> <p>consulted [4] - 16:20, 90:1, 155:24, 164:22</p> <p>consulting [1] - 63:3</p> <p>consumption [1] - 97:11</p> <p>contact [3] - 81:21, 86:4, 106:22</p> <p>contacting [1] - 157:3</p> <p>contain [1] - 12:4</p> <p>contained [2] - 11:3, 113:17</p> <p>contains [3] - 19:14, 118:4, 150:21</p> <p>contemporaneous [1] - 31:11</p> <p>content [1] - 71:14</p> <p>contents [3] - 117:12, 126:16, 127:5</p> <p>context [11] - 29:9, 29:18, 37:13, 41:8, 87:22, 105:7, 117:10, 121:15, 131:5, 154:4</p> <p>contexts [1] - 44:19</p> <p>continuation [1] - 155:13</p> <p>continue [1] - 54:25</p> <p>continued [2] - 56:21, 168:24</p> <p>continuing [1] - 168:8</p> <p>contracted [1] - 56:8</p> <p>contradict [1] - 89:18</p> <p>contradicts [2] - 21:21, 28:5</p> <p>contrary [2] - 59:10, 85:12</p> <p>contribute [3] - 45:9, 75:1, 124:23</p> <p>contribution [2] - 75:15, 136:24</p> <p>control [1] - 132:25</p> <p>convened [2] - 123:22, 136:25</p> <p>convenience [1] - 53:3</p> <p>convenient [2] - 7:8, 138:5</p> <p>conversation [3] - 3:6, 84:10, 133:18</p> <p>conversations [3] - 28:21, 85:24, 159:17</p> <p>convictions [4] - 16:15, 125:18, 125:19, 125:20</p>
--	--	---	--	--

<p>convince ^[1] - 159:6 copied ^[1] - 100:10 copies ^[4] - 1:14, 11:16, 96:4, 117:11 cops ^[1] - 81:17 copy ^[10] - 1:13, 11:15, 11:17, 64:12, 93:16, 100:5, 100:15, 103:12, 103:23, 103:24 Coquitlam ^[35] - 1:24, 4:9, 4:15, 10:24, 13:17, 17:2, 28:16, 28:19, 28:25, 59:16, 75:4, 101:3, 102:23, 107:20, 108:5, 109:19, 111:2, 112:6, 112:9, 112:10, 112:20, 113:5, 113:11, 113:18, 134:15, 140:4, 142:7, 142:15, 142:18, 144:5, 154:24, 155:12, 157:2, 160:1, 166:18 corner ^[5] - 13:23, 19:19, 24:13, 103:21, 160:14 Corporal ^[9] - 78:12, 92:9, 102:7, 111:15, 123:9, 133:9, 159:11, 159:18, 164:9 Corporate ^[1] - 155:20 correct ^[40] - 2:2, 2:15, 9:5, 9:17, 9:22, 11:6, 15:4, 18:11, 38:12, 40:11, 42:18, 56:11, 57:3, 57:20, 58:3, 61:3, 61:15, 77:14, 77:15, 81:7, 90:12, 93:23, 94:13, 95:3, 105:4, 106:17, 108:5, 114:8, 127:22, 139:19, 141:13, 147:7, 151:20, 156:6, 156:10, 158:8, 158:22, 159:2, 161:24, 162:1 corrected ^[1] - 51:19 corrections ^[3] - 19:5, 91:8, 91:25 correctly ^[5] - 27:9, 98:18, 113:21, 116:1, 156:18 corridors ^[1] - 150:6 costs ^[2] - 12:18, 104:21</p>	<p>counsel ^[15] - 6:16, 6:24, 7:11, 7:15, 23:3, 37:12, 88:23, 93:7, 95:18, 97:1, 97:7, 159:12, 159:13, 159:20, 164:18 counsel's ^[1] - 99:14 counsellors ^[1] - 48:3 count ^[3] - 81:25, 114:3, 130:20 countless ^[1] - 9:14 couple ^[7] - 16:7, 144:3, 148:16, 154:19, 157:11, 165:13, 167:2 course ^[16] - 37:19, 56:11, 88:13, 106:1, 118:1, 118:6, 118:18, 119:17, 121:4, 127:20, 139:7, 153:3, 156:11, 158:4, 167:24 Course ^[1] - 104:2 Court ^[1] - 16:14 cover ^[2] - 11:21, 103:12 coverage ^[4] - 3:14, 3:22, 4:12, 118:19 covered ^[1] - 128:24 CPIC ^[3] - 15:10, 106:19, 106:23 crack ^[2] - 15:24, 45:6 cracked ^[2] - 12:17, 104:20 create ^[1] - 45:21 created ^[9] - 47:2, 67:19, 72:19, 76:5, 76:8, 85:16, 85:21, 90:19, 166:25 creation ^[1] - 111:24 credible ^[3] - 111:11, 112:20, 132:18 crew ^[1] - 166:18 Crey ^[1] - 93:10 Crime ^[3] - 54:4, 56:17, 130:25 crime ^[5] - 44:23, 45:25, 166:6, 166:7, 166:16 Crime.. ^[1] - 121:3 crimes ^[13] - 6:22, 44:1, 44:13, 44:16, 45:10, 45:22, 47:5, 127:24, 140:21, 147:23, 166:4, 167:23 Crimes ^[1] - 66:11 criminal ^[7] - 44:11,</p>	<p>44:17, 54:5, 67:3, 109:24, 111:4, 162:12 Criminal ^[3] - 47:23, 66:12, 125:7 criminally ^[1] - 79:6 criminals ^[1] - 45:14 critical ^[4] - 5:6, 12:13, 21:12, 104:16 criticism ^[5] - 2:22, 9:25, 18:9, 25:12, 51:11 criticisms ^[3] - 18:6, 27:4, 38:8 criticized ^[1] - 51:10 critique ^[5] - 17:17, 18:15, 22:23, 28:8, 114:14 CROSS ^[2] - 1:20, 93:15 Cross ^[1] - 1:5 cross ^[13] - 7:6, 7:11, 21:2, 22:21, 25:21, 39:14, 39:23, 40:1, 40:16, 66:14, 94:21, 167:4, 1:4 CROSS-EXAMINATION ^[2] - 1:20, 93:15 cross-examination ^[8] - 7:6, 7:11, 21:2, 25:21, 39:23, 40:1, 167:4, 1:4 Cross-Examination ^[1] - 1:5 cross-examinations ^[1] - 39:14 cross-examine ^[1] - 40:16 cross-examining ^[1] - 22:21 cross-reference ^[1] - 94:21 cross-section ^[1] - 66:14 crossed ^[1] - 59:6 crosses ^[1] - 63:15 Crown ^[9] - 88:12, 88:23, 88:25, 89:2, 159:12, 159:13, 159:20, 164:18 cruelty ^[2] - 162:13, 162:14 crystal ^[1] - 132:9 CTV ^[1] - 98:25 Cunningham ^[2] - 79:9, 136:14 curious ^[1] - 150:15 current ^[3] - 49:1, 54:23, 55:12</p>	<p>custody ^[1] - 168:3 Cynthia ^[1] - 93:9</p> <p style="text-align: center;">D</p> <p>damage ^[1] - 10:6 Darcy ^[1] - 94:3 Darryl ^[2] - 6:10, 36:14 dashboard ^[1] - 143:14 date ^[21] - 12:1, 18:13, 23:8, 28:24, 29:1, 55:12, 77:18, 82:19, 89:11, 89:12, 89:14, 106:10, 114:6, 120:9, 120:16, 128:25, 133:23, 139:24, 155:25, 157:13, 170:8 dated ^[5] - 17:6, 20:13, 27:9, 150:22, 159:9 Dateline ^[10] - 5:3, 5:5, 5:11, 5:13, 5:15, 8:6, 8:18, 9:11, 9:12, 10:10 dates ^[1] - 119:19 Daughters ^[1] - 119:13 Dave ^[3] - 89:20, 143:8, 160:8 David ^[3] - 100:10, 100:11, 119:7 Davidson ^[1] - 130:22 Davis ^[4] - 46:10, 82:8, 82:17 Davis's ^[3] - 82:7, 83:14, 84:25 Dawn ^[1] - 93:10 day's ^[1] - 41:8 days ^[7] - 20:14, 70:23, 84:19, 95:21, 108:4, 123:2, 123:4 DC ^[1] - 28:4 de ^[4] - 119:11, 119:21, 134:6, 134:9 deaf ^[2] - 95:20, 95:23 deal ^[6] - 28:22, 41:5, 43:14, 57:11, 97:5, 136:25 dealing ^[8] - 19:19, 24:9, 24:11, 34:5, 47:18, 47:21, 61:14, 95:4 deals ^[1] - 2:11 dealt ^[3] - 44:18, 83:8, 96:25 deaths ^[1] - 116:15 debate ^[1] - 72:12</p>	<p>debrief ^[1] - 157:20 decade ^[1] - 107:21 December ^[1] - 117:19 decide ^[1] - 21:5 decided ^[3] - 37:12, 37:13, 155:20 decision ^[10] - 12:19, 16:14, 16:15, 16:22, 16:23, 57:10, 76:15, 76:20, 77:5, 104:22 decisions ^[3] - 73:5, 76:22, 169:2 dedication ^[1] - 33:15 deep ^[2] - 44:8, 45:2 defensive ^[1] - 18:8 defer ^[1] - 168:11 defuse ^[1] - 46:20 delay ^[1] - 85:20 delayed ^[1] - 62:7 deliver ^[1] - 113:8 Deliverance ^[2] - 108:17, 109:20 delivered ^[6] - 103:23, 112:15, 112:24, 113:11, 113:15, 151:4 demand ^[3] - 24:23, 95:18, 116:5 demande ^[2] - 102:25, 132:11 demonstrated ^[1] - 80:10 Department ^[20] - 8:20, 9:4, 23:12, 46:22, 50:20, 50:24, 53:22, 54:7, 61:24, 65:19, 66:8, 70:2, 73:19, 74:22, 75:11, 118:7, 137:22, 155:15, 156:5, 161:9 department ^[6] - 70:9, 70:18, 94:6, 135:3, 139:12, 161:9 Department's ^[3] - 8:24, 71:9, 79:18 department's ^[1] - 75:18 departments ^[11] - 22:13, 61:2, 61:7, 61:13, 73:10, 74:23, 74:25, 76:19, 110:16, 110:19, 112:16 depiction ^[3] - 12:22, 12:23, 12:25 Deputy ^[33] - 1:15, 6:19, 20:14, 20:25, 21:8, 21:13, 22:21, 23:17, 24:17, 24:23, 25:9, 26:4, 27:23,</p>
---	--	---	---	---

29:10, 29:19, 30:1, 42:6, 77:12, 93:16, 100:7, 100:10, 100:11, 103:3, 107:17, 112:13, 113:12, 120:25, 121:7, 125:24, 126:2, 127:4, 127:16, 129:3 deputy [19] - 1:21, 8:13, 19:1, 19:6, 24:12, 27:3, 30:8, 35:3, 43:4, 43:15, 52:7, 52:24, 61:19, 71:11, 71:22, 90:18, 117:15, 128:9, 138:14 descent [1] - 63:8 describe [3] - 71:3, 90:25, 125:10 described [17] - 3:7, 5:15, 72:14, 74:19, 80:9, 98:1, 98:3, 100:1, 101:11, 118:8, 129:1, 151:20, 153:22, 157:16, 158:19, 160:13, 160:15 describes [4] - 65:16, 71:8, 103:4, 151:24 describing [6] - 34:22, 70:25, 96:17, 104:12, 108:18, 133:11 description [2] - 106:18, 2:3 desire [1] - 148:20 Desperate [1] - 119:12 despite [7] - 3:5, 3:16, 3:17, 65:2, 152:18, 152:23, 152:24 detachment [4] - 107:20, 109:17, 112:6, 147:10 detachments [2] - 74:25, 76:19 detail [1] - 13:18 detection [1] - 78:25 Detective [29] - 34:10, 59:22, 78:6, 78:8, 78:11, 121:1, 122:6, 123:1, 126:3, 127:4, 127:16, 128:18, 129:2, 132:23, 133:8, 134:21, 139:22, 145:3, 147:2, 149:20, 150:3, 150:10, 150:24, 151:3, 153:6, 157:17,	157:18, 161:7, 161:8 detective [2] - 61:9, 135:10 Detectives [1] - 159:24 detectives [2] - 48:5, 107:10 deter [1] - 46:9 determining [1] - 63:9 develop [1] - 70:14 developed [2] - 1:17, 62:5 developing [1] - 46:18 DEYAS [1] - 81:7 Dianne [1] - 93:8 Dickson [4] - 88:3, 88:4, 89:20, 143:9 dictated [1] - 57:19 difference [7] - 32:1, 33:9, 45:3, 48:14, 72:17, 135:9, 159:3 different [18] - 7:9, 7:13, 8:12, 30:7, 30:25, 32:3, 32:12, 40:2, 48:19, 76:13, 76:14, 77:16, 123:4, 127:24, 133:18, 157:9, 164:21, 167:18 differentiate [2] - 35:4, 35:13 differentiating [1] - 34:22 differently [2] - 37:24, 170:1 difficult [5] - 36:2, 44:16, 44:24, 47:19, 50:17 difficulty [2] - 30:23, 51:23 digest [1] - 159:20 digital [1] - 84:7 diligent [1] - 170:3 diligently [1] - 99:24 diplomatic [2] - 105:9, 105:11 direct [3] - 118:25, 155:11, 162:21 directed [2] - 53:15, 137:22 direction [1] - 139:11 directly [2] - 25:23, 67:16 director [1] - 81:6 disagree [5] - 22:7, 40:4, 124:9, 142:3, 165:17 disappearance [3] - 88:5, 134:17, 144:6 disappearances [8] -	42:16, 122:1, 122:8, 122:15, 131:8, 148:24, 157:24, 167:21 disclosed [3] - 20:7, 117:12, 117:13 disclosure [7] - 50:21, 51:24, 52:1, 52:5, 52:18, 95:5, 126:16 discontinued [2] - 86:8, 87:11 discourage [1] - 168:8 discrete [1] - 133:8 discriminate [2] - 31:4, 33:4 discuss [4] - 74:4, 97:3, 123:23, 146:24 discussed [5] - 10:25, 35:16, 127:11, 155:18, 161:4 discussing [1] - 10:14 discussion [8] - 21:15, 69:7, 74:3, 75:13, 75:15, 77:7, 138:2, 146:13 diseased [1] - 156:9 disenfranchised [2] - 32:14, 32:23 dismissive [1] - 79:25 dispatch [6] - 83:11, 84:9, 84:12, 85:17, 85:23, 87:20 dispatched [1] - 85:5 dispatcher [3] - 83:2, 83:19, 85:17 dispatchers [1] - 83:6 disposal [1] - 125:5 dispose [1] - 134:17 dispute [1] - 25:18 disregard [1] - 26:21 distasteful [1] - 24:21 distinction [3] - 72:8, 73:20, 73:22 Distinction [1] - 47:1 distributed [1] - 11:16 district [5] - 73:21, 73:24, 87:5, 152:11 District [1] - 74:9 disturbing [1] - 80:4 Diversity [1] - 66:10 Division [2] - 100:8, 121:3 division [1] - 66:13 DLS. [1] - 89:10 DNA [1] - 114:4 document [44] - 11:10, 11:20, 13:4, 17:4, 17:7, 17:12, 17:14, 17:19, 18:10, 20:1, 25:16, 26:22,	27:7, 55:16, 55:17, 55:21, 55:24, 56:5, 57:25, 58:4, 64:8, 67:25, 68:20, 68:23, 70:20, 70:25, 71:12, 71:23, 74:11, 75:7, 75:9, 91:11, 97:9, 103:7, 103:19, 103:21, 104:6, 108:10, 119:3, 128:20, 138:16, 138:21, 154:20, 160:4 documentary [1] - 60:25 documentation [4] - 88:17, 113:13, 126:4, 139:5 documented [2] - 88:19, 127:25 documents [20] - 1:7, 28:12, 29:13, 49:25, 89:23, 91:2, 93:23, 94:6, 94:9, 94:11, 94:20, 94:24, 95:5, 96:15, 96:21, 98:5, 111:19, 153:12, 153:19, 156:12 Documents [3] - 90:16, 150:20, 2:6 DOJ [1] - 19:16 dollars [5] - 142:1, 142:9, 142:11, 142:16, 142:20 Domestic [3] - 47:22, 48:1, 66:12 Dominion [2] - 160:3, 160:9 Don [13] - 12:14, 13:3, 13:6, 104:17, 105:12, 106:14, 107:14, 107:19, 108:4, 110:1, 111:2, 113:23, 114:11 done [24] - 6:17, 7:9, 18:23, 37:21, 39:1, 39:16, 49:7, 49:11, 50:10, 50:13, 51:14, 57:15, 57:23, 94:3, 117:16, 125:14, 141:13, 145:20, 151:10, 165:8, 165:16, 169:22, 169:25 door [1] - 35:6 Dosanjh [2] - 121:7, 123:19 doubt [4] - 7:12, 39:6, 88:14, 137:3 DOUGLAS [2] - 1:19,	1:3 down [11] - 5:9, 12:10, 26:17, 44:25, 85:20, 115:9, 147:16, 158:15, 161:1, 166:10, 166:12 downsizing [1] - 147:21 downtown [1] - 142:8 Downtown [35] - 14:6, 30:9, 30:22, 31:3, 32:4, 32:15, 32:24, 33:12, 43:23, 49:2, 49:5, 49:8, 49:15, 54:25, 58:10, 59:9, 59:13, 59:20, 60:1, 65:13, 69:11, 79:23, 81:6, 81:24, 86:7, 86:24, 86:25, 87:3, 112:23, 121:17, 123:24, 137:1, 142:14, 142:17, 143:3 dozens [1] - 140:16 Dr [2] - 78:15, 79:7 draft [4] - 55:18, 62:5, 62:9, 98:21 dramatic [1] - 65:6 draw [2] - 72:8, 73:22 drawn [3] - 32:11, 144:24, 159:9 draws [1] - 163:19 dreamed [1] - 141:5 drew [1] - 88:19 Drew [5] - 88:2, 89:4, 89:10, 89:13, 93:13 drinking [1] - 160:19 drive [2] - 142:7, 142:15 driven [3] - 45:8, 123:10, 143:19 dropped [2] - 86:1, 86:2 drug [7] - 44:12, 44:13, 45:4, 47:12, 49:5, 81:24, 166:16 drugs [5] - 141:17, 142:25, 143:5, 143:24, 144:19 duck [1] - 30:3 due [1] - 4:24 during [11] - 31:19, 37:19, 45:6, 59:7, 61:4, 75:12, 129:7, 135:8, 151:10, 161:12, 163:16 dustup [1] - 37:4 duties [2] - 127:22, 148:9 duty [3] - 135:18,
---	---	---	---	---

