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Vancouver, B.C.
November 7, 2011

(PROCEEDINGS RECONVENED AT 10:00 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.
MR. VERTLIEB: The next witness is Deputy Chief Constable
Douglas LePard, and the deputy is in the witness
box. If he would be given the oath.
THE REGISTRAR: Just turn your microphone on, please. Thank
you. Good morning.

DOUGLAS ALAN LEPARD: Affirmed

THE REGISTRAR: Would you state your name, please.

A Douglas Alan LePard, L-e-P-a-r-d.

THE REGISTRAR: Thank you. Counsel.

EXAMINATION IN CHIEF BY MR. VERTLIEB:

Q Thank you. Deputy LePard, you're comfortable if
we address you as Deputy LePard?

A Yes, I am.

Q Is that the way you're generally referred to in
your functions now?

A I am.

Q I'd like to give you an outline of what we hope to
deal with in terms of your evidence over the next
several days. I want to go through your
background and take you through your curriculum
vitae, and then I'd like to discuss your police

1 experience. We know that you started with
2 Vancouver Police in 1981. Then I'd like to
3 discuss some core principles with you around
4 policing, because you are the first police witness
5 that the commissioner has heard from, and then
6 move on to the five phases as we've styled them in
7 connection with the missing women investigation
8 and Robert William Pickton. That's how I'd like
9 to do it. I should tell you that we are still
10 awaiting the report from Deputy Chief Jennifer
11 Evans, and for that reason I am not going to stand
12 you down in chief until I have a copy of that
13 report because it could be there's some questions
14 that I want to ask you that arise in that report.
15 Okay. So at least that outlines where I expect to
16 go with you over the next several days.

17 A Thank you.

18 MR. VERTLIEB: You're welcome. Let's deal then first with your
19 curriculum vitae. And I should tell you, Deputy
20 and Mr. Commissioner, that all of the exhibits
21 that we wish to introduce through the deputy are
22 in binders.

23 THE COMMISSIONER: All right.

24 MR. VERTLIEB: They've all been disclosed. For the convenience
25 of my learned friends your staff sent out a list

1 of all of the concordance numbers so that the
2 lawyers and participants could know the documents
3 that would be --

4 THE COMMISSIONER: All right.

5 MR. VERTLIEB: -- put to the deputy. There will be some
6 documents that he may not be familiar with, and
7 they'll just be in there and not become exhibits
8 proper, but almost all the documents come from
9 Vancouver Police files, so there should be no
10 issue at all about their admissibility.

11 Q So the first binder, I believe it's in front of
12 you, at tab 1 has your curriculum vitae. Do you
13 see that, Deputy?

14 A Yes, I do.

15 MR. VERTLIEB: And I trust, Mr. Commissioner, that these
16 binders can all be marked as exhibits. Where the
17 -- where there's any issue around an RCMP document
18 or some other that the deputy's not familiar with
19 we could have them just remain for identification.

20 THE COMMISSIONER: All right. Is everybody comfortable with
21 that?

22 MR. HERN: Well, it does engage the confidentiality --

23 THE COMMISSIONER: Sorry?

24 MR. HERN: The confidential information issue. I don't believe
25 these have been redacted in the way that we had

1 contemplated last week, so I think they should go
2 in for identification and then we can deal with
3 them. As soon as the personal information is
4 redacted out of them they can go in as exhibits.

5 THE COMMISSIONER: Okay.

6 MR. VERTLIEB: I'm comfortable with that. I'll work through
7 that at a break with Mr. Hern.

8 Q So in terms of your curriculum vitae, you have a
9 Bachelor of Arts with a Major in Criminology from
10 Simon Fraser University?

11 A That's correct, Mr. Commissioner.

12 Q And what year was that, please?

13 A 2000.

14 Q In your curriculum you list a number of awards,
15 and let me read those out rather than have you
16 read them. You were given an award by the Ending
17 Violence Association of BC in 2010 for outstanding
18 contributions toward ending violence against women
19 in BC?

20 A Correct.

21 Q In 2008 you were invested by the Governor General
22 as a member in the Order of Merit of the Police
23 Forces?

24 A That's correct.

25 Q You have nine Vancouver Police Department

1 commendations --

2 A That's correct.

3 Q -- between the years 1986 and 2003; is that
4 correct?

5 A That's correct.

6 Q You were given the Attorney General's Award for
7 service to victims in 1999?

8 A That's correct.

9 Q And in 1998 given the Lieutenant Governor's
10 meritorious service award for bravery?

11 A That's correct.

12 Q Now, your curriculum vitae outlines your Vancouver
13 Police Department experience. Just take us
14 through that in your own words, please, and
15 start -- I would go in reverse order from the
16 beginning of your career to your present position.

17 A I have some notes, Mr. Commissioner, that I made
18 for myself. Can I refer to those?

19 THE COMMISSIONER: Yes.

20 A I started with the Vancouver Police Department in
21 1981, and I spent my first seven years essentially
22 in the Patrol Division in uniform mostly in the
23 east end of Vancouver. I early on had a great
24 interest in investigative matters, and so that's
25 where I focused my career starting right then, and

1 I've worked in investigative areas at four
2 different ranks for more than half of my career.
3 Very early on as a patrol officer I was conducting
4 full investigations into very serious
5 investigations, such as armed robbery, rape,
6 drugs, firearms and so on. I handled informants,
7 including sex workers. I was writing search
8 warrants for firearms, stolen property, drugs,
9 other contraband. And one of the things that I
10 found, I had a great interest in all things
11 investigative, but particularly interviewing and
12 interrogation of suspects, and I had great success
13 at that as a -- as a constable in my first seven
14 years. I received letters and compliments from
15 Crown counsel, from my superiors, from a judge who
16 commented at one point that I had given the best
17 evidence of any officer of any years of service
18 that he had ever heard. I was about a six-year
19 officer at that time.

20 I worked as an undercover operator during
21 that time for both the Drug Section and the Vice
22 Section, and during that time I received two
23 formal commendations from the Vancouver Police
24 Department. The second one was a chief
25 constable's commendation, which is the highest

1 level provided from the Vancouver Police
2 Department, and that was about the quality of my
3 investigations.

4 In 1988 I applied and was selected for our
5 Strike Force, which is an undercover surveillance
6 and arrest unit. We investigated a wide range of
7 serious offences by active criminals from burglary
8 to conspiracy to commit murder. I was a
9 surveillance operative. I suffered an injury
10 during that time, so for a month I had the
11 opportunity to be the intelligence coordinator, so
12 putting together files and coordinating files for
13 investigations that we worked on. I handled
14 informants. I did cellmate undercover operations
15 with a variety of criminals, bank robbers, that
16 sort of thing. And I was trained -- I received
17 various training during that time to conduct those
18 duties.

19 And I'm going to focus on those areas that I
20 thought were relevant to my qualifications for
21 writing the report that I wrote, so I'm not
22 including all of my career, but the next thing
23 that I think was relevant is in 1991 I was
24 promoted to corporal and I was transferred to the
25 Planning, Research & Audit Section. That was a

1 surprise to me, as I expected an operational or
2 investigative assignment, but nonetheless I went
3 and found that I had an aptitude for that work. I
4 worked very hard at it and became a person that
5 was assigned many important projects for the
6 Vancouver Police Department around budget, policy,
7 lots of policy analysis and so on.

8 In my second year in that assignment we had a
9 vacancy created by the secondment of then Staff
10 Sergeant Ian Mackenzie to the Oppal Commission
11 report, and despite there being about 30 staff
12 sergeants in the organization they decided that I
13 was the best qualified one to take that job while
14 Staff Sergeant Mackenzie was gone, and I did that
15 job for a year.

16 My next assignment was to the Major Crime
17 Section as a detective in the Sexual Offence
18 Squad. I went there in either late 1993 or at the
19 very beginning of 1994. I had already on my own
20 initiative obtained some training in sexual
21 assault investigations, and I had a lengthy
22 history of completing front/back investigations as
23 a patrol officer. So unlike many officers, I
24 didn't stop in a more entry-level investigative
25 squad. I went straight to the Major Crime

1 Section, and there I investigated hundreds of
2 offences of sexual assault and child abuse. And
3 because, as I said, I was greatly interested in --
4 especially in interrogation, that was something
5 that I really focused on. That resulted in a
6 fairly high rate of charges, being able to get
7 confessions from sex offenders where there often
8 isn't other evidence. For example, I have one
9 offender that I always remember. He is still
10 serving time, was declared a dangerous offender,
11 and that was on the basis of the confession that I
12 obtained from him, which was about raping his own
13 four-year-old daughter.

14 And during that time I also wrote a proposal,
15 co-wrote a proposal for the creation of what
16 became our VPD Domestic Violence & Criminal
17 Harassment Unit. Then in 1996 when I was promoted
18 to sergeant I remained in the Sexual Offence Squad
19 as a sergeant but was working on the
20 implementation of that Domestic Violence &
21 Criminal Harassment Unit, and eventually I became
22 the first sergeant in that unit in late 1996.
23 During that time I also completed the three-week
24 major case management program at the Canadian
25 Police College in Ottawa. I was invited to return

1 as an instructor in interrogation.

2 While I was in the Domestic Violence &
3 Criminal Harassment Unit, which I started in late
4 1996, unlike in many investigative areas, I was
5 actually also an investigator in that unit, and I
6 personally investigated or supervised the
7 investigation of somewhere around 500 cases, and
8 our unit was audited externally and found that
9 because of the nature of the way we did our work
10 in there is that the rate at which cases were
11 stayed, which was very high for domestic violence
12 cases, we cut in half, and the rate of convictions
13 were doubled. So it was very successful.

14 During that time I also trained hundreds of
15 police officers in the Vancouver Police
16 Department, and I was selected by the Ministry of
17 Attorney General to go around the province and
18 conduct multi-disciplinary training for Crown,
19 victim services, and police around investigating
20 criminal harassment cases, and flowing from that I
21 was asked to teach a two-day course on
22 interviewing and interrogation specific to
23 domestic violence cases, and I did that around the
24 province teaching hundreds and hundreds of police
25 officers.

1 I lectured in Canada on related issues to
2 investigations. I co-authored the police-relevant
3 guidelines for a federal/provincial/territorial
4 handbook on investigating and prosecuting criminal
5 harassment cases. I co-authored a chapter in a
6 book on stalking that was edited by the foremost
7 expert in stalking cases, Dr. Reid Meloy, in
8 California.

9 While I was working in the Domestic Violence
10 & Criminal Harassment Unit there was a very
11 terrible case in 1997 of a woman who was
12 essentially abducted off the street in the West
13 End. She was mentally ill. Two strangers took
14 her to Stanley Park. They brutally assaulted her.
15 They sexually assaulted her. She had a fractured
16 skull. She, as far as I know, is still completely
17 incapacitated. And I was asked to come back and
18 set up an investigation in the Sexual Offence
19 Squad into that incident. I did set up that, help
20 set up that investigation, which was led by
21 Sergeant Geramy Field, and I was assigned the role
22 of coordinating all interviews -- it was a fairly
23 complex investigation -- and also to interrogate
24 any suspects that we managed to identify. We did
25 identify the suspects. I did interrogate the one

1 suspect, who was the leader, who was willing to be
2 interrogated, and after a multi-hour interrogation
3 I obtained a confession. The result of that case
4 was both of them pleaded guilty and were sentenced
5 to federal terms.

6 In 1998 I was loaned again to another unit in
7 the Major Crime Section. We had had a series of
8 very terrible home invasions of the very elderly
9 on the east side of Vancouver. These were very
10 elderly people in their seventies and eighties who
11 were being physically assaulted, some of them
12 being sexually humiliated. There had been a
13 series of 11 of them in 1998.

14 We did have a Home Invasion Task Force. It
15 was not performing well. I was asked by the
16 inspector in charge of the Major Crime Section to
17 conduct a review of that investigation and make
18 recommendations as to how it could be improved. I
19 did that. I interviewed every member of the task
20 force. I read every scrap of paper that was
21 associated with it, every scrap of paper
22 associated with the cases, and at the end of that
23 I wrote a report making recommendations to the
24 deputy chief in charge of the Investigation
25 Division as to what needed to be done to improve

1 the investigation and help it be successful.
2 Those recommendations were approved in their
3 entirety, and I was asked to take over as the
4 sergeant in charge of that unit. I did so. We
5 had a smoothly running investigation in place, and
6 it was a successful investigation.

7 Then I returned to my assignment in the home
8 invasion -- or, sorry, in the Domestic Violence &
9 Criminal Harassment Unit. As a result of my work
10 in the Domestic Violence & Criminal Harassment
11 Unit I received another chief constable's
12 commendation, which noted all the things I had
13 taken on in there, including investigating some of
14 the most complex cases that we had received.

15 In 2000 I was promoted to inspector. Again,
16 I hoped and wished that I would go to the
17 Investigation Division as that assignment, but I
18 was assigned back to the Planning and Research
19 Section. We were -- had essentially a budget
20 crisis arising, and because of the experience that
21 I'd had in the Planning and Research Section
22 before I was asked to deal with that. I did, and
23 I also started something that really needed to be
24 done, which was to deal with a very serious issue
25 around lack of resources. I had found that the

1 last successful staffing request to council, I had
2 written it back in 1993, and so I started on that
3 again and wrote a report to council that once
4 council received it they immediately approved 30
5 new police officers and that 20 temporary officers
6 would be made permanent.

7 So I had a fair amount of experience in
8 analyzing workload and doing that sort of thing,
9 and that was the forerunner for a series of
10 reports that took our permanent authorized
11 strength from 1046, as it was then, to the 1327 it
12 is today and increased our civilian strength from
13 about 213 that it was then to about 389 that it is
14 today. So some very significant increases in our
15 staffing.

16 Again, I'd always remained involved in
17 investigative matters, and despite not being in
18 the Investigation Division at that time I was
19 asked by the inspector in charge of our training
20 section to develop and deliver some training for
21 patrol officers around investigations and report
22 writing. I did that, and I taught that to
23 hundreds of police officers during the evenings
24 during that time in the early 2000s.

25 In August of 2003 I was promoted to deputy

1 chief and was sent back to the Investigation
2 Division, and I took that over. And, actually,
3 it's a little bit incorrect in my CV, is I
4 actually had oversight responsibility of that
5 right until last year, 2010. During that time I
6 developed a new process for evaluating our
7 investigative operational plans. I personally
8 reviewed every single operational plan that was
9 submitted during that time, stepping in to oversee
10 investigations where I thought necessary or where
11 plans needed to be improved. An example of that
12 was during the McMynn kidnapping investigation.

13 I developed a formal process for debriefing
14 major investigations, not only ones that went
15 well, but ones that didn't go well so that we
16 could learn from them and find out how we could do
17 better in the future. I took part in some of
18 those debriefs. I reviewed the reports about
19 them. And then I wanted to ensure that we could
20 share that information, so I developed an internal
21 website that was intended to be a centre for
22 excellence for investigative matters, and we would
23 put those debrief reports and many other reports
24 devoted to investigative excellence, including
25 reports about failed investigations, wrongful

1 convictions and so on, so that information could
2 be easily shared with all members, but
3 particularly Investigation Division members.

4 During that time I sat on a committee that
5 was responsible for the accreditation process for
6 major case management team commanders in BC, and I
7 was asked to assist in reviewing the course
8 because it had gone off the rails a little bit and
9 needed to be improved.

10 I've been a guest instructor at the Canadian
11 Police College and at the Pacific Regional
12 Training Centre for -- excuse me -- for the RCMP
13 as recently as last year in Ottawa on the major
14 case management program.

15 In 2005, when the Heads of Prosecution report
16 on wrongful conviction was released, I took the
17 lead on making the changes in the Vancouver Police
18 Department to ensure that we were at the leading
19 edge of our policies around preventing wrongful
20 convictions. I developed a training module at
21 that time, which I continue to treat -- teach to
22 this day, a half-day course on preventing wrongful
23 convictions through investigative excellence.

24 I'm a regular guest lecturer at the UBC law
25 school on the role of major case management in

1 preventing wrongful convictions. I was the lead
2 author with a Crown counsel in writing a book
3 chapter on best practices to prevent wrongful
4 convictions that was published in 2008. Around
5 that time I was selected to sit on a committee led
6 by retired Justice Allan Thackray that was looking
7 at four claims of wrongful conviction associated
8 to faulty hair microscopy evidence, and our
9 findings were adopted by the Attorney General at
10 that time.

11 I am the Canadian Association of Chiefs of
12 Police representative on a subcommittee on
13 preventing wrongful convictions. We just released
14 a report called *The Path to Justice: Preventing*
15 *Wrongful Convictions*, and I contributed to the
16 writing of all eleven chapters in that report.

17 I've lectured locally, nationally,
18 internationally on investigative issues.

19 I have written guides for police officers on
20 conducting successful investigations that have
21 been distributed widely and been provided to the
22 RCMP at their request.

23 I am trained as a senior official pursuant to
24 section 25.1 of the Criminal Code for the purpose
25 of authorizing exemptions under the Criminal Code

1 for police officers to commit acts that otherwise
2 would be criminal offences, and I'm told that I am
3 one of the very few senior officials in Canada
4 that has actually defended a 25.1 exemption, which
5 I did earlier this year in the Supreme Court of BC
6 on a gang case.

7 I read voraciously as well as teach about
8 investigations because I know that there is much
9 to learn from successful and unsuccessful
10 investigations.

11 So those are not all the things that I've
12 learned or accomplished in my career, but those
13 are things that I thought were relevant to my
14 qualifications to write the report that I did, and
15 I appreciate the opportunity to talk about them.

16 Q We appreciate you being here to discuss this with
17 us.

18 So in terms of the issues that are going to
19 be emerging for the commissioner, you have actual
20 working experience in dealing with surveillance,
21 dealing with informants, dealing with serious
22 offences, dealing with task forces, dealing with
23 the Downtown Eastside, and dealing with this
24 concept of major case management?

25 A Yes, all of those are true.

1 Q Today you are deputy chief, but in reality you're
2 number 2 in the hierarchy with just the chief
3 constable above you?

4 A That's correct, Mr. Commissioner.

5 Q And you work closely with the chief, Chief Chu?

6 A I do.

7 Q Deputy, I believe that we've covered your
8 background in sufficient detail. We have your
9 curriculum vitae, which is in the binder, and
10 you've had the opportunity to tell us about your
11 actual working experience since 1981. In addition
12 to your police duties, though, and you mentioned
13 teaching at UBC as a lecturer, you also serve in
14 the community. You were on the board of the Boys
15 and Girls Club?

16 A I'm currently on the board of the Boys and Girls
17 Club, and I've served the community in other ways,
18 for example, being the co-chair of the Law
19 Enforcement Torch Run for Special Olympics. I was
20 the co-chair in British Columbia for five years.
21 And I've tried to contribute in other ways, such
22 as being a volunteer for the Vancouver Foundation
23 more recently.

24 Q Thank you. Let's move on to a discussion of some
25 core policing principles. When we think of

1 policing, it's not just a simple matter of being
2 in a car and driving around and obviously giving
3 out tickets to people. It's a much more complex
4 and involved concept. Tell us what you believe to
5 be core principles of policing as you know them
6 through the 30 years of your career.

7 A Well, we have some core principles that are
8 shared, I think, by all police organizations, and
9 -- but there are some specific ones that we set
10 out in our strategic plan. Of course, there are
11 the ones that are found in the *Police Act* and in
12 the common law: the duty to prevent crime,
13 apprehend criminals, provide --

14 Q Hold on. Duty to prevent crime. Yes. And
15 apprehend?

16 A Apprehend criminals. We're really the agency of
17 last resort for many things. We're the agency
18 that's out there 24 hours a day seven days a week
19 365 days a year dealing with every imaginable
20 issue around public safety, so there's a very wide
21 variety of duties that we engage in, and, in fact,
22 it might surprise people to know that when we're
23 talking about our patrol officers out in police
24 cars that it's a significant minority, but it is a
25 minority of the incidents that they deal with that

1 actually involve a crime, so much of what they are
2 dealing with are public order matters, dealing
3 with the mentally ill, dealing with people in
4 trouble in some way. So they spend a significant
5 amount of time on crime, but it's not the majority
6 of their time that they spend on crime. So
7 certainly preventing crime, providing public
8 safety, responding in a proportional way that
9 respects people's rights are key duties of the
10 police, and we have set them out fairly
11 specifically in our strategic plan in terms of our
12 values in the Vancouver Police Department.

13 Q And so what you've described is really policing as
14 a broad function; it's not simply crime fighting?

15 A That's true.

16 Q So in the broad context given the fact that the
17 majority of the police officer's time is not
18 dealing with crime per se, obviously there's a
19 great deal of interaction with people in the
20 community?

21 A Yes, that's true. And I should be clear, though,
22 that when I was speaking about patrol officers on
23 the frontlines, obviously detectives, a hundred
24 per cent of their time is dealing with crime
25 issues because that's their job. The frontline

1 police officers deal with a wide variety of
2 issues, including crime.

3 Q So in many ways the police officer is almost like
4 a social worker whose job it is to interface with
5 people and deal with concerns often many times not
6 of a criminal nature?

7 A There's certainly many aspects of a police
8 officer's work that are similar to what people
9 think of as the role of a social worker in terms
10 of community building and helping people that are
11 in crisis, particularly, for example, marginalized
12 people, the mentally ill.

13 Q When you use the words "community building", which
14 you just did a moment ago, what do you mean by
15 community building?

