

1 **Vancouver, B.C.**

2 **October 11, 2011**

3 **(PROCEEDINGS CONVENED AT 10:00 A.M.)**

4 THE REGISTRAR: Order. Missing Women Commission is now open.
5 Commissioner Oppal is presiding.

6 THE COMMISSIONER: Yes. Mr. Vertlieb.

7 MR. VERTLIEB: Yes, Mr. Commissioner. Good morning.

8 THE COMMISSIONER: Good morning.

9 MR. VERTLIEB: I understand Ms. Gervais is going to assist, and
10 we're grateful for the cooperation, and, Ms.
11 Gervais, I'll turn it over to you, please.

12 MS. GERVAIS: Good morning, everyone. I would just like to
13 introduce Eugene Harry, who is a Squamish from the
14 elder -- pardon me, an elder from the Squamish
15 First Nation and will be providing a traditional
16 opening ceremony this morning.

17 **(TRADITIONAL OPENING CEREMONY)**

18 THE COMMISSIONER: On behalf of the commission of inquiry and
19 our staff I want to thank Elder Harry for coming
20 forward and giving us the blessing and the
21 prayers. We're grateful for his presence. I
22 thank him profusely.

23 Good morning. Welcome, everyone, to the
24 traditional territory of the Coast Salish Nation.
25 I am the sole commissioner appointed by the B.C.

1 government under the *B.C. Public Inquiry Act*.
2 With me today are commission counsel Art Vertlieb,
3 QC, and associate commission counsel Karey Brooks
4 and Salima Samnani.

5 In response to public concern over the
6 terrible tragedy of the many women who went
7 missing and were murdered in the Downtown Eastside
8 of Vancouver the provincial government has
9 appointed me to inquire into the police
10 investigation and a specific prosecutorial
11 decision to stay proceedings against Robert
12 Pickton in 1998 and to make policy recommendations
13 to help shape a system that contains sufficient
14 safeguards to prevent such tragedies from ever
15 taking place again.

16 This commission could not be established
17 until criminal legal proceedings against Mr.
18 Pickton, including his last appeal to the Supreme
19 Court of Canada, came to an end in August of 2010.
20 Today the public hearings portion of the
21 commission's work begins. Today our quest for
22 truth for families of the victims who continue to
23 suffer and for the broader community that
24 continues to have questions about these events
25 begins.

1 From the very outset I want to stress that
2 the missing and murdered women are at the heart of
3 this inquiry, so I think it is proper to begin the
4 evidentiary hearings by recognizing these women
5 and observing a minute of silence in their memory.

6 Thank you. The missing and murdered women
7 have been lovingly described by their family and
8 friends. I am going to share some of those
9 descriptions with you. Because of the huge number
10 of missing and murdered women I cannot describe
11 them all, but I want to offer a composite portrait
12 of the women as they are remembered by their loved
13 ones.

14 "She was a bubbly and kindhearted woman."

15 "She loved animals, had a generous spirit and
16 sense of fairness; she was loving and
17 easygoing."

18 "She had the most beautiful smile."

19 "She was a gentle soul with a nice presence."

20 "She was a devoted and loving mother who
21 worked with developmentally delayed adults."

22 "She was happy-go-lucky and cared deeply for
23 her family."

24 "She was beautiful, outgoing, sensitive and
25 artistic."

1 "She was a generous, loving, caring
2 individual with a kind heart and a robust
3 laugh that made others want to laugh with
4 her."

5 "She was a dreamer who believed in unicorns."

6 "She was a wonderful musician."

7 "She was a nice girl with a crazy sense of
8 humour."

9 "She was beautiful, a good daughter, and a
10 good sister. She loved life."

11 Each of the women was a valued member of her
12 community. Each had dreams, each had hopes, loves
13 and fears. Each woman was loved, and now each
14 woman is missed. The women were daughters,
15 sisters, granddaughters, aunts, nieces, and
16 friends. Many were mothers. Their deaths and
17 disappearances have caused immeasurable grief.
18 That grief continues to this day. Their family
19 and friends continue to mourn and search for peace
20 and closure. Individually the loss of each woman
21 is heartbreaking. Taken together the murder and
22 disappearance of so many women is horrific. It is
23 incomprehensible because of the immensity of the
24 tragedy, and it is appalling because of the
25 vulnerability of the victims.

1 The missing and murdered women appear to have
2 been marginalized. They were women. Many of them
3 were aboriginal. Many were involved in the
4 survival sex trade, were drug addicted, and were
5 impoverished. They were the most vulnerable to
6 violence, including sexual violence, and to
7 murder.

8 We must ask ourselves, is this acceptable?
9 Is it acceptable that we allowed our most
10 vulnerable to disappear, to be murdered? The
11 question is upsetting. It challenges our
12 fundamental values. We say that each one of us is
13 equal, each one of us is worthy of the same
14 protection from violence, but is it true? We must
15 examine whether that is actually the case. Did
16 these women receive the same protection of the
17 police and the law as each one of them would
18 expect, and if not, how can we ensure that this
19 does not continue to happen. These are questions
20 of the utmost public importance and ones that we
21 seek answers to through evidence that will be
22 tendered in these hearings.

23 The tragedy of missing and murdered women is
24 not new, nor is it confined to British Columbia.
25 This is a crisis the whole country and many parts

1 of the world face. In Vancouver the crisis peaked
2 from the late 1990s until 2002. An increased
3 number of women disappeared from the Downtown
4 Eastside. Individuals and community groups,
5 particularly families of the victims, First
6 Nations organizations, organizations serving the
7 Downtown Eastside community, and women's groups
8 sought to bring public attention to the unfolding
9 tragedy.

10 The extent of the tragedy was perhaps not
11 fully realized until Robert William Pickton was
12 arrested and eventually charged with the first
13 degree murder of 27 women. Convicted of six
14 counts of second degree murder, there was evidence
15 at trial that he may have murdered as many as 49
16 women.

17 During the missing women investigations and
18 the Pickton trial the police came under scrutiny.
19 The missing women investigations and the Pickton
20 investigation were criticized. The B.C.
21 government responded to the public outcry by
22 establishing the Missing Women Commission of
23 Inquiry.