166:4, 166:5 dwell [1] - 66:22	either [2] - 25:5, 118:14 Elaine [1] - 85:25 elderly [1] - 124:23 electronic [5] - 53:20, 76:14, 95:25, 103:24, 118:2 elevated [1] - 131:12 eleven [4] - 31:18, 42:19, 85:6, 150:23 Ellis [1] - 93:9 elsewhere [3] - 5:5, 58:10, 105:14 Elsie [1] - 93:12 embarrassed [1] - 79:1 emboldened [1] - 168:20 embraced [1] - 46:13 emergency [2] - 72:1, 84:6 emphasized [1] - 2:4 employed [1] - 13:13 employees [2] - 48:3, 67:10 encounter [2] - 142:1, 142:16 encountered [1] - 146:3 encourage [1] - 168:16 end [9] - 26:6, 29:22, 51:2, 51:16, 114:1, 117:18, 151:12, 169:6, 170:2 endeavouring [1] - 136:23 ended [3] - 98:24, 107:1, 110:13 endorsed [2] - 97:21, 97:22 ends [1] - 26:5 enforcement [1] - 162:12 engage [1] - 50:25 engaged [5] - 36:19, 38:15, 44:10, 78:22, 111:3 enhance [1] - 148:20 enjoy [1] - 43:17 enormous [1] - 13:7 ensued [1] - 32:12 ensure [5] - 2:3, 54:7, 54:8, 67:18, 95:2 ensuring [2] - 54:1, 54:17 enter [4] - 125:13, 125:19, 159:1, 164:3 entered [2] - 20:4, 84:11	entering [1] - 19:16 entire [2] - 16:24, 109:5 entirely [4] - 7:10, 57:16, 72:23, 125:2 entitled [4] - 21:2, 38:10, 40:4, 119:12 entry [3] - 110:21, 110:24, 141:16 Epilogue [2] - 55:6, 61:21 episode [5] - 5:5, 9:11, 9:12, 9:15, 9:17 equipment [3] - 163:4, 164:4, 164:7 error [1] - 27:19 errors [1] - 169:24 especially [1] - 59:6 essence [2] - 63:22, 64:2 essential [1] - 50:11 essentially [4] - 26:15, 49:13, 49:18, 158:23 establish [1] - 30:4 established [1] - 89:12 establishment [1] - 160:19 estimate [1] - 83:24 et [3] - 27:20, 117:25, 125:24 Europe [1] - 9:15 Evans [5] - 103:3, 107:17, 108:2, 112:14, 113:13 Evans' [3] - 27:24, 28:4, 77:12 Evenhanded [20] - 12:21, 13:12, 13:15, 15:9, 15:11, 88:18, 106:2, 106:15, 106:19, 106:22, 111:22, 111:23, 112:8, 112:13, 112:24, 113:9, 113:11, 113:14, 113:16, 113:23 Evenhanded's [3] - 15:5, 88:11, 88:16 event [7] - 19:13, 40:7, 85:13, 94:11, 96:11, 137:20, 138:7 events [6] - 55:23, 119:14, 161:4, 161:13, 163:8, 163:17 eventually [3] - 76:1, 99:3, 161:1 evidence [45] - 15:7,	15:15, 19:7, 19:9, 19:20, 21:9, 22:2, 22:11, 23:24, 24:4, 24:9, 28:18, 29:4, 31:12, 32:16, 36:3, 36:11, 37:10, 37:14, 37:23, 39:11, 41:24, 42:8, 50:12, 60:25, 61:25, 78:3, 79:8, 82:7, 87:22, 98:17, 102:24, 116:1, 129:17, 131:11, 133:23, 133:25, 140:2, 140:5, 140:6, 141:24, 142:2, 158:24, 169:5 evidenced [1] - 62:3 evident [1] - 41:25 exactly [11] - 8:1, 8:3, 26:1, 26:13, 71:2, 84:15, 85:8, 85:19, 87:18, 91:12, 150:23 exaggerated [1] - 38:16 Examination [1] - 1:5 examination [14] - 1:15, 1:22, 7:6, 7:11, 21:2, 25:21, 39:15, 39:23, 40:1, 41:8, 93:5, 129:7, 167:4, 1:4 EXAMINATION [2] - 1:20, 93:15 examinations [1] - 39:14 examine [3] - 35:21, 40:5, 40:16 examining [2] - 14:8, 22:21 example [29] - 3:4, 24:8, 30:18, 32:4, 33:22, 46:3, 46:17, 47:9, 48:8, 48:20, 49:12, 63:23, 64:1, 68:19, 71:25, 72:20, 75:3, 75:5, 80:20, 87:16, 112:5, 117:24, 135:4, 135:9, 135:12, 144:23, 154:7, 159:16, 169:5 examples [1] - 86:3 excellent [5] - 31:6, 34:25, 35:25, 64:5, 65:9 except [1] - 50:22 exception [4] - 18:6, 19:3, 19:16, 40:21 exceptions [1] - 52:23 excerpted [1] - 103:25	exchange [2] - 69:11, 129:15 exchanged [1] - 82:15 excuse [4] - 6:10, 6:13, 32:7, 157:10 executed [4] - 2:18, 15:12, 22:9, 106:11 executive [2] - 54:6, 81:5 exercise [1] - 50:19 exhaustive [1] - 41:1 Exhibit [12] - 89:25, 93:17, 97:9, 98:11, 100:19, 101:1, 103:9, 113:20, 114:13, 114:15, 120:7, 157:14 exhibit [5] - 6:18, 23:25, 99:10, 100:20, 103:10 EXHIBIT [2] - 90:15, 2:5 exHIBITS [1] - 2:1 exist [4] - 17:14, 60:13, 76:9, 76:25 existed [2] - 22:13, 76:9 exists [1] - 64:20 exit [1] - 68:17 exiting [1] - 68:15 expect [8] - 39:6, 51:10, 115:20, 127:9, 145:19, 145:20, 157:16, 159:14 expectations [1] - 67:13 expected [2] - 81:16, 86:17 expecting [1] - 23:13 experience [10] - 45:3, 120:2, 129:13, 132:3, 136:8, 141:3, 148:18, 162:16, 162:17, 165:2 experienced [3] - 67:3, 86:1, 144:24 expertise [2] - 47:17, 60:21 explain [6] - 28:18, 38:19, 56:13, 58:5, 59:1, 73:22 explaining [2] - 37:3, 145:8 explanation [5] - 36:5, 36:18, 38:1, 38:11, 40:14 explore [1] - 101:22 expressed [1] - 21:16 extensively [3] - 28:5,
--	--	---	---	--

<p>58:20, 68:13 extent [3] - 29:3, 30:16, 112:2 extorted [1] - 168:21 extra [1] - 48:9 extract [3] - 2:7, 55:6, 88:23 extracted [1] - 53:1 extraordinarily [1] - 165:6 extrapolate [1] - 41:23 extremely [6] - 10:1, 18:8, 48:20, 78:13, 78:23, 133:15</p>	<p>fairness [1] - 52:6 fall [1] - 78:2 false [1] - 5:24 familiar [6] - 79:9, 109:14, 118:9, 149:3, 153:12, 157:15 families [2] - 41:2, 93:8 Family [1] - 48:3 family [1] - 156:21 far [6] - 28:24, 32:16, 66:22, 104:11, 145:20, 157:8 farm [8] - 12:6, 13:25, 14:21, 14:22, 15:6, 78:1, 107:1, 156:14 farmer [3] - 134:15, 140:4, 144:4 Farris [2] - 95:7, 95:12 fast [1] - 164:5 fastest [1] - 8:5 fault [1] - 120:10 February [11] - 2:19, 3:10, 14:10, 14:14, 34:12, 55:10, 104:13, 106:9, 154:21, 158:25, 166:12 federal [1] - 80:17 feed [1] - 165:19 feelings [1] - 25:8 Feliks [1] - 93:9 fell [2] - 95:20, 95:23 felt [2] - 10:19, 102:25 female [5] - 14:11, 14:15, 48:6, 67:10, 67:12 few [8] - 20:14, 46:6, 75:11, 77:20, 91:25, 138:14, 141:15, 165:4 Field [10] - 6:7, 31:23, 131:22, 136:13, 137:6, 139:19, 145:4, 145:6, 146:6, 150:25 Field's [2] - 138:3, 138:23 fifteen [1] - 103:16 figure [1] - 110:14 file [20] - 9:2, 9:3, 22:5, 78:2, 110:9, 112:3, 112:5, 112:20, 113:19, 114:22, 115:5, 115:18, 128:13, 136:6, 145:8, 154:2, 155:12, 159:20, 160:5, 160:18</p>	<p>filed [1] - 23:25 files [11] - 8:25, 13:16, 13:17, 94:18, 112:2, 112:8, 112:9, 113:16, 135:11, 150:4, 152:13 fill [1] - 135:17 finalized [1] - 63:5 finally [2] - 5:19, 54:23 findings [1] - 27:24 fine [2] - 23:4, 149:10 finest [1] - 10:17 fingering [1] - 112:21 fingers [1] - 157:22 finished [1] - 98:13 firearm [1] - 166:20 firearms [1] - 107:7 fired [1] - 79:5 firm [4] - 23:4, 26:19, 95:6, 95:12 first [22] - 2:16, 3:21, 7:7, 11:20, 13:8, 14:22, 16:7, 17:8, 17:10, 20:4, 32:5, 37:13, 37:14, 52:11, 84:23, 87:17, 89:4, 120:13, 139:18, 147:22, 151:18, 164:7 First [2] - 6:10, 36:14 firsthand [2] - 162:21, 164:1 fit [2] - 48:22, 63:17 five [7] - 7:7, 115:9, 142:1, 142:9, 142:11, 142:16, 142:20 fix [3] - 84:16, 143:16, 143:20 fixed [1] - 91:5 flagged [2] - 15:9, 115:25 flattering [1] - 50:23 flattery [1] - 51:8 flip [3] - 27:11, 61:23, 154:18 fluctuate [1] - 121:22 focus [5] - 9:25, 65:12, 117:10, 134:4, 141:15 focused [4] - 4:4, 4:11, 111:23, 122:19 focuses [2] - 37:1, 74:23 focusing [4] - 38:13, 102:19, 107:14, 133:20 follow [3] - 25:6, 41:10, 156:1 followed [3] - 54:9,</p>	<p>116:10, 139:21 following [2] - 35:3, 148:22 follows [1] - 5:16 followup [1] - 67:18 foot [1] - 142:13 footage [1] - 5:7 footnote [2] - 120:12, 128:22 footnotes [2] - 93:21, 94:20 FOR [2] - 90:15, 2:5 force [9] - 12:5, 14:2, 16:8, 42:10, 72:19, 73:3, 77:1, 106:24, 147:20 Force [8] - 12:12, 12:15, 75:3, 104:15, 124:14, 147:15, 148:4, 149:17 forceful [2] - 29:20, 30:1 forcefully [1] - 2:4 forces [4] - 39:5, 54:10, 73:7, 75:25 foregoing [1] - 170:15 forensic [1] - 133:22 forge [1] - 54:24 form [4] - 75:25, 95:25, 96:5 formal [1] - 76:5 formally [1] - 105:18 format [2] - 91:15, 112:3 formation [1] - 76:3 formed [5] - 58:25, 65:7, 69:14, 76:1, 131:19 formulate [1] - 50:9 forum [1] - 75:14 forward [7] - 47:25, 61:23, 65:10, 112:21, 131:14, 144:15, 152:12 foul [3] - 30:24, 31:9, 63:23 founded [2] - 12:20, 104:23 four [2] - 81:24, 83:6 frame [2] - 114:8, 124:2 framed [1] - 79:20 free [1] - 138:1 freedom [1] - 99:3 frequented [2] - 160:20, 160:23 frequently [3] - 45:7, 80:1, 125:9 Frey [2] - 78:5, 93:9 Frey's [1] - 77:23</p>	<p>friction [2] - 1:16, 43:11 Friday [2] - 162:4, 162:20 friend [8] - 19:15, 20:2, 20:5, 20:10, 21:8, 41:1, 116:18, 129:8 friend's [1] - 20:17 friends [3] - 1:14, 23:14, 117:14 friendship [1] - 156:17 frightening [1] - 131:23 front [10] - 1:12, 2:6, 20:11, 49:23, 80:21, 117:16, 130:10, 138:18, 140:18, 160:8 frontline [2] - 87:4, 135:22 frustrating [1] - 28:22 full [10] - 22:12, 47:18, 54:10, 60:20, 61:5, 61:8, 69:16, 90:20, 120:13, 157:10 full-time [6] - 47:18, 54:10, 60:20, 61:5, 61:8, 69:16 fully [3] - 23:13, 37:16, 39:8 fundamental [1] - 36:20 funding [1] - 65:1 future [1] - 16:18</p>
F				
<p>face [3] - 31:1, 43:25, 164:14 faced [1] - 13:7 facility [1] - 149:19 facing [1] - 62:13 fact [45] - 3:17, 14:19, 14:21, 16:21, 27:24, 31:5, 31:16, 32:16, 36:18, 38:17, 39:16, 41:4, 42:8, 44:10, 44:21, 45:16, 46:5, 47:9, 50:12, 51:8, 51:9, 51:15, 52:10, 52:11, 58:12, 59:12, 66:4, 74:16, 78:10, 88:12, 95:11, 107:3, 110:20, 118:9, 132:22, 134:3, 140:3, 142:21, 144:13, 149:4, 157:4, 166:24, 167:6, 168:20 facts [4] - 17:23, 30:4, 40:6, 161:10 factual [1] - 71:8 Faculty [1] - 130:25 failed [1] - 111:17 failing [2] - 2:23, 4:6 failings [1] - 27:22 failure [4] - 3:15, 3:23, 9:22, 10:21 fair [24] - 10:19, 17:12, 35:13, 41:9, 41:17, 66:16, 69:9, 75:12, 92:3, 97:11, 97:18, 101:10, 115:20, 119:21, 120:19, 125:4, 136:17, 136:21, 148:8, 157:5, 161:4, 168:9 fairly [3] - 65:6, 111:23, 138:1</p>				
G				
<p>Galliford [7] - 5:1, 8:16, 8:17, 8:22, 8:25, 9:4, 9:19 Galliford's [1] - 9:21 gang [4] - 156:7, 156:13, 160:21, 160:24 Gary [4] - 43:16, 100:7, 121:2, 128:6 gather [3] - 26:4, 103:21, 152:13 gathering [1] - 94:5 Gazette [4] - 11:11, 11:13, 12:8, 103:13 GED [1] - 155:5 general [9] - 112:16, 119:1, 121:13, 123:19, 124:17, 124:21, 125:23, 128:9, 162:17 General [4] - 100:10,</p>				

<p>100:11, 121:7, 121:8 general's ^[1] - 134:10 generally ^[23] - 2:25, 3:14, 3:22, 4:1, 4:6, 4:19, 4:20, 6:5, 9:18, 43:12, 43:14, 44:18, 112:19, 119:15, 119:16, 127:23, 128:1, 128:2, 128:4, 128:20, 133:5, 133:16, 133:17 generated ^[1] - 9:13 generically ^[1] - 102:19 generous ^[1] - 106:18 genesis ^[1] - 62:10 geography ^[1] - 73:25 Georgina ^[1] - 93:8 Geramy ^[3] - 31:23, 137:6, 139:19 German ^[1] - 43:17 Giardini ^[1] - 66:9 Giles ^[6] - 1:7, 1:11, 90:12, 99:16, 99:18, 136:14 gist ^[1] - 63:6 given ^[18] - 3:6, 15:7, 31:12, 34:13, 42:10, 51:22, 52:5, 63:10, 63:18, 78:10, 86:3, 87:8, 96:16, 101:21, 101:23, 131:11, 139:11, 148:18 Globe ^[1] - 117:24 goodwill ^[1] - 77:3 government ^[4] - 53:16, 69:8, 124:4, 127:13 Government ^[1] - 19:24 governmental ^[1] - 127:9 Graham ^[1] - 94:8 graphics ^[1] - 150:1 grasp ^[1] - 153:17 grateful ^[1] - 8:11 GRATL ^[3] - 50:16, 51:20, 52:15 Gratl ^[1] - 52:20 great ^[5] - 18:5, 19:3, 30:22, 78:14, 79:21 Greater ^[2] - 48:4, 74:8 greatest ^[1] - 43:13 grind ^[1] - 144:7 grinding ^[1] - 134:18 grounds ^[1] - 167:9 groundwork ^[3] - 7:24, 8:3, 39:12 Group ^[1] - 119:8</p>	<p>group ^[2] - 129:22, 140:11 grouped ^[1] - 74:10 groups ^[3] - 46:16, 63:4, 68:10 growing ^[1] - 5:18 guess ^[2] - 12:8, 45:11 gun ^[1] - 143:14 guns ^[1] - 166:13</p> <p style="text-align: center;">H</p> <p>habits ^[1] - 14:9 half ^[5] - 40:23, 41:8, 133:12, 158:15, 158:25 hall ^[2] - 149:20, 150:2 Hallmark ^[1] - 93:10 hand ^[3] - 103:21, 158:15, 163:2 handing ^[1] - 117:11 handle ^[1] - 164:8 handling ^[7] - 48:12, 58:25, 83:9, 83:11, 114:21, 115:5, 169:19 hands ^[1] - 98:24 handwritten ^[2] - 139:10, 139:13 hang ^[1] - 134:6 hanging ^[1] - 86:14 happy ^[2] - 87:15, 97:3 Harassment ^[2] - 47:23, 66:12 hard ^[4] - 11:15, 11:16, 96:4, 103:23 harm ^[1] - 157:2 harmonizing ^[1] - 60:13 Haven ^[1] - 49:12 Hazel ^[1] - 93:10 head ^[1] - 111:7 headed ^[3] - 12:15, 104:18, 106:1 heading ^[7] - 2:17, 53:22, 71:24, 141:4, 151:16, 151:24, 152:4 headings ^[1] - 53:17 headquarters ^[4] - 121:19, 130:12, 130:16, 130:17 Health ^[1] - 69:15 hear ^[11] - 19:22, 22:3, 22:14, 50:11, 81:16, 96:7, 96:8, 115:13, 115:15, 142:2, 145:19 heard ^[13] - 7:18, 7:22,</p>	<p>32:16, 40:13, 78:16, 78:19, 80:2, 86:9, 86:18, 106:7, 106:8, 115:14, 141:24 hearing ^[15] - 1:4, 20:21, 36:16, 37:12, 37:23, 37:25, 43:2, 52:10, 92:25, 93:3, 97:2, 97:6, 138:8, 138:12, 170:11 hearts ^[1] - 101:20 Heather ^[1] - 93:12 held ^[2] - 25:4, 75:14 Helen ^[1] - 93:10 Help ^[1] - 119:10 help ^[4] - 22:15, 65:11, 145:9, 154:2 helpful ^[1] - 22:19 helping ^[2] - 50:9, 68:17 hereby ^[1] - 170:15 herein ^[1] - 170:17 Hern ^[14] - 1:5, 6:14, 6:24, 7:3, 22:25, 27:1, 38:12, 40:1, 40:10, 40:13, 90:8, 93:4, 93:6, 97:7 hern ^[1] - 1:4 HERN ^[47] - 1:6, 1:11, 1:20, 7:7, 7:15, 7:21, 8:1, 8:3, 8:5, 8:10, 18:23, 19:22, 23:1, 23:23, 24:1, 24:5, 24:15, 26:1, 26:8, 26:18, 27:2, 29:8, 29:16, 29:18, 29:25, 30:6, 35:2, 37:8, 40:21, 41:8, 42:19, 42:22, 43:3, 49:22, 52:4, 52:17, 52:22, 89:22, 90:9, 90:12, 90:17, 92:19, 92:24, 93:5, 95:10, 95:23, 96:24 Hern's ^[3] - 20:2, 40:2, 103:11 heroin ^[1] - 45:5 hidden ^[1] - 109:7 high ^[10] - 31:20, 48:17, 78:23, 83:7, 83:13, 83:15, 83:18, 124:10, 125:22 higher ^[1] - 62:12 highest ^[2] - 63:19, 124:3 highly ^[6] - 5:6, 27:25, 79:20, 96:18, 165:20 hillbillies ^[2] - 108:17, 109:21 himself ^[2] - 107:4,</p>	<p>107:19 hint ^[1] - 14:4 Hiscox ^[16] - 3:7, 6:2, 78:12, 122:7, 122:9, 122:11, 122:13, 122:17, 122:23, 131:12, 140:3, 144:4, 144:12, 144:21, 145:5, 151:20 Hiscox's ^[1] - 3:6 Historical ^[1] - 155:5 history ^[3] - 16:3, 16:23, 49:1 Hogren ^[1] - 119:7 hold ^[1] - 34:16 Holyk ^[1] - 93:14 Home ^[4] - 124:13, 147:15, 148:4, 149:17 home ^[8] - 124:22, 125:2, 125:7, 125:8, 125:11, 125:15, 125:19, 142:18 homeless ^[1] - 49:4 homelessness ^[1] - 44:8 homicide ^[8] - 31:23, 35:9, 35:11, 41:14, 41:15, 41:20, 41:21, 42:17 honour ^[1] - 64:21 Honouring ^[1] - 130:2 hookers ^[1] - 32:19 hope ^[1] - 62:9 Hope ^[1] - 74:1 Hornby ^[1] - 121:13 hospital ^[1] - 69:24 hot ^[1] - 120:17 Hotel ^[1] - 78:8 hotels ^[2] - 49:14, 49:19 hour ^[7] - 8:8, 19:8, 40:22, 40:23, 82:23, 83:24, 142:7 hours ^[4] - 89:15, 160:15, 165:4, 165:13 house ^[1] - 160:8 Howlett ^[1] - 136:14 hubris ^[1] - 115:10 hundred ^[1] - 58:16 Hundreds ^[1] - 130:4 hundreds ^[2] - 87:11, 149:15 hurt ^[1] - 25:8 hurtful ^[1] - 10:1</p>	<p style="text-align: center;">I</p> <p>i.e ^[1] - 5:25 ID ^[1] - 108:10 idea ^[2] - 60:7, 141:10 ideas ^[1] - 50:9 identical ^[2] - 74:7, 149:23 identification ^[3] - 90:7, 90:11, 90:13 Identification ^[1] - 103:10 IDENTIFICATION ^[2] - 90:15, 2:5 identified ^[6] - 14:11, 35:11, 42:2, 77:25, 132:17, 151:17 identify ^[3] - 69:18, 85:10, 154:10 ignore ^[1] - 143:15 ill ^[3] - 49:4, 49:10, 49:17 illegal ^[5] - 160:25, 162:18, 163:5, 166:13, 166:20 illness ^[2] - 44:9, 69:19 illuminating ^[1] - 147:7 imagine ^[1] - 102:9 impetus ^[1] - 134:9 implement ^[1] - 70:14 implementation ^[4] - 56:19, 56:24, 57:14, 57:18 implemented ^[4] - 51:25, 55:2, 55:4, 60:10 implementing ^[1] - 69:6 importance ^[1] - 54:11 important ^[16] - 8:11, 23:11, 29:18, 36:11, 39:12, 45:12, 45:19, 50:5, 51:21, 57:21, 66:18, 66:19, 78:13, 132:10, 135:6, 153:24 impossible ^[2] - 96:14, 96:18 impressing ^[1] - 168:6 impression ^[4] - 9:17, 39:21, 131:17, 132:8 impressive ^[2] - 149:19, 149:25 improve ^[2] - 45:24, 54:24 inability ^[1] - 42:15 inaccuracies ^[1] -</p>
---	--	---	---	--