16 A Well, we try to partner with any group or
17 community that has an interest in public safety,
18 and so we might partner with a citizens group in
19 Dunbar and we might partner with an advocacy group
20 in the Downtown Eastside because we both have a
21 common interest in providing public safety, and we
22 know that we have a far better chance of being
23 successful is if we draw on community knowledge
24 and build relationships in the community, and so
25 it's a win-win.

1 Q And by drawing on community knowledge allows you
2 to have more information about what's happening on
3 the ground?

4 A Absolutely.

5 Q So you work with the community, as you mentioned.
6 You're interested in safety. Obviously are you
7 saying then that you have a desire to enhance
8 safety by helping victims and also reducing crime?

9 A Absolutely.

10 Q Is all of this a way of saying it's about personal
11 service to the public?

12 A Yes. That's why we exist. The police department
13 exists to provide public safety, and we do that in
14 a very personal way, I suppose, in that we're
15 dealing and interacting directly with people in
16 the most incredible circumstances.

17 Q So if you put it in those words, policing in your
18 years in the police force has been about working
19 with people and not about promoting bureaucratic
20 behaviour for the sake of the bureaucracy?

21 A Well, not for the sake of the bureaucracy. The
22 reality is that we work within a highly regulated,
23 legalistic framework, and so there is going to be
24 a certain amount of bureaucracy in a police agency
25 for sure, but the primary goal is to provide

1 public safety.

2 Q So, in other words, the bureaucracy is secondary
3 to the need to provide safety to the community?

4 A Well, the bureaucracy exists to support that, to
5 deliver those services effectively.

6 Q So when you're on the ground, as you've discussed
7 in your own experience, you're dealing with people
8 and not dealing with numbers and statistics?

9 A As a frontline police officer you would certainly
10 hopefully be aware of certain statistics, like the
11 crime rates and issues that are going on in your
12 community that you're responsible for so that you
13 can properly address them. It's important that
14 our officers be well informed, and we've never
15 been in a better position to provide them
16 excellent information because of the technology
17 that's available to us now, but that has always
18 been an important aspect of policing, is providing
19 good information to frontline police officers so
20 that they can act on it.

21 Q So then when you think about your protection
22 function and your safety function, obviously it's
23 -- one of the key features is to protect the
24 people that you are dealing with?

25 A Yes.

1 Q And this is -- these are concepts and principles
2 that you've been taught and have followed
3 throughout your career since 1981?

4 A Yes.

5 Q So there's no change in the need to protect the
6 public from what it was when you started to today?
7 It's always been there as far as you're concerned?

8 A Yes.

9 Q What I'd like to do is just have you take us
10 through a bit of your working experience in the
11 Downtown Eastside. We've heard people before you
12 come and tell the commissioner about the geography
13 about it. I won't take you through that. But
14 have you actually worked boots on the ground, so
15 to speak, in the Downtown Eastside?

16 A Yes. My first seven years I spent in the east end
17 of Vancouver, and my actual team area at that time
18 was from Campbell Street east, the waterfront east
19 of Boundary, and from the waterfront south
20 essentially to Broadway, but we bordered on the
21 Downtown Eastside. We shared a common radio
22 channel, and we were actually constantly back and
23 forth between our two team areas as they were part
24 of the same district and we'd cover each other.
25 So I spent lots of time in the Downtown Eastside

1 during the '80s. Then while I was in Strike Force
2 many of our cases involved working in the Downtown
3 Eastside, and in that case I was actually, for
4 example, even, you know, sitting in Downtown
5 Eastside bars watching our targets and so having a
6 look from a different perspective. Then when I
7 was the inspector in charge of the Downtown
8 Eastside in early 2003 I was out walking the beat
9 in the Downtown Eastside every day for the time
10 that I was there, which was April until August of
11 2003. And my office has almost always -- excuse
12 me -- I've almost always worked out of 312 Main
13 Street until recent years, so my office was right
14 at the corner of Main and Hastings.

15 Q So in your years of policing you understand the
16 people of the Downtown Eastside and the
17 vulnerability of the people that live there?

18 A Well, I do understand the vulnerability. I
19 wouldn't be so presumptuous to think I understand
20 everything about the people in the Downtown
21 Eastside, but I certainly understand that they're
22 vulnerable.

23 Q And you understand that it's an area that's been
24 marked historically in your years as one of great
25 poverty?

1 A Yes.

2 Q You understand that there's issues around
3 homelessness?

4 A Yes. More so in recent years than there was in
5 the '80s when I was working there when it was not
6 a significant issue.

7 Q More so recent years, meaning the late '90s and
8 into the --

9 A Yes.

10 Q -- this century?

11 You understand that there's sex trade
12 activity that's often referred to as low track, in
13 other words, very low fees or money exchanging
14 hands for sexual acts?

15 A Yes. We often refer to it as the survival sex
16 trade.

17 Q You know what that means then, of course?

18 A Yes.

19 Q And when you say survival sex trade, just so we're
20 clear, that to you means what?

21 A Well, there are different motivations. I think
22 that we heard from an expert in prostitution, Dr.
23 John Lowman, about that, but my understanding is
24 that there are women for whom it is more of a
25 choice and that they are not controlled by their

1 addictions, whereas the women in the survival sex
2 trade are very much doing it to survive. They
3 must do it in order to support their deeply
4 entrenched convictions (sic), so it is much less
5 of a choice, if you can call it that.

6 Q The addiction drives the behaviour?

7 A Yes, and sometimes other factors as well. They
8 may have mental illness, and they may be homeless.
9 So they live very desperate lives.

10 Q And when you use the word "entrenched", we
11 actually heard that from another witness here. Do
12 you understand that to mean that the people who
13 are in the survival sex trade are entrenched in
14 the sense that they are really locked into that
15 community in a geographical and in a time way,
16 they can't really just escape time-wise?

17 A I was referring to how entrenched their addictions
18 are, but I also agree with your point there,
19 absolutely, that that group of women are deeply
20 entrenched in the area.

21 Q We've heard that one of the reasons is no other
22 reason than that's where their supply of drugs is
23 to be found?

24 A That is one of the reasons, but there are many
25 others.

1 Q Tell us some of them that you understand from your
2 policing work.

3 A Some of them I understand from my policing work,
4 but much of it I understand -- because it was a
5 different scene in the '80s, when I spent a fair
6 amount of time down there. It was different,
7 although there were still "low track" sex trade
8 workers. But I've learned much since then, and
9 they are not only entrenched there because of
10 their drug addiction and their need to get drugs
11 from others, but these are women who are -- they
12 have children. Many of them have children. They
13 are -- they were often in contact with their
14 family. Many of them were ill, and so they were
15 accessing medical services, some of them up to,
16 you know, like, multiple times a week. So their
17 whole support system was in the Downtown Eastside.

18 Q With the issues you've just been describing, would
19 the drug addiction and the mental health and the
20 homelessness and all the other concerns you've
21 mentioned perhaps make these people even more in
22 need of police protection than you might find in
23 an affluent area of our city?

24 A Yes.

25 Q Strike Force in Vancouver, you mentioned that

1 earlier. That does surveillance work, amongst
2 other functions?

3 A Yes.

4 Q And you've actually worked in surveillance?

5 A I spent two years under Strike Force.

6 Q So you would have been in an undercover capacity
7 following suspects or persons of interest?

8 A Yes, undercover capacity following suspects, but
9 we also engaged in other undercover projects as
10 well as they arose. For example, we did one
11 murder conspiracy investigation in which we put
12 forward one of our undercover operators playing a
13 hit man who was introduced by an informant to
14 someone looking to hire a hit man. So that was
15 sort of one example of a different kind of
16 undercover work. And we also did frequent
17 cellmate, so putting a police officer in with
18 someone who had been arrested in hopes of getting
19 a confession in the cell, and I did that often.

20 Q As part of Strike Force you would be familiar and
21 indeed you mentioned that you are familiar with
22 search warrant capabilities and why they're
23 obtained and what benefits can be received from
24 search warrants?

25 A Yes.

1 Q Did you also use tracking devices when you were in
2 Strike Force?

3 A We used a device that sometimes is called a
4 tracking device, but it really isn't. Tracking
5 devices did not come about until late 2000 when
6 GPS technology had advanced such that we could use
7 that, but in my time in Strike Force we were using
8 something called a Bird Dog that was much more a
9 locating device, quite primitive actually, not a
10 tracking device.

11 Q But a Bird Dog would allow you to basically
12 determine where someone who was a suspect or
13 person of interest was going?

14 A What it would allow us to do is if we lost visual
15 contact with the vehicle, which we -- our goal was
16 to never lose visual contact with a vehicle. If
17 we did lose it, the Bird Dog would help us locate
18 the vehicle again, but it was a slow, ponderous
19 process to do that.

20 Q But it was an option in the police tool box?

21 A Yes.

22 Q And it was effective when needed?

23 A Not always, but yes.

24 Q You mentioned major case management. In the
25 1980s, the end of the '90s into the early 2000s

1 you had that training program?

2 A Yes. I took it fairly early on in its evolution
3 in 1996. I believe that the first courses were
4 being delivered at the Canadian Police College in
5 1994.

6 Q The Canadian Police College is in Ottawa?

7 A Yes.

8 Q And you went back and took a course?

9 A Yes, in June of 1996. It was a three-week course
10 then.

11 Q As at the time frame of these terms of reference
12 and the terms of reference in your report how many
13 members of Vancouver Police Department had that
14 major case management training?

15 A Well, as of 1996 there were only two of us, and in
16 later years moving into 2000 several more were
17 trained, but there were very few. Like I say,
18 until the late '90s there were only two of us, and
19 I was actually the only one that had -- that was
20 in the Investigation Division at the time.

21 Q So you were the only one with it in the
22 Investigation Division?

23 A Yes. There was one other inspector who was no
24 longer in the Investigation Division, but he had
25 been when he took it.

1 Q And who was that?

2 A Inspector Ted McClellan, who is now retired.

3 Q And briefly for the benefit of the commissioner
4 tell us what major case management's all about.

5 A Mr. Commissioner, the major case management
6 program was developed -- it was really a -- a
7 really excellent leadership initiative by the
8 Canadian Police College, is that they looked at
9 what made an investigation successful and what
10 resulted in an investigation being unsuccessful,
11 and they consulted widely across Canada, and they
12 realized that the knowledge was out there about
13 what made an investigation successful, and from
14 all that knowledge and wide consultation they
15 developed principles for major case management and
16 roles. And the manual is very thick, so I won't
17 go through all of it, just to say that the
18 foundations of major case management are clarity,
19 clarity in the mission, and also the major case
20 management triangle, the command triangle we call
21 it. So there are three really key positions in
22 major case management. There's the team
23 commander. That is the person that has ultimate
24 responsibility for the speed, direction, and flow
25 of the investigation, makes the major decisions

1 around resources, investigative strategies and so
2 on. There is the lead investigator, the primary
3 investigator. He's the one, he or she is the one
4 who is actually directing the investigators after
5 consultation with the team commander about what
6 their functions are going to be: they're going to
7 be the investigator for suspects, they're going to
8 be the investigator for interviewing witnesses,
9 they're going to be the investigator responsible
10 for victim liaison or surveillance or whatever it
11 is. So reporting to the lead investigator or the
12 primary investigator are a number of investigators
13 depending on the scope of the investigation. And
14 then the third prong in the command triangle is
15 the file coordinator, and the file coordinator has
16 a very important role to ensure that all
17 documentation comes in through him or her and goes
18 out through him or her to ensure that there is no
19 information lost in the investigation, that
20 it's -- that it is done in a very systematic way
21 so that information is known to all so that it can
22 be prioritized and so on. So there are many other
23 functions in a major case management arrangement.
24 If it's an investigation that's being modeled on
25 those principles, what's really important to know,

1 I guess, if I were to summarize, is that everybody
2 has to know exactly what their role is, and so if
3 you're assigned as the exhibit investigator, you
4 know that's your role, and there is a job
5 description for that exhibit investigator that is
6 in the major case management manual. So it's
7 really important that there be clarity about what
8 the functions are, but the underpinning is the
9 command triangle.

10 Q And the person who runs it, in other words,
11 they're -- is the person in charge?

12 A Yes.

13 Q So there's no doubt in the police agency that
14 there is somebody in charge, and people would know
15 who that is?

16 A If the investigation is being operated under major
17 case management principles and a team commander
18 has been assigned, then there is no question about
19 who that person is, and we actually would have an
20 organizational chart that actually shows what the
21 relationships are, who is in the command triangle.
22 If you were to look at, for example, our
23 organizational chart for our Integrated Riot
24 Investigation Team, which is quite complex because
25 of the size of the investigation, you would see

1 that every function is set out on that
2 organizational chart. If you were to look at the
3 organizational chart for Project Evenhanded that
4 appears -- is reproduced at the back of my report,
5 you'll see that it's a very complex document that
6 clearly sets out every function in that
7 investigation.

8 Q And the person who's in charge then is the one
9 person who's ultimately at the top of the triangle
10 who runs the -- makes sure it's run to a
11 conclusion?

12 A Yes. Now, everyone has a boss, and so so does the
13 team commander, and typically the team commander
14 is also reporting to someone at the executive
15 level because they need to be accountable as well,
16 and the broad parameters for the investigation
17 will have been set out at a senior level, perhaps
18 at the recommendations of the team commander, but
19 nonetheless at the executive level they are
20 accountable, and often if it is a joint
21 investigation then typically you will see above
22 the team commander a joint management team.

23 Q The advantage is that you do, though, have
24 somebody in charge who is responsible ultimately
25 for the investigation?

1 A Yes.

2 Q I'm wondering, Mr. Giles, if you would be good
3 enough to get the structural board for the
4 Vancouver Police Department. Thank you. Deputy,
5 what I want to do is just have a structural chart
6 that relates to 1998 and in the hopes of perhaps
7 saving a witness later on just have you take us
8 through it very briefly. Now, it would be hard
9 for everyone here to read, but this chart comes
10 out of your report?

11 A Yes, it looks familiar.

12 Q And the chart is representative of the police
13 service in Vancouver in 1998?

14 A Yes.

15 Q And so obviously the chief is at the top?

16 A Yes.

17 MR. VERTLIEB: If it helps, Mr. Commissioner, it's page 64 of
18 the deputy's report.

19 THE COMMISSIONER: All right.

20 MR. VERTLIEB:

21 Q That's Exhibit 1, page 64. Is that a bit easier
22 to read for everybody perhaps?

23 So you've got the deputy and the executive
24 assistant off to the -- in '98 it was Bruce
25 Chambers who was chief constable?

1 A Yes.

2 Q So the executive assistant, would that be a police
3 officer?

4 A No.

5 Q Thank you. And then underneath the deputy or,
6 pardon me, the chief you've got a number of
7 different areas. You've got special projects,
8 corporate communications, diversity, executive
9 services, and planning and research. Do you see
10 that?

11 A Yes.

12 Q Now, I think it's clear to everybody, so you can
13 go very quickly through this, the essential police
14 services then were in three different divisions at
15 that time frame?

16 A Yes, that's correct.

17 Q And essentially is it the same today but the words
18 for the divisions are slightly different?

19 A There have been variations, quite a few of them,
20 since this time and since now, but, yes, our
21 structure today looks similar in broad strokes to
22 that. The only difference is we now call the
23 Operational Support Division the Investigation
24 Division, which it had been before, and that was
25 someone's decision to change that name at that

1 time, but that's what it is.

2 Q But essentially back in the terms of reference era
3 there were three working divisions, and they're
4 set out here?

5 A Yes, that's correct.

6 Q So the Operations Division, tell us what generally
7 that did.

8 A Generally the Operations Division -- like I say,
9 there have been variations over the years of
10 what's in and what's out, but as you can see, what
11 was in then and is quite similar to what we have
12 now is that those are the frontline police
13 officers, so the four patrol districts are what
14 was in Operations.

15 Q Downtown Eastside was District 2?

16 A Yes.

17 Q And the commander at that time in '98 was
18 Inspector Gary Greer?

19 A Yes, that's correct.

20 Q So that's the patrol, and there were four for the
21 city?

22 A Four districts, and there still are. There always
23 have been.

24 Q And those districts, just very quickly tell us.

25 1, 2, 3, 4.

1 A So District 1 is the West End and central business
2 district, basically Cambie west on the north end
3 of the city. District 2 is basically Cambie east
4 and from the water to Boundary, and then from the
5 waterfront roughly to Broadway it does -- there's
6 a jog with Great Northern Way, but roughly that's
7 what it is. Districts 3 and 4 are on the south
8 side of the city. So District 3 is the southeast
9 side of the city, and it basically goes from
10 Broadway and Cambie east and south, so to Boundary
11 and Kent at the southeastern part of the city.

12 And District 4 is essentially from Cambie west and
13 goes right to UBC and south to the Fraser River.

14 Q Thank you. So Terry Blythe was the deputy chief
15 in Operations. He later became the chief?

16 A That's correct.

17 Q Now, go over to the Operational Support Division.
18 Why is it called Operational Support Division?

19 A I would be speculating that they thought that that
20 name was appropriate in that those sections were
21 believed to support the Operations Division, and
22 as I think back, that's where the chief of the day
23 had his emphasis, was that things revolved around
24 the frontline policing, and so I think that that
25 reflected his thinking. It wasn't actually true

1 in some respects, but --

2 Q Looking at Major Crime, Fred Biddlecombe,
3 Inspector?

4 A Yes.

5 Q So Biddlecombe would be the same rank as Gary
6 Greer?

7 A Yes, that's correct at the time.

8 Q And so they would be equal rank?

9 A Yes.

10 Q Tell us about Major Crime Section.

11 A The Major Crime Section, again it was one that
12 was -- there were some fluctuations during that
13 time as some new units were created, but the Major
14 Crime Section had about 70 investigators. It
15 included Homicide, Robbery/Assault, the Sexual
16 Offence Squad, and eventually when the Domestic
17 Violence & Criminal Harassment Unit was created it
18 included that as well. There were some -- there
19 are units within those areas as well, but that --
20 those are the broad strokes.

21 Q The Missing Persons Unit was part of the Major
22 Crime Section?

23 A That's correct.

24 Q And so the operations -- this would be the first
25 call? In other words, if you phone 911, the first

1 person generally is going to be a police officer
2 in uniform?

3 A Yes, that's true.

4 Q And then the second division, the support, would
5 be the follow-up. So if you had a murder, for
6 example, you might have a patrol officer come, but
7 then a detective would shortly be assigned?

8 A Yes.

9 Q So that's the structure?

10 A Yes.

11 Q The first call was operations, and then the
12 back -- the subsequent calls and work would be
13 operational support?

14 A The primary investigator for virtually every
15 incident would be a patrol officer and then where
16 needed a follow-up detective would be assigned,
17 but there are also things in the Major Crime
18 Section, for example, that could be -- or in the
19 Investigation Division at least that could be
20 self-initiated that wouldn't necessarily involve
21 primary investigation by a patrol officer, and, of
22 course, many investigations would not come to the
23 Investigation Division, they would be completed by
24 the patrol officer.

25 Q Now, the three people in charge of these three

1 divisions in '98, there was Terry Blythe, Brian
2 McGuinness, and Paul Battershill. They would
3 answer directly to the chief constable?

4 A That's correct.

5 Q So when you look at this organizational chart or
6 structural chart, it's clear then that Biddlecombe
7 and Greer would be equal in rank and standing, but
8 they're in different departments?

9 A Different divisions, that's correct.

10 Q Thank you. For the purpose of your report I
11 wanted to cover this because it gives us an
12 outline of the -- of the people involved. Is
13 there any other comment that you feel needs to be
14 made for the commissioner to understand the
15 structure of the policing at the time of the terms
16 of reference of our work here?

17 A Mr. Commissioner, I'm happy to answer any
18 questions. There's nothing that jumps out at me
19 that I think that you need to know.

20 Q That's fine. I didn't think so, but I wanted to
21 check in case we've missed something. All right.
22 Thank you. So that is the organizational chart,
23 and it was for all intents and purposes more or
24 less the same actual functions during the time
25 frame of '97 through to 2002, albeit the titles

1 may be slightly different?

2 A Yes.

3 Q Thank you. Now, in terms of structure let's just
4 spend a few minutes on the Missing Person Unit,
5 and I don't want to get into the specifics as it
6 relates to the work around our terms of reference,
7 but let's just talk about the unit. Give us an
8 understanding of the history of the unit, more or
9 less how many years it's been operating and how it
10 came about, and then we'll get into the staffing,
11 and I want to discuss resources and information
12 systems and investigative methods. So those are
13 the subjects I want to cover with the unit, but
14 let's just first deal with the history.

15 A Well, I can say that as far back as the late 1970s
16 there was a Missing Persons Unit, and what it
17 consisted of initially was one clerical person and
18 a detective from -- who is actually assigned to
19 the Robbery Squad but whose responsibility it was
20 to do missing persons, and then later on before
21 the missing women investigation occurred there was
22 actually a full-time Missing Persons detective
23 assigned to that unit, so it was no longer
24 attached to the Robbery -- the Robbery Squad. It
25 was a Missing Persons Unit that comprised of a

1 clerical person and a full-time detective, and
2 that continued until 1998, when another detective
3 was added to that unit. There were other
4 positions as well that -- I will call them a
5 little bit orphaned positions because they didn't
6 have their own assigned supervisor, so a
7 supervisor from another unit had administrative
8 responsibility for them. So, for example, the
9 Missing Persons Unit, the sergeant in charge of
10 Squad 2 from Homicide had administrative
11 responsibility. The Squad 1 sergeant had
12 administrative responsibility for another
13 position, which was the ViCLAS coordinator.