24 I want to point out to you the distinction
25 between a hearing commission and a study

1 commission. The terms of reference give the
2 commission two distinct but related mandates: to
3 inquire into and make findings of fact, and to
4 recommend changes. These distinct mandates, one
5 factual and one policy, could only be achieved
6 through both a hearing and a study commission.

7 The *Public Inquiry Act* distinguishes between
8 hearing and study commissions. The power of a
9 hearing commission, as set out in subsections 1
10 and 2 of section 21 of the act, include holding
11 hearings, receiving submissions and evidence under
12 oath or affirmation, and making findings of
13 misconduct. The purpose of the evidentiary
14 hearings is to provide a higher level of
15 procedural fairness to participants; therefore,
16 while this is not a court of law, the process
17 looks very much like a trial.

18 On the basis of oral and documentary evidence
19 tendered during the evidentiary hearings I will
20 make findings of fact about the missing women
21 investigations between 1997 and 2002 and the stay
22 of proceedings issued against Robert Pickton in
23 1998. I may also make findings of misconduct
24 against a person or make a report that alleges
25 misconduct by a person. My findings of fact or

1 findings of misconduct cannot be taken as findings
2 of criminal or civil liability.

3 Information from the hearings will also be
4 used to assist me to formulate public policy
5 recommendations under the broader advisory aspects
6 of the mandate. The study commission process is
7 quite different from the evidentiary hearings.
8 The study commission is more informal and more
9 flexible.

10 Subsections 1 and 2 of section 20 of the
11 *Public Inquiry Act* set out the powers of a study
12 commission, which include the power to conduct
13 research, including interviews and surveys,
14 consult with participants and the public
15 generally. The study commission process will not
16 be used for fact finding; instead, the information
17 gathered in the study process will be used to help
18 us understand ongoing challenges in police
19 investigations of vulnerable women, which will be
20 critical to my recommendations respecting the
21 initiation and conduct of investigations in
22 British Columbia of missing women and suspected
23 multiple homicides and respecting homicide
24 investigations by more than one investigating
25 agency or organization.

1 This policy advisory aspect of my mandate is
2 critically important given the ongoing phenomenon
3 of young women who are going missing along Highway
4 16 in Northern British Columbia along what we
5 refer to and the victims' families have termed the
6 Highway of Tears.

7 The study commission process will include
8 public consultations like the northern community
9 forums we held in seven communities in Northern
10 B.C. in September. Consultations will also be
11 held in the Downtown Eastside of Vancouver. I
12 have invited written submissions from interested
13 members of the public. Research studies have been
14 initiated, and later on in the process I
15 anticipate holding policy round tables on issues
16 within my mandate.

17 I have learned a great deal from the northern
18 community forums, and I am grateful to the more
19 than 290 people who participated and the 80
20 individuals who made submissions during our tour
21 of the north. I was overwhelmed by the response
22 of the communities in the north, by the high level
23 of participation, by the open sharing of the
24 terrible pain and loss experienced by family
25 members and the broader communities, by the

1 forthrightness of the expressions of concern, of
2 the expressions of grief, and by the determination
3 voiced in the call for effective reform.

4 Of course the submissions made at the northern
5 community forums will not form a part of the
6 findings of fact, although they will be invaluable
7 in assisting me to formulate policy
8 recommendations that take into account the
9 situation in the province as a whole.

10 Evidentiary hearings cannot be held in the cases
11 of missing and murdered women along the Highway of
12 Tears because there are ongoing police
13 investigations in that area.

14 I want to emphasize the importance of
15 fairness in the evidentiary hearings. We will
16 hear much evidence from the families, from
17 community witnesses, as well as from the police.
18 It is important to keep in mind that while many
19 allegations have been made regarding police
20 investigations, we are here, I am here to hear all
21 the parties and all the evidence. It is,
22 therefore, important not to reach any premature
23 conclusions and to keep an open mind, for a
24 fundamental purpose of the inquiry is to make
25 findings of fact and recommendations that flow

1 from those findings of fact.

2 Before we begin the evidentiary hearings I
3 want to emphasize the importance of this work.
4 This commission is about the safety and scrutiny
5 of women, particularly vulnerable women. Few
6 rights are more fundamental than the basic right
7 to be safe from violence and murder, and yet in
8 British Columbia, across the country, and around
9 the world women continue to go missing and be
10 murdered in high numbers. This is a global
11 problem, one that disproportionately affects
12 marginalized women. How we examine it and how we
13 address it will speak volumes about the value we
14 place on the equality and human rights of the most
15 vulnerable and marginalized members of our
16 community. As is often said, the greatness of a
17 society can best be measured by how it treats its
18 weakest members.

19 As the first commission of inquiry in Canada
20 to examine the tragedy of missing and murdered
21 women, we have a tremendous opportunity. We can
22 lead the way, show the rest of the country and the
23 world that women's safety and equal access to
24 protection of the police and the law is paramount
25 in a just society. The opportunity presents

1 itself not only to demonstrate our commitment to
2 equality and safety of women, but to shed light on
3 the particular and disproportionate level of
4 violence faced by aboriginal women in Canada. In
5 conducting the inquiry this commission can help
6 voice our commitment to protecting aboriginal
7 women from harm and ensuring their equal
8 protection. This commission can further
9 demonstrate our commitment to protect all
10 vulnerable and marginalized women and our belief
11 that we are all equal, all valued, and all
12 deserving of protection.

13 This commitment will be furthered by our
14 careful examination of the missing women
15 investigations. We can discover if there were
16 impediments to the missing women investigations
17 and the reasons for the stay of proceedings
18 against Pickton in 1998. Armed with this
19 knowledge we can work together to find ways to
20 improve future police investigations of missing
21 and murdered women and to do what we can to ensure
22 that this tragedy does not continue to occur.

23 It is also my hope that in discharging its
24 mandate this commission will educate the public.
25 This process can serve as a valuable tool in

1 providing the public with information about the
2 facts of the missing women investigations and the
3 stay of proceedings and also about the violence
4 faced by vulnerable women and the tragedies they
5 have endured. As a result, the public's
6 perception of these vulnerable women and how we
7 value them as a society may evolve.