<p>19:5</p> <p>inaccurate [5] - 10:12, 18:21, 27:21, 101:13, 105:8</p> <p>inadequacies [1] - 4:5</p> <p>inadequate [6] - 33:11, 33:18, 34:20, 101:13, 169:23</p> <p>inadmissible [1] - 169:7</p> <p>inappropriate [1] - 50:25</p> <p>inappropriately [2] - 3:14, 3:22</p> <p>inappropriateness [1] - 4:12</p> <p>incalculable [1] - 10:6</p> <p>incident [6] - 15:17, 26:21, 82:17, 85:11, 88:2, 110:15</p> <p>incidental [1] - 168:5</p> <p>incidents [2] - 86:6, 87:1</p> <p>include [1] - 142:20</p> <p>included [8] - 5:6, 20:10, 53:8, 53:18, 56:5, 83:4, 117:23, 139:13</p> <p>includes [1] - 158:9</p> <p>including [2] - 136:1, 160:21</p> <p>incompetent [1] - 4:23</p> <p>incorporated [1] - 92:6</p> <p>incorrect [1] - 3:12</p> <p>incorrectly [4] - 5:13, 5:15, 37:25, 151:17</p> <p>incredible [3] - 27:14, 47:23, 114:17</p> <p>incredibly [1] - 84:3</p> <p>indeed [2] - 105:12, 105:14</p> <p>index [4] - 117:13, 117:15, 119:4, 129:25</p> <p>INDEX [1] - 1:1</p> <p>indicate [1] - 117:14</p> <p>indicated [3] - 20:5, 98:11, 115:4</p> <p>indicates [1] - 38:22</p> <p>indicating [1] - 112:14</p> <p>indication [1] - 32:21</p> <p>individual [7] - 10:7, 61:10, 94:18, 102:20, 102:21, 135:11, 144:5</p> <p>individuals [2] - 67:2, 103:4</p> <p>inducement [1] - 143:4</p>	<p>indulgence [2] - 7:16, 8:10</p> <p>inept [4] - 168:18, 169:16, 169:19, 170:5</p> <p>ineptness [1] - 170:5</p> <p>inevitable [1] - 9:20</p> <p>infer [2] - 141:12, 143:17</p> <p>inference [4] - 9:20, 143:21, 144:2, 159:9</p> <p>inferred [1] - 128:25</p> <p>inferring [2] - 143:17, 145:10</p> <p>inflammatory [2] - 17:22, 27:21</p> <p>informal [2] - 74:12, 108:16</p> <p>informant [3] - 157:22, 159:6, 164:8</p> <p>informants [1] - 112:21</p> <p>Information [1] - 110:22</p> <p>information [110] - 3:3, 3:8, 6:2, 8:23, 10:13, 29:4, 33:14, 55:20, 58:21, 59:10, 59:22, 60:3, 61:5, 63:13, 65:3, 65:9, 67:16, 69:11, 78:6, 78:9, 78:10, 78:14, 80:7, 80:11, 80:13, 83:11, 83:12, 84:21, 84:24, 87:19, 90:3, 91:8, 92:2, 92:4, 92:8, 92:10, 93:24, 94:24, 96:7, 99:4, 101:4, 106:23, 110:5, 110:20, 112:4, 112:7, 113:10, 113:18, 116:5, 117:3, 122:16, 122:22, 122:23, 126:1, 126:11, 127:25, 131:12, 132:2, 132:10, 132:18, 132:20, 133:1, 133:8, 133:14, 133:16, 134:5, 134:19, 134:22, 140:8, 141:3, 143:10, 143:18, 144:4, 144:11, 144:20, 145:1, 145:5, 145:11, 145:19, 145:21, 146:23, 152:13, 153:22, 154:5,</p>	<p>154:6, 154:10, 154:14, 156:21, 156:24, 157:8, 158:6, 159:3, 159:5, 159:8, 159:14, 162:21, 163:5, 163:12, 164:2, 164:6, 164:10, 164:13, 164:15, 165:12, 165:19, 165:21, 166:15, 166:20, 170:4, 170:7</p> <p>informed [1] - 28:9</p> <p>informing [1] - 145:7</p> <p>infrastructure [1] - 75:1</p> <p>inhaler [1] - 107:4</p> <p>initiated [1] - 66:21</p> <p>initiative [3] - 65:5, 66:18, 66:19</p> <p>initiatives [1] - 65:9</p> <p>inject [1] - 45:5</p> <p>injection [1] - 81:23</p> <p>input [2] - 63:5, 70:5</p> <p>inquiring [1] - 149:13</p> <p>Inquiry [1] - 70:22</p> <p>inquiry [5] - 36:20, 37:6, 51:12, 65:1, 137:15</p> <p>insatiable [1] - 45:7</p> <p>Inspector [14] - 6:7, 12:24, 14:18, 34:10, 34:12, 42:6, 56:9, 66:9, 98:8, 105:7, 110:11, 121:2, 127:17, 150:25</p> <p>inspector [7] - 12:14, 54:3, 56:16, 102:22, 102:23, 104:17, 149:5</p> <p>instance [2] - 85:9, 158:9</p> <p>instances [1] - 1:21</p> <p>instead [2] - 30:3, 90:21</p> <p>institution [2] - 28:23, 33:17</p> <p>institutional [1] - 25:22</p> <p>integrated [11] - 60:11, 72:5, 72:14, 72:15, 72:17, 72:20, 73:1, 73:2, 73:6, 73:14, 74:19</p> <p>integration [3] - 72:9, 72:12, 72:18</p> <p>intelligent [1] - 136:16</p> <p>intended [3] - 112:11, 164:20, 168:15</p> <p>intense [3] - 2:21,</p>	<p>9:12, 122:2</p> <p>intention [2] - 25:10, 125:15</p> <p>interact [1] - 155:16</p> <p>interest [9] - 15:18, 78:14, 106:20, 122:2, 122:3, 134:3, 140:20, 148:15, 168:22</p> <p>interested [2] - 32:22, 133:15</p> <p>interesting [1] - 163:12</p> <p>interests [1] - 6:11</p> <p>internal [4] - 20:16, 21:14, 22:23, 62:8</p> <p>Internet [1] - 11:14</p> <p>interrupt [2] - 126:23, 167:3</p> <p>interrupted [1] - 8:14</p> <p>interrupting [1] - 32:7</p> <p>interruption [1] - 40:21</p> <p>interview [8] - 45:1, 91:17, 105:19, 105:21, 107:16, 108:1, 109:9, 126:2</p> <p>interviewed [8] - 13:19, 91:21, 122:7, 122:11, 122:13, 123:2, 123:3, 143:11</p> <p>interviewer [1] - 12:24</p> <p>interviews [8] - 90:20, 90:21, 91:1, 98:2, 105:22, 105:25, 127:3, 132:23</p> <p>intones [1] - 9:8</p> <p>introduce [1] - 1:9</p> <p>introducing [2] - 21:8, 25:17</p> <p>introduction [1] - 139:19</p> <p>introductory [1] - 12:3</p> <p>Invasion [4] - 124:14, 147:15, 148:4, 149:17</p> <p>invasion [1] - 125:19</p> <p>invasions [4] - 124:22, 125:2, 125:7, 125:8</p> <p>investigate [7] - 3:9, 3:16, 3:24, 6:21, 87:1, 159:10, 167:11</p> <p>investigated [8] - 78:9, 79:5, 80:13, 86:22, 131:21, 132:14, 140:25, 154:12</p> <p>investigates [1] - 111:4</p>	<p>investigating [8] - 13:14, 106:25, 122:22, 127:23, 131:19, 147:25, 164:16, 170:4</p> <p>investigation [97] - 1:18, 1:24, 2:1, 2:21, 2:24, 3:18, 4:1, 4:2, 4:5, 4:8, 4:15, 4:21, 5:25, 6:1, 6:5, 10:15, 10:24, 12:20, 13:9, 13:14, 13:16, 13:20, 17:1, 17:2, 18:15, 23:8, 23:9, 28:16, 28:25, 29:2, 30:11, 30:14, 31:7, 31:21, 31:24, 32:12, 33:8, 34:4, 35:18, 37:19, 37:21, 38:16, 38:25, 39:2, 39:7, 40:25, 47:11, 59:8, 61:4, 62:17, 75:24, 80:17, 101:3, 101:21, 102:25, 104:22, 110:2, 111:21, 112:12, 114:21, 116:13, 122:20, 126:12, 128:25, 129:12, 129:20, 131:15, 132:11, 132:13, 133:2, 133:5, 133:24, 137:25, 139:24, 140:9, 140:11, 141:2, 145:22, 147:1, 149:1, 149:4, 149:7, 149:9, 152:2, 152:19, 154:1, 155:19, 164:12, 164:24, 165:18, 165:25, 166:15, 166:17, 169:8</p> <p>investigation.. [1] - 8:21</p> <p>investigations [14] - 36:22, 41:14, 41:21, 48:21, 53:21, 54:6, 54:13, 77:9, 135:5, 148:20, 149:14, 149:15, 150:17, 169:20</p> <p>investigative [10] - 54:2, 54:4, 54:19, 135:11, 146:10, 146:19, 146:24, 153:21, 159:19, 169:11</p> <p>Investigator [1] - 154:23</p> <p>investigators [12] -</p>
---	--	--	--	--

<p>9:1, 10:3, 14:8, 14:14, 15:13, 15:19, 33:15, 47:20, 54:18, 66:11, 166:18, 170:3</p> <p>invited ^[1] - 138:3</p> <p>involve ^[1] - 16:10</p> <p>involved ^[24] - 1:25, 5:16, 5:24, 6:3, 6:6, 23:9, 30:24, 30:25, 33:16, 38:24, 44:14, 46:11, 58:25, 68:17, 102:10, 109:3, 109:4, 110:1, 124:13, 125:16, 129:12, 143:13, 164:12, 166:14</p> <p>involvement ^[3] - 3:16, 4:14, 129:20</p> <p>involves ^[1] - 162:13</p> <p>involving ^[1] - 62:18</p> <p>ironic ^[1] - 158:23</p> <p>isolated ^[2] - 117:19, 125:3</p> <p>issue ^[25] - 11:11, 19:22, 25:22, 35:16, 35:20, 41:18, 42:1, 42:4, 43:21, 71:7, 86:13, 88:12, 95:4, 95:10, 120:16, 124:2, 124:19, 124:25, 133:3, 136:25, 146:10, 148:23, 151:25, 159:7</p> <p>issued ^[1] - 135:16</p> <p>issues ^[26] - 26:7, 33:13, 34:20, 35:5, 35:8, 35:10, 36:5, 41:12, 47:11, 47:19, 48:8, 58:23, 70:16, 70:17, 71:21, 74:23, 75:23, 76:20, 76:24, 77:5, 82:12, 92:17, 124:6, 159:12, 164:18, 164:21</p> <p>item ^[1] - 72:1</p> <p>items ^[1] - 5:11</p> <p>itself ^[3] - 34:25, 39:9, 147:9</p> <p>ivens ^[1] - 119:9</p>	<p>106:1, 107:9, 107:10, 107:16, 113:24, 114:11</p> <p>Jim ^[1] - 100:6</p> <p>jobs ^[2] - 148:7, 148:9</p> <p>Joesbury ^[1] - 93:12</p> <p>John ^[3] - 56:9, 79:24, 81:5</p> <p>john ^[1] - 142:13</p> <p>joint ^[2] - 16:8, 75:25</p> <p>jointly ^[2] - 16:11, 88:24</p> <p>jousting ^[1] - 167:5</p> <p>judgments ^[1] - 28:9</p> <p>judicial ^[1] - 95:11</p> <p>July ^[6] - 151:11, 157:13, 158:5, 162:3, 162:20, 162:24</p> <p>jump ^[1] - 77:19</p> <p>jumped ^[1] - 115:8</p> <p>jurisdiction ^[7] - 1:23, 3:19, 6:21, 28:20, 29:21, 30:2, 109:21</p> <p>jurisdictional ^[2] - 53:19, 77:8</p> <p>jurisdictions ^[8] - 59:7, 59:12, 59:17, 59:19, 59:24, 60:17, 60:19, 74:7</p> <p>justice ^[1] - 44:17</p> <p>Justice ^[2] - 23:12, 159:7</p> <p>justification ^[1] - 36:19</p>	<p>Killer ^[2] - 11:23, 104:3</p> <p>killer ^[4] - 33:24, 34:18, 36:4, 116:16</p> <p>killing ^[2] - 167:23, 168:19</p> <p>kind ^[12] - 24:9, 24:10, 25:15, 31:20, 45:23, 85:13, 86:8, 109:13, 124:3, 124:7, 153:24, 154:9</p> <p>Kines ^[1] - 118:18</p> <p>Kingsway ^[1] - 82:21</p> <p>knee ^[1] - 169:3</p> <p>knock ^[1] - 26:17</p> <p>knowing ^[4] - 63:23, 109:15, 127:8, 142:21</p> <p>knowledge ^[11] - 13:21, 40:24, 88:8, 88:10, 99:4, 110:13, 110:17, 112:18, 134:25, 152:20, 166:22</p> <p>known ^[10] - 34:23, 35:22, 35:24, 41:15, 41:21, 74:7, 106:1, 108:3, 108:4, 111:3</p> <p>knows ^[1] - 144:16</p>	<p>law ^[2] - 162:11, 166:5</p> <p>lawyer ^[1] - 81:21</p> <p>lawyers ^[3] - 32:9, 76:24</p> <p>lay ^[4] - 1:24, 7:24, 39:12</p> <p>layering ^[1] - 22:23</p> <p>laying ^[1] - 8:3</p> <p>lead ^[3] - 28:15, 106:9, 107:15</p> <p>leaders ^[1] - 102:17</p> <p>leadership ^[5] - 101:24, 102:12, 102:13, 102:18, 103:6</p> <p>leading ^[1] - 129:16</p> <p>leads ^[2] - 9:20, 150:8</p> <p>leaked ^[5] - 55:18, 98:18, 98:19, 98:21, 99:6</p> <p>leap ^[2] - 30:23, 36:2</p> <p>learned ^[1] - 155:14</p> <p>least ^[10] - 9:22, 10:8, 57:12, 72:17, 106:22, 115:16, 127:10, 153:13, 157:1, 167:25</p> <p>leave ^[5] - 26:11, 39:21, 96:22, 96:24, 131:16</p> <p>leaving ^[1] - 148:3</p> <p>led ^[5] - 31:23, 114:11, 117:7, 129:17, 136:18</p> <p>left ^[9] - 9:17, 12:9, 92:10, 104:11, 132:8, 142:21, 155:25, 159:19, 161:7</p> <p>legal ^[6] - 164:21, 164:23, 167:5, 167:12, 167:14</p> <p>lends ^[1] - 77:13</p> <p>Leng ^[3] - 3:7, 119:5</p> <p>Leng's ^[1] - 80:22</p> <p>length ^[1] - 24:16</p> <p>lengthy ^[5] - 9:2, 18:24, 39:14, 39:15, 105:15</p> <p>lens ^[1] - 149:22</p> <p>LePard ^[10] - 1:16, 6:19, 20:25, 22:21, 23:17, 24:23, 25:9, 26:4, 38:24, 93:16</p> <p>LEPARD ^[2] - 1:19, 1:3</p> <p>LePard's ^[7] - 20:15, 21:8, 21:13, 24:18, 29:10, 29:20, 30:1</p> <p>Lepine ^[5] - 157:18,</p>	<p>159:24, 161:8, 162:21, 163:19</p> <p>letter ^[4] - 90:14, 100:6, 119:5, 119:11</p> <p>level ^[8] - 43:15, 46:15, 69:9, 69:22, 70:13, 124:10, 124:21, 125:22</p> <p>levels ^[3] - 9:24, 24:25, 124:4</p> <p>liability ^[1] - 76:24</p> <p>liaising ^[1] - 151:25</p> <p>liaison ^[4] - 46:23, 68:4, 97:15, 97:23</p> <p>life ^[3] - 44:6, 44:15, 156:22</p> <p>light ^[5] - 20:2, 38:8, 39:16, 51:8, 51:15</p> <p>likely ^[8] - 34:17, 42:17, 45:18, 79:14, 80:3, 112:22, 113:22, 157:23</p> <p>limited ^[1] - 117:20</p> <p>Linda ^[2] - 46:24, 67:25</p> <p>Lindsay ^[1] - 118:18</p> <p>line ^[13] - 3:21, 11:19, 25:21, 36:22, 50:18, 51:1, 67:11, 103:24, 129:9, 132:1, 141:7, 143:21, 168:10</p> <p>lines ^[3] - 68:11, 115:9, 141:15</p> <p>link ^[4] - 14:15, 35:10, 42:16, 66:24</p> <p>linkage ^[4] - 35:8, 41:13, 42:1, 42:4</p> <p>linked ^[1] - 35:9</p> <p>links ^[1] - 71:7</p> <p>lips ^[1] - 141:5</p> <p>list ^[7] - 15:10, 15:17, 23:4, 34:2, 73:13, 122:18, 127:15</p> <p>listed ^[1] - 106:19</p> <p>listening ^[1] - 32:22</p> <p>literally ^[1] - 153:18</p> <p>live ^[1] - 44:7</p> <p>lived ^[3] - 119:23, 160:5, 163:11</p> <p>living ^[3] - 32:24, 49:14, 49:19</p> <p>loaning ^[1] - 75:3</p> <p>local ^[8] - 112:3, 112:5, 117:17, 117:25, 118:10, 120:17, 148:12, 152:24</p> <p>located ^[1] - 77:24</p> <p>Lockstep ^[3] - 48:22, 48:24, 68:24</p>
	<p>K</p>		<p>L</p>	
	<p>Kate ^[1] - 4:25</p> <p>keep ^[8] - 110:17, 110:19, 112:18, 128:4, 134:25, 135:4, 135:6, 146:22</p> <p>keeping ^[3] - 10:17, 135:10, 140:12</p> <p>keeps ^[1] - 135:11</p> <p>Keith ^[2] - 28:6, 130:22</p> <p>kept ^[4] - 84:18, 112:3, 158:12, 158:16</p> <p>Kevin ^[1] - 100:12</p> <p>key ^[7] - 10:2, 40:23, 42:4, 66:5, 103:3, 114:7, 148:16</p> <p>keyboard ^[1] - 90:24</p> <p>kill ^[1] - 168:16</p> <p>killed ^[4] - 33:22, 163:22, 165:22, 168:24</p>	<p>lack ^[9] - 10:16, 25:7, 28:3, 44:16, 49:10, 133:22, 133:23</p> <p>lacking ^[2] - 98:9, 101:14</p> <p>Lane ^[1] - 93:14</p> <p>large ^[11] - 70:17, 73:25, 74:2, 124:23, 140:11, 141:17, 143:4, 143:23, 144:18, 158:21, 168:2</p> <p>Large ^[1] - 142:24</p> <p>larger ^[2] - 61:7, 74:21</p> <p>largest ^[1] - 74:4</p> <p>Larry ^[3] - 155:24, 156:4, 156:16</p> <p>last ^[17] - 27:11, 34:7, 46:6, 46:25, 66:6, 75:8, 84:23, 88:21, 89:11, 89:13, 89:19, 90:18, 95:21, 100:22, 133:23, 140:25, 158:15</p> <p>lasted ^[3] - 125:25, 126:5, 139:15</p> <p>late ^[1] - 78:1</p>		
<p>J</p>				
<p>Jacqueline ^[1] - 93:11</p> <p>January ^[3] - 41:5, 76:1, 117:18</p> <p>Jardine ^[1] - 93:13</p> <p>jerk ^[1] - 169:3</p> <p>JFO ^[8] - 5:7, 22:9,</p>				