14 Q So if you turn to the binder in front of you at
15 tab 4, you'll see a document December 1988, the
16 Missing Persons Detective Position. This is a
17 Vancouver Police document. You're familiar with
18 it?

19 A Yes.

20 Q So back in 1988 there were some concerns that --
21 the report's titled "Background, Existing Problems
22 and Related Recommendations". Do you see that,
23 the title page?

24 A Yes. Yes.

25 Q Turn to page 2, please, top of the page, and it

1 references 1978 to 1987?

2 A Yes.

3 Q Can you read out the first part of that to us?

4 A The first paragraph there?

5 Q Please.

6 A It says:

7 During the mid 80's to 1987, several other
8 forces came into play in a manner which
9 significantly increased the profile of,
10 the missing persons,
11 the M.P. system and the need for greater
12 care/effectiveness,
13 and then there's a list of cases.

14 Q And the Clifford Olson case was obviously
15 identified as a problem?

16 A Yes.

17 Q And Clifford Olson, we all know what that's about,
18 but the issue there was victims of his going
19 missing and the concern around whether the police
20 response was quick enough and appropriate?

21 A Correct.

22 Q Now, go to page 4, please. Under the title
23 "Identified Problems Within Existing Missing
24 Persons System", number 3:

25 Relief for the Missing Persons Detective due

1 to any form of Leave constantly poses a
2 problem. The role is unpopular to start
3 with,
4 and then it talks a bit more about supplying
5 relief. I wanted to ask you about these words
6 "the role is unpopular to start with". Help us
7 understand that.

8 A I suppose that I would be speculating, but I would
9 think that that is a reference to having a
10 detective taken away from Homicide Squad or a
11 Robbery Squad to go into what would be considered
12 lesser -- less challenging investigative work. So
13 I don't know that that would have been referring
14 to someone who might want to apply for that
15 position as opposed to someone who is put into it
16 because there had been an absence. That was my
17 interpretation of that.

18 Q So just taking someone such as yourself as an
19 example, you've obviously had a very distinguished
20 career and you've had ambition to do many things
21 and be very good at your work. If an opening came
22 up in the Missing Persons Unit some years ago,
23 would you be putting your hand up to go into that
24 job versus the other jobs you took on?

25 A It's not one that I had aspirations for, but like

1 many roles I took on, I was asked to do it by
2 someone else, and if I had been asked to take on
3 that one, I might have thought that that is an
4 entry into another position that I had more of a
5 desire for, then, yes, I would do it. I didn't
6 aspire to spend 18 months in our communications
7 centre either, but I went there willingly.

8 Q No, I understand, and of course you would, and
9 that's part of your career. We understand. But
10 why wouldn't you want to go in that if you had a
11 preference? Why wouldn't you want to be in the
12 Missing Persons Unit?

13 A Well, it was really not one I gave any thought to
14 at the time. I was very interested in criminal
15 investigations, and for the most part, in fact, by
16 description that was not a criminal investigative
17 unit because if it became a case where there was,
18 for example, a missing person and foul play was
19 believed to have occurred then it's going to go to
20 another squad to investigate it. So certainly
21 there would be appeal, and I have talked to people
22 that work in there who do incredible work in
23 reuniting lost people with their families and do
24 exceptional investigative work in that way, but my
25 interest was really around putting criminals in

1 prison.

2 Q So page 5 under "Recommendations", paragraph D,
3 number 1, the last sentence:

4 Only a well experienced, superior,
5 investigative oriented P.C. could hope to
6 effectively handle the role.

7 Do you see that?

8 A Sorry, I recall reading that, but I don't see on
9 the page where that is.

10 Q D, 1, page 5, "Recommendations".

11 A Yes.

12 Q So back in 1988 there was a concern that this unit
13 would need someone who was experienced and
14 superior?

15 A Yes.

16 Q Would the word "superior" have attached to the
17 incumbents in the 1980s?

18 A I couldn't -- well, depends when you're talking
19 about. There was a period where a Detective Jim
20 Steinbach was there for five years, and he was a
21 very experienced detective. He was followed by
22 Detective Al Howlett, who I had the pleasure of
23 working with in the Sexual Offence Squad, who is a
24 very experienced detective. So, yes, they were
25 far more qualified than what was being proposed

1 here, which was a senior police constable, in that
2 they had a great deal of investigative experience,
3 one in sex offences and the other in robbery.

4 MR. VERTLIEB: Then there is the next memo -- let me just run
5 through a few more of these memos, Mr.
6 Commissioner, if you don't mind, and then take the
7 break. I'd like to, if I can, finish the Missing
8 Person Unit.

9 THE COMMISSIONER: Go ahead. That's fine.

10 MR. VERTLIEB: Thank you.

11 Q So the next tab is 5, and this is from 1991. Do
12 you see that memo?

13 A Yes.

14 Q And you're familiar with these documents?

15 A Yes.

16 Q They're Vancouver -- yes. The fifth paragraph:
17 The work load is such that committing one
18 Detective to the Missing Persons function and
19 leaving the Robbery Squad one Detective down
20 is not efficient or effective.

21 A Yes.

22 Q So, in other words, if there's a need for help,
23 can we read that as meaning that the Robbery Squad
24 would get the detective in preference to the
25 Missing Person function?

1 A I didn't read it in that way. What I read it as
2 is that by committing a detective from the Robbery
3 Squad was leaving Robbery Squad short and that
4 what they really wanted was to have a full-time
5 position so that the Robbery Squad detective could
6 be returned to the Robbery Squad and deal with
7 their workload.

8 Q The next page, a memo of 1990, is about staffing
9 concerns, organizational structure, and workload.
10 Do you see that?

11 A Yes.

12 Q So there were concerns about accountability in the
13 Missing Person Unit? Is that what that's
14 indicating?

15 A Well, I think that that's one of the inferences
16 that can be drawn. There were a number of them.
17 I'd have to read it over again quickly to remind
18 myself, but certainly they were looking for a
19 permanent position in the Missing Persons Unit.
20 That's clear.

21 Q Well, it says there's problems with
22 accountability. Have I read that correctly?

23 A Can you just point me to where --

24 Q (A). "Concerns", paragraph (A), "Organizational
25 Structure".

1 The present system of combining the Patrol
2 North --

3 A Yes.

4 Q

5 -- Clerk III and a Major Crime Detective
6 causes problems with accountability.

7 A Right, in that the position of the clerk didn't
8 actually report to Major Crime. The position of
9 the clerk reported to the Operations Division,
10 which at that time included some general duty
11 detectives, and so that's who she actually
12 reported to, whereas the detective that she was
13 working with was reporting to the Major Crime
14 Section. So that was a bit of an odd relationship
15 or an odd arrangement.

16 Q And there was also concern about workload?

17 A Yes.

18 Q The concern being that there wasn't the ability to
19 concentrate fully on their missing persons
20 assignment because --

21 A Yes.

22 Q -- of other responsibilities?

23 A Yes.

24 Q As at 1997 would you be able to help us with
25 whether the concern for staffing and resources was

1 still a concern in the Missing Persons Unit?

2 A By that time I believe that there was a full-time
3 detective who was not being loaned back and forth
4 from the Robbery Squad in the Missing Persons
5 Unit. That was Detective Al Howlett. I am not
6 aware that there was insufficient staffing in the
7 Missing Persons Unit at that time. Certainly when
8 it became apparent that there was an increase in
9 women going missing from the Downtown Eastside it
10 was apparent that the staffing was insufficient,
11 and, in fact, in June of 1998 an additional
12 detective was added to the unit.

13 Q We're familiar with that from reading your report,
14 of course. So in 1997 Detective Howlett, in your
15 recall, was full time with the Missing Person
16 Unit?

17 A Yes.

18 Q And there was how many clerks?

19 A One.

20 Q And who was that?

21 A At that time was Ms. Sandy Cameron.

22 Q And she had been there many years?

23 A Since I think about 1979.

24 Q She was non-police trained?

25 A Correct.

1 Q So a civilian employee without the knowledge of
2 police training that you get in the police
3 institutes and on the job?

4 A She did not have police training, that's correct.

5 Q What computer system for handling information
6 existed in the Missing Person Unit at the
7 beginning of 1997, which is our term of reference
8 beginning date?

9 A Well, I don't know what they were using to manage
10 information. It seemed to me to be very much a
11 manual paper-based system. I don't know of any
12 computerized system, for example, that they were
13 using, and computers were in their infancy.

14 Q In 1997?

15 A No, you're right, we did have computers before
16 that. In terms of using them in any sort of a
17 systematic way with databases and so on, still
18 early days, but, yes, you're right, we did have
19 computers then, but I think they were using a
20 paper-based system. By the late 1990s we did have
21 a records management system that was electronic.
22 It came in about that time.

23 Q And what training was there in existence for --

24 A Sorry, I'll just correct myself. That actually
25 came in in the late '80s, not the late '90s.

1 Q But they were still just using a paper-based,
2 keeping track on pieces of paper?

3 A Well, investigative files. It might be a bit much
4 to say just pieces of paper.

5 Q And can you tell us about the training that
6 Detective Howlett would have received to have the
7 latest information known for missing person
8 investigations as at 1997?

9 A I can't tell you his specific training, but what I
10 can say, though, is that I've seen questions about
11 what specific training did you have for missing
12 persons investigations as if there's specialized
13 training for every type of investigation that we
14 do. Although there is some specialization
15 certainly in certain types of investigations, the
16 reality is, is that you can go from the Robbery
17 Section to -- the Robbery Squad to the Sexual
18 Offence Squad to the Homicide Squad, the
19 techniques for investigating are -- there is a lot
20 of commonality in terms of interviewing victims,
21 interviewing witnesses, interviewing suspects,
22 gathering physical evidence. There's a lot of
23 commonality there, so I don't know what training
24 he would have had about missing persons, but I do
25 know that he was a very experienced sexual

1 assault/sexual offence detective, and part of a
2 being a sexual offence detective or any detective
3 is often hunting people down, and so -- whether
4 they're a missing person or a suspect, so
5 certainly Detective Howlett had a very good
6 reputation as an experienced investigator.

7 Q So one of the reasons I was asking you is that if
8 you turn to the next tab, you'll see a report
9 January 18, 1995, to Superintendent Rollins. Do
10 you see that?

11 A Yes.

12 Q And that's Rich Rollins?

13 A Yes.

14 Q And it's from Sergeant Barnard, who was in charge
15 of Missing Persons?

16 A My version says that it's from Detective
17 Steinbach.

18 Q I have January 18, 1995.

19 THE COMMISSIONER: Mine is January 17th, and it's from
20 Steinbach.

21 MR. VERTLIEB: I'm Sorry.

22 A I see that in the next tab, in tab 7.

23 MR. VERTLIEB:

24 Q Okay. Sorry. Yes, go to the next tab, 7, please.

25 A Yes.

1 Q Okay. There's Barnard to Rollins. Do you see
2 that?

3 A Yes.

4 Q Go to the second page, please. Do you have that,
5 Deputy?

6 A Yes.

7 Q So look at the third paragraph from the bottom.

8 A Yes.

9 Q

10 The present manpower within the Homicide
11 Squad is not extensive enough to allow these
12 missing persons cases to be followed up as
13 active homicides.

14 Do you see that?

15 A Yes.

16 Q

17 They should be followed up within the Missing
18 Persons Section. Unfortunately the only
19 person there is Detective Steinbach as well
20 as Mrs. Cameron.

21 A Yes. I see that he says that. I actually don't
22 agree with his recommendation, but --

23 Q Why not?

24 A Because I don't think -- and Sergeant Barnard was
25 a very experienced investigator, and I would be

1 interested to talk to him about that -- because I
2 don't think that when it's suspected that there is
3 foul play that you leave it with a single
4 detective working alone in the Missing Persons
5 Unit. When the threshold is reached where it's
6 believed to be foul play, it's not like TV where,
7 you know, you've got one detective running around
8 by themselves doing everything themselves. It's
9 very much a team, and the benefit of that team is
10 that you bring more minds to bear and a variety of
11 skills, and you have someone to assist you and
12 bounce things off, but also there are many tasks
13 to be done. So probably if I had been making
14 recommendations then, and, you know, people, well-
15 qualified people can come to different conclusions
16 based on the same facts, but my recommendation
17 probably would have been to set a threshold and
18 that when the Missing Persons detective gets to
19 the point of saying, "I think this meets the
20 threshold where it needs to be investigated as a
21 case of foul play," then it should go on to a team
22 of investigators whose job it is to do that and
23 leave the Missing Persons detective to focus on
24 what they do, which is find people who are truly
25 missing, most of them runaway juveniles or people

1 that don't want to be found for some reason,
2 they're running away from something, and should
3 stay focused on that rather than being a quasi-
4 Homicide investigator for some small percentage of
5 the time.

6 Q When I looked through --

7 A That would have been my finding.

8 Q When I looked through your report, I've looked for
9 a threshold on when something from Missing Person
10 would be then moved over to active investigation
11 as a serious crime, i.e. murder, there was no
12 threshold document that I found. Is there one
13 that exists back then?

14 A Not to my knowledge.

15 Q So the last point I want to cover right before the
16 break in this 1995 document:

17 Larry Campbell, Regional Coroner, is already
18 asking questions about one of these deaths,
19 Mr. Ellingsen...

20 A I'm sorry, can you just -- are we on the same
21 document?

22 Q Yes. Bottom of page 2.

23 A Yes.

24 Q

25 ...and I do not want to be placed in the

1 position to take direction from the Coroner's
2 Office, or anybody going to the media,
3 stating there has been an improper
4 investigation into a loved ones
5 disappearance.

6 A Yes.

7 Q It seems that in 1995 there were concerns about
8 the disappearance and how missing persons were
9 being investigated. Is that a fair comment
10 reading this memo?

11 A Yes.

12 MR. VERTLIEB: Maybe this would be a good time for the morning
13 break.

14 THE COMMISSIONER: All right.

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

16 THE COMMISSIONER: All right. Thank you.

17 **(PROCEEDINGS ADJOURNED AT 11:17 A.M.)**

18 **(PROCEEDINGS RESUMED AT 11:37 P.M.)**

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

20 MR. VERTLIEB:

21 Q There's one last memo that I wanted to take you
22 to. It's May 25, 2006, and it's from Ron
23 Fairweather to you regarding the Missing Persons
24 Unit review?

25 A Yes.

1 Q Do you see that?

2 THE COMMISSIONER: Where is this, what tab?

3 MR. VERTLIEB: Tab -- I've got it as tab --

4 A It's tab 9 in my binder.

5 MR. VERTLIEB: Thank you.

6 THE COMMISSIONER: Tab 9.

7 MR. VERTLIEB:

8 Q So under "Conclusion" look at the bottom of page
9 2.

10 The directive that an in-depth examination of
11 the Missing Persons unit be conducted was
12 very proper, prudent and timely. The audit
13 highlighted many areas that required
14 revision. Since these findings were released
15 in October 2004, all key areas have been
16 addressed.

17 Do you see that?

18 A Yes.

19 Q So does that mean that as at the date of this
20 report to you that the VPD, the Vancouver Police,
21 had a belief that the Missing Person Unit was in
22 good shape and what needed to be done had been
23 done?

24 A Yes.

25 Q I wanted to ask you about the threshold. There's

1 no written policy on when a missing person would
2 then be transferred over to a potential homicide
3 investigation, but was there a well-known
4 understanding of when that would be?

5 A Are you talking about now or then?

6 Q Then. The terms of reference.

7 A I don't know what the understanding was then
8 because I wasn't involved in the work myself, but
9 clearly from the documentation there were people
10 that were putting their minds to that issue about
11 missing persons cases that were believed to be
12 suspicious of foul play and what should be done
13 with them, they should be worked on by a Homicide
14 investigator or different options, so I don't
15 think that you could draw a line that says here's
16 the threshold that it meets. When there are
17 concerns that there might have been foul play
18 involved, then that would be the threshold in my
19 mind, wherever it is.

20 Q So you don't know?

21 A I don't know.

22 Q Thank you. Now, Mr. Giles, there's a board that
23 I'm going to ask you just to put up, please. It's
24 the major case management board. It's the one
25 with the triangle. Thank you. And this is the

1 triangle that you referred to in your oral
2 evidence?

3 A Yes, the command triangle.

4 Q Thank you. I don't think I need to ask you
5 anything about it. It's pretty clear the way
6 that's laid out, correct?

7 A Yes. It's from my report. It's a very simple
8 organizational chart for a major case management
9 structure.

10 Q Now, I wanted to just confirm something about your
11 background. When you were telling the
12 commissioner about your experience dealing with
13 sexual offenders and robbery cases, would it also
14 be fair to say that those kinds of offences often
15 involve a serial offender? In other words, a bank
16 robber will rob many places, not just one and go
17 home?

18 A Yes, that's true.

19 Q And a rapist, a sex offender, there are cases
20 where there are multiple offences of a serious
21 type committed by one sex offender?

22 A Yes. That would be a minority of cases, but
23 certainly they do happen, and it seemed that in
24 the 1990s there were more of them than there has
25 been recently.

1 Q So the point is that you have background in
2 dealing with serial offenders?

3 A Yes.

4 Q Thank you. Now, I wanted to ask you about
5 something to do with the resources allocation, and
6 I'm asking you this because of the background
7 we've heard about in your work in planning and
8 development and resource allocation. So the
9 question is when you have concerns about
10 resources, obviously it goes without saying that
11 resources in any public environment are never
12 unlimited; fair enough?

13 A Yes.

14 Q So there's almost always a push/pull, a tug, as it
15 were, for the different resources and how they'll
16 be allocated?

17 A Yes.

18 Q And so the allocation in the police context is
19 obviously going to be over the people, correct?

20 A That's part of it, yes.

21 Q And part of it would be equipment?

22 A Equipment funding.

23 Q And part of it money for people in daily routine
24 and also overtime?

25 A Yes.

1 Q And so the question then is when you're looking at
2 allocating resources what's the criteria for how
3 you allocate, as it were, the really good people
4 versus those that are more average and perhaps
5 even less than average sometimes? You know what
6 I'm getting at?

7 A Well, municipal policing is a unionized
8 environment, so we have rules in place. Every
9 specialized area that would have, for example, a
10 vacancy would run a competition for that vacancy.
11 People would apply for it. They would submit a
12 resume, submit to an interview, have their
13 experience and training looked at, for example,
14 and then the section that was -- had the vacancy
15 would try to pick the best qualified person for
16 it.

17 THE COMMISSIONER: At what level does the union jurisdiction
18 stop and what level does management -- when is Tom
19 Stamatakis the chief and when are you and Jim Chu
20 the chief, to put it another way?

21 A Well --

22 THE COMMISSIONER: That's a very crude way of putting it.

23 A No, I understand what you mean, and the reality is
24 that it's very much a cooperative environment in
25 that we come to agreement about what Human

1 Resources policies are going to be in place --

2 THE COMMISSIONER: Yes.

3 A -- and then we both live by them. So if we make
4 -- if our policy is that it will be an open
5 competition for people that have met this
6 threshold that we set out that's a reasonable
7 minimum level of experience or training or
8 whatever it is, then we agree on those rules and
9 then we follow those rules to ensure that it is a
10 fair competition.

11 THE COMMISSIONER: What rank constitutes management and what
12 rank constitutes members who belong to the VPU,
13 the Vancouver Police Union?

14 A Yes. So every rank below the rank of inspector is
15 in the VPU. Inspector and above is in management,
16 and some of them are in an association. And those
17 of us at the senior levels are not in any sort of
18 association or union.

19 MR. VERTLIEB:

20 Q So then going back to when you were in charge of
21 the Home Invasion Task Force, and you mentioned
22 this earlier this morning --

23 A Yes.

24 Q -- tell us exactly when it was that you were in
25 charge of that task force?

1 A Early 2009 to spring of 2009. I think it was
2 about four months. I would have to check my
3 records to know for sure.

4 Q Okay.

5 A I --

6 Q So we've obviously got a mistake there. You're
7 saying 2009.

8 A Sorry, 1999.

9 Q That's all right.

10 A I'm going to do that a few more times.

11 Q Don't worry about it. It's 1999. And how many
12 months were you in charge of that task force?

13 A I think I started reviewing it right around
14 Christmas of 1998, and then I took over in early
15 2009, like January, I believe, and I think that I
16 was there till about June, May or June, from my
17 memory.

18 Q So you were on that -- running that task force in
19 a major case management model?

20 A Yes, absolutely.

21 Q Because you had the experience in how to run one
22 of the major case management models?

23 A I'd had the training and I'd also had some
24 experience.

25 Q So you ran that for six months or so?

1 A Probably a little bit less than that, but --

2 Q So did you pick the people that you wanted to work
3 in that task force?

4 A Some of the people were already there in the Home
5 Invasion Task Force, and all of those people I
6 kept in the unit, but I also brought some more
7 people in that I picked.

8 Q Right. That's my point. You were asked to run
9 that task force, I gather?

10 A Yes.

11 Q And you wouldn't turn down a request, as you said
12 earlier, right?

13 A That's true.

14 Q So you had some people that you thought were
15 perhaps better than some other people, and you
16 made it known to your boss that you wanted to have
17 some of those people come with you; is that a fair
18 way of putting it?