8 A commission of inquiry can also serve as an
9 important reconciliation function. The missing
10 and murdered women's family, friends, and
11 community, including First Nations communities and
12 the community in the Downtown Eastside, have
13 suffered untold grief. Many are resentful, many
14 are angry. They believe that the police and
15 larger community did not care for these women and
16 their tragic deaths. I hope that the commission's
17 work promotes closure and healing and that the
18 whole of the evidence will ensure that all
19 citizens of British Columbia can move toward a
20 safer future together.

21 I want to emphasize again that the issue of
22 missing and murdered women is pervasive across our
23 nation. It is not unique to British Columbia. At
24 the same time, this is a first inquiry of its kind
25 that will seek answers to help the police, to help

1 the public, to help we as a society to address
2 this ubiquitous tragedy.

3 This incredibly important work can only be
4 done with participation of those individuals and
5 organizations that are knowledgeable about the
6 missing women investigations. This inquiry
7 represents an important opportunity to make
8 changes in how investigations are conducted, but
9 no change can be made without effective
10 participation, without effective input from all
11 members of the community; therefore, I am most
12 grateful for your participation. I also encourage
13 interested individuals or organizations to
14 participate fully in our study commission
15 activities. Again I point out that if we are
16 going to have effective reform, effective change,
17 we need to participate in this inquiry.

18 In closing, I would like to complete the
19 circle back to my starting point: the missing
20 women themselves. In her diary Sarah de Vries
21 asked:

22 Will they remember me when I'm gone or would
23 their lives just carry on?

24 I hope we can show that we will remember and we
25 cannot just carry on. Thank you.

1 Now I'll ask Mr. Vertlieb, commission
2 counsel, to open the proceedings.

3 MR. VERTLIEB: Thank you, Mr. Commissioner. I think this is
4 the appropriate time, Mr. Commissioner, for
5 introductions of counsel and participants, so let
6 me just say that with me is Karey Brooks and
7 Salima Samnani and also Jessica McKeachie, our
8 research counsel, and John Boddie, our executive
9 director.

10 THE COMMISSIONER: Yes. Counsel.

11 MR. WARD: Mr. Commissioner, Cameron Ward. I'm sorry. Mr.
12 Commissioner, Cameron Ward. I represent the
13 families of 18 of the missing and murdered women,
14 and with me is Neil --

15 THE COMMISSIONER: I think -- excuse me for interrupting -- I
16 think you are going to have to speak up so all
17 members of the audience can hear you.

18 MR. WARD: Thank you. Once again, I'm Cameron Ward. I'm
19 counsel for the families of 18 of the missing and
20 murdered women, and with me is Mr. Chantler.

21 THE COMMISSIONER: Thank you.

22 MR. NATHANSON: Mr. Commissioner, Irwin Nathanson for Marion
23 Bryce.

24 THE COMMISSIONER: Thank you, Mr. Nathanson.

25 MR. GRATL: Mr. Commission, Jason Gratl, independent counsel

1 for affected individuals and organizations within
2 the Downtown Eastside, and with me is Seth Cooper,
3 who will soon be my articulated student and is
4 expected to be with me for the duration of the
5 proceedings.

6 THE COMMISSIONER: Thank you, Mr. Gratl.

7 MS. GERVAIS: My name is Robyn Gervais, and I am independent
8 counsel for -- representing the aboriginal
9 interests and organizations.

10 THE COMMISSIONER: Thank you, Ms. Gervais.

11 MR. HERN: Mr. Commissioner, my name is Sean Hern. I represent
12 the Vancouver Police Department and the Vancouver
13 Police Board, and with me is Mr. Tim Dickson.

14 THE COMMISSIONER: Thank you.

15 MS. TOBIAS: Mr. Commissioner, my name is Cheryl Tobias. I
16 appear for the Government of Canada. With me is
17 my colleague, Jan Brongers, and with your
18 permission a paralegal assistant from our office,
19 Sarah Armstrong.

20 THE COMMISSIONER: All right. Thank you.

21 MS. JUBA: Mr. Commissioner, my name is Angela Juba. I appear
22 on behalf of the Criminal Justice Branch, and I'll
23 be assisting Mr. Doust in this matter.

24 THE COMMISSIONER: Thank you.

25 MR. CROSSIN: Yes, sir. My name is David Crossin. With me is

1 Ms. Elizabeth France, and we will be representing
2 the Vancouver Police Union.

3 THE COMMISSIONER: Thank you, Mr. Crossin.

4 MR. ROBERTS: Mr. Commissioner, the name is Darrell Roberts,
5 and I am a special adviser/assistant to Robyn
6 Gervais on behalf of aboriginal interests, and
7 I've been asked to also introduce my colleague,
8 Bryan Baynham, who is also in the same capacity.

9 THE COMMISSIONER: I appreciate you appearing. Thank you.

10 MS. LIVINGSTON: My name's Ann Livingston. I am representing
11 VANDU here today as well as --

12 THE COMMISSIONER: Yes.

13 MS. BASIL: Commissioner, my name is Marlene Basil, Carrier
14 First Nation, representing VANDU and also a board
15 member.

16 THE COMMISSIONER: Thank you very much for appearing, and if
17 you need any assistance at any time, let me know.

18 MS. BASIL: Okay.

19 THE COMMISSIONER: Thank you.

20 MS. BASIL: Thank you.

21 THE COMMISSIONER: We haven't heard from Mr. Skwarok yet.

22 MR. VERTLIEB: And Ms. White.

23 MS. WHITE: **(TRADITIONAL LANGUAGE SPOKEN)**

24 Coast Salish, Kelly White, Nanaimo Nation. I will
25 be fasting ten days at the start of the

1 proceedings. I'm with CRAB - Water for Life
2 Society, Coast Salish women.

3 THE COMMISSIONER: Thank you.

4 MR. SKWAROK: Sir, my name is Skwarok, S-k-w-a-r-o-k, initials
5 M.L., appearing for Dr. Kim Rossmo.

6 THE COMMISSIONER: Thank you, Mr. Skwarok.

7 MS. HATCHER: Good morning, Mr. Commissioner. My name is
8 Claire Hatcher. I'm appearing for Constable Doug
9 Fell. My co-counsel, Mr. Kevin Woodall, is not
10 able to be here today.