<p>lodge ^[1] - 169:13</p> <p>log ^[2] - 126:12, 128:19</p> <p>look ^[27] - 13:22, 32:19, 35:20, 58:8, 59:5, 59:12, 60:13, 60:14, 72:13, 84:16, 85:19, 90:5, 92:10, 113:25, 123:12, 126:14, 127:15, 131:25, 134:13, 138:19, 143:1, 144:14, 145:13, 146:16, 152:4, 159:22, 163:14</p> <p>looked ^[16] - 28:12, 46:1, 61:13, 98:5, 110:9, 113:13, 114:1, 119:16, 123:11, 132:5, 132:13, 137:4, 153:13, 154:15, 162:3, 162:6</p> <p>looking ^[17] - 14:4, 15:16, 15:21, 60:2, 94:23, 100:1, 111:25, 113:20, 114:6, 119:19, 120:12, 143:7, 144:14, 144:15, 145:9, 146:6, 166:13</p> <p>looks ^[5] - 53:23, 130:21, 139:18, 154:23, 158:1</p> <p>loop ^[1] - 153:3</p> <p>loose ^[1] - 141:5</p> <p>Lori ^[5] - 111:13, 131:7, 134:13, 139:21, 150:24</p> <p>Lost ^[1] - 49:9</p> <p>Loukidelis ^[1] - 100:11</p> <p>Lower ^[4] - 70:25, 72:2, 73:21, 73:24</p> <p>lower ^[1] - 12:9</p> <p>Lowman ^[2] - 78:15, 79:7</p> <p>LTD ^[1] - 170:23</p> <p>luck ^[3] - 12:13, 14:21, 104:16</p> <p>lunch ^[2] - 42:22, 92:21</p> <p>lured ^[1] - 143:4</p>	<p>Maggie ^[5] - 119:11, 119:21, 119:23, 134:6, 134:9</p> <p>Mail ^[1] - 117:24</p> <p>mail ^[8] - 91:4, 91:10, 92:7, 96:3, 152:10, 153:1, 153:3, 153:20</p> <p>mails ^[3] - 9:14, 82:16, 154:16</p> <p>Main ^[3] - 121:19, 130:16, 140:17</p> <p>main ^[3] - 72:16, 130:15, 130:18</p> <p>Mainland ^[4] - 71:1, 72:2, 73:21, 73:24</p> <p>maintaining ^[1] - 132:25</p> <p>major ^[11] - 53:20, 54:2, 54:9, 54:11, 54:13, 54:15, 54:19, 54:22, 80:16, 136:5, 148:18</p> <p>Major ^[2] - 54:4, 56:17</p> <p>majority ^[1] - 4:4</p> <p>Malcolm ^[2] - 46:24, 68:1</p> <p>man ^[3] - 26:16, 26:19, 146:3</p> <p>management ^[13] - 47:16, 53:20, 54:2, 54:9, 54:16, 54:22, 55:1, 73:1, 73:7, 110:23, 136:6, 148:19</p> <p>managers ^[4] - 31:7, 33:20, 49:16, 54:1</p> <p>mandate ^[2] - 50:11, 111:24</p> <p>mandated ^[1] - 57:3</p> <p>manner ^[1] - 10:14</p> <p>manual ^[4] - 54:16, 62:20, 96:16, 135:2</p> <p>March ^[5] - 64:20, 65:15, 88:19, 89:12, 89:13</p> <p>marches ^[1] - 5:17</p> <p>marginalized ^[10] - 42:14, 43:24, 47:5, 47:21, 48:16, 49:5, 49:17, 49:21, 62:11, 69:18</p> <p>marked ^[15] - 6:18, 89:24, 90:7, 90:10, 90:13, 93:17, 99:10, 99:11, 99:12, 99:16, 99:18, 99:19, 99:20</p> <p>Marnie ^[1] - 93:8</p> <p>married ^[1] - 144:22</p> <p>marry ^[1] - 144:25</p> <p>material ^[5] - 21:5,</p>	<p>94:2, 95:14, 96:13, 132:23</p> <p>materials ^[2] - 56:3, 78:3</p> <p>matrix ^[1] - 47:9</p> <p>matter ^[10] - 30:7, 31:9, 33:20, 52:11, 80:10, 84:12, 98:19, 142:4, 142:18, 165:4</p> <p>matters ^[2] - 37:2, 52:14</p> <p>maximum ^[1] - 154:3</p> <p>Mayor's ^[1] - 119:8</p> <p>mayoral ^[1] - 81:25</p> <p>McCartney ^[1] - 155:20</p> <p>McCluskey ^[1] - 148:3</p> <p>McGuinness ^[5] - 120:25, 126:3, 127:5, 127:16, 129:3</p> <p>McHale ^[1] - 170:21</p> <p>McIntyre ^[1] - 43:16</p> <p>mean ^[6] - 25:15, 44:9, 44:18, 52:2, 63:11, 67:21</p> <p>means ^[4] - 36:23, 72:11, 134:17, 141:25</p> <p>meant ^[1] - 146:1</p> <p>mechanism ^[4] - 59:5, 67:15, 76:5, 76:8</p> <p>mechanisms ^[5] - 45:21, 47:2, 67:19, 75:25, 76:2</p> <p>Media ^[1] - 2:12</p> <p>media ^[33] - 2:20, 3:14, 3:22, 4:12, 4:22, 4:25, 5:7, 9:23, 17:9, 24:24, 54:14, 55:17, 55:20, 80:21, 97:13, 97:15, 97:23, 98:18, 98:19, 117:17, 117:22, 118:2, 118:19, 119:1, 119:17, 120:17, 121:25, 129:24, 131:9, 146:8, 148:10, 148:13, 148:15</p> <p>meet ^[4] - 82:22, 83:20, 85:15, 157:20</p> <p>meeting ^[51] - 105:24, 113:7, 121:12, 122:6, 123:15, 123:22, 125:22, 125:25, 126:4, 126:7, 126:18, 126:20, 127:3, 127:5, 127:10, 128:14, 128:16,</p>	<p>128:23, 128:24, 129:24, 132:21, 132:22, 133:12, 134:4, 134:10, 134:23, 135:24, 136:5, 136:10, 137:5, 137:7, 137:10, 138:3, 138:21, 138:24, 139:2, 139:4, 139:5, 139:15, 140:7, 142:24, 143:1, 144:22, 145:3, 145:6, 146:15, 146:21, 147:9, 147:13, 148:8, 148:22</p> <p>meetings ^[2] - 81:12, 124:16</p> <p>meets ^[2] - 66:2, 66:4</p> <p>member ^[13] - 14:20, 24:11, 87:14, 107:15, 109:17, 111:2, 118:7, 137:21, 139:12, 155:14, 155:24, 156:4, 156:7</p> <p>members ^[25] - 10:7, 14:2, 14:10, 54:13, 60:12, 64:19, 72:22, 101:19, 102:4, 127:18, 127:20, 135:23, 152:12, 152:19, 153:5, 153:8, 153:10, 153:25, 154:5, 158:1, 160:20, 160:21, 160:24, 164:12</p> <p>members' ^[3] - 137:5, 152:9, 153:1</p> <p>memo ^[6] - 20:16, 58:1, 126:8, 126:12, 127:1, 150:22</p> <p>memorandum ^[2] - 151:3, 151:23</p> <p>Memorial ^[1] - 64:20</p> <p>memories ^[1] - 135:19</p> <p>memory ^[1] - 40:12</p> <p>men ^[2] - 78:21, 131:24</p> <p>mental ^[2] - 44:9, 69:19</p> <p>mentally ^[3] - 49:4, 49:10, 49:17</p> <p>mention ^[1] - 17:1</p> <p>mentioned ^[5] - 43:8, 80:19, 100:5, 105:18, 125:17</p> <p>mentioning ^[1] - 140:3</p>	<p>mentions ^[1] - 16:25</p> <p>mere ^[1] - 121:18</p> <p>merit ^[6] - 17:23, 24:22, 28:3, 34:14, 87:24, 167:6</p> <p>message ^[1] - 155:25</p> <p>met ^[4] - 66:4, 79:25, 82:16, 121:2</p> <p>methodology ^[3] - 12:16, 90:19, 104:19</p> <p>metro ^[1] - 71:1</p> <p>Metro ^[4] - 74:8, 74:18, 75:21, 76:18</p> <p>metropolitan ^[3] - 71:6, 73:17, 74:6</p> <p>middle ^[3] - 9:11, 13:4, 162:24</p> <p>might ^[20] - 16:18, 33:24, 44:14, 46:8, 95:17, 96:17, 110:12, 117:7, 125:13, 128:18, 131:24, 132:6, 157:5, 164:5, 168:5, 168:8, 168:17, 169:5, 169:6, 169:15</p> <p>mill ^[1] - 81:15</p> <p>mind ^[6] - 33:19, 50:13, 107:5, 111:12, 119:1, 131:14</p> <p>minds ^[2] - 146:10</p> <p>mine ^[2] - 27:25, 150:14</p> <p>minimized ^[1] - 45:12</p> <p>Minister ^[1] - 100:7</p> <p>ministers ^[5] - 121:9, 123:18, 124:17, 125:23, 128:10</p> <p>Ministry ^[1] - 155:4</p> <p>minute ^[2] - 40:4, 142:7</p> <p>minutes ^[8] - 7:7, 42:24, 66:2, 85:5, 85:6, 113:7, 128:16, 138:9</p> <p>misguided ^[1] - 37:11</p> <p>misinformation ^[1] - 9:23</p> <p>misinterpret ^[1] - 30:1</p> <p>misleading ^[3] - 5:1, 17:25, 18:1</p> <p>missed ^[1] - 120:8</p> <p>missing ^[90] - 1:18, 4:1, 4:6, 5:18, 6:22, 13:20, 14:9, 14:12, 18:15, 30:11, 30:12, 30:17, 30:21, 31:7, 31:10, 32:3, 32:5, 32:13, 32:15, 33:12,</p>
M				
<p>Mae ^[1] - 93:10</p> <p>magazine ^[3] - 11:14, 16:2, 158:21</p>				

<p>33:22, 34:2, 34:6, 34:18, 35:5, 35:8, 35:18, 35:25, 36:7, 36:23, 37:20, 47:10, 48:11, 48:13, 48:15, 53:21, 56:3, 58:9, 58:14, 58:25, 59:6, 59:8, 59:9, 59:11, 59:13, 59:15, 59:19, 59:25, 60:4, 60:18, 61:4, 61:8, 61:14, 61:24, 62:13, 62:18, 63:10, 63:13, 63:17, 64:21, 65:16, 65:21, 88:2, 89:20, 94:18, 101:4, 106:17, 114:2, 114:4, 114:21, 119:22, 120:4, 120:16, 121:17, 123:23, 131:18, 133:5, 137:1, 137:11, 137:24, 140:17, 141:22, 143:2, 145:14, 148:11, 149:20, 150:4, 167:21, 169:19</p> <p>Missing [23] - 2:24, 6:4, 12:12, 12:15, 48:18, 56:7, 60:10, 61:2, 61:5, 61:8, 61:18, 63:18, 64:14, 70:21, 72:21, 75:23, 104:1, 104:15, 119:13, 130:2, 130:4, 151:5, 151:11</p> <p>mistake [4] - 27:16, 84:16, 114:19, 115:5</p> <p>mistakes [2] - 51:17, 86:23</p> <p>mistranscribed [1] - 120:9</p> <p>mitigated [1] - 10:8</p> <p>model [1] - 62:17</p> <p>moderately [2] - 152:17, 153:15</p> <p>moment [11] - 3:20, 51:15, 105:13, 107:14, 114:10, 129:25, 130:14, 142:13, 165:16, 167:25, 169:15</p> <p>Mona [1] - 93:9</p> <p>money [2] - 143:15, 144:18</p> <p>monitoring [2] - 83:4, 83:7</p> <p>month [2] - 129:5, 161:16</p> <p>monthly [2] - 56:18,</p>	<p>56:21</p> <p>months [7] - 34:6, 84:23, 106:6, 148:22, 153:18, 157:12</p> <p>Morhart [1] - 100:10</p> <p>morning [7] - 17:11, 28:13, 43:6, 68:3, 103:9, 116:10, 170:12</p> <p>most [11] - 26:25, 34:17, 42:17, 45:17, 45:18, 50:23, 61:6, 66:16, 69:20, 106:18, 145:16</p> <p>motel [2] - 82:21, 85:2</p> <p>motorcycle [4] - 156:7, 156:13, 160:21, 160:24</p> <p>Mounted [1] - 5:21</p> <p>MOUs [1] - 76:23</p> <p>move [7] - 26:14, 26:25, 77:16, 96:22, 97:5, 115:24, 138:6</p> <p>moved [1] - 122:19</p> <p>moving [1] - 7:22</p> <p>MR [79] - 1:6, 1:11, 1:20, 6:10, 6:13, 7:2, 7:4, 7:7, 7:15, 7:21, 8:1, 8:3, 8:5, 8:10, 18:23, 19:22, 23:1, 23:23, 24:1, 24:5, 24:15, 26:1, 26:8, 26:18, 27:2, 29:8, 29:16, 29:18, 29:25, 30:6, 35:2, 36:14, 37:8, 37:23, 38:12, 39:20, 39:25, 40:8, 40:21, 41:8, 42:19, 42:22, 43:3, 49:22, 50:16, 51:20, 52:4, 52:15, 52:17, 52:22, 89:22, 90:9, 90:12, 90:17, 92:19, 92:24, 93:5, 93:7, 93:15, 95:10, 95:14, 95:20, 95:23, 96:11, 96:24, 97:8, 99:8, 99:14, 99:16, 99:18, 99:20, 99:21, 99:22, 99:25, 136:22, 138:5, 138:13, 167:16, 170:9</p> <p>MS [6] - 19:24, 20:10, 20:13, 21:14, 21:19, 22:16</p> <p>multi [2] - 53:19, 77:8</p> <p>multi-jurisdictional [2] - 53:19, 77:8</p> <p>multiple [1] - 72:16</p>	<p>municipal [2] - 73:9, 76:19</p> <p>murder [12] - 31:1, 31:17, 31:20, 31:22, 33:7, 34:23, 35:21, 35:23, 112:23, 166:9, 167:11, 169:6</p> <p>Murder [1] - 2:14</p> <p>Murdered [1] - 64:14</p> <p>murdered [6] - 6:22, 36:23, 63:13, 64:21, 65:16, 113:22</p> <p>murders [4] - 31:13, 31:18, 106:17, 168:9</p> <p>Murdock [1] - 93:11</p> <p>must [3] - 149:22, 149:25, 166:11</p> <p>MWTF [1] - 104:18</p> <p>mysteries [1] - 110:14</p> <p style="text-align: center;">N</p> <p>name [5] - 84:25, 89:4, 107:4, 132:16, 145:25</p> <p>named [3] - 88:2, 134:15, 144:5</p> <p>names [1] - 92:1</p> <p>narrative [2] - 7:24, 91:4</p> <p>narrator [2] - 8:21, 9:8</p> <p>Nash [21] - 17:5, 17:16, 17:20, 18:19, 19:4, 20:4, 20:8, 20:9, 21:12, 21:16, 21:19, 23:2, 23:14, 24:8, 24:16, 26:3, 27:17, 28:7, 98:8, 98:10, 115:4</p> <p>Nash's [12] - 18:14, 18:24, 19:10, 24:3, 24:4, 24:7, 24:19, 27:4, 28:4, 29:14, 114:14, 114:24</p> <p>Nathan [8] - 12:5, 14:19, 15:6, 22:8, 106:10, 158:24, 166:11, 166:14</p> <p>National [2] - 117:24, 130:25</p> <p>national [2] - 31:15, 46:22</p> <p>Nations [1] - 36:15</p> <p>Nations' [1] - 6:11</p> <p>nature [2] - 80:24, 146:16</p> <p>NBC [1] - 5:3</p> <p>near [2] - 107:11, 160:10</p>	<p>necessarily [6] - 20:6, 40:6, 60:20, 76:20, 105:6, 135:7</p> <p>necessary [4] - 26:2, 34:3, 44:25, 159:6</p> <p>need [25] - 6:19, 7:24, 19:10, 19:14, 22:3, 22:14, 31:5, 39:9, 39:14, 45:5, 45:7, 49:3, 50:10, 52:1, 63:24, 69:2, 69:10, 76:23, 77:20, 90:4, 94:20, 96:21, 140:21, 141:1, 143:15</p> <p>needed [8] - 31:25, 59:4, 60:2, 91:12, 97:24, 103:5, 140:12, 165:17</p> <p>needs [5] - 45:14, 49:4, 63:8, 140:19, 165:19</p> <p>neighbourhoods [1] - 30:13</p> <p>Neil [1] - 130:25</p> <p>nerdowells [2] - 109:13, 109:20</p> <p>neutral [1] - 70:25</p> <p>never [8] - 10:23, 33:25, 86:23, 115:5, 116:7, 141:5, 162:15, 166:18</p> <p>New [1] - 59:16</p> <p>new [5] - 16:16, 70:15, 76:2, 150:7</p> <p>news [1] - 152:23</p> <p>newspaper [3] - 3:5, 119:20, 149:16</p> <p>newspapers [3] - 140:18, 140:19, 162:6</p> <p>next [21] - 3:13, 8:15, 10:4, 22:10, 54:21, 61:23, 68:20, 75:7, 103:7, 104:9, 107:13, 119:3, 119:6, 129:4, 129:5, 138:7, 141:6, 143:16, 143:20, 155:11, 163:20</p> <p>nine [2] - 31:18, 53:25</p> <p>NO [1] - 2:3</p> <p>nobody's [1] - 112:25</p> <p>non [2] - 76:13, 84:6</p> <p>non-emergency [1] - 84:6</p> <p>non-unionized [1] - 76:13</p> <p>none [2] - 73:6, 76:25</p> <p>nonsense [1] - 105:3</p>	<p>normal [2] - 83:19, 99:6</p> <p>normally [1] - 84:4</p> <p>North [2] - 5:4, 9:14</p> <p>notation [1] - 88:14</p> <p>note [11] - 77:6, 79:22, 91:17, 92:20, 141:6, 141:16, 142:23, 143:22, 144:3, 155:12, 170:9</p> <p>notebook [2] - 89:16, 135:10</p> <p>notebooks [4] - 135:17, 137:19, 139:9, 139:14</p> <p>noted [11] - 77:12, 79:25, 80:5, 81:22, 91:24, 92:1, 94:23, 112:10, 113:6, 151:15, 161:25</p> <p>notes [46] - 89:16, 90:21, 91:1, 92:22, 105:20, 105:23, 110:11, 110:12, 110:15, 126:6, 126:9, 126:18, 126:19, 126:24, 126:25, 127:14, 127:21, 128:2, 128:18, 129:21, 135:1, 135:4, 135:6, 135:7, 135:11, 137:5, 137:7, 137:9, 137:19, 137:23, 138:4, 138:19, 138:21, 138:22, 139:3, 139:10, 139:13, 139:17, 143:8, 145:7, 146:16, 147:4, 159:18</p> <p>nothing [6] - 3:2, 11:4, 39:17, 81:10, 106:16, 146:1</p> <p>notice [3] - 93:20, 95:11, 105:5</p> <p>noticed [1] - 107:4</p> <p>notwithstanding [1] - 29:3</p> <p>November [8] - 1:2, 5:2, 12:16, 27:9, 104:18, 129:8, 150:23, 151:12</p> <p>nowhere [1] - 9:8</p> <p>number [30] - 1:14, 1:21, 5:18, 16:12, 44:21, 46:1, 46:6, 46:13, 64:3, 67:2, 76:16, 82:15, 88:23, 94:15, 100:20,</p>
---	--	---	--	---

103:13, 103:14, 121:21, 121:24, 122:8, 122:12, 122:15, 122:17, 131:7, 131:23, 132:12, 136:12, 155:25, 159:4, 168:3 numbers [3] - 42:7, 84:6, 103:20	offence [4] - 125:8, 125:10, 132:3, 162:12 offender [1] - 80:17 offenses [2] - 46:9, 132:7 offensive [2] - 24:21, 37:5 offer [1] - 25:11 offered [1] - 40:14 office [8] - 11:17, 48:12, 56:3, 58:18, 81:18, 103:23, 149:21, 150:3 Office [1] - 119:9 officer [18] - 60:12, 61:10, 67:5, 78:24, 80:8, 80:14, 81:19, 88:20, 89:15, 89:16, 102:10, 116:14, 135:10, 162:12, 166:3, 166:16, 167:20 Officers [1] - 162:20 officers [23] - 7:19, 13:19, 38:15, 39:6, 46:12, 49:13, 49:18, 67:17, 70:13, 73:11, 78:17, 78:18, 78:22, 79:2, 79:14, 83:20, 130:19, 134:25, 135:13, 135:16, 135:22, 144:24, 145:2 offices [1] - 121:13 Official [1] - 170:22 official [3] - 19:12, 20:6, 97:21 officially [1] - 98:25 officials [2] - 123:16, 124:4 oft [1] - 59:10 often [5] - 30:10, 45:6, 45:13, 61:10, 125:16 OIC [2] - 20:16, 21:16 old [1] - 162:6 Olivia [1] - 93:14 on-line [2] - 11:19, 103:24 on-the-line [1] - 36:22 on-the-street [2] - 36:21, 38:15 once [1] - 161:15 one [84] - 11:17, 14:7, 15:19, 16:1, 16:5, 22:16, 24:22, 25:13, 28:16, 30:10, 31:16, 35:19, 38:22, 44:21, 46:10, 49:6, 49:12, 53:12, 55:21, 56:5,	56:20, 57:13, 58:7, 58:12, 61:12, 62:2, 66:23, 67:14, 67:20, 69:13, 70:3, 71:15, 72:1, 73:4, 74:5, 75:8, 75:23, 76:10, 76:16, 76:17, 76:25, 77:1, 80:12, 82:3, 85:1, 88:12, 91:19, 92:16, 94:5, 96:17, 102:21, 103:8, 103:17, 103:19, 110:10, 110:13, 110:14, 110:24, 118:18, 119:2, 119:7, 122:5, 122:8, 122:12, 122:15, 122:18, 124:12, 127:9, 129:18, 130:18, 130:19, 131:7, 143:7, 147:19, 153:19, 157:6, 159:4, 159:19, 164:19, 165:4, 167:7, 168:17, 169:8, 169:11 ones [3] - 52:22, 61:7, 153:13 ongoing [2] - 65:25, 133:1 Ontario [1] - 62:19 OO/02/11 [1] - 154:20 op [1] - 105:15 op-ed [1] - 105:15 open [3] - 68:12, 117:15, 154:20 opened [1] - 145:6 opening [4] - 40:10, 115:12, 115:15, 115:17 operating [1] - 73:14 operation [5] - 74:17, 76:1, 76:4, 76:7, 162:8 operational [1] - 54:15 operations [4] - 66:13, 83:3, 102:23, 168:2 operator [4] - 85:14, 85:22, 86:15, 87:16 operators [3] - 83:5, 84:10, 86:5 opinion [9] - 21:15, 22:17, 22:18, 23:7, 42:9, 100:25, 106:14, 116:3 opinioned [1] - 136:17 opinions [1] - 24:3 Oppal [1] - 168:12 opportunities [2] -	116:2, 116:23 opportunity [7] - 19:25, 40:20, 51:13, 90:4, 101:22, 116:15, 117:5 opposed [6] - 32:14, 42:12, 42:13, 57:3, 73:3, 125:12 opposite [2] - 26:5, 168:15 oral [1] - 19:7 order [8] - 1:4, 16:16, 43:2, 49:20, 52:5, 93:3, 138:12, 167:10 ordinate [1] - 49:3 ordained [2] - 70:5, 165:18 ordination [1] - 69:10 ordinator [1] - 47:17 organization [5] - 10:18, 25:12, 60:16, 74:21, 79:8 organizational [1] - 70:16 organized [1] - 165:20 original [6] - 9:21, 13:14, 13:20, 91:15, 92:5, 119:19 otherwise [2] - 8:2, 15:18 ourselves [1] - 14:24 outbuildings [1] - 160:11 outcome [1] - 16:15 outline [6] - 62:4, 64:15, 68:6, 70:9, 72:11, 90:22 outlined [2] - 39:17, 69:3 outlines [1] - 71:25 outrageous [2] - 25:6, 26:3 outset [2] - 39:1, 50:5 outside [4] - 5:20, 6:8, 97:2, 143:5 outspoken [1] - 81:13 overall [1] - 18:5 overdosed [1] - 64:1 oversight [1] - 59:4 overtaxed [1] - 146:6 overview [3] - 61:17, 139:21, 151:10 own [7] - 8:24, 67:2, 122:21, 132:3, 150:13, 164:11, 165:1 ownership [1] - 148:23	P p.m [2] - 92:25, 159:23 P.M [5] - 93:1, 93:2, 138:10, 138:11, 170:13 PACE [2] - 68:11, 79:9 package [4] - 55:18, 112:11, 113:8, 113:10 page [48] - 2:12, 9:10, 11:20, 11:21, 12:3, 12:8, 13:24, 24:12, 27:11, 54:22, 55:6, 61:17, 61:20, 61:22, 71:22, 72:5, 73:12, 73:13, 74:11, 77:9, 88:22, 96:16, 101:11, 104:9, 108:9, 118:12, 119:4, 120:8, 120:11, 120:12, 129:8, 130:10, 139:18, 151:16, 151:23, 152:5, 157:15, 157:17, 158:9, 158:16, 159:24, 161:6, 163:20 PAGE [1] - 2:3 paper [1] - 156:1 pages [4] - 2:7, 40:12, 140:18, 158:6 painted [1] - 50:23 Palace [1] - 160:15 paper [3] - 75:10, 75:16, 112:18 papers [2] - 117:25, 150:8 Papin [1] - 93:8 paragraph [17] - 2:16, 3:13, 4:18, 5:10, 8:15, 9:11, 10:5, 12:9, 12:10, 13:23, 81:4, 89:5, 101:17, 104:11, 115:9, 120:13, 155:11 paragraphs [1] - 14:16 paraphrasing [1] - 134:14 pardon [1] - 120:9 part [16] - 4:24, 7:23, 9:23, 24:15, 50:20, 54:14, 54:15, 55:17, 57:14, 64:21, 70:9, 103:9, 114:12, 145:17, 162:16, 166:18 partially [1] - 10:8
O	o'clock [3] - 42:19, 92:23, 170:12 oath [1] - 15:7 objection [3] - 21:3, 21:7, 96:7 objections [1] - 71:18 objective [4] - 17:22, 25:10, 101:2, 147:22 objectivity [3] - 28:1, 98:9, 101:14 obliged [1] - 127:20 observation [3] - 40:9, 116:10, 158:11 observed [2] - 161:13, 163:17 obstructive [1] - 76:11 obtain [2] - 164:2, 165:12 obtained [2] - 125:17, 165:4 obtaining [2] - 14:20, 167:7 obvious [2] - 45:11, 50:10 obviously [9] - 3:11, 22:19, 45:19, 51:6, 55:13, 78:25, 80:3, 82:2, 85:8 occasion [1] - 150:12 occasional [1] - 87:14 occasions [3] - 80:11, 105:23, 168:1 occupancy [1] - 49:14 Occupy [1] - 119:8 occur [2] - 135:18, 162:22 occurred [7] - 13:1, 69:13, 84:14, 85:18, 89:15, 133:12, 161:15 occurring [6] - 69:21, 119:14, 127:22, 163:5, 166:4, 168:5 October [1] - 37:9 odds [1] - 71:2 OF [1] - 1:1 Offence [1] - 47:22			