19 A No, not really. I thought that there was some
20 excellent people in the Home Invasion Task Force
21 at the time, but they did not have enough
22 resources, first of all, and they -- there was
23 some skills that were lacking, and so when I came
24 in I wanted to increase the capacity, the
25 resources in the Home Invasion Task Force, and I

1 had particular skills that I was looking for, so I
2 brought some people in with those skills.

3 Q But skills are like any other kind of endeavour;
4 there's some people who are better than others?

5 A Yes, that's true.

6 Q And I'm assuming part of your success is being
7 able to bring good people with you?

8 A Sometimes it's leading the people that you have
9 well, though, too. It's not just about, you know,
10 cherry picking the best people out there. So like
11 I say, all of the people I thought were quite
12 competent that were in the Home Invasion Task
13 Force, but there were some other skills that I
14 wanted to bring in, and I wanted to increase the
15 capacity. I wanted to run it under the major case
16 management model, and so I had a lead investigator
17 in mind and a file coordinator in mind that
18 definitely was going to be bringing some skills
19 that weren't present.

20 Q And you were given those resources as per your
21 request?

22 A I was.

23 Q Were you given all of the resources that you
24 requested?

25 A I was.

1 Q And what about equipment? Were you given all of
2 the equipment resources that you requested?

3 A I was.

4 Q Talking about money for overtime, were you given
5 all the money for overtime that you requested?

6 A I don't recall that, but I don't know that I'd
7 actually asked for an overtime budget at the time
8 of my proposal, but I can certainly say that the
9 department supported the investigative strategies
10 that we pursued, some of which required overtime.

11 Q So whatever your recommendations were in effect
12 were implemented and met by the department?

13 A Yes. The deputy chief in charge of the
14 Investigation Division approved my entire report
15 with my recommendations and was very supportive.

16 Q And it was a successful task force?

17 A It was.

18 Q And what area of the city was this focused on,
19 please?

20 A These were home invasions of very elderly people,
21 and they were all, contrary to some of the
22 information that's been in the media, these were
23 all very modest homes on the east side of
24 Vancouver. There were no wealthy victims or
25 anything like that.

1 Q This would be in Section or Division 3?

2 A District 3 was the majority, yes, I believe that's
3 correct.

4 Q And was there some spillover into District 4?

5 A There may have been some spillover. I don't
6 recall that, but I believe that the majority, if
7 not all, were actually on the east side of
8 Vancouver.

9 Q And -- but these homes were not homes in the
10 Downtown Eastside, as we've come to know it in
11 this hearing?

12 A No, they weren't in the Downtown Eastside. They
13 were very modest older homes. One of the things
14 that was striking is not a single one of them had
15 an alarm system, for example, occupied by very
16 elderly couples or single people living on the
17 east side of Vancouver.

18 Q But they were homes?

19 A They were homes, yes.

20 Q You were asked by the deputy chief of the day to
21 take on that task force?

22 A Yes. I actually don't remember whether it was the
23 deputy chief or the inspector in charge of Major
24 Crimes. I do recall that it was the inspector in
25 charge of Major Crimes that asked me to do the

1 review, and I think it may have been him that
2 asked me after the review to take over as the
3 sergeant, but I don't have a clear recollection of
4 that. It might have been the deputy chief.

5 Q But it was a superior officer?

6 A Yes.

7 Q Were you ever asked to take on the work of the
8 missing women investigation?

9 A No.

10 Q Do you have any idea why that request was not
11 made?

12 A I interviewed the inspector of Major Crimes, and I
13 did ask him that question. I know what he told
14 me.

15 Q And what were you told?

16 A What he told me was that he believed that the
17 investigation was running smoothly. He didn't
18 know that there were significant problems in it,
19 that if he had he knew that I was there as a
20 resource and he would have asked me to conduct a
21 review like I had done of the Home Invasion Task
22 Force and made recommendations for changes, but I
23 think he was not aware that that would have
24 benefited it.

25 Q And who was that?

1 A Inspector Fred Biddlecombe.

2 Q He was in charge of Major Crimes?

3 A Yes, he was.

4 Q Thank you. So that leads us then to a discussion
5 of the missing women investigations forming the
6 terms of reference of this inquiry. There may be
7 some other documents we need to take you back to,
8 but I do want to signal a shift.

9 You were asked by Chief Constable Graham to do
10 a full, thorough review of what happened in this
11 investigation?

12 A Yes.

13 Q Tell the commissioner about that, please.

14 A In September of 2002 Chief Graham asked me to meet
15 with him. He said he wanted to ensure that we
16 had -- find out exactly what happened; if there
17 were things that had gone wrong, to fix them, and
18 so he wanted me to do a very thorough review of
19 every aspect of the investigation relevant to
20 that, and so I started to think about what that
21 review should include and how I would do it, and
22 eventually I came up with a plan of how I would
23 conduct that, and it did evolve over time as I
24 learned new things because I knew very little,
25 almost nothing about the investigation at that

1 point, and so that's how I started.

2 Q Now, you wrote a memo to the chief dated September
3 9, 2002?

4 A Yes.

5 Q And I believe that should be tab 3, Mr.
6 Commissioner. Five-page memo from Deputy LePard
7 to Jamie Graham. Do you have that, Mr.
8 Commissioner? September 9, 2002.

9 THE COMMISSIONER: Yes.

10 MR. VERTLIEB:

11 Q Do you have that in front of you, Deputy?

12 A I do.

13 Q So just starting with this document:

14 As per your request, I have given some
15 thought as to what the terms of reference
16 should be to conduct a review of the
17 investigation into the missing women in the
18 Downtown Eastside. I will conclude this
19 report with some draft terms of reference,
20 but I submit the following information for
21 discussion.

22 Now, Deputy, that was in response to the chief
23 coming to you and asking you to look at doing this
24 job for the Vancouver Police Department?

25 A Yes.

1 Q I want to read from the first couple of sentences.
2 "Purpose of Review".

3 It is my opinion that the review should focus
4 on systemic factors, rather than individual
5 failings. For example, we should examine how
6 decisions were reached in terms of activating
7 an investigation, applicable policies,
8 resourcing, etc. The objective of the review
9 should be to identify systemic weaknesses in
10 the investigation and make recommendations to
11 ensure that we improve our response in
12 similar circumstances in the future.

13 Now, keeping that in mind, that -- that approach
14 to systemic weakness is one that you realize is
15 really the most important function to serve so
16 that mistakes like this aren't made in the future?

17 A I agree that it is one important function for
18 sure, is to look at systemic problems, because
19 individual errors occur in a context.

20 Q And when you wrote that did you also have in mind
21 that there were systemic failures that had been
22 learned on the review of the Clifford Olson case
23 and mistakes made in that investigation?

24 A I was generally aware.

25 Q So in your mind was the Olson case in the early

1 '80s here in this province, correct?

2 A Yes.

3 Q And then the Pickton case, once again a number of
4 years later dealing with a serial killer?

5 A Yes. Sorry. I'm sorry, I didn't hear the
6 question.

7 Q That a number of years later you had the Pickton
8 case, which is once again dealing with a serial
9 killer?

10 A Yes.

11 Q So was part of your concern to see what police had
12 learned from Olson to Pickton?

13 A I don't know that I focused my mind particularly
14 on Olson because Olson -- a considerable period of
15 time had passed since the Olson investigation,
16 which I believe was 1981, '82, so a long time had
17 passed and lots of things had changed in policing,
18 but certainly investigations like Olson and other
19 more recent ones, for example, the Bernardo
20 investigation in Ontario, were in my mind.

21 Q And in your mind were recommendations made by Mr.
22 Justice Archie Campbell in the *Bernardo* case?

23 A Yes, those certainly were in my mind, and other
24 reviews that I had read as well.

25 Q Did you find an unfortunate similarity in the fact

1 that Olson was being considered a suspect and
2 still killing people while he was a known suspect?

3 A I'm aware of that, but like I say, I was not
4 actually focusing on what went on in the Olson
5 investigation. I was focusing on, to put things
6 in context, I was focusing on more recent
7 investigations that were more contemporaneous with
8 the missing women investigation.

9 Q Were you alive then, to be more recent, that in
10 the Pickton case while he was a known suspect he
11 was killing people even during the time frame he
12 was a suspect?

13 A I certainly came to learn that.

14 Q Let's go back to your memo, page 2, the "Time
15 Period to be Reviewed".

16 The review should be limited to the period
17 from when the issue of multiple missing women
18 in the Downtown Eastside came to the
19 attention of the VPD to the commencement of
20 the current search of the Pickton farm in
21 Port Coquitlam, when the VPD became part of a
22 multi-agency response.

23 So that time frame really is February '97 to 2002,
24 when the search warrants are executed?

25 A Yes.

1 Q And you realize that's a time frame that also
2 directly matches our terms of reference?

3 A Yes.

4 Q Thank you. You say page 3, "Consultation":

5 It is important that nothing be done that
6 might compromise not only the current
7 investigation, but also City Legal's ongoing
8 preparations for expected civil action.

9 Now, when you use the term "current
10 investigation", you mean the one that was being
11 undertaken at the time you started your work --

12 A Yes.

13 Q -- regarding Pickton?

14 A Yes, because it was still very much active.

15 Q But it was in your mind about expected civil
16 action?

17 A I already knew that there had been several
18 lawsuits launched against the RCMP and the
19 Vancouver Police Department.

20 Q Let's just look at the conclusion, page 5.

21 It is my opinion that there absolutely will
22 be an external inquiry ordered into the
23 missing women investigation. This inquiry is
24 unlikely to commence until the proceedings
25 against PICKTON are completed, as well as the

1 ongoing investigation, so it will not occur
2 for several years.

3 I want to stop there for a moment. Why did you
4 have the opinion that there absolutely would be an
5 external inquiry even though you were embarking on
6 this review?

7 A Well, dozens of women had gone missing from the
8 Downtown Eastside and elsewhere and appeared were
9 murdered on the property of Robert Pickton in Port
10 Coquitlam, so in my mind I couldn't imagine how
11 there could not be a demand, and an understandable
12 one, for an external inquiry as to whether the
13 investigation proceeded appropriately, which I did
14 not know at that time, but I just couldn't imagine
15 that there was going to be such a notorious case
16 with such tragic outcomes that there wouldn't be
17 an inquiry, and, in fact, the VPD took the
18 position fairly early on that there ought to be
19 one.

20 Q And that's why you say in the third sentence:

21 Therefore, I do not think that the proposed
22 internal review should be considered a
23 strategy to avoid an external review.

24 Rather, I think we are ethically bound as an
25 organization committed to improvement to take

1 reasonable steps to ensure we learn from our
2 mistakes, particularly when the issues are so
3 serious, and the proposed review will assist
4 in accomplishing this goal.

5 You were mindful of that when you started this
6 work, and you maintained that view throughout the
7 course of your months of work and your written
8 report?

9 A Yes.

10 Q

11 In addition, it cannot but help us when the
12 external inquiry does occur to be able to
13 provide the contents of a thorough and
14 unbiased internal review to whatever external
15 body is involved. This would both assist the
16 process, and also demonstrate the efforts
17 made to improve our ability to response to
18 extraordinary cases such as the missing women
19 investigation prior to be "required" to do
20 so.

21 A Notwithstanding my typos, yes, I believed that
22 then and I believe that now.

23 Q So as we go through my discussion with you
24 concerning the missing women investigation, I am
25 going to ask you to keep that in mind. In other

1 words, let's focus on systemic issues and let's
2 not worry about admitting mistakes where they were
3 made because the purpose of all of this is to
4 prevent another Pickton. Do you accept that?

5 A I agree that that's an important purpose.

6 Q Mr. Commissioner, we've -- on the board -- the
7 boards behind the witness you'll see the five
8 phases that were outlined in commission counsel's
9 opening. All of the participants were given
10 copies this morning, Mr. Commissioner. In some
11 cases it's harder to read because they're a
12 smaller print. Deputy LePard, you have a copy?

13 A I do.

14 Q Deputy, just so you know, these are five phases as
15 identified by commission staff. I realize they're
16 not the phases in any way that you identified, and
17 the words are commission staff's and not yours.
18 Okay?

19 A Yes.

20 Q And I want you to understand that this was a way
21 to highlight events that took place and not to
22 include everything that took place or else the
23 timeline would be indecipherable. You can see
24 that by looking at it?

25 A Yes.

1 Q Above the line in the colour green you'll see
2 "VPD", which is the work performed by your police
3 department, and below "RCMP". You see that?

4 A Yes.

5 Q And just looking at the notes at the bottom of
6 page 1, so you'll see, for example -- just take
7 the first person in 1996, Tanya Holyk. The date
8 at the bottom is the date last seen in the box.
9 You see where the female symbol is?

10 A Yes.

11 Q And then it's in the month where it was reported
12 to police?

13 A So date last seen is October '96 but reported in
14 January '97.

15 Q Exactly.

16 A I can almost read it.

17 Q Oh, good for you. Okay. So that's the structure
18 that we've followed, and it's difficult in some of
19 these cases to determine when the actual reporting
20 to police took place. You've no doubt found that
21 yourself?

22 A Well, when a formal report was made to the police
23 it was not difficult to see that because the
24 report was dated.

25 Q But the word "formal" was just added. That's

1 exactly where I wanted to go. The formal report,
2 we have a date on it?

3 A Yes.

4 Q But you know there are cases where people would
5 call the police and speak to Missing Persons and
6 say someone's gone missing but no report actually
7 filled in?

8 A I don't know that. I know that that's alleged.

9 Q Did you not have any indication that there were
10 concerns about reports not being taken in a timely
11 way?

12 A Yes, I'm aware that there were a number of
13 allegations that reports were made to a police
14 officer on the street or to the Missing Persons
15 Unit that were not taken. I'm aware of those
16 allegations.

17 Q Did you in preparing your report, which is Exhibit
18 1, talk to any of the family members to obtain
19 comments about their attempts at reporting?

20 A No, I did not.

21 Q Okay. So if you did not speak with family
22 members, how would you explore that allegation
23 that you were aware of?

24 A Well, I explored it in some respect by
25 interviewing people that were involved, but -- for

1 example, in the Missing Persons Unit, but I did
2 not have specific allegations at that time, at
3 least early on, of people that said that they
4 tried to report and didn't. I certainly heard
5 those over the years, and I'm aware that it was
6 identified as a problem generally, and I certainly
7 talked to the Missing Persons detective and the
8 clerk in Missing Persons about that issue
9 generally, I believe, about unhappiness by family
10 members, but I didn't specifically pursue that
11 line of inquiry.

12 Q So there are no interviews with people other than
13 police officers about what they say happened when
14 they wanted to report loved ones who were missing?

15 A That's true.

16 Q So just while we're on the methodology, as I went
17 through your report I have a list of 23 people
18 that you actually conducted interviews with. Does
19 that accord with your recollection?

20 A I know that it was more than 20, so that sounds
21 right.

22 Q Well, let me read the names of the people I have,
23 and I'll read through it slowly, and if any of
24 these names are wrong, please interrupt me, and at
25 the end of the list you can tell me if there's

1 someone we've missed, okay, Deputy?

2 A Yes.

3 Q Inspector Fred Biddlecombe?

4 A Yes.

5 Q Inspector Chris Beach?

6 A Yes.

7 Q Chief Constable Terry Blythe?

8 A Yes.

9 Q Miss Sandy Cameron?

10 A Yes.

11 Q Chief Constable Bruce Chambers?

12 A Yes.

13 Q Constable Alex Clarke?

14 A Yes.

15 Q Detective Mark Chernoff?

16 A Yes.

17 Q Constable Dan Dickhout?

18 A Yes.

19 Q Constable Dave Dickson?

20 A Yes.

21 Q Inspector Dan Dureau?

22 A Yes.

23 Q Detective Doug Fell?

24 A Yes.

25 Q Sergeant Geramy Field?

1 A Yes.

2 Q Detective Ron Lepine?

3 A Yes.

4 Q Deputy Chief Constable Brian McGuinness?

5 A Yes.

6 Q Detective Lori Shenher?

7 A Yes.

8 Q Inspector Gord Spencer?

9 A Yes.

10 Q DCC John Unger?

11 A Yes.

12 Q Constable Mark Wolthers?

13 A Yes.

14 Q Constable Ruth Yurkiw? She was RCMP.

15 A Yurkiw, yes.

16 Q Constable Anne Drennan?

17 A Yes.

18 Q Judy Rogers, who worked for the City?

19 A Yes.

20 Q Staff Sergeant Brock Giles?

21 A Yes.

22 Q And Dr. Kim Rossmo?

23 A Yes.

24 Q Now, that's 23 by my count. Is there anyone that

25 you interviewed that we've forgotten about?

1 A I would have to check my list of interviews, but
2 that sounds right.

3 Q Okay. Thank you. Well, if there's any error,
4 let -- just let us know at the end of the day or
5 tomorrow. Now, let me ask you some people who
6 were not interviewed. Staff Sergeant Don Adam?

7 A I did speak to Don Adam several times, actually.

8 Q Okay. Is there a transcript of that?

9 A I took --

10 Q Because we don't have one.

11 A It's reflected in my report, and I did take notes
12 of my interviews with him.

13 Q Can you get us a copy of those notes, because we
14 have no transcript for him?

15 A Yes.

16 Q Thank you.

17 A They weren't notes in the same way that the notes
18 that I took in those other interviews because they
19 were a more informal meeting, but there are notes.

20 Q Well, that's why I was asking. We couldn't tell
21 whether you actually in a formal way interviewed
22 him for the purpose of this report, so help us
23 understand.

24 A I did. I went out and met with him -- met with
25 him several times, and we had what I would say

1 were more informal conversations, but I did make
2 notes about our conversations, and I also recorded
3 in my report things that he said in other
4 circumstances, for example, at a conference that I
5 heard him speak at on the missing women
6 investigation.

7 Q Okay. What about Detective Ballantyne, who was a
8 VPD member assigned to Unsolved Homicides?

9 A Yeah, he was seconded to the Unsolved Homicide
10 Unit, and, no, I didn't interview Detective
11 Ballantyne.

12 Q And the Unsolved Homicide had a role over the
13 years of this investigation?

14 A Yes.

15 Q They particularly did work on informants,
16 particularly Caldwell?

17 A No.

18 Q You sure?

19 A Well, they certainly did some work in evaluating
20 the credibility of Mr. Caldwell, but Mr. Caldwell
21 was being handled by Detective Constable Chernoff
22 and Detective Lepine.

23 Q I understand. Okay. What about Corporal Connor,
24 RCMP? Did you interview him?

25 A No, I did not.

1 Q Now, he ran the Pickton investigation in Coquitlam
2 for some significant period of time. Can you tell
3 us why you didn't interview Corporal Connor?

4 A Yes. First of all, I was conducting a review for
5 the VPD, and I can assure you that based on my
6 experience and based on what I already knew that
7 RCMP members involved in the investigation were
8 not going to be made available to me. Secondly, I
9 did have very detailed records, particularly from
10 Corporal Connor of his actions. And, thirdly,
11 before I even started my review there had been an
12 internal review by the RCMP in 2002 by Inspector
13 William in which everybody from the RCMP that I
14 would have wanted to interview other than
15 Constable Yurkiw had been interviewed. So I had
16 the benefit of the RCMP's internal report. All
17 those people had been interviewed. I did not --
18 first of all, I was not going to be provided
19 access to those people, but, secondly, I certainly
20 wouldn't expect them to say something different to
21 me than they'd already said, particularly in the
22 protection of a report that had been done on a
23 privileged basis.

24 Q Were you told why those RCMP members would not be
25 made available to you?

1 A It was an assumption that I drew on the basis of
2 conversations that I had had, for example, with
3 Deputy Commissioner Bass, he became Deputy
4 Commissioner Bass, and also just my knowledge of
5 the fact that the RCMP and the VPD were being
6 sued, and there was absolutely no way that the
7 RCMP was going to provide people to me to be
8 interviewed without the protection of it being
9 done in a privileged -- with the protection of
10 privilege, providing information, as the RCMP's
11 report was done, under privilege.

12 Q Privilege is a lawyer's word. Lawyers can sort
13 out privilege. You know that from your many
14 years?

15 A Yes.

16 Q Okay. So let's not worry about privilege. So
17 let's just talk about the access to the RCMP. Did
18 you tell Gary Bass that what you wanted to do was
19 have a look at all of this to avoid systemic
20 failures being repeated in the future?

21 A Yes.

22 Q And because that was the purpose of your report --

23 A Yes.

24 Q -- you did convey that?

25 A Yes.

1 Q And you still were not given access to Corporal
2 Connor?

3 A No, but I had no expectation that I would be
4 either. So it wasn't like that I was offended by
5 that. I did not expect one police force to throw
6 its members at my feet to be interviewed in what
7 could reasonably be perceived as something that
8 was going to be VPD-centric as opposed to
9 something that is being done by an outside agency.
10 So I understand that and recognize that
11 notwithstanding my efforts to be as objective and
12 unbiased as I could be, I was doing my report for
13 the benefit of the VPD, so I had no expectation
14 that that was going to be provided. And I did
15 speak to Deputy Commissioner Bass that I was doing
16 my review. He graciously provided to me the
17 report that had been already done before I started
18 my work by the RCMP and which I knew all the key
19 players that I would have wanted to interview had
20 been interviewed. So I had the benefit of that,
21 and I certainly didn't expect them to say
22 something different to me.