11 THE COMMISSIONER: Thank you.

12 MS. HATCHER: Thank you.

13 MR. VERTLIEB: All right. Thank you.

14 THE COMMISSIONER: Mr. Vertlieb.

15 MR. VERTLIEB: Thank you, Mr. Commissioner.

16 Mr. Commissioner, missing women in British
17 Columbia has been a long-standing, complex and
18 tragic crisis. While there is inconsistent data
19 on the number of missing women from B.C., the
20 joint Missing Women Task Force has stated that
21 between 1978 and 2001 approximately 65 women have
22 gone missing from the Downtown Eastside of
23 Vancouver. Aboriginal women form a
24 disproportionately high percentage of that total.

25 Between February 22, 2002, and May 25, 2005,

1 Robert Pickton was charged with killing 27 of the
2 missing women from the Downtown Eastside. On
3 December 9, 2007, Pickton was convicted of second
4 degree murder in the deaths of six women. The
5 outstanding murder charges against Pickton for the
6 deaths of 20 other women were stayed, and one
7 charge was dropped. In total, DNA from 33 women,
8 32 identified and one unidentified, was found on
9 his farm.

10 While the missing women tragedy raises many
11 pressing and important social, political, and
12 economic issues, one important aspect of the
13 problem is whether the policing agencies need to
14 improve the way they investigate cases of missing
15 women. To this end, on September 27, 2010, the
16 Lieutenant Governor in Council issued an Order in
17 Council establishing this inquiry. The terms of
18 reference state as follows, and I want to read
19 them:

20 4(a) to conduct hearings, in or near the City
21 of Vancouver, to inquire into and make
22 findings of fact respecting the conduct of
23 the missing women investigations;

24 (b) consistent with the Attorney General v.
25 Davies, 2009, our Court of Appeal, to inquire

1 into and make findings of fact respecting the
2 decision of the Criminal Justice Branch on
3 January 27, 1998, to enter a stay of
4 proceedings on charges against Pickton of
5 attempted murder, assault with a weapon,
6 forcible confinement, and aggravated assault;
7 4(c) to recommend changes considered
8 necessary respecting the initiation and
9 conduct of investigations in British Columbia
10 of missing women and suspected multiple
11 homicides; and
12 4(d) to recommend changes considered
13 necessary respecting homicide investigations
14 in British Columbia by more than one
15 investigating organization, including the
16 coordination of those investigations.

17 The terms of reference make it clear that the
18 commission must look both backward and forward.
19 The commission's mandate is to understand what
20 happened in the course of the missing women
21 investigations and how mistakes, if any, can be
22 prevented in the future.

23 The commission has the powers, as you have
24 indicated, of a hearing commission and a study
25 commission. The hearing commission through the

1 commission's evidentiary hearings will focus on
2 terms of reference 4(a) and 4(b).

3 I note that there continues to be a
4 publication ban over the name and initials of, or
5 any information that would tend to identify, the
6 victim or her family of the attempted murder that
7 resulted in the stay of proceedings in 1998. In
8 the LePard report she is identified as Anderson,
9 and we will, therefore, refer to her as Ms.
10 Anderson.

11 Now I would like to discuss the context for
12 the subject matter of this inquiry. First I would
13 like to discuss core policing principles.

14 Mr. Commissioner, the terms of reference make
15 it clear that your mandate is centred on policing
16 and on answering the questions that the families
17 and the community have raised about whether the
18 police carried out their duties effectively. I
19 want to assure you that your counsel team is
20 committed to keeping this mandate in focus at all
21 times.

22 We all depend on the police to protect us, to
23 preserve the peace, to prevent crime, to enforce
24 the law, and to safeguard the public trust all in
25 furtherance of the due administration of justice

1 in our city, province, and country. The *Police*
2 *Act*, section 7(2), states the provincial police
3 force under the Commissioner's direction must
4 perform the duties and functions respecting the
5 preservation of peace, the prevention of crime and
6 offences against the law, and the administration
7 of justice assigned to it.

8 The circumstances surrounding the missing
9 women investigations have led people to question
10 the effectiveness of the police. Whether there is
11 merit to this belief or not will be explored in
12 your inquiry always with a view to do what is
13 necessary to preserve and foster confidence in our
14 policing agencies. We hope to do this by
15 revealing the truth about what was done or not
16 done and by then making recommendations that serve
17 to ensure that mistakes, if any, will never be
18 made again. Without public trust, police cannot
19 carry out their important functions.

20 The framework for this inquiry is, therefore,
21 shaped in part by core policing principles and
22 standards. We need to have a full appreciation of
23 duties and functions of police within the
24 regulatory framework established in our province.
25 The *Police Act* and regulations emphasize the dual

1 functions of the police to enforce the law and
2 prevent crime. In British Columbia today core
3 policing principles centre on community policing
4 and a problem-oriented approach which places
5 emphasis on proactive rather than reactive
6 policing. The B.C. Police Board Handbook, which
7 describes the roles and responsibilities under the
8 *Police Act*, defines community-based policing in
9 these terms:

10 Community policing looks to increase the
11 cooperation between the police and community
12 members to discover and address the root
13 causes of crime, decrease the number of
14 recurring crimes, and to allocate police
15 resources to meet community policing needs.
16 I emphasize community policing needs.

17 The British Columbia Police Code of Ethics
18 prepared by the Justice Institute of British
19 Columbia says this about the police-community
20 relationship:

21 Recognizing, however, that the ability of the
22 police to perform their duties is dependent
23 upon public approval, support and willing
24 cooperation, we must also provide open,
25 responsive, impartial and accessible service.

1 In other words, to safeguard the public
2 trust, we will be responsible to the public
3 and accountable publicly for what we do.

4 Mr. Commissioner, while these core policing
5 principles have been subject to refinement over
6 the years, they are not new. As Sir Robert Peel,
7 then Home Secretary and later Prime Minister of
8 England and credited with being the father of the
9 modern police force, said in 1829:

10 Police at all times, should maintain a
11 relationship with the public that gives
12 reality to the historic tradition that the
13 police are the public and the public are the
14 police; the police being only members of the
15 public who are paid to give full-time
16 attention to duties which are incumbent on
17 every citizen in the interests of community
18 welfare and existence.