<p>participants ^[9] - 19:18, 50:3, 50:6, 71:5, 71:20, 72:16, 73:2, 73:9, 77:7</p> <p>participate ^[3] - 48:10, 73:10, 130:8</p> <p>participated ^[3] - 55:25, 71:11, 129:18</p> <p>participation ^[1] - 66:17</p> <p>particular ^[17] - 38:2, 43:19, 70:3, 77:18, 102:19, 103:5, 108:1, 108:3, 109:16, 110:17, 112:17, 130:3, 133:3, 135:21, 137:20, 139:2, 161:23</p> <p>particularly ^[10] - 10:2, 15:16, 15:21, 22:24, 24:20, 39:15, 47:18, 47:21, 51:14, 63:4</p> <p>parties ^[2] - 22:20, 52:6</p> <p>partners ^[2] - 63:3, 64:23</p> <p>partnership ^[1] - 69:14</p> <p>parts ^[1] - 38:18</p> <p>passage ^[3] - 13:5, 104:10, 105:3</p> <p>passages ^[2] - 12:3, 24:17</p> <p>passing ^[1] - 150:6</p> <p>past ^[1] - 51:18</p> <p>patently ^[1] - 5:24</p> <p>patiently ^[1] - 99:9</p> <p>patrol ^[6] - 45:4, 135:10, 152:9, 152:10, 153:9, 154:5</p> <p>patterns ^[3] - 59:5, 60:4, 60:14</p> <p>pay ^[1] - 142:16</p> <p>Peace ^[1] - 159:7</p> <p>Peel ^[1] - 108:10</p> <p>PEERS ^[1] - 68:11</p> <p>Pemberton ^[1] - 74:1</p> <p>people ^[53] - 2:3, 32:25, 33:14, 36:1, 36:10, 42:14, 43:14, 43:17, 43:24, 45:13, 45:17, 49:5, 49:8, 49:11, 49:17, 49:21, 50:6, 59:6, 60:4, 62:12, 62:19, 66:13, 66:14, 66:15, 69:8, 69:18, 69:20, 70:3, 70:6, 70:8, 79:24,</p>	<p>84:21, 90:20, 97:15, 123:23, 125:11, 125:15, 126:2, 127:10, 136:12, 138:3, 140:11, 140:12, 141:1, 147:19, 150:13, 157:10, 161:17, 162:23, 163:24, 167:22, 168:3, 168:16</p> <p>people's ^[2] - 92:1, 139:14</p> <p>per ^[1] - 54:15</p> <p>perceive ^[1] - 101:9</p> <p>percent ^[3] - 58:12, 58:16, 82:4</p> <p>perform ^[1] - 142:8</p> <p>performing ^[2] - 149:7, 149:11</p> <p>perhaps ^[10] - 19:22, 21:10, 37:25, 38:12, 57:7, 87:11, 89:24, 90:4, 92:21, 113:22</p> <p>Peri ^[1] - 170:21</p> <p>period ^[5] - 72:13, 84:1, 115:24, 117:19, 139:9</p> <p>permanent ^[1] - 84:12</p> <p>person ^[13] - 21:24, 23:6, 31:2, 48:16, 61:14, 106:20, 136:5, 136:17, 137:11, 137:14, 150:4, 157:6, 165:10</p> <p>Person ^[1] - 56:7</p> <p>person's ^[1] - 63:7</p> <p>personal ^[6] - 88:10, 135:17, 141:3, 148:23, 158:10, 165:1</p> <p>personally ^[3] - 123:5, 123:12, 132:16</p> <p>personnel ^[1] - 107:9</p> <p>persons ^[15] - 35:5, 35:9, 36:7, 48:11, 48:13, 53:21, 56:3, 59:1, 60:18, 61:9, 61:24, 62:18, 63:10, 94:18, 149:20</p> <p>Persons ^[10] - 48:18, 60:11, 61:3, 61:6, 61:8, 61:18, 63:18, 72:21, 151:5, 151:11</p> <p>perspective ^[8] - 18:20, 39:2, 39:3, 39:4, 71:5, 71:9, 71:10, 71:21</p> <p>pervasive ^[1] - 87:9</p> <p>Peter ^[1] - 43:16</p>	<p>petty ^[1] - 108:24</p> <p>Ph.D ^[1] - 70:13</p> <p>Phase ^[8] - 52:19, 64:11, 68:21, 100:2, 129:23, 138:15, 150:21, 150:22</p> <p>phase ^[1] - 107:13</p> <p>phone ^[3] - 59:23, 67:4, 155:25</p> <p>photograph ^[1] - 149:18</p> <p>photos ^[2] - 141:8, 141:10</p> <p>phrase ^[1] - 102:12</p> <p>physical ^[1] - 112:3</p> <p>pick ^[2] - 142:14, 159:25</p> <p>picking ^[1] - 154:8</p> <p>Pickton ^[77] - 1:24, 2:1, 2:13, 2:19, 2:20, 2:25, 3:4, 3:10, 3:16, 3:18, 4:2, 4:8, 4:15, 5:24, 8:23, 10:13, 10:22, 11:22, 12:6, 14:2, 14:15, 15:9, 15:16, 15:21, 22:6, 23:9, 28:16, 28:19, 29:3, 77:25, 78:10, 101:4, 104:1, 106:16, 106:19, 106:23, 108:2, 109:6, 109:12, 110:4, 110:8, 111:2, 111:6, 111:11, 112:4, 112:12, 112:22, 114:5, 117:4, 122:13, 122:14, 123:6, 123:7, 131:7, 132:1, 132:9, 134:16, 144:21, 145:25, 146:1, 146:24, 151:18, 155:1, 156:14, 156:17, 157:3, 157:5, 157:23, 158:12, 158:16, 159:1, 160:5, 163:11, 166:15, 168:6, 168:20, 169:15</p> <p>Pickton's ^[5] - 88:25, 132:16, 160:1, 167:1, 168:4</p> <p>Pickton.. ^[1] - 3:24</p> <p>Picktons ^[2] - 108:11, 155:16</p> <p>picture ^[3] - 22:12, 25:24, 163:19</p> <p>piece ^[2] - 105:15, 133:8</p>	<p>pig ^[1] - 144:4</p> <p>Piggy's ^[1] - 160:15</p> <p>pigs ^[1] - 163:22</p> <p>piling ^[2] - 22:17, 22:18</p> <p>pimps ^[1] - 79:14</p> <p>pinpointed ^[1] - 114:7</p> <p>piqued ^[1] - 134:2</p> <p>PIRS ^[1] - 110:21</p> <p>place ^[15] - 1:11, 14:23, 20:5, 26:6, 33:7, 39:13, 75:25, 76:2, 76:3, 121:12, 161:14, 161:18, 163:9, 163:18, 163:24</p> <p>placed ^[2] - 1:7, 155:4</p> <p>plan ^[2] - 54:15, 156:1</p> <p>planned ^[4] - 9:23, 24:24, 98:20, 113:5</p> <p>Planning ^[6] - 62:6, 70:1, 70:4, 70:7, 70:10, 70:11</p> <p>planning ^[1] - 70:16</p> <p>plant ^[1] - 169:13</p> <p>plausible ^[1] - 36:5</p> <p>play ^[4] - 30:24, 31:9, 63:23, 155:17</p> <p>players ^[1] - 66:5</p> <p>playing ^[4] - 8:6, 108:17, 109:20, 109:23</p> <p>plenty ^[1] - 163:2</p> <p>point ^[46] - 1:23, 7:17, 8:2, 8:11, 11:1, 19:2, 20:7, 22:7, 22:8, 22:17, 25:17, 25:20, 27:16, 29:9, 39:19, 39:20, 40:8, 50:2, 58:8, 89:6, 109:6, 112:12, 113:25, 114:1, 114:19, 115:16, 116:13, 121:16, 122:5, 122:16, 122:18, 122:22, 126:11, 126:17, 131:6, 131:13, 132:12, 132:15, 137:11, 137:14, 144:9, 146:19, 147:13, 158:14, 159:19</p> <p>pointed ^[1] - 121:25</p> <p>pointing ^[3] - 117:3, 132:10, 163:21</p> <p>points ^[8] - 2:4, 18:18, 18:20, 19:4, 21:1, 49:24, 53:23, 167:2</p> <p>Police ^[49] - 5:21, 7:20, 8:20, 8:24, 9:4,</p>	<p>9:7, 22:6, 32:22, 33:3, 37:22, 38:9, 39:18, 40:3, 46:22, 50:20, 50:24, 51:4, 51:9, 53:12, 53:22, 54:7, 54:16, 59:21, 60:8, 60:10, 60:12, 61:24, 62:16, 62:20, 65:19, 66:7, 71:9, 71:25, 72:21, 72:22, 73:19, 74:21, 75:11, 79:18, 86:20, 97:23, 110:21, 118:7, 119:10, 137:22, 151:24, 155:15, 156:5, 161:9</p> <p>police ^[67] - 3:8, 22:13, 30:9, 44:17, 46:12, 49:13, 49:18, 61:2, 61:7, 61:10, 62:9, 67:4, 67:17, 69:23, 70:13, 70:18, 72:19, 73:3, 73:6, 73:10, 73:11, 74:23, 74:25, 75:21, 76:12, 76:13, 77:1, 78:17, 78:18, 78:22, 78:24, 79:2, 79:13, 80:8, 80:14, 80:16, 82:21, 83:20, 85:5, 86:20, 88:20, 102:9, 108:3, 109:22, 110:16, 110:19, 112:16, 116:14, 130:19, 134:25, 135:13, 139:12, 144:24, 145:2, 146:3, 146:19, 151:25, 161:9, 166:3, 166:5, 167:20, 168:7, 168:18, 168:21, 169:16, 169:18</p> <p>policies ^[5] - 60:14, 61:25, 62:25, 72:25, 76:13</p> <p>Policing ^[2] - 100:12, 124:2</p> <p>policing ^[14] - 14:23, 53:19, 70:25, 71:6, 71:10, 74:12, 74:17, 109:16, 109:18, 127:8, 162:16</p> <p>policy ^[12] - 54:8, 62:5, 62:9, 62:17, 62:20, 62:22, 63:5, 70:14, 70:15, 85:12</p> <p>politicians ^[2] - 5:19, 6:8</p> <p>pool ^[1] - 154:10</p> <p>poor ^[2] - 32:14, 32:23</p>
---	---	--	---	--

<p>popular [2] - 5:3, 160:16</p> <p>Port [8] - 109:18, 134:15, 140:4, 142:6, 142:15, 142:18, 144:5, 160:1</p> <p>portion [2] - 1:15, 2:11</p> <p>portraits [1] - 50:23</p> <p>position [21] - 8:19, 19:12, 20:3, 20:6, 20:17, 20:21, 21:3, 22:1, 25:4, 29:23, 37:3, 37:8, 37:17, 38:5, 39:18, 40:2, 46:24, 75:18, 75:20, 97:21, 114:25</p> <p>positioned [1] - 14:23</p> <p>positioning [1] - 15:5</p> <p>positions [3] - 26:13, 38:1, 103:6</p> <p>positive [1] - 52:8</p> <p>possession [4] - 44:13, 98:12, 103:22, 113:17</p> <p>possibility [3] - 143:7, 159:15, 168:17</p> <p>possible [2] - 16:15, 142:3</p> <p>possibly [4] - 126:18, 164:23, 165:25, 168:14</p> <p>Post [1] - 117:24</p> <p>poster [2] - 59:14</p> <p>posture [2] - 28:7, 115:17</p> <p>Potential [1] - 151:16</p> <p>potential [4] - 116:4, 140:21, 146:13, 155:21</p> <p>poverty [2] - 32:24, 44:8</p> <p>Powell [1] - 136:13</p> <p>practicable [1] - 165:9</p> <p>practice [4] - 62:20, 85:12, 87:9, 87:23</p> <p>practices [1] - 63:1</p> <p>Pray [1] - 130:4</p> <p>precedents [1] - 165:3</p> <p>precedes [1] - 33:8</p> <p>preceding [2] - 101:16, 115:9</p> <p>precisely [1] - 32:17</p> <p>predator [1] - 45:19</p> <p>predators [2] - 65:12, 132:5</p> <p>predatory [1] - 131:24</p> <p>preface [2] - 50:3, 64:22</p> <p>prejudiced [1] - 52:10</p> <p>premises [1] - 161:10</p>	<p>preoccupied [3] - 147:14, 148:5, 148:6</p> <p>preparation [1] - 127:2</p> <p>prepared [7] - 18:11, 79:8, 88:24, 91:2, 93:22, 97:10, 128:24</p> <p>preparing [1] - 105:2</p> <p>press [2] - 118:10, 152:24</p> <p>presumably [3] - 97:16, 111:8, 139:25</p> <p>pretend [2] - 126:15, 153:16</p> <p>pretty [6] - 22:12, 25:24, 41:9, 122:17, 136:21, 147:4</p> <p>prevent [2] - 166:4, 166:5</p> <p>prevented [1] - 116:15</p> <p>previously [1] - 151:15</p> <p>primarily [1] - 64:19</p> <p>PRIME [1] - 58:20</p> <p>prime [5] - 111:12, 123:7, 131:7, 140:4, 146:14</p> <p>principles [1] - 167:14</p> <p>print [4] - 117:17, 117:22, 120:17, 148:12</p> <p>printed [3] - 64:13, 68:22, 80:22</p> <p>prints [1] - 68:22</p> <p>prioritization [1] - 77:5</p> <p>priority [11] - 48:18, 63:9, 63:17, 63:19, 64:3, 83:7, 83:13, 83:15, 83:18, 169:23, 170:7</p> <p>prison [2] - 79:6, 80:18</p> <p>probable [1] - 157:23</p> <p>problem [13] - 13:7, 26:15, 31:6, 32:3, 34:8, 35:25, 36:9, 63:15, 65:16, 82:1, 86:17, 127:6</p> <p>problematic [1] - 96:18</p> <p>problems [4] - 42:2, 42:15, 68:14, 87:6</p> <p>procedures [2] - 127:21, 135:2</p> <p>proceed [1] - 76:23</p> <p>proceeding [4] - 93:18, 100:19, 149:10, 164:15</p> <p>PROCEEDINGS [9] -</p>	<p>1:3, 42:25, 43:1, 93:1, 93:2, 138:10, 138:11, 170:13, 1:1</p> <p>proceedings [2] - 97:2, 170:17</p> <p>proceeds [1] - 51:12</p> <p>process [6] - 48:10, 50:16, 90:22, 94:3, 94:7, 165:12</p> <p>produce [6] - 70:24, 84:21, 90:23, 96:9, 137:19, 139:13</p> <p>produced [8] - 23:12, 26:22, 40:25, 64:11, 70:23, 75:10, 95:25, 96:5</p> <p>production [1] - 68:21</p> <p>productive [1] - 65:8</p> <p>profile [3] - 145:17, 155:8, 156:19</p> <p>program [10] - 5:4, 8:18, 46:18, 47:4, 52:3, 52:13, 67:1, 67:6, 67:14</p> <p>programs [3] - 50:22, 51:24, 68:18</p> <p>progress [5] - 47:6, 47:7, 56:18, 69:13, 83:10</p> <p>Project [8] - 48:22, 48:24, 49:12, 68:23, 106:2, 106:15, 112:24, 113:23</p> <p>project [1] - 145:23</p> <p>projects [1] - 49:11</p> <p>prompted [2] - 106:20, 106:21</p> <p>proper [4] - 54:17, 145:12, 146:20, 165:18</p> <p>properly [2] - 35:7, 54:8</p> <p>Property [1] - 2:13</p> <p>property [22] - 2:19, 15:14, 107:11, 110:8, 114:5, 123:6, 123:11, 123:12, 158:11, 159:1, 160:1, 160:6, 160:13, 161:23, 162:23, 163:3, 163:9, 163:10, 164:3, 165:22, 166:23, 168:24</p> <p>propose [3] - 19:8, 71:3, 71:19</p> <p>proposed [1] - 60:8</p> <p>proposing [1] - 23:18</p> <p>proposition [1] - 40:16</p>	<p>prosecution [1] - 16:19</p> <p>Prostitute [1] - 119:8</p> <p>prostitutes [2] - 78:18, 79:3</p> <p>prostitution [2] - 44:12, 46:5</p> <p>protect [2] - 45:20, 46:21</p> <p>protocols [2] - 54:9, 76:3</p> <p>proud [3] - 46:25, 64:25, 68:16</p> <p>provide [12] - 43:6, 46:14, 48:5, 60:22, 91:9, 112:11, 124:23, 137:23, 145:13, 145:21, 149:2, 154:6</p> <p>provided [17] - 1:13, 3:3, 3:8, 6:2, 23:4, 49:1, 55:19, 56:23, 67:16, 86:12, 89:1, 89:2, 105:7, 112:7, 143:10, 145:11, 156:23</p> <p>provides [1] - 74:22</p> <p>providing [2] - 151:9, 154:5</p> <p>Province [8] - 3:4, 117:22, 118:15, 119:5, 119:9, 130:2, 130:4, 130:8</p> <p>provinces [1] - 63:15</p> <p>provincial [2] - 53:15, 58:24</p> <p>Provincial [1] - 62:19</p> <p>proximity [1] - 156:13</p> <p>Public [2] - 97:18, 97:19</p> <p>public [12] - 9:16, 16:18, 29:7, 46:5, 50:19, 64:12, 68:23, 87:14, 97:10, 97:14, 134:7, 148:21</p> <p>publications [2] - 119:15, 148:10</p> <p>publicizing [1] - 141:8</p> <p>publicly [2] - 52:22, 64:8</p> <p>published [6] - 11:14, 11:15, 16:2, 16:13, 48:25, 98:25</p> <p>purports [1] - 100:15</p> <p>purpose [9] - 23:10, 37:6, 60:13, 123:21, 146:15, 146:21, 164:19, 164:20, 167:8</p> <p>purposes [6] - 23:5,</p>	<p>44:12, 46:4, 74:2, 91:18, 137:14</p> <p>pursuant [1] - 99:3</p> <p>pursued [2] - 117:6, 155:21</p> <p>pursuing [1] - 78:12</p> <p>put [30] - 1:8, 2:6, 23:14, 23:24, 24:6, 26:8, 31:4, 31:25, 33:18, 34:4, 37:12, 37:13, 45:14, 55:17, 56:6, 62:1, 76:10, 80:20, 101:9, 106:10, 111:17, 113:8, 117:9, 121:15, 131:5, 141:10, 142:12, 144:8, 167:17, 169:13</p> <p>puts [1] - 152:25</p> <p>putting [4] - 22:20, 23:18, 49:19, 105:10</p>
Q				
<p>qualify [1] - 21:22</p> <p>quality [2] - 35:21, 41:20</p> <p>Quest [1] - 119:12</p> <p>questioning [4] - 6:16, 50:18, 51:1, 168:11</p> <p>questions [7] - 1:16, 6:15, 6:23, 77:20, 91:1, 125:5, 138:14</p> <p>quick [1] - 165:14</p> <p>quickly [4] - 30:21, 31:8, 53:24, 165:6</p> <p>quite [12] - 22:21, 31:15, 61:6, 62:3, 63:14, 67:7, 95:23, 99:22, 122:23, 134:1, 164:20, 168:14</p> <p>quote [4] - 14:17, 15:4, 108:9, 129:6</p> <p>quoted [4] - 24:16, 81:5, 81:14, 105:14</p> <p>quotes [3] - 13:5, 81:9, 105:5</p>				
R				
<p>racial [1] - 32:20</p> <p>radio [1] - 118:2</p> <p>raid [1] - 168:3</p> <p>raided [1] - 168:2</p> <p>raiding [2] - 168:18, 169:17</p> <p>raise [1] - 92:14</p>				