23 Q So you're not critical of that inability to
24 interview Corporal Connor?

25 A No, I totally understand.

1 Q All right. That's fine. I just wanted to ask
2 you. When did you see the Williams report, this
3 is Superintendent Williams, which is marked here
4 as an exhibit, I believe Exhibit 2? When did you
5 see it?

6 A I saw it before I started writing my report in
7 2003. So I had done considerable work in reading
8 the thousands of pages of documents, but I had not
9 actually started writing my report. So although I
10 did not mention it in my report, I did that as a
11 courtesy because I understood it was a privileged
12 document, and I didn't want to do something that
13 might compromise that, but I was certainly
14 informed by the 2002 Williams report, and nothing
15 in there made me think or conclude anything
16 differently at all than what I concluded from my
17 own interviews and my own review of the
18 documentary records, which, as I say, when it
19 comes to the work that Corporal Connor had done,
20 he had meticulously documented.

21 Q So privilege didn't get in the way of seeing
22 Williams' report?

23 A I understood that it was a privileged report, that
24 that was the understanding that it was provided to
25 me, that privilege wasn't being waived by

1 providing me the report -- excuse me -- but Deputy
2 Commissioner Bass agreed to provide me the report.

3 Q My point being that privilege wasn't an impediment
4 to doing your job?

5 A It wasn't an impediment to me reviewing the RCMP's
6 report, no.

7 Q Now, did you interview Staff Sergeant Keith
8 Davidson, who was a criminal profiler with the
9 Behavioural Science Group?

10 A No, I -- other than Constable Yurkiw and my more
11 informal conversations with Inspector Adam, I
12 didn't interview any members of the RCMP regarding
13 this case.

14 Q You know what a criminal profiler is?

15 A Oh, yes, and I know Keith quite well
16 professionally, and we've spoken many times over
17 the years.

18 Q And he's well regarded?

19 A I believe so.

20 Q Did you interview Sergeant Hetherington of the
21 VPD?

22 A No, I did not.

23 Q Now, he was directed to conduct a review of the
24 Missing Person Unit with specific attention to
25 Miss Cameron's services?

1 A Yes, he was, as a result, my recollection is, of
2 complaints made by some of the family members, was
3 asked to look at the Missing Persons Unit, so I
4 would not agree that it was a review of the
5 Missing Persons Unit in the way that I would think
6 of a review. It was a review of those specific
7 issues of the alleged conduct of Miss Cameron.

8 Q Remember when I asked you a few moments ago about
9 follow-up with family member allegations, and you
10 didn't do that?

11 A Yes.

12 Q But if you were aware of allegations, can you tell
13 us why you didn't speak to Sergeant Hetherington,
14 who was directed, as I understand it, to conduct a
15 review of the unit with specific attention on Miss
16 Cameron? Can you tell us why you didn't interview
17 him?

18 A My focus was on the conduct of the actual
19 investigation, and I knew that there were many
20 other directions I could have gone, but I decided
21 to focus on certain issues, the ones that I
22 thought were the most important. I certainly was
23 aware of that information. I had the
24 documentation of that sort of work being done, and
25 so I had to decide -- I had to prioritize my time

1 and what I was going to focus on, and those were
2 the decisions that I made. And as I've always
3 said, I never thought that my report was going to
4 answer all the questions. That's why I thought
5 that an inquiry was important, because there were
6 going to be gaps and other things that needed to
7 be explored. But I did focus on many important
8 issues, I believe, and covered a lot of ground.

9 Q You mentioned Detective Howlett, who you spoke
10 favourably about earlier this morning. Did you
11 interview him then?

12 A No, I didn't interview Detective Howlett because
13 my -- what I had learned in my review was that
14 when Detective Lori Shenher was added for the
15 purpose of looking into the missing women cases,
16 other than to assist her on occasion when she
17 needed someone to go with her, Detective Howlett
18 confined himself to investigating, I'll call it
19 the routine missing person cases, and Detective
20 Constable Shenher took responsibility for anything
21 to do with the missing women reports, so in my
22 view he didn't have much to add.

23 Q But if your focus was on systemic concerns, which
24 we understand, he was the one person who had been
25 in that unit for some time, whereas Shenher was

1 relatively new, correct?

2 A Yes, that's true.

3 Q But you didn't interview him?

4 A Well, what I did do was identified that there were
5 problems in the Missing Persons Unit in the course
6 of my review, and rather than getting distracted
7 focusing on certain issues that I didn't think
8 were the most important, I contracted a respected
9 retired inspector, John Schouten, to do a very
10 comprehensive review of the Missing Person Unit in
11 2004, and I provided him what I had learned, and
12 he conducted what I would consider to be a very
13 full review of the Missing Persons Unit and
14 systemic issues, which resulted in 50
15 recommendations which I was then in a position to
16 implement. So I was certainly alive to the issues
17 in the Missing Persons Unit, but when I talked
18 about systemic issues what I was focused on was
19 the systemic issues in the investigation of the
20 missing women cases.

21 MR. VERTLIEB: Mr. Commissioner, just because I have some
22 timing needs, perhaps we could break a bit earlier
23 and resume at two o'clock.

24 THE COMMISSIONER: All right. Thank you.

25 THE REGISTRAR: The hearing is now adjourned until 2:00 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 MR. VERTLIEB: I'm wondering, Mr. Commissioner, if we could
5 mark the five phases as the next exhibit.

6 THE COMMISSIONER: Yes.

7 MR. VERTLIEB: Thank you.

8 THE REGISTRAR: Exhibit number 33.

9 **(EXHIBIT 33: Document entitled - Five Phases**
10 **Timeline Chart)**

11 MR. VERTLIEB:

12 Q Deputy, I'm just reflecting on a brief discussion
13 we had this morning about issues in the Missing
14 Person Unit, and you mentioned the word "alleged"
15 in terms of concerns, and I just want to be clear.
16 You knew there were concerns about the way the
17 Missing Person Unit was operating during the time
18 frame of the missing women investigation?

19 A Well --

20 Q You said "alleged", but --

21 A Well, I'm not sure what specifically you're
22 referring to. If you're referring to concerns
23 about the conduct of the civilian member in there,
24 then, yes, I'm aware of that. If you're talking
25 about during the time in question during the

1 missing women investigation, that really was being
2 done separately from the Missing Person Unit, that
3 those problems, they preceded the investigation
4 that I would say started in June of 1998 when Lori
5 Shenher was added.

6 Q Let me just read from an interview, and this is an
7 interview dated November 19, 2002, and an
8 interview conducted by Doug LePard, George
9 Macintosh, Sean Hern. This was at Farris, 700
10 West Georgia. Okay. So this is you and George
11 Macintosh, QC, senior lawyer, and Mr. Hern, who's
12 a member of that firm, and this is an interview of
13 Lori Shenher November 19, 2002.

14 Sandy Cameron was a big problem regarding the
15 victim families. I would hear her on the
16 phone a lot, and the way she dealt with
17 people generally wasn't great. I heard
18 racist stuff. The only specific thing to the
19 missing women file was there is one day when
20 I think it was Tanya Holyk's mother, Dorothy
21 Purcell -- I think she's one of the 15 he's
22 charged with -- she came into the office to
23 meet with me. I wanted to re-interview her
24 to see if she could help me with anything.
25 This was in late '98 or early '99. Sandy was

1 right there, and I introduced them. It was
2 not good. Sandy was stone faced. Dorothy
3 went white. It was clearly very awkward.
4 They didn't exchange pleasantries, and
5 Dorothy looked like she was going to break
6 into tears, and she later did. She said
7 Sandy wouldn't take her calls, then said if
8 I'd been a better mother, that she'd been
9 harsh. It seemed that there had been racial
10 undertones. She made it clear that it was so
11 awful with her that she just stopped calling.
12 She was the frontline person with the
13 families. This is an area where we're going
14 to have some explaining to do.

15 This is in an interview with Detective Shenher to
16 you.

17 A Yes.

18 Q

19 The nature of the office was that for months
20 on end she was the only one in the office.
21 I've heard her misrepresent herself on the
22 phone as a police officer. I would confront
23 her about it. I would get calls for
24 Inspector Cameron. When I confronted her,
25 she would completely deny it. Her level of

1 self-awareness of -- pretty low. Same with
2 racial things, but not in reference to
3 missing women. For example, she was speaking
4 to someone I assume was Asian. She was
5 hollering into the phone speaking slowly.
6 Finally she hollered into the phone, "Speak
7 English. This is Canada." I confronted her,
8 and she denied it was racist and said, "If
9 they can't speak English, they should go back
10 to their country."

11 Now, Deputy, you were told this in November 2002
12 by Deputy Constable -- Detective Constable Lori
13 Shenher? That's true, is it not?

14 A Yes.

15 Q So my question for you -- leave Sandy Cameron
16 aside. She was a lowly clerk --

17 A Yes.

18 Q -- not even a police officer of the lowest rank,
19 correct?

20 A Correct.

21 Q When you were given this information, did you go
22 to your police chief and say, "We've had a real
23 problem there. It's much worse than we ever could
24 have imagined"?

25 A I don't recall specifically, but certainly that

1 was a topic of concern. It wasn't the first time
2 that had been raised. There had been other
3 reports into that person's conduct. There had
4 been investigations done, for example, by Sergeant
5 Bob Cooper over complaints about her conduct, so
6 it was actually -- it was known that there had
7 been concerns.

8 Q So the question is --

9 THE COMMISSIONER: She had made racial comments before to
10 people who had come in and complained about
11 missing relatives?

12 A I can't say that specifically. What I can say is
13 that there were complaints about her demeanour
14 with people on the phone and the way that she
15 conducted herself. There had been complaints
16 about that before that -- for example, like I say,
17 I recall one specific one that was investigated by
18 Sergeant Cooper, and then information like that
19 that came up during the missing women
20 investigation, Sergeant Chico Hetherington was
21 assigned to review that issue. And then, of
22 course, as I said earlier, that was part of my
23 concern about what was going on in the Missing
24 Person Unit, the selection of people in there, the
25 training of people in there, the importance of

1 having the right skills, and that was part of the
2 reason why I asked Inspector -- retired Inspector
3 Schouten to do a full audit of the Missing Persons
4 Unit and that that should form part of that.

5 MR. VERTLIEB:

6 Q But my question, though, to follow up on the
7 commissioner's question, let's leave her out of
8 it, Sandy Cameron. I've never met her. Let's
9 leave her out. She's a civilian. With this in
10 mind, did you go to the top people in the force
11 and say, "We're focusing on systemic change.
12 Things need to be different in the Vancouver
13 Police Department"?

14 A Well, yes, as -- one of the things that I did as
15 issues arose as I was doing my work -- we weren't
16 waiting for me to be finished or waiting for an
17 inquiry, for example -- is that we were trying to
18 fix things as we went along as we learned about
19 them. So as I say, that was information that had
20 been passed on to people to deal with it who were
21 responsible, and also it was part of the reason
22 that I wanted not to just look at that aspect
23 individually but to do a full review of the
24 Missing Persons Unit, because I was looking at the
25 conduct of the investigation generally. That

1 arose as an issue, that there were problems in the
2 Missing Persons Unit, and so I asked that the
3 Missing Persons Unit be reviewed because remember
4 from the point that the investigation started when
5 Detective Constable Shenher was assigned, she was
6 taking overall responsibility for dealing with the
7 missing women's families and by all accounts had
8 an excellent relationship with them and worked her
9 heart out on that, so it was no longer an issue
10 with dealing with the missing women's families,
11 but it was an issue generally in the Missing
12 Persons Unit, and so I wanted that dealt with.

13 Q But Shenher -- wait one second. Shenher came on
14 in '98, right?

15 A She came to the Missing Persons Unit in June of
16 1998, correct.

17 Q That's our focus, the Missing Persons?

18 A Yes.

19 Q Okay. But I understand Miss Cameron stayed in
20 that unit until 2001?

21 A Yes, that sounds about right.

22 Q Okay. All right. Well, I've asked you a couple
23 of times. I'll leave it alone. I wanted to ask
24 you systemically how you handled this. I do want
25 to ask you one last thing, though, flowing from

1 this concern, and it was the word "alleged" this
2 morning that triggered my focus this afternoon,
3 and it was your word which made me go back to
4 these interviews that you conducted. Did you ever
5 interview Sergeant Bob Cooper?

6 A I've spoken to Sergeant Cooper many times over the
7 years, but I didn't interview him specifically
8 about this investigation, no.

9 Q No. So the answer's no?

10 A The answer is no.

11 Q Thank you. Let's start with Phase 1, which we
12 have styled "a problem identified and Pickton is
13 charged". Exhibit 33 is before you. Is it fair
14 to say that the start-up of this investigation
15 that brings us ultimately here today for the
16 external inquiry that you envisioned many years
17 ago commenced with a letter from the First Nations
18 Summit?

19 A I think that that was the first pivotal event,
20 yes, where it was being flagged that there was
21 believed to be a problem with an increase in women
22 going missing from the Downtown Eastside, yes.

23 Q So the attention was drawn by the outside
24 community, not internally through your own police
25 department work?

1 A Not in 1997.

2 Q Thank you. There is -- at tab 3 there's a letter
3 to Sergeant Cooper dated February 7, 1997, and
4 you've seen that with an accompanying list of 48
5 names?

6 A I'm sorry, I don't have that in tab 3.

7 Q Tab 3, Phase 1. It's in the big binder.

8 A Okay. I see a new tab 3.

9 Q Phase 1, tab 3. Do you see that?

10 A Yes.

11 Q You've seen that letter before?

12 A Yes.

13 Q And then there's a list of 48 names?

14 A Yes.

15 Q And underneath, page 2 underneath the name Dorothy
16 Spence there's handwriting "Brian". Can you read
17 that for us, please?

18 A I think it says:

19 Brian, these are names of native victims that
20 somehow didn't make (somebody's) list.

21 I'm not sure of the -- it looks like a name.

22 Q So three more names were added?

23 A Yes.

24 Q And Brian is Brian Honeybourn?

25 A That's my belief.

1 Q And he was at the Unsolved Homicide Unit?

2 A That's correct.

3 Q And that unit was started in '96 or so?

4 A Yes, that's my understanding.

5 Q And it was started as an initiative of the
6 provincial government?

7 A Yes.

8 Q And it involved members of Vancouver Police and
9 also RCMP?

10 A That's correct.

11 Q Would sort of non-police people refer to that
12 perhaps as the cold case kind of file work?

13 A Probably.

14 Q So these would be cases that had been around for
15 many years, you'd often generally have a body, as
16 it were, but no suspect that was chargeable?

17 A From my understanding their mandate was that the
18 case had to be at least two years old.

19 Q So just following that mandate, if someone went
20 missing in the previous two or three months, that
21 wouldn't fit into the Unsolved Homicide Unit
22 jurisdiction?

23 A Not technically, no.

24 Q Thank you. Did the Vancouver Police have surprise
25 as a force when they saw 48 plus 3, 51 missing

1 names?

2 A I don't know what the reaction was at the time.
3 What I do know is that it was decided that the
4 Provincial Unsolved Homicide Unit would
5 investigate that list and that we would assign
6 someone who knew the Downtown Eastside very well
7 to assist with that and look to see whether there
8 was anything to it.

9 Q And that's when Dave Dickson was sent in?

10 A That's correct.

11 Q And he's someone who people knew had knowledge of
12 the Downtown Eastside?

13 A Yes, that's right.

14 Q And he was assigned there for two weeks?

15 A Several weeks is my understanding, correct.

16 Q Two or you think longer? Two is two. Several is
17 more than two.

18 A I'd have to check my note, but two sounds about
19 right.

20 Q Thank you. Now, if you turn to the next tab, tab
21 4, you see the memo Vancouver Police Department
22 Violent Crime --

23 A Yes.

24 Q -- February 12th?

25 A Yes.

1 Q And it's sent from Bob Cooper?

2 A Yes.

3 Q To Honeybourn?

4 A Correct.

5 Q And he's VPD. We talked about him a few moments

6 ago. So just curious. See the note:

7 Brian, I really didn't want to dump this on

8 you but Brock made me.

9 Tell us, who's Brock? Is that Staff Sergeant

10 Brock Giles?

11 A That's my understanding.

12 Q And what was he in at the time? What was his

13 work?

14 A He was a staff sergeant in Major Crimes, so the

15 number two person to Inspector Biddlecombe.

16 Q And can you think of a reason why the language

17 would be, "I didn't want to dump this on you"?

18 A I don't know.

19 Q Thank you. So let's then move to the next tab, 5,

20 and this is First Nations Summit February 1, '97,

21 to the Honourable Ujjal Dosanjh. You've seen

22 this, of course?

23 A Yes.

24 Q And it's clear that the Summit is wanting the AG

25 to appoint a special investigator to examine on an

1 urgent and priority basis?

2 A Correct.

3 Q Now, the word "murders" are used in here. Do you
4 see in paragraph 2?

5 A Yes.

6 Q At that point in time did the Vancouver Police
7 accept that murders -- that that was the right
8 word to use?

9 A Well, I don't know what the Vancouver Police
10 thought when they received the letter, but it was
11 a list of names, and certainly it's clear that the
12 police department thought that they needed to be
13 investigated to see what information was known
14 about these cases.

15 Q I thought that from the documents that I read
16 there was, and you correct us if we're wrong in
17 this, it was an impression that some would have
18 that the police weren't accepting that the word
19 "murder" was the right word, the police were going
20 on the basis women were missing and further
21 investigations would be conducted.

22 A Well, in fact, many of them were known that they
23 actually had been murdered. The cases had been
24 worked on, had been solved, for example, and, in
25 fact, I think from '93 until about this time there

1 had been about 15 murders of sex workers in the
2 Lower Mainland, 10 of them in Vancouver, and eight
3 of them had been solved by arrest, and the five in
4 the outside jurisdictions had not been solved.
5 And when there was further investigation done into
6 the list, it was determined that some of these
7 women had, in fact, been murdered, but it was
8 known, the cases were being investigated, or, in
9 fact, they were not, they were -- they could
10 account for them. And I think that the result of
11 the investigations into the list is that fairly
12 quickly Constable Dickson working with the
13 Unsolved Homicide Unit was able to account for all
14 but two of the women on the list.

15 Q That's right. And so that said to the VPD perhaps
16 there's no real problem here, we've found
17 everybody but two?

18 A Well, obviously it is a problem if they have found
19 everybody but two, because that's still a concern,
20 but it's not in the same magnitude as, you know,
21 71 unsolved murders or missing women or something
22 like that. So as Dave Dickson told me when I
23 interviewed him, he said, "Look, these lists were
24 coming up all the time. People would believe that
25 there were women missing, and then we'd actually

1 find out that they had gone back to their home
2 community or whatever," and that it was sort of a
3 constant thing. So I think that that did create a
4 sense of when we receive information about women
5 being reported missing that probably it was taken
6 with a little bit of a grain of salt and said,
7 well, let's look into it.

8 Q Now, the next document at tab 6, this is from
9 Sergeant Honeybourn. We've mentioned him more
10 than once now. You've seen this. It's in your
11 police file. This is to Detective Chief Constable
12 Terry Blythe?

13 A To Deputy Chief Constable Terry Blythe, correct.

14 Q So at that point he was number -- he was right
15 below the chief?

16 A Correct.

17 Q So look at the third paragraph. Honeybourn's
18 asking:

19 In order to research each of the names in an
20 effort to address this issue, I request the
21 services of Cst. Dave DIXON...

22 It's misspelt D-i-x-o-n, but it's D-i-c-k-s-o-n,
23 as he says properly later, right?

24 A Correct.

25 Q

1 ...District 2 Neighbourhood Safety Officer
2 for a period of a maximum of 2 weeks. This
3 should be ample time to complete the
4 necessary research and to prepare a
5 concluding report,

6 right?

7 A Correct.

8 Q And that was done?

9 A Yes.

10 Q Now, then continuing, there's a letter March 20 at
11 tab 10. That's from Brian Honeybourn to Karen
12 Isaac at the Summit?

13 A Yes.

14 Q And this is where -- just skipping down the first
15 page below all those questions and answers, you
16 see:

17 The mandate of the Unsolved Homicide Unit is
18 to investigate Homicides that are over 2
19 years old and have remained unsolved.

20 That's accurate?

21 A Yes.

22 Q And then the result of this letter, you've seen
23 it. At the very next page, the last comment, two
24 people, two persons are listed as missing to
25 Vancouver Police, right?

1 A Yes, that's correct.

2 Q Now, does this letter suggest that this could be
3 part of an ongoing continuing problem or does this
4 sound as though that's the historical reference?

5 A I'm sorry, can you just clarify which piece you're
6 referring to?

7 Q Well, the way the letter's written to Ms. Isaac.

8 A Yes.

9 Q Does this give the sense that the police are
10 concerned about an ongoing continuing problem?

11 A No, I don't think it does give that sense.

12 Q Thank you. Now I want to go to tab 14, and the
13 reason I want to read this to you is it just flows
14 -- it's relative to what we've heard prior to your
15 being with us to give evidence about the issue
16 around street prostitution, and because of the
17 work that you outlined this morning I think we can
18 conclude that you would have some knowledge of
19 these issues. Look at page 2 under "Purpose".

20 To attack the problem of Street Prostitution
21 in the city of Vancouver.

22 Do you see that?

23 A Yes, I do.

24 Q And from your knowledge has the subject of street
25 prostitution in our city been on the minds of

1 police and others for years?