19 Indeed our Supreme Court of Canada, Mr.
20 Commissioner, has recognized common law duties of
21 the police to protect, the common law being the
22 great repository of the wisdom of our justice
23 system.

24 Mr. Commissioner, bearing in mind that "the
25 police are the public and the public are the

1 police", you will need to consider on the basis of
2 the evidence presented whether the police
3 investigation in the missing women case and the
4 existing policies, practices, and standards were
5 consistent with these core policing principles.
6 There are, therefore, individual and systemic
7 aspects to all of these questions that you will
8 have to consider. Core policing principles are
9 the foundation upon which policies, practices, and
10 standards evolve and adapt to time and place in
11 order to meet the changing needs of our community
12 and integrate new technologies, available
13 analytical tools and expanding knowledge about
14 greater crime and how to prevent it.

15 I would now like to discuss the community
16 profile and specifically the Downtown Eastside.
17 As this brief overview of core policing principles
18 makes clear, policing takes place within the
19 context of a community. Before we can delve into
20 the subject matter of the inquiry it is important
21 to understand the context of the specific
22 community in which the events took place. We must
23 understand the fundamental characteristics of the
24 Downtown Eastside of Vancouver and the people who
25 live there. To do so we will call community

1 witnesses and experts who will paint a portrait of
2 life in the Downtown Eastside.

3 Mr. Commissioner, you will hear evidence that
4 the Downtown Eastside is a highly marginalized
5 community whose members rely heavily on police and
6 social services, and yet the relationship between
7 the people who live there and the police is often
8 marked with antagonism and distrust. An
9 understanding of these dynamics is key to
10 understanding the manner in which certain aspects
11 of the missing women investigations were carried
12 out.

13 The Downtown Eastside is generally viewed as
14 being bordered by Cambie Street to the west, Clark
15 Drive to the east, the waterfront to the north,
16 and Venables Street/Prior Avenue to the south,
17 with Hastings Street running down the middle of
18 the neighbourhood. It's marked by poverty, often
19 called Canada's poorest postal code, homelessness,
20 drug trade, gang-related activity, inadequate
21 housing conditions, mental and physical illness,
22 including high rates of HIV/AIDS and Hepatitis C,
23 survival sex trade activities, and violence.
24 Approximately one-seventh of the area's population
25 is aboriginal, seven times higher than Vancouver

1 as a whole. However, despite the problems faced
2 by Downtown Eastside residents, the Downtown
3 Eastside has a history of strong community
4 activism. It is a vibrant and committed community
5 with long historic roots in our city. There are
6 many groups providing services of some sort in the
7 community, including services and support,
8 specifically to women and sex trade workers.

9 I'd now like to discuss profiles of the
10 missing women from the Downtown Eastside. An
11 inquiry into the conduct of the missing women
12 investigations should also start with an
13 understanding of the victims. Mr. Commissioner,
14 you will hear evidence that the women missing from
15 the Downtown Eastside shared many common
16 characteristics. The evidence you will hear
17 indicates that many of the missing and murdered
18 women were:

- 19 (1) dependent on drugs and alcohol;
- 20 (2) involved in sex trade activities;
- 21 (3) aboriginal or women of colour;
- 22 (4) suffered from mental and/or physical
23 health issues;
- 24 (5) dependent on Social Assistance;
- 25 (6) subjected to past and ongoing abusive

- 1 relationships;
2 (7) lived in insecure housing arrangements;
3 (8) engaged in criminal activity; and
4 (9) often lacked formal education.

5 Mr. Commissioner, you will hear evidence about how
6 these factors made them vulnerable to
7 victimization, yet all the while we ask you to
8 keep in mind that these people were mothers,
9 sisters, daughters, aunts, and friends. There
10 were many people who cared about them.

11 Now let's discuss the police agencies
12 involved. Both the Vancouver Police Department
13 and RCMP were active players in the missing women
14 investigations. To understand how the missing
15 women investigations were carried out it is
16 important to understand how the police agencies
17 involved in the investigation operate. You will
18 hear evidence from a representative of the RCMP,
19 the VPD, and the Vancouver Police Board about the
20 structure of each of these organizations at the
21 material time. I will, however, provide a brief
22 overview now of the structure and roles of these
23 respective organizations in the missing women
24 investigation.

25 First, the Vancouver Police Department, the

1 VPD. The Vancouver Police Department is governed
2 by the Vancouver Police Board pursuant to the
3 authority of the provincial *Police Act*. The chief
4 constable of the VPD is responsible to the
5 Vancouver Police Board. The police board for
6 Vancouver is made up of the mayor and
7 representatives of the City and of the Province.
8 In the VPD sworn officers are responsible for
9 enforcing law and order in the city, including
10 enforcing the criminal law, federal and provincial
11 statutes, and municipal bylaws.

12 During the time period of our terms of
13 reference the Vancouver Police Department was
14 divided into three divisions, each headed by a
15 deputy chief constable, who reported to the chief
16 constable. At the time of the VPD's missing women
17 investigations the three divisions were Operations
18 Division, Operational Support Division, and
19 Administrative Support Division. These are now
20 called Operations, Investigation, and Support
21 Services.

22 The VPD had jurisdiction over investigations of
23 persons reported missing from Vancouver, including
24 the Downtown Eastside. Much of the work of the
25 missing women investigation was conducted by the

1 Operational Support Division, which now is the
2 Investigation Division, and that included the main
3 investigative sections in the VPD at that time,
4 and there were four. There was Major Crime, which
5 includes the Homicide Unit and the Missing Person
6 Unit, Specialized Investigation, Forensic Service,
7 and then Drugs and Vice. Those were the four
8 investigative sections in force at the time.

9 The Homicide Unit was part of the Major Crime
10 Section. It was composed of senior detectives
11 divided into two teams, Squad 1 and Squad 2, each
12 headed by a sergeant along with civilian support
13 staff.