<p>raised [6] - 33:13, 34:21, 36:6, 50:5, 92:17, 134:22</p> <p>raises [1] - 82:13</p> <p>ranking [1] - 66:15</p> <p>raped [1] - 82:19</p> <p>rapid [3] - 67:18, 76:15, 77:4</p> <p>rare [2] - 61:6, 80:11</p> <p>rarely [1] - 46:3</p> <p>rate [5] - 14:6, 31:16, 31:20, 58:11, 58:15</p> <p>rather [8] - 19:1, 19:6, 26:9, 26:22, 95:19, 116:19, 140:11, 144:14</p> <p>RCMP [102] - 1:17, 1:25, 3:10, 3:17, 3:19, 4:19, 4:20, 5:16, 5:23, 6:3, 6:5, 7:19, 7:20, 8:22, 9:16, 9:24, 10:8, 10:11, 10:16, 10:20, 10:24, 11:4, 11:11, 11:13, 12:14, 13:17, 16:2, 17:2, 17:5, 18:7, 19:11, 21:15, 22:4, 23:13, 24:10, 24:12, 24:25, 25:3, 25:8, 27:15, 27:18, 27:23, 28:8, 28:14, 28:18, 28:22, 29:23, 37:4, 37:22, 39:4, 43:9, 43:12, 60:7, 60:12, 71:2, 72:19, 72:22, 72:25, 73:9, 73:21, 73:24, 76:18, 88:24, 90:1, 98:8, 99:1, 99:24, 100:7, 100:16, 101:3, 101:19, 102:5, 102:23, 103:12, 104:17, 107:15, 107:20, 109:17, 110:16, 110:23, 111:1, 111:8, 112:10, 112:17, 113:5, 113:11, 114:18, 114:25, 115:4, 116:12, 121:5, 124:4, 124:18, 125:1, 128:6, 130:22, 130:23, 154:20, 155:12, 156:24, 162:7, 168:1</p> <p>RCMP's [9] - 4:14, 4:25, 9:22, 20:6, 72:23, 72:24, 114:11, 114:20,</p>	<p>115:17</p> <p>RCMP [1] - 10:1</p> <p>re [1] - 141:8</p> <p>reaching [1] - 81:20</p> <p>reaction [1] - 20:16</p> <p>read [24] - 2:16, 6:19, 6:20, 8:15, 12:10, 13:23, 19:25, 20:8, 24:17, 27:12, 27:23, 29:15, 38:19, 57:21, 89:8, 101:17, 104:9, 105:3, 105:17, 107:16, 108:7, 119:20, 120:3, 153:8</p> <p>reader [1] - 118:8</p> <p>reading [15] - 4:17, 10:4, 17:15, 27:17, 79:11, 88:11, 93:20, 108:6, 109:8, 119:18, 131:21, 137:6, 137:9, 148:19, 159:18</p> <p>ready [2] - 99:11, 99:22</p> <p>realize [1] - 107:5</p> <p>really [19] - 4:11, 7:4, 19:8, 20:23, 21:24, 37:1, 38:13, 38:22, 38:24, 39:8, 40:21, 41:8, 43:10, 45:8, 66:19, 66:20, 122:21, 150:10, 164:16</p> <p>reappear [1] - 34:14</p> <p>reason [5] - 5:15, 23:10, 33:1, 34:18, 83:23</p> <p>reasonable [4] - 116:6, 143:21, 144:2, 167:9</p> <p>reasonably [1] - 45:20</p> <p>reasons [3] - 28:17, 63:25, 64:3</p> <p>recalled [1] - 138:20</p> <p>receive [6] - 54:2, 67:12, 80:7, 86:24, 139:14, 158:5</p> <p>received [12] - 10:13, 11:17, 56:15, 67:8, 78:11, 84:4, 86:19, 87:13, 144:21, 153:11, 166:20, 170:8</p> <p>receiving [1] - 80:17</p> <p>recency [1] - 159:4</p> <p>recent [3] - 62:3, 81:25, 159:5</p> <p>recently [4] - 14:12, 69:14, 69:17, 91:20</p> <p>receptive [1] - 60:6</p>	<p>recess [1] - 138:8</p> <p>recessed [1] - 42:24</p> <p>recognize [5] - 39:11, 48:16, 52:25, 56:7, 63:7</p> <p>recollection [9] - 82:5, 82:20, 83:25, 132:22, 133:2, 133:11, 139:3, 142:24, 143:8</p> <p>recommendation [3] - 52:25, 57:17, 57:19</p> <p>recommendations [19] - 51:3, 51:16, 51:21, 53:5, 53:11, 53:18, 53:25, 54:21, 55:2, 55:3, 56:10, 56:19, 56:22, 56:25, 57:1, 57:6, 58:2, 62:24, 65:20</p> <p>recommended [2] - 62:17, 62:21</p> <p>recommends [1] - 69:4</p> <p>reconstructed [1] - 16:4</p> <p>RECONVENED [1] - 1:3</p> <p>record [13] - 19:6, 31:21, 34:24, 40:13, 84:12, 112:14, 112:25, 113:4, 113:9, 113:15, 128:14, 138:15, 138:25</p> <p>recorded [3] - 91:3, 127:11, 147:10</p> <p>records [9] - 88:11, 88:16, 110:17, 110:19, 110:22, 112:11, 123:8, 137:23, 148:1</p> <p>recounted [1] - 88:3</p> <p>recruit [1] - 46:15</p> <p>redacted [1] - 17:8</p> <p>reduce [3] - 46:2, 65:21, 67:15</p> <p>reduced [1] - 21:9</p> <p>reducing [1] - 69:22</p> <p>redundant [1] - 51:22</p> <p>reel [2] - 84:8</p> <p>reel-to-reel [1] - 84:8</p> <p>refer [3] - 43:4, 96:21, 112:1</p> <p>reference [19] - 27:15, 50:2, 61:16, 71:22, 75:8, 78:5, 79:7, 89:6, 93:22, 94:19, 94:21, 100:21, 104:6, 114:18,</p>	<p>119:2, 142:12, 142:23, 155:1, 157:14</p> <p>referenced [7] - 70:1, 70:6, 81:1, 83:13, 94:1, 114:15, 163:20</p> <p>references [4] - 81:4, 139:4, 156:12, 156:15</p> <p>referencing [2] - 67:25, 138:16</p> <p>referred [9] - 50:22, 52:12, 68:3, 88:1, 98:13, 104:10, 105:13, 118:1, 154:17</p> <p>referring [9] - 68:24, 74:15, 89:5, 110:5, 114:12, 115:17, 120:21, 139:17, 141:6</p> <p>refers [2] - 27:22, 74:16</p> <p>reflected [1] - 91:19</p> <p>reflection [1] - 92:2</p> <p>reflects [1] - 63:11</p> <p>refresh [1] - 135:19</p> <p>refused [1] - 29:1</p> <p>refusing [1] - 10:20</p> <p>regard [3] - 8:19, 9:6, 77:21</p> <p>regarding [6] - 3:4, 4:8, 23:15, 78:9, 101:4, 113:13</p> <p>regardless [1] - 33:4</p> <p>region [3] - 71:10, 73:5, 74:24</p> <p>regional [10] - 53:19, 72:19, 73:3, 73:5, 73:8, 74:12, 74:23, 75:21, 76:16, 76:20</p> <p>Regional [2] - 71:24, 74:9</p> <p>regionalization [8] - 71:7, 72:9, 74:3, 75:13, 75:17, 75:19, 77:8, 77:14</p> <p>regionalized [1] - 72:4</p> <p>REGISTRAR [11] - 1:4, 42:24, 43:2, 90:7, 90:10, 90:13, 92:25, 93:3, 99:12, 138:12, 170:11</p> <p>registrar [1] - 150:19</p> <p>regular [5] - 81:11, 152:8, 152:25, 153:7, 153:20</p> <p>regularly [6] - 59:23, 66:2, 66:4, 119:20, 140:19, 148:12</p>	<p>regulations [2] - 127:21, 135:2</p> <p>regurgitation [1] - 38:4</p> <p>relates [1] - 90:18</p> <p>relating [1] - 56:3</p> <p>relation [3] - 1:18, 38:5, 110:8</p> <p>Relations [1] - 66:10</p> <p>relations [3] - 50:19, 97:13, 127:9</p> <p>relationship [5] - 30:8, 39:4, 43:18, 43:20, 43:22</p> <p>relationships [3] - 43:12, 54:24, 68:9</p> <p>release [2] - 55:13, 147:19</p> <p>released [6] - 17:9, 20:15, 55:19, 92:14, 97:16, 99:3</p> <p>releasing [1] - 98:20</p> <p>relentless [1] - 6:6</p> <p>relevant [4] - 23:6, 23:13, 93:23, 104:7</p> <p>relied [2] - 57:16, 139:11</p> <p>rely [1] - 25:13</p> <p>relying [1] - 19:13</p> <p>remained [1] - 92:12</p> <p>remaining [1] - 25:10</p> <p>remains [3] - 101:7, 102:2, 131:7</p> <p>remake [1] - 50:14</p> <p>remark [2] - 40:8, 50:4</p> <p>remarkable [2] - 144:16, 144:19</p> <p>remarked [1] - 131:22</p> <p>remarks [2] - 64:22, 115:15</p> <p>remember [11] - 40:10, 79:11, 94:14, 94:15, 107:22, 109:8, 119:18, 119:21, 120:21, 133:4, 162:9</p> <p>remembering [1] - 41:11</p> <p>reminded [1] - 62:15</p> <p>Reoch [2] - 31:22, 33:23</p> <p>Reock [1] - 31:17</p> <p>repeat [1] - 6:15</p> <p>repeated [1] - 59:11</p> <p>rephrase [3] - 136:19, 136:22</p> <p>replete [1] - 25:16</p> <p>reply [1] - 51:13</p> <p>Report [1] - 70:21</p> <p>report [120] - 2:7, 2:11,</p>
---	---	--	--	---

<p>4:4, 11:2, 11:7, 17:5, 17:17, 17:20, 17:22, 18:3, 18:24, 19:11, 20:4, 20:8, 20:9, 20:15, 20:17, 21:12, 21:13, 22:15, 23:25, 24:18, 27:14, 27:21, 27:24, 28:2, 28:4, 28:6, 31:1, 33:10, 34:10, 35:6, 36:25, 37:3, 38:2, 38:4, 38:6, 38:18, 38:24, 39:8, 39:23, 40:5, 40:13, 40:17, 41:1, 42:5, 44:16, 44:23, 47:5, 48:14, 48:18, 48:24, 49:9, 53:1, 55:19, 56:18, 56:23, 62:14, 63:10, 64:16, 65:13, 68:24, 69:4, 69:25, 77:9, 77:13, 79:8, 79:10, 79:19, 80:25, 81:23, 81:25, 82:18, 83:17, 84:22, 85:1, 86:6, 88:5, 88:17, 88:23, 90:19, 91:18, 92:5, 92:13, 93:17, 93:20, 94:19, 94:22, 94:25, 96:16, 97:9, 97:16, 97:21, 98:9, 98:12, 98:16, 98:17, 98:24, 100:17, 100:21, 101:10, 103:4, 105:2, 110:10, 110:24, 110:25, 114:14, 114:24, 115:2, 115:19, 120:7, 120:13, 120:22, 128:24, 131:22, 149:16, 155:13, 157:14</p> <p>report's [2] - 6:18, 55:13</p> <p>reported [10] - 3:5, 6:10, 34:6, 58:13, 59:19, 89:20, 121:17, 131:10, 145:14, 168:22</p> <p>reporter [1] - 9:3</p> <p>Reporter [1] - 170:22</p> <p>reporters [2] - 118:19, 148:17</p> <p>reporting [18] - 2:22, 35:5, 41:13, 42:2, 44:1, 44:5, 45:10, 45:22, 45:24, 46:9, 65:21, 66:24, 67:2, 67:15, 68:14, 78:5, 161:7, 164:10</p>	<p>REPORTING [1] - 170:23</p> <p>reports [19] - 27:18, 29:6, 33:11, 36:8, 48:13, 49:6, 58:9, 59:1, 59:25, 60:18, 61:9, 61:14, 62:18, 63:16, 70:6, 72:24, 79:2, 110:15, 115:7</p> <p>represent [2] - 81:21, 95:7</p> <p>representation [1] - 73:8</p> <p>representative [1] - 67:5</p> <p>representatives [3] - 64:18, 64:19, 124:18</p> <p>represented [1] - 5:8</p> <p>reputation [2] - 10:6, 25:1</p> <p>request [6] - 95:18, 96:8, 96:19, 96:22, 96:24, 110:6</p> <p>requested [1] - 95:21</p> <p>requests [1] - 99:4</p> <p>require [2] - 48:9, 143:22</p> <p>required [3] - 131:15, 135:1, 135:4</p> <p>rescued [1] - 4:21</p> <p>Research [6] - 62:6, 70:2, 70:4, 70:7, 70:10, 70:11</p> <p>research [3] - 62:14, 70:15, 79:22</p> <p>researchers [1] - 70:12</p> <p>resides [1] - 33:5</p> <p>resolution [1] - 117:8</p> <p>resolve [1] - 26:7</p> <p>resource [2] - 71:19, 156:18</p> <p>resourced [1] - 75:1</p> <p>resources [15] - 30:14, 31:5, 31:25, 33:18, 34:2, 49:3, 69:20, 74:18, 87:4, 95:7, 95:13, 101:24, 103:1, 125:5, 170:6</p> <p>respect [19] - 5:11, 27:16, 27:22, 37:21, 37:24, 42:1, 43:13, 47:8, 47:14, 48:1, 48:12, 50:21, 51:24, 73:23, 77:23, 82:10, 91:17, 114:11, 114:19</p> <p>respected [1] - 79:23</p> <p>respectful [3] - 22:18, 37:5, 38:17</p>	<p>respectfully [1] - 36:16</p> <p>respective [1] - 148:9</p> <p>respond [3] - 21:1, 28:10, 35:10</p> <p>responded [7] - 9:5, 10:9, 19:15, 20:23, 29:14, 95:24, 96:6</p> <p>responds [1] - 18:19</p> <p>response [21] - 10:16, 18:14, 25:7, 33:11, 33:17, 34:19, 34:23, 34:25, 35:20, 35:21, 35:24, 43:7, 65:23, 80:19, 85:7, 100:15, 100:23, 101:12, 114:13, 149:9, 169:23</p> <p>Response [1] - 2:13</p> <p>responses [7] - 20:25, 23:18, 24:6, 25:22, 27:4, 77:17, 91:3</p> <p>responsibilities [1] - 68:7</p> <p>responsibility [6] - 10:21, 30:3, 36:10, 68:8, 102:21, 103:3</p> <p>responsible [5] - 31:10, 109:17, 112:22, 134:16, 144:6</p> <p>rest [2] - 145:8, 148:12</p> <p>result [3] - 57:7, 87:2, 122:14</p> <p>resulted [3] - 65:8, 80:16, 167:1</p> <p>results [2] - 31:6, 104:12</p> <p>resume [1] - 170:12</p> <p>RESUMED [3] - 43:1, 93:2, 138:11</p> <p>resumed [4] - 1:4, 43:2, 93:3, 138:12</p> <p>Resumed [1] - 1:19</p> <p>retired [3] - 12:14, 56:8, 104:17</p> <p>Retrieval [1] - 110:22</p> <p>retrieve [2] - 96:21, 139:8</p> <p>returned [1] - 149:12</p> <p>returning [2] - 85:25, 148:2</p> <p>reveal [2] - 111:10, 146:17</p> <p>review [48] - 9:2, 9:3, 12:21, 13:12, 13:20, 18:7, 18:16, 25:11, 39:1, 39:16, 39:17, 47:10, 53:4, 53:24, 55:5, 55:6, 56:7,</p>	<p>57:22, 59:3, 61:1, 62:8, 70:14, 78:2, 84:19, 87:18, 88:14, 92:13, 94:1, 94:8, 100:16, 101:1, 101:2, 101:10, 108:1, 109:25, 111:19, 111:22, 119:17, 129:13, 131:18, 134:20, 137:12, 139:8, 149:6, 149:9, 156:12, 160:4, 163:7</p> <p>Review [1] - 75:24</p> <p>reviewed [4] - 11:2, 29:7, 76:23, 89:22</p> <p>reviewers [1] - 37:13</p> <p>reviewing [4] - 13:15, 13:17, 71:12, 71:13</p> <p>revised [1] - 16:24</p> <p>reward [2] - 5:17, 124:24</p> <p>Reward [1] - 119:10</p> <p>ride [1] - 142:5</p> <p>rifle [2] - 158:12, 158:17</p> <p>right-hand [2] - 103:21, 158:15</p> <p>rings [1] - 67:11</p> <p>riot [2] - 62:8</p> <p>ripping [1] - 49:17</p> <p>risk [9] - 46:8, 48:17, 49:20, 62:12, 63:21, 64:2, 69:21, 78:23, 78:25</p> <p>road [2] - 166:10, 166:12</p> <p>Road [1] - 160:14</p> <p>robberies [1] - 125:14</p> <p>robbers [1] - 125:12</p> <p>robbery [4] - 125:10, 125:11, 125:18, 125:20</p> <p>Robert [12] - 3:9, 108:3, 110:3, 111:5, 111:11, 112:21, 123:6, 131:6, 145:25, 151:18, 156:17, 160:9</p> <p>ROBERTS [10] - 6:10, 6:13, 7:2, 7:4, 36:14, 37:23, 38:12, 39:20, 39:25, 40:8</p> <p>Roberts [5] - 6:10, 29:12, 36:13, 36:14, 37:17</p> <p>Roberts' [2] - 7:17, 37:8</p> <p>Rock [1] - 93:8</p> <p>rogue [1] - 81:17</p>	<p>role [10] - 3:25, 60:16, 83:1, 97:20, 97:25, 106:9, 107:15, 121:4, 123:1, 149:13</p> <p>roles [2] - 36:10, 67:25</p> <p>Ron [1] - 136:13</p> <p>room [11] - 49:14, 95:3, 95:8, 96:20, 145:9, 147:25, 149:18, 149:23, 149:24, 157:9, 157:10</p> <p>root [2] - 35:17, 36:9</p> <p>Rossmo [2] - 42:6</p> <p>Rossmo's [1] - 34:10</p> <p>round [2] - 133:17, 142:17</p> <p>Royal [1] - 5:20</p> <p>ruled [1] - 169:7</p> <p>rumour [1] - 81:15</p> <p>run [1] - 49:21</p> <p>running [2] - 117:17, 164:11</p> <p>ruse [1] - 169:9</p>
S				
				<p>safe [2] - 45:22, 101:18</p> <p>safety [2] - 81:11, 148:21</p> <p>Safety [1] - 100:12</p> <p>Sandy [1] - 32:18</p> <p>Sarah [2] - 119:22, 120:4</p> <p>Sarah's [2] - 134:16, 144:6</p> <p>Sarra [1] - 94:4</p> <p>satisfied [2] - 33:21, 137:25</p> <p>save [1] - 123:14</p> <p>saves [1] - 23:19</p> <p>saw [6] - 17:8, 17:10, 57:25, 62:21, 88:14, 88:16</p> <p>scams [1] - 49:20</p> <p>scanned [1] - 84:24</p> <p>scene [1] - 85:6</p> <p>scheduled [1] - 128:23</p> <p>Schouten [4] - 56:9, 57:2, 57:16, 61:12</p> <p>Schouten's [1] - 56:15</p> <p>scrutiny [1] - 2:20</p> <p>Search [1] - 2:13</p> <p>search [20] - 2:18, 3:11, 14:14, 14:20, 15:12, 104:12,</p>