2 A Probably a hundred of them.

3 Q

4 The idea has merit, providing it is what the
5 Community and Government want.

6 Now, here's the part I want to focus on with you
7 right this moment.

8 It seems that this endeavour is always one
9 sided, that being the side of the Police who
10 are acting to the publics concerns, as in
11 this case. Our Governments, City, Provincial
12 and Federal do little if nothing to deal with
13 this problem. They refuse to make any
14 decision as to keeping it a Criminal Offence
15 or to Legalize it in some form or another.
16 Until this issue is addressed, it will
17 continue to be a pain to Law Enforcement.

18 Do you accept those comments as reflective of the
19 frustrations that the police would have in dealing
20 with street prostitution in our city?

21 A I think that they reflect his views and probably
22 reflect the views of some police officers, not all
23 police officers.

24 Q Thank you. Let's move to tab 15, please. This is
25 a letter from the Attorney General carbon copied

1 to Brian Honeybourn and addressed to the late
2 Chief Joe Mathias. You've seen this, of course,
3 correct?

4 A Yes, I believe so.

5 Q And I wanted to ask you, we know that UHU would
6 not be actively investigating missing women who
7 had just been reported missing in the last number
8 of months, correct?

9 A Not normally, no.

10 Q So the question is this. If UHU's not doing any
11 active investigation at the time frame we're
12 talking about, '97, was anyone in the police
13 department actively looking at the subject of the
14 ongoing missing women?

15 A Well, I think that you have to look at that in
16 context, is that at that point there really was
17 not an awareness that there was an issue of an
18 ongoing problem of missing women, that different
19 sources of information were coming out that there
20 was a problem, but in terms of, well, what was
21 going on at that point when a, for example, a
22 woman who might have been a sex worker was
23 murdered, then of course there was an
24 investigation, and that if there was a report of a
25 woman missing, then there was an investigation of

1 that. But it was actually this that was the
2 catalyst for more investigation, because during
3 the course of Constable Dickson's work in quickly
4 accounting for almost all of the women on this
5 list in one way or another, he said, "Yes, I have
6 been able to account for these women for the most
7 part, but during the course of my work what I
8 found is that there are other women who I have not
9 been able to account for, and so I'm very
10 concerned about that," and that was the catalyst
11 for further investigation, the determination that
12 there was a problem. In fact, when they looked at
13 the numbers and teased them out of the 3,000 or so
14 missing person reports that were being received a
15 year, that there was a group, there was an
16 increase of missing women that matched a certain
17 profile from the Downtown Eastside, and that was
18 the catalyst for more work being done.

19 Q But if you just now look at Exhibit 33 --

20 A I'm sorry, where would I find that?

21 Q That's the sheet, these, in front of you.

22 A Yes.

23 Q And if you can read -- I'll read out some names
24 here for you. Tanya Holyk. Now, you remember I
25 asked you about her a few moments ago?

1 A Yes.

2 Q It was her mother, Ms. Purcell?

3 A Yes.

4 Q And it was Ms. Shenher who had comments about --

5 A Yes.

6 Q And you know Miss Holyk had actually -- is someone
7 who was murdered by Pickton because her DNA was
8 found in Pickton's clothing? You know that?

9 A I probably have read that, but I wouldn't have
10 been able to pull that out of my mind right now.

11 Q There were charges against Pickton concerning her
12 murder, and those were stayed. Well, let's just
13 look at other missing women in '97. So Tanya
14 Holyk's the first. We've included her in '97
15 because that's when the report was made to the
16 police, okay?

17 A Right.

18 Q And then Stephanie Lane. Do you see that?

19 A Yes.

20 Q March. Now look at June. Janet Henry.

21 A Yes.

22 Q Olivia William, July.

23 A Yes.

24 Q And that's reported to police July.

25 A Yeah.

1 Q And then Cara Ellis August '97.

2 A Right.

3 Q So that -- vis-a-vis the Vancouver Police, those
4 are five women all now known to be murdered in
5 '97?

6 A Yes, that's -- I understand that.

7 Q Now, Richard Little --

8 MR. HERN: Excuse me, Mr. Vertlieb, but I think Miss Ellis, you
9 need to clarify that there is no missing person
10 report from that time. Her missing person report
11 is actually from 2002. And I believe the
12 suggestion that there's an earlier report date is
13 an oral one from her family member, unless I'm
14 mistaken. I just don't want you to confuse the
15 deputy chief that there is, in fact, a missing
16 person report on file on that one.

17 MR. VERTLIEB: Thank you.

18 Q So is it a fair way to express it that from what
19 you're telling us the VPD were not aware of the
20 extent of the problem in '97 at the high level?

21 A I think that that is fair to say, and, for
22 example, the ones that you have drawn my attention
23 here, you know, these are reports that -- for
24 example, if I can read this, Olivia William, who
25 is reported in July of 1997 but is actually last

1 seen in December of 1996. So these are people
2 that are being reported missing long after they
3 were last seen, and so that does create, you
4 know -- it feeds the belief, rightly or wrongly,
5 that these are people that are transient and that
6 they will appear again, and so they're not
7 necessarily emerging clearly like if they were the
8 only women reported missing when, like I say, you
9 have thousands reported missing a year. So
10 they're not jumping out until Dave Dickson does
11 his work in 1997 and said, "Look, there are some
12 women missing. I think that it is a problem.
13 These are women that -- they do go missing for a
14 couple of weeks at a time, but that these are
15 women who are collecting welfare, they have
16 children they're in contact with, etcetera, and I
17 think that there's a problem here and -- because
18 I'm not able to find them and I was able to
19 account for the other list." So, yes, it's not
20 jumping out, and so some things are happening at
21 around the same time, is Dave Dickson does his
22 work, and then I believe it's in spring of 1998
23 Sandy Cameron actually comes to Inspector
24 Biddlecombe and saying, "I'm actually noticing
25 that there seems to be an increase in women who

1 are missing from the Downtown Eastside." So it's
2 starting to bubble up now, but there weren't
3 systems in place at the time that that information
4 would percolate up and be obvious as it is in
5 hindsight, where it's very obvious.

6 Q But Dave Dickson did work in March of '97?

7 A Yes, in 1997.

8 Q So here's the question, though. Three women go
9 missing after he does his work, right, so what was
10 the ongoing investigation being conducted so that
11 the existence of three reported missing women a
12 few months after Dickson would be brought to the
13 knowledge of the higher-ups in the VPD?

14 A I doubt very much whether it was being brought to
15 the higher-ups in the VPD. Hopefully it would be
16 being brought at least to the management level in
17 the Major Crime Section, but I can't speak to what
18 was going on in 1997, because other than looking
19 at the fact of that 1997 list as being the
20 catalyst, where I really started looking at the
21 investigation was with the assignment of Detective
22 Constable Shenher in June of 1998 because she was
23 assigned in response to concerns that had been
24 raised by the community, concerns that had been
25 raised in the police department by Dave Dickson

1 and others that, look, there is a problem here,
2 and so a decision was made to add a detective for
3 the purpose of looking specifically into the
4 reports of missing women and determine, well, is
5 there something emerging here or is this simply
6 the lag time with women being reported days,
7 weeks, months, years, in one case up to 20 years,
8 on another case 15 years, and then lesser periods
9 of time, that that's how long from the time they'd
10 last been seen until the time that they were
11 reported. So no doubt that that information fed
12 into perceptions and decisions about what
13 attention needed to be paid to it, but what's
14 clear is that as of June of 1998 it had been
15 recognized that there did seem to be a problem.
16 It was being raised by the community, it was being
17 raised by Constable Dickson, it was being raised
18 by Sandy Cameron to Inspector Biddlecombe, and so
19 resources were applied to it to determine, well,
20 is there a problem here or is this a matter of if
21 we apply some resources to it like Dave Dickson
22 did in 1997 that we're going to determine that we
23 can actually account for these people, that there
24 isn't an emerging problem, and so that's what
25 occurred. Now, whether it happened quickly

1 enough, that is a very legitimate question.

2 Q Precisely. And that's why you mentioned somebody
3 going missing 15 or 20 years. In point of fact,
4 Sarah de Vries was reported within days of having
5 gone missing?

6 A That's true, that Sarah de Vries was, but for the
7 most part that was actually unusual in that time,
8 that the report had made -- been made so soon
9 after the person had gone missing. In most cases
10 it was more like months.

11 Q I'm just looking at Inga Hall. February, reported
12 the next month. I'm looking at Kerry Koski.
13 January '98, reported that month.

14 A Yes, I'm sure that we can find ones that were
15 reported quickly, but I can also -- if we're going
16 to look at all of them that are contemporaneous
17 with that time, we'll find ones that went -- the
18 date they were last seen was months or much
19 longer. So I do think that it needs to be looked
20 at in context. But, yes, Sarah de Vries was one
21 who was reported very quickly. And as we got
22 later on into the investigation, like the end of
23 2001, I believe, they were being reported very
24 quickly after last being seen.

25 Q Now, all the while we're discussing these

1 disappearances, these missing women, it turns out
2 that Pickton had been charged with attempt murder
3 in March of '97?

4 A Yes.

5 Q And he had picked up a sex trade worker in the
6 Downtown Eastside?

7 A I don't know if it was actually in the Downtown
8 Eastside, but it was certainly in the east side of
9 Vancouver.

10 Q A woman known to be involved in the Downtown
11 Eastside?

12 A Yes.

13 Q And he took her back to his trailer in Port
14 Coquitlam?

15 A Yes.

16 Q And there was a very serious knife fight between
17 the two of them?

18 A Correct.

19 Q Can we conclude that the knowledge of that event
20 was not brought home to Constable Dickson when he
21 was asked to help find these people who had gone
22 missing?

23 A I doubt that it would have been.

24 Q If you look at Exhibit 33, you'll see where we've
25 covered the Phase 1, and I just want to see if

1 I've missed something. If you look above the
2 middle line, the green area, which is the VPD
3 activity, do you see that?

4 A Yes.

5 Q We see in March Constable Dickson's work. He's
6 reporting on the list of 71 women and finding two
7 still missing?

8 A Yes.

9 Q Essentially would that be more or less the extent
10 of the police investigation in Vancouver through
11 to the end of that phase, which is June 1998?

12 A Well, I think that it needs to be looked at in
13 that it wasn't like all investigations stopped of
14 missing people being reported to the Vancouver
15 Police, but in terms of dedicated resources to the
16 issue of missing women from the Downtown Eastside,
17 then that would be correct.

18 Q Thank you. That's what I meant. You read my
19 mind. Thank you. No doubt others will have other
20 questions on Phase 1. I'm just here to introduce
21 the areas for the participants to consider. I
22 think it's timely to go to Phase 2, which we have
23 styled "clear pattern emerges and Pickton is a
24 person of interest". You see the chart in front
25 of you now. What's the difference between a

1 suspect and a person of interest?

2 A That's a term of art, I suppose, that as we've
3 become a more litigious society and people don't
4 want to be called a suspect that's a term that was
5 coined to refer to people that we're interested in
6 looking at but are not prepared to call them a
7 suspect, publicly in any case. Sometimes they're
8 used interchangeably in policing.

9 Q So forget the niceties of dealing with the public,
10 as it were. Internally, when you're a police
11 officer, a person of interest and a suspect,
12 distinction without a difference to you is
13 internally?

14 A It could be, but it could also be that a person
15 referred to as a person of interest is there's no
16 particular information pointing to that person but
17 we're interested in him for whatever reason. He's
18 going to -- we're going to look at him, and it
19 might be that we develop enough information to
20 say, "No, he's a suspect."

21 Q So in 1998 Pickton becomes a person of interest.
22 Keep in mind, though, in '97 he had been charged
23 with attempt murder.

24 A Yes.

25 Q So Detective Shenher came to the Missing Person

1 Unit in the summer of '98?

2 A Correct.

3 Q And was that in July?

4 A I've seen it in the documentation June and July,
5 but I believe that it was July. She might have
6 been there on paper in June, but I don't think she
7 arrived until July.

8 Q In our chart, Exhibit 33, Phase 2, we show her
9 coming on transfer to the Missing Person Unit in
10 July. You're prepared to accept that?

11 A I believe that's correct.

12 Q Now, tell us about her background at the time she
13 came over to the Missing Person Unit.

14 A To my recollection, she is someone who had spent
15 -- all her time had been operational. She had
16 spent a fair amount of time in the Patrol
17 Division, I believe on the east side. I believe
18 actually in the Downtown Eastside she had worked,
19 if I'm recalling correctly. And then she had gone
20 to the Strike Force, which I mentioned is an
21 undercover and surveillance unit. So she had
22 spent some time there. And what happened was that
23 there were three Strike Force teams. That's
24 really the minimum to be able to do seven-day-a-
25 week, 24-hour surveillance, which is sometimes

1 what's necessary. And because of some
2 organizational changes made by the new chief
3 constable in the department, he had created dozens
4 and dozens of vacancies in the department, and
5 many of them were in the Major Crime Section, and
6 as a result a decision was made that they were
7 going to stand down temporarily one of the Strike
8 Force teams and distribute those investigators to
9 higher priority areas, and so by then it was
10 deemed that it was a priority to focus some
11 attention on the problem of missing women from the
12 Downtown Eastside and so Detective Constable
13 Shenher was added above their authorized strength
14 to the Missing Persons Unit.

15 Q I understand from your interview with her in 2002
16 she joined Vancouver Police Department April 18,
17 1991?

18 A Yes, that sounds right.

19 Q So she'd be a bit in excess of six years at the
20 time she was assigned to the Missing Person Unit?

21 A If she joined in '91, when she joined, it would
22 have been --

23 Q Or seven.

24 A -- seven years, yeah.

25 Q And she was a constable as opposed to a higher

1 rank?

2 A Yes, although I don't think that you should read
3 too much into that. At that time in our
4 organizational history to be called a detective
5 you had to have been promoted to the rank of
6 corporal, which might not necessarily happen
7 around that time. It was probably an average of
8 about 14 or 15 years. So we did have constables
9 that were doing investigative work like Strike
10 Force and some plainclothes units, but a police
11 officer with seven years of operational
12 experience, especially in an intense environment
13 like Vancouver, is actually a very experienced
14 police officer. Not necessarily as a major crime
15 investigator, but in terms of policing knowledge
16 and skills seven years is more than many officers
17 spend in operational policing.

18 Q If you turn to Phase 2, tab 1, please. Do you see
19 that?

20 A Yes.

21 Q This is from Crime Stoppers?

22 A Yes.

23 Q The first tip is July 27, 1998, 10:16.

24 A Yes.

25 Q So this is a tip that's gone to Crime Stoppers.

1 Now, Crime Stoppers works with the police in
2 passing on information that comes to their tip
3 line?

4 A Yes, that's right.

5 Q This is almost right after Detective Constable
6 Shenher is assigned to the unit?

7 A Correct.

8 Q Do you want to read that out, please?

9 A Which part? From the top or --

10 Q The first tip, July 27.

11 A

12 Tipster reporting information on a male
13 suspect whom the caller believes could
14 possibly be the person responsible for the
15 disappearance of these prostitutes.

16 Caller says this single 39-40 year old white
17 male, 6'2" - 6'3", stocky build, short brown
18 hair, owns and operate the P&B Used Building
19 Materials at 11947 Tannery in Surrey.

20 Gives a phone number.

21 He lives in a trailer on a large farm in Port
22 Coquitlam.

23 Q This is the first informant information concerning
24 the man we know to be Pickton?

25 A Correct.

1 Q So how would you characterize this tip?

2 A Well, very interesting.

3 Q That's all?

4 A Well, I'm not sure what exactly it is you're
5 looking from me, Mr. Vertlieb. I'm happy to
6 comment, but it's obviously an interesting piece
7 of information. If you -- it's obviously an
8 important piece of information to follow up,
9 particularly in the circumstances, but in terms of
10 the context of the thousands of tips that police
11 agencies receive, everything from A to Z, the most
12 bizarre information, I don't think that there's
13 any tip with this limited information that is
14 necessarily going to make anybody get too excited
15 right away. But certainly this was an important
16 tip.

17 MR. ROBERTS: Mr. Chairman, it's Darrell Roberts for missing
18 women.

19 THE COMMISSIONER: Yes.

20 MR. ROBERTS: I know this can be left till later, but it seems
21 to me it's quite timely to deal with it now. From
22 my understanding, that's not the whole tip.

23 There's two more paragraphs. Where did they go?

24 THE COMMISSIONER: Oh, on the next page.

25 MR. HERN: Second page.

1 A Next page.

2 MR. ROBERTS: Pardon me?

3 A I think that they're on the next page.

4 MR. ROBERTS: Okay. Well, maybe Mr. Vertlieb's question was
5 premature then.

6 MR. VERTLIEB: Well, just -- thank you.

7 THE COMMISSIONER: All right.

8 MR. VERTLIEB:

9 Q So these first two paragraphs, they're
10 interesting?

11 A Yes.

12 Q Important to follow up?

13 A Yes.

14 Q It turned out that P&B Used Building Materials was
15 actually an entity that could have been tracked
16 down?

17 A Yes.

18 Q Let's keep going.

19 A To the next page?

20 Q Please.

21 A Did you want me to read that?

22 Q Please.

23 A

24 Tipster indicated he uses the services of
25 prostitutes regularly. A recent female

1 visitor to his trailer noticed there were at
2 least 10 purses and female ID's along with
3 women's clothing in the trailer.

4 Q Stop there a second. This is more interesting
5 information?

6 A Extremely.

7 Q Extremely. Of course. The reference to 10 purses
8 and female ID's along with women's clothing.

9 A Yes, important information.

10 Q The kind of information that could perhaps speak
11 to consideration of a search warrant?

12 A Oh. Well, we're a long way from getting a search
13 warrant based on this information, but certainly
14 it speaks to the need to aggressively investigate
15 it, absolutely, and, in fact, that did happen.

16 Q Thank you. Keep going then, please.

17 A

18 He has been known to have made comments to
19 other people that he can easily dispose of
20 bodies by putting them through a grinder
21 which he uses to prepare food to feed his
22 hogs. Tipster also said he had been
23 investigated for cutting the throat of a
24 prostitute.

25 Q Stop there a second. Now, if any investigation of

1 Mr. Pickton or P&B Building -- Used Building
2 Materials had been conducted, would the police
3 have learned that Mr. Pickton lived on a farm
4 where he had hogs?

5 A Yes, and, in fact, that is what happened.

6 Q Yes. So that makes those comments even more
7 interesting, perhaps?

8 A Absolutely.

9 Q Now, what about the comment the last line:

10 Tipster also said he had been investigated
11 for cutting the throat of a prostitute.

12 A Yes, that obviously is an important piece of
13 information.

14 Q And provable because of the fact of Ms. Anderson
15 in March '97?

16 A Yes.

17 Q So each one of these facts becomes even more
18 interesting to you?

19 A Absolutely.

20 Q Then the last paragraph.

21 A
22 Caller says the suspect is a "sicko". Caller
23 could not remember suspect surname, however
24 his first name is WILLY. He generally picks
25 up the prostitutes from the Burnaby, New West

1 and Vancouver areas.

2 Q Would this information be information that would
3 need to be independently investigated by police?

4 A Absolutely, and, in fact, as I've said, that is
5 what happened with it very quickly, is that the
6 information was investigated. It was about an
7 allegation of someone committing criminal acts in
8 Coquitlam. Constable Shenher made contact very
9 quickly with Corporal Connor from the Coquitlam
10 RCMP, who coincidentally had been the lead
11 investigator on the 1997 Anderson attack and so
12 was very familiar with the information, and he
13 initiated what I consider to be a very responsible
14 investigation into that information assisted by
15 Detective Constable Shenher, who fairly quickly
16 identified the source of the information,
17 interviewed him, introduced him to Corporal
18 Connor, Corporal Connor debriefed him and
19 initiated certain investigative strategies,
20 because, again, the information was about an
21 alleged murder that had happened on a farm in Port
22 Coquitlam, which was the jurisdiction of the
23 Coquitlam RCMP. So Constable Shenher certainly
24 assisted and supported in every way, and Constable
25 Connor I would say took that information very

1 seriously.

2 Q As it ought to have been?

3 A Absolutely.

4 Q The reason I was asking you these questions is I
5 want to in a moment come to the Missing Women
6 Working Group that had Detective Inspector Rossmo
7 and Staff Sergeant --

8 A Yes.

9 Q -- MacKay-Dunn involved.

10 A Yes.

11 Q And I wanted to just get your evidence before we
12 cover that. Now, just while we're on the tips,
13 look at the one for August 6, 1998. Just read
14 those two paragraphs, please.

15 A

16 Caller advising that the male party involved
17 is Willie PICKTON. Tipster advising that he
18 is the one who killed Sarah.

19 PICKTON hires prostitutes all the time, and
20 might be responsible for all the missing
21 girls. The only other information the
22 tipster had is that PICKTON has a farm
23 somewhere in Port Coquitlam.

24 Q Even more interesting information?

25 A Well, it provides some more detail, including his

1 surname and so on and actually names one of the
2 missing women.

3 Q But when a tip like this comes in, it's hardly one
4 of those thousands and thousands of tips that
5 could have no foundation at all? I mean, it's not
6 some psychic making this up, right?

7 A In all the circumstances it was very important
8 information.

9 Q And "Sarah" we know was referable to Sarah de
10 Vries?

11 A Well, that was my -- the inference I drew from the
12 information.

13 Q Now, help us understand the involvement of Wayne
14 Leng and his tip line that he started. From your
15 intensive review of the facts did it appear to you
16 that the two tips we've just discussed had a time
17 connection to Mr. Leng's effort on behalf of
18 finding information about Sarah de Vries?