14 The Vancouver Police Department participated
15 in the missing women investigations in these ways:

- 16 (1) conducting investigations into missing
17 women from the Downtown Eastside within
18 its Missing Persons Unit and under its
19 Missing Women Review Team, known as
20 Project Amelia;
- 21 (2) contributing members to the provincial
22 Unsolved Homicide Unit, called UHU,
23 and I'll describe that role in a moment;
- 24 (3) working with members of the Coquitlam
25 RCMP and UHU on the Pickton investigation

1 starting in 1998;
2 and, lastly,
3 contributing members to the joint force
4 operation, also known as the Missing
5 Women Task Force or Project Evenhanded,
6 a joint force operation into the
7 missing women established in late
8 December of 2000 and composed of members
9 of the RCMP and VPD.

10 The RCMP. As we know, the RCMP is Canada's
11 national police service. RCMP "E" Division
12 provides police services to both B.C. and the
13 Yukon and is the largest division in Canada
14 providing provincial, federal, and municipal
15 policing to British Columbia through many
16 detachments. It has been estimated that the RCMP
17 are responsible for approximately 70 per cent of
18 the police officers in British Columbia. It is
19 governed under the federal *RCMP Act*.

20 In British Columbia the RCMP provide services
21 to a number of municipalities, including Coquitlam
22 and Port Coquitlam. The RCMP contracts with
23 municipalities to provide police services under
24 the B.C. *Police Act*. Each municipal RCMP
25 detachment is responsible for enforcing law and

1 order in that municipality.

2 This is how the RCMP participated in the
3 missing women investigations:

4 (1) investigating Pickton for attempted
5 murder at his Coquitlam farm in 1997;

6 (2) contributing members to the Provincial
7 Unsolved Homicide Unit, UHU;

8 (3) investigating Pickton as a result of the
9 Vancouver Police Department advising the
10 RCMP of tips received about Pickton from
11 1998 to 2001;

12 (4) contributing members to the joint
13 force operation, the JFO.

14 Of course, Mr. Commissioner, you are aware of
15 the jurisdictional issues relating to your role as
16 the commissioner of a provincial inquiry. The
17 significance relates to your jurisdiction with
18 respect to the VPD, a provincial entity, and the
19 RCMP, which is a federal entity. As was said in
20 *Bentley* in 2009:

21 The *Public Inquiry Act* under which the
22 commission is established expressly permits a
23 commissioner to report on misconduct,
24 speaking for the Court of Appeal.

25 In my view, the larger view of the

1 administration of justice permits a
2 provincially appointed commission to reflect
3 on matters that bear upon public confidence
4 in the administration of justice of which the
5 response of the police officers in this
6 situation is a significant consideration.

7 Continuing:

8 ...the inquiry is neither a discipline
9 investigation nor an inquiry into RCMP
10 policies or training.

11 Now, Mr. Commissioner, this may be an
12 appropriate time, if you wish, for the morning
13 break.

14 THE COMMISSIONER: All right. Okay.

15 MR. VERTLIEB: And then we'll continue, please.

16 THE COMMISSIONER: Thank you.

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

18 **(PROCEEDINGS ADJOURNED AT 11:07 A.M.)**

19 **(PROCEEDINGS RECONVENED AT 11:25 A.M.)**

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

21 THE COMMISSIONER: Mr. Vertlieb.

22 MR. VERTLIEB: Thank you, Mr. Commissioner. Let's discuss
23 briefly the Provincial Unsolved Homicide Unit,
24 sometimes called UHU. This unit was created by
25 the provincial government in 1996. It is staffed

1 by members of the VPD and RCMP. Its mandate is to
2 ensure effective coordination of investigations of
3 unsolved homicides in B.C. that have occurred in
4 the last several decades.

5 UHU was involved in the missing women
6 investigations in a couple of ways. First it was
7 tasked to investigate the list of 71 missing women
8 in 1997. Secondly, it was involved in the Pickton
9 investigation in 1998, 1999, and when ultimately
10 the JFO was struck in 2000 to investigate missing
11 women. As a result, Mr. Commissioner, you will
12 want to look into the actions of the members of
13 UHU and its involvement in the missing women
14 investigations.

15 I'd like to discuss community and family
16 concerns about the investigations. This inquiry
17 was established in part due to the concerns by the
18 victims' families and the Downtown Eastside
19 community about a perceived lack of police
20 response to the fact women were disappearing at
21 higher than usual rates, so before providing you
22 with an overview of how the investigation unfolded
23 I would like to describe some of the issues that
24 have been raised by families and the community.
25 They are whether the police were dismissive of

1 reports of missing women, whether police
2 misunderstood the lives of the women involved in
3 the sex trade in the Downtown Eastside leading the
4 police to ignore the suspicious circumstances of
5 their disappearance. For example, I anticipate
6 you will hear evidence that the police may have
7 held questionable assumptions that the women were
8 transient or disconnected from their families or
9 even disconnected from the community generally.
10 Another question is whether the police took
11 advantage of the assistance the families,
12 community members or community service providers
13 could have provided to the investigation, whether
14 the police were unwilling to warn the community
15 about risks to their safety because the police may
16 have believed the women were unwilling or unable
17 to change their behaviour or engaged in risky
18 activities, whether the police properly protected
19 the women at risk in the Downtown Eastside.

20 To the credit of the community, Mr.
21 Commissioner, the community was advocating for
22 help, and just to highlight some of these
23 community calls for help, Wayne Leng started a
24 website in July 1998 which led to a tip from an
25 informant named William Hiscox, which will be

1 discussed later, and this tip being passed on to
2 the Vancouver Police. Maggie de Vries, sister of
3 Sarah, in March 1999 called for the police to
4 publicly acknowledge the possibility of abduction
5 and murder, to offer a reward, to offer protection
6 and set up a task force. In the same time frame
7 others, including Don Larson, Jamie Lee Hamilton
8 and many others from the community, were expending
9 great time and effort in support of a more focused
10 investigation, these events occurring, Mr.
11 Commissioner, before the VPD publicly acknowledged
12 the possibility of a serial killer.

13 Let's then move to the conduct of the
14 investigations. I'm now going to provide you, Mr.
15 Commissioner, with an overview of how the missing
16 women investigations appear to have unfolded. Of
17 course, these issues are contentious, and you will
18 have to consider all of the evidence that is
19 before you in making your findings of fact
20 concerning allegations made. In providing my
21 overview I will also highlight some of the issues
22 that you will hear during the course of this
23 proceeding as they relate to those investigations.