<p>106:11, 107:6, 159:1, 159:7, 159:13, 159:16, 163:3, 164:3, 164:6, 164:19, 165:2, 166:21, 166:24, 169:4</p> <p>Sebastian [1] - 93:12</p> <p>second [11] - 1:12, 4:18, 12:9, 14:20, 61:17, 61:20, 85:20, 104:11, 119:4, 134:6, 157:22</p> <p>seconding [1] - 73:10</p> <p>Section [9] - 54:4, 56:17, 62:7, 66:11, 70:4, 70:7, 70:11, 130:10, 151:11</p> <p>section [5] - 2:10, 52:25, 66:14, 97:14, 132:4</p> <p>sections [1] - 54:5</p> <p>see [56] - 2:8, 7:2, 8:12, 11:23, 13:4, 13:10, 14:16, 14:25, 18:13, 19:2, 20:13, 29:9, 40:22, 53:17, 57:6, 58:11, 70:20, 74:13, 80:16, 81:3, 84:16, 84:25, 85:19, 89:3, 100:8, 100:13, 101:5, 101:25, 104:3, 104:24, 115:10, 118:12, 118:15, 119:4, 121:10, 127:6, 129:25, 130:5, 138:19, 139:9, 141:19, 144:15, 145:23, 146:16, 148:9, 150:7, 151:13, 152:5, 152:15, 152:21, 153:1, 154:21, 155:22, 156:1, 157:2, 161:19</p> <p>seeing [6] - 126:9, 126:25, 143:8, 153:22, 154:16, 164:13</p> <p>seeking [3] - 25:11, 152:1, 156:24</p> <p>seem [5] - 50:25, 80:2, 102:24, 104:5, 152:19</p> <p>select [1] - 54:12</p> <p>self [3] - 36:19, 50:23, 118:8</p> <p>self-described [1] - 118:8</p>	<p>self-flattering [1] - 50:23</p> <p>sending [1] - 153:9</p> <p>senior [12] - 9:24, 24:25, 66:14, 66:16, 66:17, 69:8, 121:4, 123:16, 124:17, 136:10, 136:13, 136:15</p> <p>sensational [1] - 2:21</p> <p>sense [9] - 15:23, 16:3, 20:18, 26:18, 96:15, 119:1, 142:4, 142:19, 146:19</p> <p>sent [4] - 91:13, 91:15, 91:22, 91:23</p> <p>sentence [6] - 4:10, 4:11, 4:18, 77:13, 80:18, 100:22</p> <p>separate [3] - 35:10, 41:12, 166:17</p> <p>September [2] - 17:6, 20:13</p> <p>serendipitously [1] - 106:11</p> <p>sergeant [5] - 15:19, 69:16, 136:3, 148:25, 149:2</p> <p>Sergeant [17] - 6:7, 31:23, 102:8, 110:7, 131:22, 136:13, 138:2, 138:23, 139:18, 145:4, 148:3, 150:25, 155:24, 156:4, 156:16, 156:23, 157:3</p> <p>Serial [2] - 11:23, 104:2</p> <p>serial [3] - 34:18, 36:3, 116:16</p> <p>series [5] - 49:6, 61:25, 62:23, 111:10, 125:2</p> <p>Serious [1] - 121:3</p> <p>serious [12] - 79:12, 80:10, 83:9, 124:11, 124:25, 132:7, 144:9, 162:12, 162:15, 164:24, 168:7, 169:10</p> <p>seriously [3] - 86:22, 87:17, 88:5</p> <p>seriousness [1] - 166:9</p> <p>served [3] - 28:8, 107:20, 136:11</p> <p>server [1] - 91:14</p> <p>servers [1] - 91:12</p> <p>SERVICE [1] - 170:23</p>	<p>service [4] - 72:1, 75:21, 87:15, 142:8</p> <p>Services [2] - 48:3, 71:25</p> <p>services [5] - 49:8, 69:10, 69:24, 72:5, 86:11</p> <p>session [7] - 129:19, 130:9, 130:12, 133:7, 136:24, 138:17, 157:12</p> <p>set [1] - 94:13</p> <p>setting [1] - 26:16</p> <p>seven [4] - 99:14, 101:11, 113:21, 113:22</p> <p>several [7] - 77:24, 94:5, 95:21, 101:19, 105:23, 121:8, 128:9</p> <p>Sex [2] - 47:22, 66:11</p> <p>sex [58] - 14:3, 14:12, 30:9, 31:3, 31:13, 31:18, 34:24, 35:22, 35:24, 41:14, 42:13, 43:22, 43:25, 44:7, 44:19, 45:25, 46:3, 46:14, 46:16, 46:18, 46:19, 46:23, 47:1, 48:12, 48:15, 54:24, 59:16, 63:16, 68:4, 68:9, 68:10, 68:13, 68:16, 68:18, 78:16, 78:19, 79:3, 79:15, 79:16, 80:1, 80:8, 80:15, 81:18, 82:13, 85:2, 112:23, 136:25, 141:21, 141:24, 142:5, 143:11, 143:18, 144:17, 154:8, 160:21, 160:23</p> <p>sexual [9] - 79:14, 83:17, 84:22, 110:2, 110:8, 111:5, 132:3, 142:8, 142:15</p> <p>share [1] - 141:1</p> <p>shared [3] - 10:12, 102:22, 145:18</p> <p>sharper [1] - 117:10</p> <p>sheer [1] - 131:23</p> <p>Shenher [26] - 59:22, 78:6, 78:8, 78:11, 111:13, 121:1, 122:6, 126:3, 127:2, 127:4, 127:17, 129:3, 132:17, 132:24, 133:9, 134:21, 139:22, 145:4, 145:6, 146:6, 147:2, 150:10,</p>	<p>150:24, 151:3, 152:7, 153:25</p> <p>Shenher's [8] - 123:1, 128:19, 131:7, 134:13, 149:20, 150:3, 153:7, 153:20</p> <p>shoe [1] - 142:12</p> <p>short [2] - 68:8, 108:7</p> <p>shortcomings [1] - 35:18</p> <p>shortfalls [1] - 29:2</p> <p>shortly [2] - 8:12, 147:18</p> <p>show [12] - 5:12, 8:7, 9:18, 10:11, 23:20, 24:9, 31:21, 55:22, 71:23, 82:22, 91:2, 150:19</p> <p>showed [1] - 83:25</p> <p>showing [1] - 112:20</p> <p>shown [4] - 8:17, 8:25, 9:15, 103:9</p> <p>shows [3] - 11:21, 25:22, 64:6</p> <p>shut [1] - 161:1</p> <p>shy [2] - 136:23, 137:3</p> <p>side [7] - 30:18, 30:20, 31:2, 32:5, 32:13, 66:8, 119:24</p> <p>sides [1] - 43:11</p> <p>signed [1] - 97:17</p> <p>significant [3] - 86:13, 125:16, 165:23</p> <p>signing [1] - 97:25</p> <p>silence [1] - 10:20</p> <p>similar [2] - 17:23, 85:3</p> <p>similarly [1] - 20:24</p> <p>simple [1] - 96:19</p> <p>simply [6] - 27:19, 38:3, 71:8, 76:11, 84:14, 165:11</p> <p>single [7] - 27:15, 27:18, 49:14, 84:5, 84:22, 114:18, 142:15</p> <p>sister [1] - 119:22</p> <p>Sister [13] - 47:4, 52:2, 52:13, 64:17, 65:19, 66:23, 67:1, 67:6, 67:11, 67:14, 67:17, 67:21, 67:23</p> <p>Sisters [1] - 119:13</p> <p>sit [3] - 6:20, 23:15, 96:20</p> <p>sits [1] - 66:7</p> <p>sitting [3] - 44:25, 143:14, 145:24</p> <p>situation [3] - 48:17, 49:2, 59:7</p>	<p>situations [1] - 46:21</p> <p>six [3] - 14:7, 95:14, 96:19</p> <p>size [1] - 109:18</p> <p>skill [1] - 170:18</p> <p>skills [2] - 90:24, 149:8</p> <p>skip [2] - 5:9, 141:15</p> <p>slightly [4] - 43:6, 92:21, 147:21, 167:17</p> <p>slowly [1] - 14:1</p> <p>small [3] - 4:24, 60:19, 149:24</p> <p>smaller [1] - 74:24</p> <p>smart [1] - 108:23</p> <p>Smithrite [1] - 33:25</p> <p>smoke [1] - 45:7</p> <p>Snaring [2] - 11:22, 104:1</p> <p>Society [1] - 81:7</p> <p>society [1] - 45:17</p> <p>sole [1] - 123:21</p> <p>Solicitor [1] - 100:10</p> <p>solid [3] - 12:17, 104:19, 164:1</p> <p>solve [4] - 31:15, 34:3, 116:24, 146:7</p> <p>solved [4] - 31:14, 31:19, 116:3, 116:5</p> <p>solving [2] - 32:1, 140:20</p> <p>someone [17] - 48:7, 52:6, 60:2, 67:5, 67:8, 67:12, 85:11, 86:13, 86:14, 125:14, 126:6, 142:4, 142:6, 143:1, 167:22</p> <p>sometime [1] - 98:22</p> <p>sometimes [3] - 44:23, 62:12, 63:25</p> <p>somewhat [2] - 36:19, 85:3</p> <p>somewhere [5] - 48:22, 121:24, 127:11, 143:5, 158:19</p> <p>soon [1] - 62:10</p> <p>sooner [1] - 34:9</p> <p>sorry [17] - 13:2, 36:15, 53:9, 74:1, 90:9, 99:17, 103:15, 120:6, 120:8, 120:10, 122:13, 126:22, 130:9, 130:15, 136:19</p> <p>sort [19] - 19:12, 36:8, 45:1, 58:21, 59:4, 73:7, 78:22, 91:5,</p>
---	--	--	--	--

<p>108:16, 127:13, 132:6, 133:14, 133:19, 143:9, 145:18, 146:22, 155:8, 156:22, 167:5 sought [1] - 20:4 sound [5] - 12:16, 38:5, 104:19, 113:24, 167:12 sounds [2] - 109:14, 113:25 source [1] - 94:23 sources [1] - 57:15 sparse [1] - 147:5 spawned [1] - 9:12 speaking [3] - 67:7, 80:25, 127:23 speaks [6] - 25:20, 28:1, 28:2, 34:25, 39:9, 52:8 spearheaded [1] - 118:19 special [1] - 67:8 Special [2] - 5:3, 8:7 specific [9] - 5:11, 47:13, 85:10, 88:8, 145:21, 150:12, 154:16, 157:13, 161:5 specifically [8] - 3:1, 4:16, 5:25, 9:19, 62:11, 83:6, 111:25, 139:7 speed [1] - 75:24 spelled [1] - 91:25 Spencer [2] - 6:8, 150:25 spend [4] - 39:10, 41:3, 47:23, 158:1 spending [1] - 38:23 spent [4] - 7:7, 37:2, 39:10, 40:22 spirit [1] - 76:6 spoken [2] - 41:12, 82:15 spokesperson [1] - 4:25 sponsors [1] - 141:9 sporadically [1] - 161:23 spot [1] - 60:3 spreadsheet [5] - 56:13, 57:22, 58:7, 58:11, 64:6 Squad [1] - 47:22 squad [4] - 31:24, 132:4, 156:7, 166:16 squads [2] - 47:20, 54:2 Stackhouse [1] -</p>	<p>121:8 Staff [1] - 102:8 staff [2] - 69:16, 94:5 stage [2] - 15:6, 61:1 stalled [1] - 16:25 stand [1] - 26:20 standing [2] - 65:1, 107:11 start [1] - 159:23 started [8] - 25:21, 69:17, 93:25, 94:1, 94:7, 94:9, 98:15, 106:4 starting [1] - 36:24 startup [1] - 111:24 state [1] - 45:11 statement [13] - 13:3, 15:20, 23:15, 24:8, 25:6, 30:15, 91:4, 91:7, 91:23, 92:5, 108:6, 108:10, 143:13 statements [13] - 5:1, 7:19, 9:16, 16:9, 16:18, 22:5, 24:7, 24:10, 25:16, 26:4, 29:7, 108:7, 129:2 states [1] - 8:21 stating [1] - 8:18 statistical [2] - 42:7, 64:5 Statistics [1] - 74:5 statistics [2] - 42:9, 58:17 status [5] - 78:18, 126:12, 139:24, 145:8, 154:1 stay [3] - 161:10, 161:12, 163:16 staying [1] - 158:11 steering [1] - 69:4 step [1] - 165:23 Stephanie [1] - 93:14 Stephen [1] - 121:8 steps [6] - 4:7, 35:12, 53:6, 55:9, 125:6, 145:15 still [11] - 14:5, 15:9, 64:1, 76:9, 106:9, 111:21, 112:2, 122:21, 138:18, 148:15, 150:7 stolen [1] - 109:4 stood [1] - 15:14 stop [3] - 3:20, 147:23, 167:23 stopping [1] - 127:17 story [8] - 25:14, 103:25, 109:2, 109:3, 118:22,</p>	<p>130:3, 130:7, 148:11 straight [1] - 131:25 strategic [1] - 70:16 strategies [6] - 117:6, 133:6, 133:19, 146:24, 169:4, 169:12 strategy [5] - 9:24, 13:13, 24:25, 54:14 straw [2] - 26:16, 26:19 Street [4] - 121:13, 121:19, 130:16, 140:17 street [8] - 36:21, 38:15, 82:22, 83:21, 89:14, 89:17, 95:15, 166:16 streets [1] - 14:3 strength [1] - 41:13 stretch [1] - 40:24 Strike [1] - 75:3 strong [1] - 29:20 strongly [3] - 39:25, 55:1, 165:16 structural [3] - 76:12, 76:15, 77:4 structure [4] - 37:10, 73:4, 73:8, 77:1 structured [1] - 38:14 struggle [1] - 95:15 struggled [1] - 153:15 Stu [1] - 136:14 studies [1] - 78:16 stuffy [1] - 149:24 stumbled [1] - 149:16 subject [10] - 6:16, 6:21, 14:11, 30:7, 33:2, 36:25, 40:16, 120:17, 149:18, 168:7 submission [6] - 22:19, 26:24, 29:19, 37:5, 38:17, 50:12 submissions [2] - 152:8, 152:25 submit [1] - 36:16 subsequent [1] - 9:16 Subsequent [1] - 2:14 substantial [1] - 95:12 substantive [1] - 148:2 success [4] - 31:20, 58:11, 58:15, 64:5 successful [6] - 31:24, 48:1, 48:20, 117:7, 147:24, 152:17 suffice [1] - 85:11 sufficient [2] - 169:22,</p>	<p>170:6 suggest [8] - 41:18, 113:10, 124:1, 134:10, 134:12, 142:23, 156:18, 169:18 suggested [2] - 53:6, 86:3 suggesting [4] - 3:25, 165:15, 167:8, 167:15 suggestion [1] - 144:3 suggestions [3] - 71:13, 137:7, 141:8 suggests [1] - 102:12 summarize [3] - 17:19, 94:24, 115:7 summarized [3] - 17:21, 19:9, 158:6 summarizing [3] - 56:24, 58:1, 161:11 summary [4] - 12:4, 55:9, 55:22, 151:2 summer [19] - 11:12, 78:1, 106:6, 112:5, 114:2, 114:7, 115:25, 116:2, 116:25, 117:4, 117:9, 148:12, 161:15, 162:22, 162:24, 163:23, 169:21, 170:2, 170:6 Sun [6] - 105:15, 117:21, 118:15, 118:20, 119:7, 130:10 superficial [1] - 111:23 superfluous [1] - 51:22 Superintendent [21] - 17:5, 17:16, 17:20, 18:14, 18:19, 18:24, 19:4, 19:10, 21:16, 23:2, 23:11, 23:14, 24:15, 24:19, 27:4, 28:3, 28:7, 98:10, 114:14, 114:23, 121:2 supervising [1] - 60:17 supervisor [1] - 54:10 supervisors [1] - 54:1 support [8] - 48:5, 48:9, 60:23, 69:9, 72:4, 75:20, 77:14, 128:21 supported [2] - 55:1, 60:9 supporting [1] - 47:24</p>	<p>supportive [2] - 60:6, 60:7 suppose [2] - 38:12, 106:18 supposed [1] - 88:18 supposedly [3] - 108:23, 108:24, 109:5 suppress [1] - 147:22 Supreme [1] - 16:14 surely [1] - 38:8 surprise [1] - 52:7 surprised [2] - 125:13, 127:12 Surrey [2] - 59:15, 159:25 surveillance [4] - 75:4, 161:22, 162:1, 168:23 survival [5] - 44:6, 141:21, 141:24, 142:5, 144:17 Susan [4] - 46:10, 82:7, 82:8, 84:25 suspect [30] - 14:4, 77:25, 110:4, 111:6, 111:12, 112:22, 122:8, 122:12, 122:15, 122:18, 122:19, 123:7, 131:8, 131:10, 131:15, 132:10, 132:17, 133:19, 133:21, 140:4, 140:10, 140:24, 143:7, 145:21, 154:10, 155:1, 155:8, 156:20, 157:5, 157:23 suspect-focused [1] - 122:19 Suspects [1] - 151:16 suspects [7] - 15:10, 131:17, 132:12, 141:4, 146:14, 151:18, 154:15 suspicious [1] - 154:7 sworn [3] - 152:9, 152:25, 153:5 system [9] - 44:18, 84:12, 85:18, 85:23, 86:11, 87:20, 87:21, 110:23, 153:16 System [1] - 110:22 systemic [4] - 37:2, 41:24, 42:1, 42:13 systems [2] - 58:21, 76:14</p>
---	--	---	--	--