19 A Yes.

20 Q Is it a concern that a community person is running
21 his own tip line and finding information that
22 seems to be of interesting value to you?

23 A Is it a concern?

24 Q In other words, that someone from outside the
25 police force would be generating that energy that

1 would lead to that tip versus someone inside the
2 police force?

3 A Well, it's not a concern that someone from the
4 public generates useful information. That's how
5 we get much information that we operate on, so no.
6 You know, with certain -- there might be concerns
7 about how it's done or how it might affect an
8 investigation or so on, but, no, we want the
9 public to provide us information. Sometimes
10 members of the public, because of their
11 circumstances, are going to receive information
12 that we might not receive directly, and that
13 continues to this day, that we have community
14 partners who have the confidence of the community,
15 and so people might go to them, and they would
16 relay information to us rather than coming to the
17 police directly.

18 Q And so in this case these events speak very
19 strongly to the point that the community was
20 actively trying to help get to the bottom of what
21 they saw as a concern?

22 A Well, this particular member of the community, who
23 was very worried about his friend Sarah de Vries,
24 was certainly doing that, yes.

25 Q Now, can you help us understand why the tip of

1 1998, July 27, was carbon copied to the Burnaby
2 RCMP, New Westminster PD, and, most importantly,
3 Coquitlam RCMP? Can you help us understand that?

4 A Well, my inference from that would be because the
5 tipster said that this person, if I look at the --

6 Q Picking up prostitutes Burnaby, New West, and
7 Vancouver?

8 A Yeah. Just --

9 Q Second page.

10 A The font on all your documents is quite small.
11 Yes, is that he mentions Burnaby, New Westminster,
12 and Vancouver, so that makes perfect sense, and
13 the fact that he lives in Coquitlam, so it makes
14 perfect sense that those are the people that he
15 would copy this information to, because who knows
16 what that might generate in terms of we have some
17 more information to add to that now that we see
18 this.

19 Q So as a police officer how would you describe the
20 totality of these two tips we've just been
21 reviewing?

22 A Well, in the context of it was recognized that
23 there had been an increase in the number of women
24 who had gone missing that the community was very
25 concerned about, a detective had been assigned for

1 that purpose, to look into whether there was
2 anything suspicious going on, and then this tip --
3 two tips were received. That was very important
4 information, absolutely, and it was treated with
5 the seriousness with which it should have been.

6 Q And that "should have been" means Pickton becoming
7 a suspect?

8 A Well, what it meant was that there was some very
9 serious investigation done into whether he, in
10 fact, should be considered a suspect, but it was
11 certainly very interesting information,
12 particularly once it was confirmed by Corporal
13 Connor that -- the victim 1997 incident, so that
14 added considerably to the weight of the tip.

15 Q And the tipster we know to be Mr. Hiscox?

16 A It was eventually learned that it was Mr. Hiscox,
17 yes.

18 Q And there was more than just these two contacts
19 with Mr. Hiscox?

20 A Oh, yes. Mr. Hiscox was interviewed a number of
21 times by Detective Shenher and then by Corporal
22 Connor.

23 Q He was interviewed in 1998?

24 A Yes.

25 Q Can you tell us when he was last interviewed by

1 either Shenher or Connor?

2 A I would have to check my -- my report on that and
3 confirm that. I can't recall it off the top of my
4 head.

5 MR. VERTLIEB: I'll tell you what we should do with Mr.
6 Commissioner's leave, is I am going to see if we
7 can break now, which would allow you to check your
8 notes of the last month and year that Hiscox was
9 in contact with either Shenher or Connor or, for
10 that matter, anyone with VPD and RCMP during the
11 terms of our reference, and then I am going to
12 then ask you what follow-up was done with Mr.
13 Hiscox after that date. But if you could focus on
14 that during the break. And, Mr. Commissioner, do
15 you mind doing that?

16 THE COMMISSIONER: All right. We'll take the break now.

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

18 **(PROCEEDINGS ADJOURNED AT 2:56 P.M.)**

19 **(PROCEEDINGS RESUMED AT 3:16 P.M.)**

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

21 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias for Government of
22 Canada. I apologize for interrupting Mr.
23 Vertlieb, but I did have a question for the record
24 with respect to I believe it's Exhibit 33, the
25 charts that we see --

1 THE COMMISSIONER: Yes.

2 MS. TOBIAS: -- up here, and just to make sure that it's clear
3 on the record exactly where these originate and
4 what their purpose is. I would like to confirm
5 that this is a bit of an organizational document.
6 I note my learned friend Mr. Hern's comment about,
7 for example, the accuracy of one of the entries on
8 it, and I see myself on the first page, for
9 example, under what I now understand as a result
10 of Mr. Vertlieb's last comment about it to be
11 actions of the RCMP. For example, I see we see
12 that the Pickton and Anderson charges were stayed.
13 That, of course, is not an action of the RCMP.

14 THE COMMISSIONER: All right. So you're telling me there are
15 inaccuracies on that chart?

16 MS. TOBIAS: Well, I haven't had a chance to look through it
17 thoroughly, but it seems as though there may well
18 be. There seem to be some, and it's been
19 introduced and marked as an exhibit, but I don't
20 think -- I know that Mr. Vertlieb had a long list
21 of questions, and perhaps it's not crystal clear
22 exactly what the purpose of this particular
23 exhibit is, so I would ask that that just be
24 clarified for the record, please.

25 THE COMMISSIONER: Well, I would think that that chart is there

1 so that we can all see the timeline when all of
2 these events took place, but I'll let commission
3 counsel explain that, and if there are
4 inaccuracies, I'm sure they can be corrected by
5 the appropriate witnesses. I don't know. Mr.
6 Vertlieb.

7 MR. VERTLIEB: I agree. I think you've said it absolutely
8 correctly. If there are mistakes, people will
9 bring them to our attention. Your staff has spent
10 a lot of time on the facts, and --

11 THE COMMISSIONER: Yes.

12 MR. VERTLIEB: -- I have confidence in the people who have
13 worked on it, but no one's perfect. There could
14 be mistakes. I'm not sure what --

15 THE COMMISSIONER: None of this is written in stone. I mean, I
16 assume this is an aide-memoire, as they say. You
17 know, in the legal business they say that.

18 MS. TOBIAS: I do understand that, Mr. Commissioner, and I note
19 as well that with respect to all the
20 investigations that have gone on what's on this
21 timeline is only that portion of the investigation
22 as it relates directly to Mr. Pickton and not the
23 other activities that were going on through that
24 time period, so I just -- I just wanted to note
25 that and --

1 THE COMMISSIONER: Okay.

2 MS. TOBIAS: -- to make sure we were clear on that.

3 THE COMMISSIONER: I appreciate that. Thank you.

4 MS. TOBIAS: Thank you.

5 MR. VERTLIEB:

6 Q Now, Deputy, when was the last dealing with Mr.
7 Hiscox, the informant?

8 A Mr. Commissioner, what I thought might be helpful
9 is if I went through quickly this -- a summary of
10 all of --

11 MR. VERTLIEB: He needs the mic on.

12 THE REGISTRAR: I'm sorry.

13 A I'm sorry, Mr. Commissioner. What I thought might
14 be helpful is I just went quickly through all of
15 the dates of the contacts that Detective Constable
16 Shenher had with Mr. Hiscox just so you can get --

17 THE COMMISSIONER: Yes.

18 A -- the context of it. So the tips first come in,
19 as you've already heard, at the end of July and
20 then August 6th of 1998, and August 19th of 1998
21 Detective Shenher tried to phone the tipster, but
22 she wasn't able to make contact at that point, but
23 she did make contact with him on September the
24 2nd, and she spoke to him then. She left a
25 message for him on September the 4th wanting to

1 arrange to meet with him. On September the 5th
2 they spoke again and arranged to meet on September
3 the 8th. He failed to show up. They arranged
4 another meeting for September the 16th. September
5 the 16th he failed to show up again. September
6 the 18th she met with him, confirmed that he was
7 the tipster, and she believed that he was credible
8 and believed that Hiscox believed what he was
9 saying about Pickton being a killer. October 13th
10 she interviewed Hiscox again, and then on October
11 15th Shenher introduced Hiscox to Corporal Connor,
12 and Connor had Hiscox go through all his
13 information in detail so that he could hear it
14 first time. On December 11th, 1998, Hiscox called
15 Shenher. He advised he hadn't seen a person that
16 they were talking about, Lisa Yelds, but he still
17 wanted to help and he would get back in touch with
18 her. On February the 10th Shenher attempted to
19 contact Hiscox. She learned that he'd been
20 recently charged with an assault and he was
21 undergoing a 30-day psychiatric assessment. And
22 then on February 25th, 1999, Detective Constable
23 Shenher left another message for Hiscox with his
24 father because she had not been able to contact
25 him. March 10th she got a new address for him,

1 didn't have a phone number for him and wrote a
2 letter to him asking him to call her. And then
3 April 6th, 1999, Hiscox phoned her, advised he was
4 still seeing "those people" and was willing to
5 meet Shenher at his home. April 19th, 1999,
6 Shenher met with Hiscox again, and he said he had
7 no new information about Pickton or Yelds, that he
8 hadn't seen Yelds in a while but he had spoken to
9 her on the phone. April 28th, 1999, they spoke
10 again or Hiscox left a message for her, in any
11 case, leaving a number where she could be
12 contacted. May 30th, 1999, Shenher left a message
13 for Hiscox to call her, but they did not make
14 contact again. That's the last record that I have
15 that she was -- had any sort of a contact or
16 attempt of contact with Hiscox, was May 30th,
17 1999.

18 Q Thank you. So there are a great many efforts of
19 contact and actual meetings with Mr. Hiscox?

20 A Correct.

21 Q Clearly Detective Shenher was treating him as a
22 credible informant?

23 A Yes, she believed that he was a credible
24 informant, and she was assisting Corporal Connor
25 in any way that she could in terms of obtaining

1 more information from Hiscox to provide to
2 Corporal Connor, who was leading that part of the
3 investigation.

4 Q So this would not be a tip that would fall into
5 the category of one of those many thousands of
6 calls that come in that have no substance?

7 A No.

8 Q Tell us how it would be that you as a police
9 officer assess a tip in terms of deciding to
10 follow up on it and how much energy to put into
11 it?

12 A Well, first of all, there would be many
13 considerations. One would be what is the nature
14 of the information. If the information is that
15 someone is committing frequent shopliftings, that
16 obviously isn't going to be rated as important as
17 someone who provides information about a murder.
18 So the nature of the information is obviously very
19 important. And then after that it's about how
20 much corroboration is there for the information,
21 and so that's something that you do with
22 informants' information, is you try to corroborate
23 it so that you can see whether there is any
24 credibility that can be attached to it, because
25 police resources are valuable, and so you don't

1 want to waste them. So in this case, you know,
2 there were a number of efforts made to corroborate
3 the information, and I would say that those were
4 fairly standard, if I can put it that way. So
5 there are many different ways to corroborate
6 information. First of all we'd look and see
7 whether the information is internally consistent,
8 so is the informant consistent in their statement,
9 does the information make sense, does it
10 contradict, is there one piece that contradicts
11 another piece. And then, secondly, is it
12 externally consistent with known facts. For
13 example, if someone says, "Look," like in this
14 case, "he was arrested for attempting to kill a
15 sex trade worker at his place out in Coquitlam,"
16 and, in fact, they find that that's true, then
17 that would be important corroboration. If the
18 tipster says he has this place out in Port
19 Coquitlam, it's isolated, etcetera, well, that
20 would be important information. It was consistent
21 with what the tipster said, and there was nothing
22 that was learned that was inconsistent with what
23 the tipster said. So I'm not sure how much more
24 detail you'd want me to go into, Mr. Commissioner,
25 but there are many different ways to try to

1 corroborate information, various different
2 strategies that would be employed.

3 Q So this tip would meet the two tests you've
4 outlined: the nature of the info relating to the
5 murder, and the corroboration of the details that
6 had been provided?

7 A It was both internally consistent in that his
8 story was consistent from telling to telling,
9 there wasn't information that was one piece of
10 information that contradicted other pieces of
11 information, and it was externally consistent with
12 known facts about what was known about Mr.
13 Pickton.

14 Q So the last date I have and we have heard from is
15 March -- pardon me -- May 30, 1999?

16 A Yes.

17 Q Now, can you help us understand why there was no
18 further contact with Mr. Hiscox after that date?

19 A Yes. My recollection of interviewing Detective
20 Constable Shenher is that Mr. Hiscox was difficult
21 in terms of he didn't show up for meetings, he
22 didn't -- he didn't return phone calls, he was
23 difficult to contact, so that was a problem.
24 Secondly is that it did not appear that he had any
25 new information to give. So they had the

1 information that he had, that he had provided.
2 There wasn't something more that they wanted from
3 him at that point. And then shortly after the
4 last contact with him or effort at contact another
5 informant came forward and all the energies of the
6 investigators then became focused on the
7 information from that informant. And, of course,
8 there were many other things going on in the
9 investigation in Coquitlam at the time, which is
10 clear from the record in terms of Corporal Connor
11 getting surveillance, getting aerial photographs
12 taken, doing other things to try and build a case.
13 So it's not like Shenher attempting to contact
14 Hiscox was the only thing going on in the
15 investigation of the information about Pickton.

16 Q You mentioned he was difficult to deal with.
17 Would it be the case that informants, given the
18 nature of what they're doing and the people they
19 know, can often be difficult to deal with?

20 A Yes.

21 Q So that's nothing new under the sun, so to speak?

22 A No.

23 Q You said there was not any new information to
24 give, but let me ask you this. Was any thought
25 given to turning him into an agent, where he would

1 go back to the -- to the Pickton farm and try to
2 learn information? Was any thought given to
3 making him into an agent?

4 A I don't know. I would have to read back over my
5 interviews to find out whether that was
6 specifically discussed, but my sense would be that
7 there would be very little chance that they would
8 be considering using him as an agent just because
9 of his unreliability, the fact that he had been in
10 -- under psychiatric care for depression, that he
11 was not a -- he was probably not someone that they
12 were going to rely on to do the very serious
13 business of being a police agent, which is a big
14 step from being someone who provides information.
15 When you are going to start directing someone to
16 do things on behalf of the police, that's a big
17 jump.

18 Q The other informant that you referred to was Mr.
19 Caldwell?

20 A Correct.

21 Q So as far as you know there was no follow-up with
22 Mr. Hiscox after May 30, 1999?

23 A Well, eventually there was, but not -- not until
24 after Pickton's arrest in February of 2002.

25 Q Of course. That's what I meant. You, of course,

1 didn't speak with Sergeant Connor, so you have no
2 knowledge about why -- what he did with Mr. Hiscox
3 or why he did it?

4 A Well, I -- no, I have not met Mr. Connor, Corporal
5 -- then Corporal Connor. I have read his detailed
6 notes on the investigation, including his debrief
7 of Mr. Hiscox, so I know from the documentary
8 record what he did or did not do. But, again,
9 what I would say is that, like, I do not believe
10 that Corporal Connor failed to follow up in any
11 way in terms of Hiscox in doing things that he
12 could have or should have done because they had
13 the information from him. There was no new
14 information coming forward. He was not in a
15 position to get new information at that time. So
16 I don't think that there was anything else that at
17 that time was appropriate for him to do. And, in
18 fact, if you look at what occurred post arrest,
19 post February 5th of 2002, essentially what the
20 Evenhanded investigators did was simply
21 re-interview him and get information that was the
22 same information that he had provided to Detective
23 Constable Shenher and Corporal Connor in the first
24 place. So he didn't have any new information.
25 And the question of whether he would have

1 considered to use him as an agent, that's a
2 question you'll have to ask Mr. Connor, but I
3 suspect that that would not have been considered
4 because of his history of being unreliable.

5 Q Just --

6 A Not unreliable in terms of the facts of his
7 statement, unreliable in terms of being at the
8 right place at the right time and so on.

9 Q Just for your information, there is a log of
10 contact maintained by Lori Shenher, and she has a
11 note, and it's VPD document 008-001-323, and there
12 was a discussion about Ms. Yelds. So Lori Shenher
13 said:

14 I asked him if he would agree to introducing
15 an undercover operator to Lisa Yelds perhaps
16 as a new girlfriend of the source. He agreed
17 and felt this would not be suspicious to Lisa
18 Yelds.

19 It seems that your Detective Connor -- or, pardon
20 me, your Detective Shenher had that in mind with
21 Mr. Hiscox, that he would introduce someone to
22 Yelds, who, as you know, was the source of the
23 information firsthand. You're aware of that, or
24 maybe you've forgotten that?

25 A No, I remember it. I'm aware of it. And, again,

1 I'm glad that Detective Constable Shenher was
2 putting her mind to that issue, but she was
3 assisting Corporal Connor. He was leading that
4 investigation. He had far more experience than
5 she did, and I'm sure that if he had asked her to
6 try to facilitate that that she would have done
7 her best to do that, and, in fact, Corporal Connor
8 had debriefed Mr. Hiscox himself, so he was very
9 aware of his information and the circumstances of
10 Detective Constable Shenher's dealings with him.
11 So I'm not second-guessing him for deciding not to
12 do that because I suspect I know the reason why,
13 but that's something that he can speak to.

14 Q Yes. Ms. Shenher notes that he, meaning Hiscox,
15 was quite willing to do this?

16 A Yes. His willingness to do it, though, that's
17 great. That doesn't mean that he's going to be
18 suitable to do it.

19 Q I want to -- having covered Mr. Hiscox -- and I
20 think -- did you say Ms. Shenher found him
21 credible?

22 A She believed that he believed his information,
23 yes, that he was telling her the truth.

24 Q And obviously that's a factor in the quality of
25 the tip?

1 A Yeah. I mean, there was no question that she
2 believed that he was telling the truth. Of
3 course, his information for the most part, except
4 for one very key thing, was secondhand because it
5 came via Lisa Yelds. The one thing that he did
6 say, though, was that -- which was important
7 information, is that Pickton had told him
8 personally that he could get rid of a body if he
9 wanted. So that was important information. It
10 was one of the pieces of information that
11 accumulated over the investigation that increased
12 the probability of Pickton being a very likely
13 suspect. So that was one of them.

14 Q And that would have been before the end of May
15 1999?

16 A Correct.

17 Q We've covered Hiscox. Let's move to what was
18 known as the Missing Persons Working Group.
19 You're familiar with this?

20 A Yes.

21 Q Now, this is when we first hear about Dr. Rossmo?

22 A Yes.

23 Q Let's look at tab 2 under Phase 2, please. You've
24 seen this before?

25 A Yes, I have.

1 Q September 4, 1998, from Rossmo to Brian
2 McGuinness.

3 A Correct.

4 Q So McGuinness would be just below the chief?

5 A That's correct.

6 Q He's one of the three who answered to the chief?

7 A Correct.

8 Q So he's high up?

9 A Yes, he is.

10 Q Really high up. So Dr. Rossmo, his title in the
11 force was Detective Inspector?

12 A That's correct.

13 Q He says in his memo:

14 Attached is the updated strategic blueprint
15 plan for the Downtown Eastside Missing
16 Persons Working Group...

17 Our initial meeting was held today,
18 meaning September 4, '98; is that correct?

19 A Yes, that's my understanding of the memo.

20 Q

21 ...and the next is scheduled for 98.09.22,
22 in other words September 22,

23 at which point we hope to have a good
24 approximation of our final list. A press
25 conference announcing the formation and

1 mandate of the Working Group is planned for
2 September 30.

3 Do you see that?

4 A Yes.

5 Q We now know that that press conference did not go
6 ahead, correct?

7 A Correct.

8 Q Now, this memo went to McGuinness because
9 ultimately Rossmo reported to McGuinness?

10 A Yes.

11 Q At this point in time you know that Constable
12 Dickson had been talking to Staff Sergeant Douglas
13 MacKay-Dunn?

14 A Right.

15 Q And Staff Sergeant MacKay-Dunn, a very
16 experienced, well-respected police officer?

17 A Very experienced police officer, yes.

18 Q And he had been in the police force many years?
19 He's no longer in the force, he's retired?

20 A Correct. He's a councillor, last I heard, in
21 North Vancouver.

22 Q And help us understand this, but is it the case
23 that Dickson is concerned about women who have
24 gone missing and he's worried that there may be
25 some foul play, and he talks to MacKay-Dunn, who

1 would be his boss, as it were?

2 A That was my understanding, is that he in the
3 course of doing his work in 1997 had come up with
4 his own list of women that he was not able to
5 find, and so -- and he's hearing from the
6 community, he's very connected to the community in
7 the Downtown Eastside, and so he raised that as an
8 issue with his staff sergeant, Doug MacKay-Dunn,
9 and that was the catalyst for Doug MacKay-Dunn to
10 go to Detective Inspector Rossmo and say, "Look,
11 you know, there seems to be a problem here. Can
12 you help us? Can you do some work? Can you have
13 a look at this and give us your advice?"

14 Q Well, the problem was a concern over a serial
15 murderer preying upon women in the Downtown
16 Eastside?

17 A Well, I think that you're taking that out of
18 context if you say that, is that the blueprint
19 specifically sets out, by Detective Inspector
20 Rossmo, that's what we want to determine, if that
21 is happening, not that it was, in fact, happening.