24 To manage the hearing process we have divided
25 the investigation into five phases. The first

1 phase we define as January 1997 to June 1998, and
2 we refer to this as "a problem is identified".

3 Evidence will be presented that in February
4 1997 the First Nations Summit brought the missing
5 women issue to the attention of the police. The
6 First Nations Summit provided both the VPD through
7 Sergeant Bob Cooper and the Attorney General lists
8 of missing women of aboriginal ancestry. Taken
9 together with police files the list of missing
10 women was increased to 71 women.

11 UHU was given the task of investigating these
12 cases. Vancouver Police Constable Dave Dickson
13 was "loaned" to assist the investigation in March
14 1997. Constable Dickson found all but two of the
15 missing women listed; however, it is said that in
16 the process of his investigation he learned that
17 other women, women not listed, were missing. Over
18 time Constable Dickson created his own list of
19 missing women. Little is alleged to have been
20 done to address the matter until the assignment of
21 an additional investigator to the Missing Persons
22 Unit and the creation of the Missing Women Working
23 Group, both occurring in 1998.

24 It's interesting to note that Ms. Anderson
25 was the subject of an alleged attempt murder by

1 Pickton on March 23, 1997, this investigation
2 taking place by the RCMP in Coquitlam and not in
3 Vancouver, of course, by VPD.

4 Mr. Commissioner, you will want to consider how
5 management responded to Constable Dickson's
6 concerns. This is an issue for the commission
7 because it impacts the conduct and alleged delay
8 of the investigation.

9 Now, the second phase we style as July 1998
10 to January 1999, and we reference this as saying
11 "a clear pattern emerges".

12 First I'd like to discuss reports of missing
13 women to the MPU, the Missing Persons Unit.
14 During the investigations from '97 to 2002 the
15 Missing Persons Unit was a section of the VPD
16 Major Crime Section under Homicide Squad 2.
17 Generally the Missing Persons Unit was the
18 policing unit that received reports of missing
19 women and conducted the initial investigations.
20 On average, the VPD Missing Persons Unit handles
21 over 2,500 cases a year. At the end of each year
22 there are usually five to 12 outstanding cases.

23 The Missing Persons Unit has jurisdiction
24 over cases when the missing person was last seen
25 in its jurisdiction. However, according to their

1 own policy, the unit strives to avoid
2 jurisdictional disputes, and policy states that it
3 considers the safety and welfare of the missing
4 person as paramount.

5 Evidence will show that in 1998 the Missing
6 Persons Unit identified an increased number of
7 missing women from the Downtown Eastside. An
8 additional investigator, Detective Constable
9 Shenher, was assigned to investigate the pattern
10 of missing women in July 1998. She worked out of
11 the MPU office with Detective Al Howlett. Both
12 detectives were supervised by Sergeant Geramy
13 Field, although she had other duties as well, and
14 she was temporarily transferred to a homicide
15 investigation operated by CLUE, the Coordinated
16 Law Enforcement Unit, from the fall of '98 to
17 spring 1999.

18 It seems that once the missing women
19 investigation was underway the Missing Persons
20 Unit continued to be the unit responsible for
21 accepting reports of missing women, identifying
22 which reports fit into the pattern of missing
23 women, and passing along these reports to the
24 appropriate investigative bodies. It was also
25 responsible for the initial investigation of the

1 missing women until the JFO took over this
2 responsibility in November 2001.

3 The persons responsible for the MPU, the
4 Missing Persons Unit, or assisted were as follows:
5 Sandy Cameron, a civilian employee who performed
6 clerical support from 1979 to 2001; Detective Al
7 Howlett, the sole MPU investigator until Detective
8 Shenher joined him in '98; Sergeant Geramy Field,
9 officer in charge of the Homicide Squad, sergeant
10 in charge of the Missing Women Review Team;
11 Detective Constable Lori Shenher, an investigator
12 in the unit starting in '98. She was the key
13 investigator and file coordinator for the review
14 team, and in December 2000, at her request, she
15 transferred to the VPD Diversity Relations Unit.
16 Detective Constable Dan Dickhout, who was
17 Coroner's Liaison Officer in '98, and Inspector
18 Fred Biddlecombe, who was officer in charge of
19 Major Crime January '98 to October '99.

20 To evaluate the potential problems that may
21 have occurred in the Vancouver Missing Persons
22 Unit the commission will want to review the
23 Missing Person Unit policies and procedures and
24 consider its role in the missing women
25 investigation, including:

- 1 (1) how was the unit supervised;
- 2 (2) were members of the unit required to
- 3 undertake specific missing persons
- 4 training;
- 5 (3) what resources did the Missing Persons
- 6 Unit have;
- 7 (4) how were investigations into missing
- 8 persons conducted;
- 9 (5) how were missing person reports
- 10 prioritized;
- 11 (6) what consideration was given to whether a
- 12 missing person could be a victim of a
- 13 serious crime;
- 14 (7) if the person was considered to be a
- 15 victim of serious crime, how was that
- 16 crime investigated;
- 17 (8) what was the process for unsolved reports
- 18 or long-term missing persons;
- 19 (9) what standards and protocols were in
- 20 place for interacting with families and
- 21 friends of missing persons;
- 22 (10) were there barriers to reporting missing
- 23 persons; and
- 24 (11) was the Downtown Eastside treated with
- 25 the same priority and in the same manner

1 as elsewhere.

2 There are a number of issues that may arise
3 from the conduct of the unit with regard to these
4 investigations. For example, one, there are
5 allegations that the missing person clerk treated
6 reportees differently depending on their race.
7 Specifically, it's alleged that she refused to
8 provide help to aboriginal family members. It's
9 also alleged that she may have been dismissive of
10 reports of missing women who worked in the sex
11 trade.

12 There is a suggestion that there were delays
13 identifying individual missing person reports as
14 fitting the pattern of missing women. Families
15 and friends may have been rebuffed when attempting
16 to report missing women, thus delaying receipt of
17 reports. If this is the case, why did it take so
18 long for this problem to be identified? Why were
19 reports delayed? What barriers to reporting
20 existed?