T				
tab ^[50] - 2:5, 2:6, 11:9, 11:21, 17:3, 17:4, 18:10, 20:10, 23:24, 24:7, 24:12, 26:14, 27:3, 29:14, 52:24, 55:5, 55:15, 56:2, 56:13, 57:25, 58:4, 61:17, 61:22, 61:23, 64:7, 67:24, 68:20, 70:19, 75:7, 80:20, 88:21, 88:22, 100:2, 103:10, 103:11, 103:14, 114:13, 114:15, 119:4, 119:10, 120:6, 129:23, 130:3, 138:15, 150:21, 154:19	telewarrant ^[1] - 165:11	51:14, 67:8, 69:17, 163:2, 164:1	125:6	treated ^[1] - 87:16
table ^[2] - 73:12, 133:18	temporal ^[1] - 131:5	they.. ^[1] - 109:11	top ^[6] - 1:11, 22:23, 24:13, 157:16, 161:6	trial ^[3] - 15:8, 15:15, 16:16
tabs ^[2] - 130:1, 154:19	ten ^[7] - 31:13, 96:16, 107:21, 107:23, 108:13, 111:2, 170:12	thieves ^[1] - 108:24	topic ^[4] - 2:12, 7:8, 53:17, 118:15	tricks ^[1] - 141:25
tagged ^[1] - 156:18	tendered ^[1] - 103:8	thinking ^[1] - 166:1	touch ^[3] - 49:24, 49:25, 124:12	tried ^[3] - 33:24, 82:18
talkative ^[1] - 136:17	tens ^[2] - 86:24, 87:1	third ^[4] - 16:23, 35:10, 41:19, 157:20	town ^[1] - 32:14	trip ^[2] - 142:17, 144:1
talks ^[2] - 5:10, 74:12	tenure ^[1] - 151:10	this.. ^[1] - 100:25	trace ^[1] - 144:8	trouble ^[1] - 41:11
Tanya ^[1] - 93:14	term ^[6] - 73:20, 101:12, 102:18, 115:16, 125:9	thorn ^[3] - 36:15, 43:11, 43:19	track ^[2] - 58:17, 77:22	true ^[4] - 89:18, 134:11, 170:1, 170:16
tape ^[1] - 3:6	terms ^[21] - 13:13, 17:19, 21:4, 28:8, 33:13, 33:15, 35:5, 42:7, 43:25, 44:6, 44:25, 50:16, 60:17, 63:17, 69:6, 73:1, 73:2, 86:23, 104:6, 111:24, 136:11	thoroughly ^[1] - 6:23	tracking ^[2] - 14:3, 58:20	trusting ^[1] - 99:23
taped ^[6] - 84:6, 84:9, 84:10, 86:10, 86:16	terrible ^[1] - 44:7	thoughts ^[1] - 84:1	trade ^[54] - 14:3, 14:12, 30:9, 31:3, 31:13, 31:18, 34:24, 35:22, 35:24, 41:14, 42:14, 43:22, 43:25, 44:7, 44:19, 45:25, 46:3, 46:14, 46:16, 46:18, 46:19, 46:23, 47:2, 48:12, 48:15, 54:24, 59:17, 63:16, 68:4, 68:10, 68:16, 68:18, 78:17, 79:15, 80:1, 80:8, 80:15, 81:18, 82:13, 85:2, 112:23, 136:25, 141:21, 141:24, 142:5, 143:11, 143:18, 144:17, 154:8, 154:9, 160:21, 160:23	try ^[12] - 6:14, 49:7, 50:14, 69:18, 69:21, 105:11, 105:24, 136:22, 145:15, 154:9, 156:19, 166:4
tapes ^[5] - 84:8, 84:14, 84:18, 85:23, 87:18	testified ^[4] - 46:11, 78:15, 115:25, 117:2	throughout ^[4] - 3:17, 5:4, 94:6, 148:11	traditions ^[1] - 10:17	trying ^[11] - 30:4, 68:13, 70:24, 86:6, 115:23, 146:7, 146:17, 154:1, 155:7, 166:8, 169:1
target ^[1] - 69:19	testify ^[1] - 135:20	thrust ^[1] - 18:5	trafficking ^[1] - 44:13	turn ^[22] - 2:5, 9:10, 17:3, 24:11, 30:7, 49:22, 64:7, 67:24, 71:23, 88:21, 99:8, 100:2, 118:12, 119:2, 119:3, 120:7, 128:12, 129:24, 141:25, 150:21, 151:15, 151:23
task ^[7] - 12:5, 14:2, 16:8, 36:20, 54:10, 106:24, 147:19	testimony ^[2] - 77:23, 85:25	Tiffany ^[5] - 88:2, 89:4, 89:10, 89:13, 93:13	Tragedy ^[1] - 64:13	turned ^[1] - 143:3
Task ^[8] - 12:12, 12:15, 104:2, 104:15, 124:14, 147:15, 148:4, 149:17	THE ^[77] - 1:4, 1:5, 1:10, 6:12, 7:1, 7:3, 7:14, 7:17, 7:22, 8:2, 8:4, 8:9, 19:21, 20:8, 20:12, 21:12, 21:18, 21:20, 22:1, 22:25, 23:21, 23:25, 24:2, 24:14, 25:24, 26:2, 26:15, 27:1, 29:11, 29:17, 29:22, 30:5, 32:7, 33:6, 35:1, 36:13, 37:7, 37:16, 38:7, 38:21, 39:24, 40:2, 40:19, 41:7, 42:21, 42:23, 42:24, 43:2, 50:15, 51:2, 52:1, 52:5, 52:16, 52:21, 90:6, 90:7, 90:10, 90:13, 92:23, 92:25, 93:3, 93:4, 93:6, 95:9, 95:11, 95:17, 97:5, 99:12, 99:13, 99:17, 99:19, 136:21, 138:8, 138:12, 167:3, 170:10, 170:11	tightly ^[1] - 74:10	trailer ^[6] - 158:13, 158:17, 160:10, 161:12, 163:16, 163:21	turning ^[2] - 70:19, 82:7
taxing ^[1] - 154:2	theme ^[1] - 4:22	timeline ^[1] - 134:12	train ^[3] - 46:19, 46:20	Turvey ^[3] - 79:24, 81:5, 82:2
Team ^[1] - 75:24	themselves ^[4] - 29:13, 46:21, 49:20, 50:24	timely ^[1] - 10:14	trained ^[3] - 128:2, 134:25, 146:10	Turvey's ^[1] - 80:19
team ^[14] - 12:17, 13:20, 14:1, 14:5, 47:10, 54:12, 61:1, 97:13, 104:19, 111:7, 113:23, 131:18, 162:1	theory ^[3] - 34:13, 34:16, 167:21	timing ^[1] - 19:1	trainers ^[1] - 46:19	twelve ^[1] - 133:12
team's ^[1] - 106:15	they've ^[6] - 26:22,	tip ^[5] - 113:16, 140:3, 144:4, 151:20, 161:11	training ^[3] - 54:3, 136:6, 148:19	twiggged ^[1] - 107:5
teams ^[2] - 54:11, 54:19		tips ^[3] - 111:11, 131:21, 154:12	Trainor ^[1] - 130:25	two ^[24] - 1:6, 14:16, 15:13, 16:13, 22:13, 39:5, 52:17, 52:23, 79:1, 80:12, 84:23, 92:23, 92:25, 106:6, 107:10, 111:17, 111:18, 144:8, 153:19, 158:1, 158:24, 168:1
techniques ^[1] - 133:6		tipster ^[1] - 134:14	transcribed ^[1] - 170:17	type ^[2] - 32:12, 169:8
technology ^[1] - 84:21		title ^[1] - 2:12	transcribing ^[1] - 126:24	types ^[1] - 165:10
telephone ^[3] - 81:20, 165:7, 165:8		titled ^[3] - 18:14, 55:6, 64:13	transcript ^[3] - 92:17, 129:7, 170:16	typewritten ^[1] - 138:16
television ^[2] - 5:4, 118:2		TOBIAS ^[7] - 19:24, 20:10, 20:13, 21:14, 21:19, 21:22, 22:16	transcripts ^[1] - 90:20	typology ^[1] - 33:9
		Tobias ^[1] - 19:24	transferring ^[1] - 151:4	typos ^[1] - 91:5
		today ^[8] - 23:5, 26:9, 63:16, 68:25, 76:4, 101:7, 112:2, 169:18	Transition ^[1] - 49:9	
		today's ^[2] - 18:13, 97:6	transition ^[1] - 54:18	
		together ^[10] - 57:22, 69:17, 69:19, 111:18, 113:8, 117:4, 144:8, 144:25, 146:9, 155:18	transported ^[1] - 14:12	
		tomorrow ^[1] - 170:12		
		took ^[9] - 26:5, 28:7, 39:13, 90:25, 105:19, 106:6, 118:22, 121:12,		
				U
				Ujjal ^[1] - 121:7
				UK ^[1] - 131:1

<p>ultimately [2] - 97:10, 125:17</p> <p>unanswered [1] - 26:11</p> <p>uncover [2] - 49:15, 49:20</p> <p>under [15] - 2:17, 3:18, 7:5, 15:7, 24:15, 47:3, 53:21, 127:20, 136:8, 145:22, 149:7, 150:22, 151:16, 151:23, 168:23</p> <p>under-performing [1] - 149:7</p> <p>underlies [1] - 47:10</p> <p>underlined [1] - 40:6</p> <p>underscore [1] - 40:8</p> <p>understood [5] - 42:5, 98:17, 116:1, 157:7, 168:23</p> <p>undertook [1] - 90:22</p> <p>unearth [1] - 139:1</p> <p>unfair [3] - 51:13, 96:10, 136:22</p> <p>unfortunate [2] - 43:19, 120:2</p> <p>unfortunately [3] - 62:7, 84:17, 156:9</p> <p>unfounded [1] - 18:21</p> <p>unified [2] - 73:4, 77:1</p> <p>unionized [2] - 76:12, 76:13</p> <p>unit [6] - 60:11, 60:20, 72:14, 72:17, 74:19, 149:21</p> <p>Unit [15] - 47:23, 48:2, 48:18, 56:7, 60:11, 61:3, 61:6, 61:8, 61:18, 63:18, 66:11, 72:21, 97:18, 97:19, 151:5</p> <p>UNITED [1] - 170:23</p> <p>Units [1] - 66:13</p> <p>units [6] - 72:6, 72:13, 72:20, 73:6, 73:9, 73:14</p> <p>unlawful [3] - 107:6, 160:19, 162:13</p> <p>unless [3] - 59:22, 71:18, 83:22</p> <p>unlikely [2] - 79:20, 142:19</p> <p>unprofessional [1] - 36:7</p> <p>unprotected [1] - 79:15</p> <p>unreceptive [1] - 33:14</p> <p>unredacted [1] - 17:10</p>	<p>unscrupulous [1] - 49:15</p> <p>unsubstantiated [1] - 50:19</p> <p>unsuccessful [1] - 145:16</p> <p>unusual [2] - 84:3, 87:4</p> <p>unwilling [1] - 28:23</p> <p>unwillingness [1] - 28:14</p> <p>unwise [1] - 140:8</p> <p>up [59] - 7:4, 25:6, 26:9, 26:16, 33:2, 34:16, 35:3, 37:3, 37:13, 37:14, 41:10, 70:13, 70:22, 72:24, 76:10, 77:22, 81:11, 82:22, 83:25, 86:14, 98:24, 100:2, 103:20, 106:1, 107:1, 110:13, 112:12, 115:8, 116:10, 117:11, 118:22, 128:12, 129:16, 132:21, 133:3, 133:14, 134:2, 134:18, 135:17, 140:8, 140:14, 140:15, 142:14, 143:3, 144:7, 144:22, 144:25, 146:14, 146:20, 148:8, 151:12, 154:8, 155:2, 155:8, 156:1, 157:16, 159:25, 162:6, 169:7</p> <p>updates [3] - 152:11, 153:7, 153:21</p> <p>updating [1] - 62:25</p> <p>upholding [1] - 16:14</p> <p>uploaded [1] - 96:2</p> <p>upper [1] - 103:20</p> <p>users [1] - 81:24</p> <p>uses [2] - 73:20, 74:5</p> <p>utilization [1] - 69:23</p> <p>utter [1] - 105:3</p>	<p>39:18, 40:3, 46:22, 48:4, 50:20, 50:24, 51:4, 51:9, 53:13, 53:22, 54:7, 59:21, 60:12, 61:24, 65:18, 65:19, 66:7, 69:15, 71:1, 71:6, 71:9, 72:22, 73:15, 73:19, 74:8, 74:10, 74:18, 74:21, 75:10, 75:22, 76:18, 79:18, 86:20, 88:20, 97:22, 104:1, 105:15, 117:21, 117:22, 118:6, 118:20, 119:7, 119:24, 124:1, 125:3, 135:2, 137:22, 142:8, 148:21, 155:15, 156:5, 161:8</p> <p>variety [5] - 44:10, 45:9, 70:5, 70:15, 70:17</p> <p>various [11] - 22:20, 28:12, 44:19, 47:20, 69:8, 70:3, 72:4, 73:14, 126:2, 152:23, 156:12</p> <p>vehicle [2] - 109:5, 110:7</p> <p>venomous [1] - 9:14</p> <p>verbatim [2] - 90:25, 105:24</p> <p>verify [1] - 107:23</p> <p>version [3] - 17:8, 17:10, 25:13</p> <p>Vertlieb [11] - 1:22, 7:9, 11:1, 21:24, 56:6, 62:1, 77:12, 116:18, 129:8, 129:9, 129:18</p> <p>VERTLIEB [4] - 99:16, 99:18, 99:20, 99:22</p> <p>vest [1] - 146:23</p> <p>victim [6] - 15:17, 32:2, 33:4, 33:9, 63:22, 80:15</p> <p>victimization [1] - 69:23</p> <p>victimized [3] - 44:23, 45:13, 68:15</p> <p>victims [5] - 14:5, 36:3, 45:18, 47:24, 48:6</p> <p>Victoria [1] - 155:5</p> <p>video [1] - 147:11</p> <p>view [14] - 15:2, 19:18, 20:7, 28:11, 39:22, 42:5, 44:4, 79:19, 87:23, 101:7, 102:2,</p>	<p>102:17, 116:23, 146:19</p> <p>views [2] - 24:3, 82:5</p> <p>vigils [1] - 5:17</p> <p>vigorous [1] - 39:22</p> <p>vigorously [1] - 78:12</p> <p>Violence [3] - 47:22, 48:2, 66:12</p> <p>violence [8] - 44:1, 44:14, 47:5, 48:6, 67:3, 86:6, 125:11, 125:16</p> <p>violent [4] - 45:24, 46:20, 131:24, 132:5</p> <p>virtually [2] - 58:16, 74:6</p> <p>vis [2] - 163:21</p> <p>vis-a-vis [1] - 163:21</p> <p>visit [1] - 160:14</p> <p>visiting [1] - 123:12</p> <p>voice [1] - 84:20</p> <p>Volume [4] - 99:8, 100:1, 103:13, 150:20</p> <p>volume [2] - 87:6, 87:8</p> <p>voracious [2] - 118:8, 148:19</p> <p>VPD [84] - 1:17, 2:23, 3:2, 3:5, 3:9, 3:15, 3:23, 3:25, 4:13, 4:23, 5:6, 5:8, 9:13, 9:25, 10:2, 10:7, 10:10, 10:12, 10:19, 13:15, 13:16, 13:19, 16:12, 17:1, 25:8, 27:19, 30:3, 31:4, 31:8, 33:17, 34:23, 38:19, 39:3, 43:9, 43:22, 44:2, 45:14, 45:23, 47:13, 47:14, 48:24, 52:8, 53:5, 54:23, 55:1, 55:3, 64:18, 66:17, 71:2, 88:24, 89:14, 94:12, 95:6, 97:13, 97:22, 99:24, 100:7, 112:8, 113:17, 116:20, 124:5, 127:18, 127:20, 130:12, 131:3, 135:14, 135:16, 135:23, 136:11, 137:11, 137:21, 140:20, 150:22, 152:4, 152:8, 156:16, 156:23, 157:3, 157:18, 158:1, 159:24, 162:20</p> <p>VPD's [5] - 4:5, 4:21,</p>	<p>71:5, 71:21, 121:18</p> <p>VPD.. [1] - 25:2</p> <p>Vries [4] - 119:11, 119:21, 134:6, 134:9</p> <p>vulnerable [4] - 45:17, 47:8, 47:14, 69:18</p>
W				
<p>wait [1] - 83:24</p> <p>waiting [1] - 99:9</p> <p>walls [1] - 150:1</p> <p>wants [1] - 41:3</p> <p>war [1] - 149:18</p> <p>WARD [15] - 93:7, 93:15, 95:14, 95:20, 96:11, 97:8, 99:8, 99:14, 99:21, 99:25, 136:22, 138:5, 138:13, 167:16, 170:9</p> <p>Ward [6] - 41:1, 93:7, 96:3, 97:1, 97:4, 1:5</p> <p>warrant [19] - 3:11, 14:20, 15:12, 15:22, 22:9, 106:11, 159:1, 159:7, 159:13, 159:16, 163:3, 164:2, 164:19, 165:13, 166:21, 166:25, 167:7, 167:9, 169:8</p> <p>warrants [5] - 2:18, 165:3, 165:8, 165:10, 169:5</p> <p>wash [1] - 101:10</p> <p>waste [1] - 25:19</p> <p>Watch [13] - 47:4, 52:3, 52:13, 64:17, 65:19, 66:23, 67:1, 67:6, 67:11, 67:14, 67:17, 67:22, 67:23</p> <p>watched [1] - 45:3</p> <p>watching [1] - 83:2</p> <p>Wayne [2] - 3:7, 119:5</p> <p>ways [3] - 35:19, 127:24, 141:4</p> <p>wealthier [1] - 30:12</p> <p>web [1] - 68:22</p> <p>website [3] - 11:18, 64:9, 80:22</p> <p>week [1] - 66:6</p> <p>weekend [3] - 161:15, 162:22, 163:23</p> <p>weeks [3] - 14:7, 34:6, 98:20</p> <p>weighed [1] - 57:10</p> <p>well-respected [1] - 79:23</p>				

<p>Wells ^[14] - 12:6, 14:19, 15:6, 15:8, 22:8, 106:10, 106:21, 107:2, 107:3, 158:24, 159:5, 166:11, 166:14</p> <p>west ^[6] - 30:18, 30:20, 31:2, 32:5, 32:13, 119:23</p> <p>Westminster ^[1] - 59:16</p> <p>wheel ^[1] - 50:14</p> <p>wheeling ^[1] - 138:2</p> <p>whereas ^[1] - 159:8</p> <p>white ^[2] - 75:16, 101:10</p> <p>whole ^[4] - 6:20, 27:20, 37:9, 168:10</p> <p>wide ^[3] - 70:15, 70:17, 149:22</p> <p>wild ^[1] - 164:11</p> <p>William ^[11] - 108:3, 110:4, 111:5, 111:11, 112:22, 123:7, 131:6, 145:25, 151:17, 156:17, 160:9</p> <p>Williams ^[14] - 11:2, 27:13, 27:17, 93:11, 93:14, 98:12, 98:24, 100:17, 100:21, 100:24, 101:1, 101:10, 115:2, 115:4</p> <p>Williams' ^[1] - 28:6</p> <p>Willie ^[6] - 3:9, 108:22, 134:15, 145:25, 160:9, 163:10</p> <p>willingness ^[2] - 12:18, 104:20</p> <p>Wilson ^[1] - 93:9</p> <p>win ^[1] - 14:24</p> <p>winding ^[1] - 147:15</p> <p>windows ^[1] - 149:24</p> <p>WISH ^[3] - 46:17, 52:12, 68:11</p> <p>wish ^[5] - 1:8, 71:20, 101:19, 102:5, 102:11</p> <p>wished ^[1] - 116:12</p> <p>Witness ^[1] - 150:20</p> <p>witness ^[24] - 1:8, 1:12, 7:5, 24:3, 26:12, 26:17, 38:2, 38:14, 39:15, 40:23, 47:12, 47:16, 47:19, 51:5, 77:20, 91:2, 95:19, 96:11, 96:23, 96:25, 150:19, 167:6, 167:15,</p>	<p>167:18</p> <p>WITNESS ^[1] - 33:6</p> <p>witness's ^[1] - 23:16</p> <p>witnesses ^[7] - 26:23, 41:4, 47:8, 47:15, 77:18, 77:24, 133:22</p> <p>witnesses' ^[1] - 26:24</p> <p>Wolfe ^[1] - 93:11</p> <p>woman ^[6] - 31:2, 58:13, 88:2, 137:11, 142:14, 165:22</p> <p>Woman ^[1] - 47:1</p> <p>Women ^[11] - 2:24, 6:4, 12:12, 12:15, 64:14, 70:21, 75:24, 104:2, 104:15, 130:2, 130:5</p> <p>women ^[78] - 1:18, 4:1, 4:6, 5:18, 6:22, 13:20, 14:10, 18:15, 30:11, 30:12, 30:17, 30:20, 30:22, 31:7, 31:10, 32:3, 32:5, 32:13, 32:14, 32:23, 33:11, 33:22, 34:2, 34:6, 34:13, 34:18, 35:25, 36:4, 36:12, 36:15, 36:23, 37:20, 47:5, 47:10, 47:21, 48:6, 58:9, 59:8, 59:9, 59:11, 59:13, 59:15, 59:18, 59:25, 61:4, 63:14, 64:21, 65:17, 65:22, 68:17, 81:12, 101:4, 106:17, 113:21, 114:2, 114:4, 114:21, 120:16, 121:16, 123:24, 133:5, 133:25, 137:24, 140:16, 141:11, 141:21, 142:22, 143:2, 145:14, 145:17, 148:11, 148:24, 166:9, 167:21, 168:19, 168:24, 169:19</p> <p>women's ^[4] - 35:18, 122:8, 122:15, 144:7</p> <p>Women's ^[1] - 64:20</p> <p>won ^[2] - 46:22, 46:25</p> <p>wonder ^[2] - 24:22, 128:17</p> <p>wondering ^[1] - 92:20</p> <p>wood ^[1] - 78:7</p> <p>word ^[6] - 81:16, 84:11, 115:13, 115:14, 125:7, 162:5</p> <p>words ^[4] - 24:19,</p>	<p>89:4, 120:14, 159:21</p> <p>worker ^[17] - 14:13, 31:3, 34:24, 35:22, 35:24, 46:4, 46:16, 48:15, 68:4, 68:10, 80:8, 80:15, 81:18, 85:2, 143:11, 143:18, 144:17</p> <p>workers ^[31] - 14:3, 30:9, 31:13, 31:19, 41:14, 42:14, 43:23, 43:25, 44:19, 45:25, 46:14, 46:18, 46:19, 47:2, 48:12, 54:25, 59:17, 63:16, 68:10, 68:13, 78:17, 79:15, 80:1, 82:14, 112:24, 137:1, 144:17, 154:8, 154:9, 160:22, 160:23</p> <p>works ^[2] - 68:12, 71:10</p> <p>world ^[1] - 111:17</p> <p>worse ^[1] - 4:23</p> <p>Worst ^[2] - 11:23, 104:2</p> <p>worthy ^[3] - 132:13, 144:9, 144:12</p> <p>Wosk ^[1] - 75:14</p> <p>wrapped ^[1] - 77:22</p> <p>wraps ^[1] - 148:8</p> <p>write ^[1] - 17:16</p> <p>Writer ^[1] - 155:4</p> <p>writer ^[2] - 155:14, 155:18</p> <p>writes ^[3] - 119:11, 152:7, 159:19</p> <p>writing ^[7] - 21:9, 23:24, 38:2, 42:7, 95:21, 98:15, 165:12</p> <p>written ^[17] - 11:7, 17:5, 20:14, 24:6, 33:10, 33:13, 34:8, 34:19, 38:4, 54:13, 65:13, 70:4, 80:23, 120:24, 126:8, 128:21, 163:15</p> <p>wrote ^[6] - 27:7, 30:25, 115:19, 120:1, 127:2, 163:14</p>	<p>107:23, 108:14, 111:2, 119:19, 133:13, 135:14, 136:8, 145:23, 145:24, 148:18, 150:23, 158:25</p> <p>yesterday ^[2] - 17:11, 116:10</p> <p>young ^[3] - 14:19, 46:12, 106:10</p> <p>yourself ^[5] - 35:17, 103:22, 131:3, 136:1, 145:24</p> <p>Youth ^[1] - 81:6</p> <p>Yurkiw ^[4] - 91:21, 92:11, 102:7, 155:19</p> <p>Yurkiw's ^[2] - 91:17, 92:17</p> <p>YWCA ^[1] - 46:25</p>
Z			
<p>Zalys ^[1] - 102:8</p> <p>Zaporzan ^[1] - 130:23</p> <p>zero ^[2] - 46:7, 130:14</p>			