22 Q No, no, I understand, but that's what the concern
23 was?

24 A Well, the concern was about women going missing
25 from the Downtown Eastside and that that was one

1 possibility that had been raised, is is there a
2 serial killer preying on women from the Downtown
3 Eastside, so the whole point of bringing together
4 this multi-disciplinary team that Inspector Greer
5 and Detective Inspector Rossmo envisioned was to
6 do some proper analysis and determine if that was
7 the case.

8 Q Tell us about Dr. Rossmo and your knowledge of
9 him.

10 A I know him fairly well. He's brilliant. He had a
11 lot of operational experience at the constable
12 level. He completed his M.A. and his Ph.D. while
13 he was working as a police officer, the first
14 police officer in Canada, I believe, to earn his
15 Ph.D. in Criminology. He did his master's thesis
16 on essentially migratory patterns of wanted
17 criminals and then his Ph.D. thesis on this new
18 system that he developed called geographic
19 profiling. His Ph.D. thesis became a textbook.
20 So I know a fair amount about him. I've spoken to
21 him many, many times.

22 Q And in a brief way, because we do plan to hear
23 from Dr. Rossmo, tell us what you mean by
24 geographic profiling. Just give us a brief idea
25 of what you take that to mean.

1 A Geographic profiling, it came out of research
2 around what we call environmental criminology that
3 looks at spatial analysis of crime, and
4 essentially my understanding is, is what Kim did
5 is he reverse engineered some research that was
6 already out there to develop a system in which he
7 could plot crime sites, which might be where the
8 crime occurred or other important points, like a
9 dump site of a body and so on, and there was a lot
10 of research behind it to show that criminals like
11 to operate in a comfort zone and they don't like
12 to commit crimes immediately -- serial predators
13 don't like to commit crimes immediately in their
14 own backyard, but they do have a zone of comfort.
15 And so what he determined in very simple forms,
16 because this is very complicated, is that given
17 enough crime sites plotted on a map and based on
18 what's known about criminal behaviour that he
19 could make a determination about where the
20 offender was likely to be associated, whether that
21 was home or work, and the more sites there were,
22 the more -- the stronger was his power to predict
23 where the criminal was likely to live. So I
24 learned about this before Kim had even finished
25 his Ph.D. I actually sat down with Kim to learn

1 as much as I could about it in 1996, and I
2 actually presented on it when I was on the major
3 case management program at the Canadian Police
4 College in Ottawa in 1996. So I learned as much
5 as I could about it because it was really
6 interesting.

7 Q So he had a very specialized knowledge that was
8 quite unique in the country?

9 A He not only had a specialized knowledge around
10 geographic profiling, but he also -- because in
11 the course of his research he had learned an
12 incredible amount about serial predatory
13 criminals, like serial rapists, arsonists, and
14 murderers, that he had quite unique knowledge
15 about those types of crimes both from his academic
16 research and then later on from being a consultant
17 at the time of these events. For example, I
18 believe that he had been involved in some way in
19 20 serial killer investigations.

20 Q So in terms of assets to go to for help, he --
21 could you think of someone who might be as
22 qualified or more qualified than Dr. Rossmo at the
23 point in time 1998 when we're talking about this
24 investigation?

25 A Well, we've always and did then have some very

1 knowledgeable, experienced people who would bring
2 great skills and experiences with them, but in
3 terms of knowledge of serial killers, I doubt that
4 there was anybody that had his level of knowledge
5 and experience and exposure to the issues both
6 from a practical and academic perspective.

7 Q So the objective at page 2 of his strategic
8 blueprint:

9 Objective: To determine if a serial
10 murderer(s) is preying upon females in
11 Vancouver's Downtown Eastside, and, if so,
12 what murders and disappearances are linked
13 together.

14 Correct?

15 A Yes, that was his objective.

16 Q And you'll notice that his strategic blueprint --
17 look at item 1 D?

18 A Sorry, B?

19 Q D. Dog.

20 A D.

21 Q

22 Reassess and then eliminate cases with strong
23 suspects.

24 Do you see that?

25 A Yes.

1 Q And if you just look at the investigation itself
2 starting on page 2, Roman numeral III --

3 A Yes.

4 Q -- and if you go to the very last page of that,
5 you see the part G, "Safety and crime prevention
6 initiatives"?

7 A Yes.

8 Q That follows from what you and I were discussing
9 this morning about part of the role of policing is
10 to deal with the safety and protection for the
11 members of your community?

12 A Yes.

13 Q Thank you. Now, this was work that Dr. Rossmo was
14 involved in at the behest of Staff Sergeant
15 MacKay-Dunn?

16 A That's my understanding, yes.

17 Q And you know from your review of the case that
18 Inspector Gary Greer became involved in this
19 working group?

20 A Right, because Inspector Greer was Staff Sergeant
21 MacKay-Dunn's boss and the inspector in charge of
22 District 2, which includes the Downtown Eastside.

23 Q So the working group starts in the summer, August,
24 September '98?

25 A September.

1 Q Thank you. And the four people then are
2 MacKay-Dunn, Rossmo, Dickson, and Greer?

3 A There may have been others, but certainly those
4 people were involved. The three that I knew to be
5 involved were Greer, Rossmo, and MacKay-Dunn, and
6 then for their second meeting it was much broader
7 than that, but when it started it was to be
8 co-chaired by Detective Inspector Rossmo and by
9 Inspector Greer.

10 Q Okay. So let's turn to tab 7. We're now
11 September 1, '98. Do you see this?

12 A Yes.

13 Q And this is from McGuinness, who's just below the
14 chief?

15 A Yes.

16 Q And it's to Terry Blythe, who would be his
17 equivalent in hierarchy?

18 A Yes.

19 Q And copying Greer, who was inspector. Greer ran
20 the District 2?

21 A That's correct.

22 Q And Rossmo, we've covered him. And Biddlecombe,
23 he would be equal in rank to Greer?

24 A Correct.

25 Q But he was in a different division?

1 A Different division, that's correct.

2 Q So they're just talking about this problem
3 Downtown Eastside missing persons, correct?

4 A Yes.

5 Q Look at the third -- the fourth paragraph.
6 Det/Constable Shenher will be an excellent
7 resource to the Task Force jointly chaired by
8 Inspector Greer and Det/Inspector Rossmo. It
9 is hoped that together we can bring some
10 direction to this issue and develop a
11 strategic plan to investigate it to a
12 successful conclusion.

13 Do you see that?

14 A Yes. He misspoke using the words "task force",
15 because that's not what it was, but yes.

16 Q All right. So that's September 1, right?

17 A Yes.

18 Q And then I want to come to what appears to be the
19 dissolution of that working group. You know about
20 that?

21 A Yes, I do.

22 Q And so there's a memo dated September 23rd. This
23 is tab 9. Turn to that, please.

24 A Yes.

25 Q So this is to the working group. That's the four

1 people that we've just covered?

2 A Yes.

3 Q Rossmo says:

4 Enclosed please find a revised copy of the
5 strategic blueprint...

6 Now, remember he used the word "strategic
7 blueprint" in the earlier memo.

8 A Yes.

9 Q Now, what I wanted to understand then is at page 2
10 the investigation under Roman numeral III.

11 A Yes.

12 Q A:

13 Downtown Eastside Missing Persons Working
14 Group dissolved and information passed on to
15 appropriate investigative bodies.

16 In point of fact, that working group was not --
17 did not continue after the month of September of
18 1998?

19 A Yes, that's true.

20 Q Why is that?

21 A Well, as I describe in some detail in my report,
22 my understanding was that Inspector Biddlecombe
23 did not feel that this was the right way to go,
24 that he thought the information needed to be
25 controlled very carefully in the Major Crime

1 Section, that it was an investigative matter and
2 that the work that was described in that strategic
3 blueprint ought to be subsumed in the work of
4 Detective Shenher in the Missing Persons Unit and
5 then subsequently in the Missing Women Review
6 Team. So there was a disagreement at the table, I
7 think is the most generous way I can put it, and
8 at the end of that disagreement Inspector Greer
9 acquiesced that this ought to be run out of the
10 Major Crime Section, and that group dissolved, and
11 the responsibilities went to the Major Crime
12 Section.

13 Q Let's look at the draft news release at tab 10.
14 Have you seen this before?

15 A Yes.

16 Q Very brief. Do you want to just read it to us,
17 please, for the record.

18 A The date is 98.09.30.

19 Formation of Downtown Eastside Missing
20 Persons Working Group

21 Over the last few years there has been a
22 disturbing number of sex trade workers from
23 Vancouver's Downtown Eastside who have been
24 found murdered or reporting missing.

25 Community concerns and our own preliminary

1 analysis has led to the Vancouver Police
2 Department forming the Downtown Eastside
3 Missing Persons Working Group. The objective
4 of this Group is to determine if a serial
5 murderer is preying upon people in the
6 Downtown Eastside and, if so, what murders
7 and disappearances are linked together.
8 A three-part strategic blueprint for the
9 Group has been developed that involves first
10 compiling a comprehensive list of possible
11 victims, then linking cases together, and
12 finally making investigative recommendations.
13 Reports from as far back as 1970 will be
14 examined in this effort. The Working Group
15 will be chaired by Inspector Gary Greer,
16 District 2, and Detective Inspector Kim
17 Rossmo, Geographic Profiling Section. We
18 will also be seeking involvement from the
19 RCMP as many of the cases appear to be inter-
20 jurisdictional in nature.

21 Q This was a draft and never sent out?

22 A Correct.

23 Q Look -- turn to the next tab, 11, please. This is
24 from Biddlecombe to Greer. Do you see that?

25 A Yes.

1 Q Read the first paragraph, please.

2 A

3 I recently had the opportunity to review the
4 strategic plan for this committee along with
5 your proposed news release scheduled for
6 1998-09-30. As I have already related to
7 you, I found the draft news release
8 unacceptable from my standpoint. I found it
9 to be inaccurate and quite inflammatory.

10 Q Deputy, you've read that two-paragraph news
11 release. Did you find something in there that
12 was, to use Biddlecombe's words, quite
13 inflammatory?

14 A I think that reasonable people looking at all the
15 facts could disagree on whether it was too early
16 to do that, and I know that there were
17 investigators like Lori Shenher that thought that
18 it was premature until they'd done more
19 investigation, but, no, I didn't find it
20 inflammatory. And as Dr. Rossmo pointed out, the
21 community already believed that there was a
22 problem going on, so it wasn't going to shock
23 them.

24 Q Did you find it inaccurate?

25 A No, I didn't find it inaccurate.

1 Q So help us understand what's going on. You've got
2 two inspectors of equal rank, correct, Greer and
3 Biddlecombe?

4 A Yes.

5 Q They're in separate operational divisions?

6 A Yes.

7 Q One has got the benefit of someone with all the
8 criminology background, and they've sat down with
9 Staff Sergeant MacKay-Dunn, an experienced police
10 officer, and they thought we should go ahead with
11 this release, right?

12 A Yes.

13 Q You've got Biddlecombe --

14 A Detective Inspector Rossmo and Inspector
15 Biddlecombe are both in the same division.

16 Q And you've got -- over here you've got Biddlecombe
17 saying it's inflammatory and inaccurate, and I've
18 asked you about that, so can you help us
19 understand what's going on that would make what
20 appears to be a draft release that you don't see
21 as inaccurate or inflammatory be scuppered? Can
22 you help us understand what's going on in the
23 Vancouver Police Department?

24 A Well, I can tell you what -- the conclusions that
25 I drew from interviewing all the parties involved,

1 is that, first of all, Inspector Biddlecombe I
2 think took some of the information, misperceived
3 it to be an attack on the work that had been
4 previously done in Major Crimes on murders of sex
5 trade workers, which he rightly pointed out that
6 there had been extensive work done on murders of
7 sex trade workers, and, in fact, they had seen a
8 fair degree of success, as Dr. Lowman, I think I
9 heard him give evidence that the rate at that time
10 for solving murders of sex trade workers in Canada
11 was about 46 per cent and in Vancouver during that
12 same period it was about 80 per cent. So I think
13 that he felt defensive about that, and he was also
14 someone that was very concerned from an
15 investigative point of view about maintaining
16 control over investigative information and not
17 having it widely available to people that did not
18 understand the importance or just because of the
19 numbers involved it might result in information
20 leaking that could compromise an investigation.
21 In fact, he specifically raised a concern that
22 someone associated to this group he believed had
23 leaked information in the past, and so he was very
24 concerned about that. So his -- his bottom line
25 was that he thought that this investigation should

1 be controlled by Major Crimes, that he had
2 assigned an extra person to do that, that she
3 should do her work and that they needed to go
4 farther along. And this is all in the context of
5 Inspector Biddlecombe at that time sincerely did
6 not believe that there was foul play going on.
7 His theory was that there were reports that were
8 being made, but that if we compared it to previous
9 time periods that there would be -- if we gave a
10 sufficient lag time that these are women that
11 would appear again because he believed, wrongly,
12 that these women were transient and they might not
13 appear for quite a while but they eventually would
14 appear. So his beliefs at the time, based on my
15 review and based directly on what he told me, is
16 that he thought that they needed to do some
17 investigation to try to see if there was anything
18 to it, but he did not believe there was anything
19 to it at the time. He was aware of the previous
20 list from 1997 that Constable Dickson had dealt
21 with, and he thought this was just going to be
22 another list without credibility. Now, of course,
23 he turned out to be wrong about that, but even
24 Detective Inspector Rossmo commented that his
25 theory about the lag time between when they went

1 missing and when they would be found, it actually
2 made some sense, that there was some elegance to
3 that theory and it required further analysis, and
4 Detective Inspector Rossmo did do that analysis
5 and determined that, in fact, that he was
6 incorrect, that when he used data from 800 plus
7 missings from across Canada that what he found was
8 that within two weeks 90 per cent of them had been
9 found and within 22 weeks 98 or 99 per cent of
10 them had been found, and so that eventually led to
11 him writing his report of May 25th. So -- but at
12 the time, in September of 1998, it was clear to me
13 that Inspector Biddlecombe, number one, believed
14 he needed to control the investigation, and,
15 number two, he didn't believe in the theory that
16 there was a serial killer. So in terms of why did
17 this end up the way it did, I think that Inspector
18 Greer acquiesced to Inspector Biddlecombe's view
19 of how things ought to have happened.

20 Q So -- I'm sorry, have you finished?

21 A Yes.

22 Q They both had equal rank?

23 A Yes.

24 Q Rossmo was working with Greer and not with
25 Biddlecombe?

1 A Yes. Well, I wouldn't say that, is that Inspector
2 Rossmo was part of the same division as
3 Biddlecombe, and they did interact, and Inspector
4 Biddlecombe had consulted him on a number of
5 cases. So I wouldn't want to say that they were
6 not working together, but that wasn't -- it's true
7 that this project was something initiated by Greer
8 and Rossmo and that Biddlecombe wasn't involved in
9 the creation of it, which in retrospect maybe was
10 part of the problem, was not involving him in
11 building the bus rather than inviting him to jump
12 on board later on.

13 Q Is there an element of control of what's going on
14 involved in the decision making to not send out
15 the draft release?

16 A Well, again, Inspector Biddlecombe did not believe
17 that it was appropriate and that there should be
18 more work done. He also believed that it was
19 inflammatory, and that's his view. So that was
20 the view that prevailed. And like I say, I think
21 that reasonable people could argue on both sides
22 of the issue that it may have been premature. I
23 don't think that there would have been any harm in
24 putting it out because it's what the community
25 already believed, and, in fact, it was known that

1 there clearly had been a serial killer during that
2 same rough time because in 1995 the bodies of
3 Tammy Lee Pipe, Victoria Yonkers, and Tracy
4 Olajide had been found out in the Agassiz/Mission
5 area. They were sex trade workers associated to
6 the Downtown Eastside, and they were believed to
7 have been killed by the same person. So it wasn't
8 shocking to believe that there was a serial killer
9 at work during that general time in the mid-'90s.

10 Q So let's just focus. Rossmo with all of his
11 knowledge wants to consider a serial killer and do
12 a press release to warn the community.
13 Biddlecombe is insistent there's no serial killer,
14 we're not going to warn the community.

15 A Well, I don't think it's fair to say he's
16 insistent there was no serial killer because he
17 was one that very early on said we're not going to
18 discount that as a possibility but that there's no
19 evidence of that.

20 Q Thank you. Now, was personality a factor in
21 Biddlecombe not accepting Rossmo's plan?

22 A It seemed that there was some friction between
23 Rossmo and Biddlecombe that Biddlecombe told me he
24 did not believe. He thought that there was a good
25 relationship, good professional relationship.

1 Detective Inspector Rossmo did believe that there
2 was friction. I -- my conclusion was it was
3 something in the middle of that.

4 Q Have you heard someone in the force describe it as
5 a toxic relationship as between Biddlecombe and
6 Rossmo?

7 A I don't know if I've heard those words.

8 Q Have you seen Staff Sergeant MacKay-Dunn's
9 interview?

10 A With?

11 Q Ms. Evans.

12 A I had believed that I had read every interview
13 that Deputy Chief Evans has done, but that was a
14 lot of interviews in a short time that I read, and
15 I don't recall whether I read one with Doug
16 MacKay-Dunn. It wouldn't surprise me that people
17 would describe it that way because I believe
18 that's how Detective Inspector Rossmo viewed the
19 relationship. I'm just saying that Inspector
20 Biddlecombe did not have the same view of his
21 relationship with Detective Inspector Rossmo.

22 Q Do you think the personality issues impeded the
23 decision-making process in respect of the missing
24 women investigation in the Downtown Eastside?

25 A Nothing occurs in a vacuum, and so everything in

1 the environment has some influence, and no doubt
2 because we're talking about human beings that
3 those factors such as personality had some
4 influence.

5 Q Did you specifically in your interview with Dr.
6 Rossmo and Mr. Biddlecombe specifically drill down
7 on that point?

8 A I did.

9 Q So to conclude on this news release, you see no
10 harm in releasing that given the circumstances
11 that existed at the time?

12 A Based on my interview of Detective Inspector
13 Rossmo I think that the reasons he gave for doing
14 it were compelling. That doesn't mean that there
15 aren't arguments opposite that aren't also
16 compelling, but I found his arguments compelling
17 and that it was more a matter of -- there was more
18 to be gained than there was to be lost. But, of
19 course, it was predicated on the work that he
20 described in the blueprint carrying on as he
21 described, otherwise there's no point raising
22 the -- raising expectations in the community that
23 work was going to be done if it wasn't going to be
24 done in the way that it was being described.

25 Q So to conclude on the point, what possible harm

1 could have come to the women, the vulnerable women
2 of the Downtown Eastside if the police had warned
3 them of the possibility of a serial killer?

4 A Well, I would not characterize it in the way that
5 you have. I would say that it would not have
6 created a greater risk for the women of the
7 Downtown Eastside, but the way that you have
8 framed your question is that it did create greater
9 risk by not doing it, and I don't agree with that.

10 Q Well, what protection mechanism was in place then
11 if the draft release did not go out to warn these
12 women who were, by all accounts, vulnerable?

13 A Well, I think there's a legitimate question about
14 whether there's more that could have been done to
15 provide safety for women in the Downtown Eastside,
16 but at that point I think that we should be clear
17 is that there was not an acceptance of the serial
18 killer theory in September of 1998, so it wasn't
19 believed that there was this risk, but in terms of
20 if there -- if there was a risk and about warning,
21 that's something that I've written about in my
22 report. People with far more expertise than I
23 have said, "Look, the women were already aware of
24 it. They believed it. But they're so deeply
25 entrenched in their addictions that it just simply

1 doesn't matter. They're driven by their
2 addictions." And when there was rampant publicity
3 about this, there were still women going missing
4 from the Downtown Eastside who turned out to be
5 victims of Pickton despite, as Judy McGuire, who
6 worked in the Downtown Eastside Youth Association
7 at the time, very involved in the Downtown
8 Eastside, "Look, the whole profile of the
9 investigation was a warning. We knew that -- we
10 believed that this was going on." So while I
11 might have thought it was misguided not to put the
12 press release out there, I don't think that it
13 would have changed behaviour.

14 Q When Biddlecombe took control or, as you said,
15 Greer acquiesced --

16 A Well, maybe that's unfair to Greer. Greer agreed
17 with the view put forward by Biddlecombe that this
18 should be run out of the Major Crime Section, so
19 maybe it's more fair to say that he agreed.

20 Q That's fine. Given that Biddlecombe asserts
21 control, did that mean that that would essentially
22 be the end of Dr. Rossmo's involvement at that
23 time with his strategic blueprint that we read
24 earlier?

25 A Well, you're partly right, is that it was the end

1 of his involvement in terms of the strategic
2 blueprint, but it wasn't his end -- the end of his
3 involvement in the case.

4 Q No, I know. He came back in --

5 A To do more work.

6 Q He came in '99. We know that. But that ended his
7 involvement at that time with his pursuit of his
8 objective and research?

9 A Yes.

10 THE COMMISSIONER: I think we'll stop there.

11 MR. VERTLIEB: Thank you.

12 THE COMMISSIONER: Thank you.

13 THE REGISTRAR: The hearing is now adjourned for the day and
14 will resume at ten o'clock tomorrow morning.

15 (PROCEEDINGS ADJOURNED AT 4:05 P.M.)

16
17 I hereby certify the foregoing to
18 be a true and accurate transcript
19 of the proceedings transcribed to
20 the best of my skill and ability.

21
22 Leanna Smith
23 Official Reporter
24 UNITED REPORTING SERVICE LTD.

25

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