21 Once the pattern of missing women emerged an
22 important issue arising from the initial
23 investigation into the missing women was the
24 completeness of the investigation, that is, did
25 Constable Shenher and others in the Missing Person

1 Unit investigate reports of missing women as
2 fulsomely as the circumstances dictated, did they
3 assign appropriate priority to these reports, were
4 investigations conducted in a timely manner, and
5 were family and friends of missing women treated
6 with appropriate compassion and sensitivity.

7 I now want to discuss information from
8 informant William Hiscox. This is in 1998.
9 Evidence will show that almost immediately after
10 being assigned to investigate the missing women
11 Detective Constable Shenher received her first tip
12 about Robert Pickton. We've already discussed
13 that Pickton had been the focus of an RCMP
14 investigation in 1997. Those charges were stayed
15 by the Criminal Justice Branch, and I'll discuss
16 that later.

17 The connection with Pickton and the missing
18 women came to Constable Shenher's attention in
19 July and again in August 1998 starting when Hiscox
20 phoned both Crime Stoppers and Wayne Leng
21 identifying "Willie" as a suspect in July and
22 Pickton as a suspect in August. The tipster
23 provided information that Willie had made comments
24 to other people that he can "easily dispose of
25 bodies by putting them through a grinder which he

1 uses to prepare food to feed his hogs". I note
2 that Wayne Leng, a friend of Sarah de Vries, on
3 his own initiative had started the website that
4 led to the first tip.

5 The Pickton property, of course, was within
6 Coquitlam RCMP jurisdiction. Detective Constable
7 Shenher worked closely with Corporal Mike Connor
8 of the RCMP to obtain information from Hiscox.
9 Evidence will show that Hiscox reported that Lisa
10 Yelds had described pieces of women's
11 identification, purses, and bloody clothing in
12 Pickton's trailer and that Pickton wanted to
13 "finish off" Ms. Anderson.

14 This phase of the investigation taking place
15 in summer and fall of 1998. Officers involved:
16 Detective Constable Lori Shenher; Sergeant Al
17 Boyd, who was in charge of the Homicide Squad and
18 responsible for the Missing Person Unit from
19 September 98 to March '99 and was acting inspector
20 in charge of Major Crime February to November '01;
21 Sergeant Geramy Field; Inspector Fred Biddlecombe;
22 Corporal Mike Connor, RCMP; and Sergeant Daryll
23 Pollock, RCMP, Coquitlam, Serious Crime Unit, who
24 was Corporal Connor's supervisor.

25 The overall conduct of the Pickton

1 investigation will be an important issue for this
2 commission. During the initiation of that
3 investigation, Mr. Commissioner, you should be
4 alert to the following issues:

5 (1) what information the police had about
6 Pickton in 1998, including information
7 that linked Pickton to the missing women
8 that was available as a result of the
9 investigation into the attempted murder
10 of Ms. Anderson;

11 (2) was there enough evidence to justify more
12 investigative action;

13 (3) were all investigative avenues explored
14 and followed up;

15 (4) what efforts were made to link Pickton to
16 the missing women or the Downtown
17 Eastside.

18 It has been suggested, Mr. Commissioner, that
19 there are concerns that stereotypes or
20 discrimination played a role in the investigation,
21 and, therefore, you may need to consider whether
22 the priority of the Pickton investigation was
23 influenced by stereotyping, prejudicial beliefs or
24 faulty assumptions by the police, and if so, how
25 did this assessment of priority impact the

1 resources the investigation received.

2 At issue may also be the different police
3 forces' ability to work together. Did they share
4 information appropriately? Was the investigation
5 organized and supervised in a coherent, systematic
6 manner? Did jurisdictional issues prevent the
7 investigation from being effective?

8 Still in this period of Phase 2 you will hear
9 evidence that around the time an additional
10 investigator was assigned to the Missing Persons
11 Unit to investigate missing women and the Pickton
12 investigation started in earnest the Missing Women
13 Working Group was created by members of the
14 Vancouver Police Department.

15 The working group was formed by members of
16 District 2 in the Operations Division and the
17 Geographic Profile Section, which was a part of
18 the Operational Support Division. It was intended
19 to be a multidisciplinary group drawing on the
20 expertise of officers from different backgrounds.

21 The working group was created in response to
22 community concerns about the missing women and the
23 urging of Constable Dickson. It appears its
24 purpose was to determine if a serial murderer was
25 praying upon women in the Downtown Eastside. The

1 objective for the working group included:

2 (1) compiling a list of possible victims;

3 (2) linking cases together;

4 (3) investigating any identified murder
5 series; and

6 (4) safety and crime prevention initiatives.

7 This working group was active in August and
8 September 1998.

9 The officers involved include Detective
10 Inspector Rossmo, who created and ran the
11 Geographic Profiling Unit, Staff Sergeant Douglas
12 McKay-Dunn, Inspector Gary Greer, who was in
13 charge of District 2, and Constable Dickson.

14 This working group, Mr. Commissioner,
15 dissolved shortly after the first meeting between
16 the working group and members of the missing women
17 investigation. It was determined that the missing
18 women issue would be investigated by Major Crime
19 exclusively. As a result, it appears that the
20 working group was never able to determine whether
21 a serial killer was responsible, nor allowed to
22 release its draft press release dated September
23 30, 1998, warning the community, and therefore, of
24 course, never initiated safety and crime
25 prevention strategies, as it apparently intended

1 to do.

2 Some of the main issues that emerged from the
3 working group relate to its potential to
4 contribute to the missing women investigation and
5 why that potential was not realized. You may need
6 to examine why it was dissolved

7 We anticipate you will hear evidence that
8 there was a conflict between Detective Inspector
9 Rossmo and Inspector Biddlecombe over whether a
10 serial killer was involved and Inspector
11 Biddlecombe's resistance to that idea. The basis
12 for Inspector Biddlecombe's resistance will be
13 heard in the evidence. There may be a suggestion
14 that there was a turf war between Inspector Greer
15 and Inspector Biddlecombe. Ultimately, it appears
16 these conflicts caused the working group to fail.

17 So the missing women investigation continues
18 without the working group, and we're still in 1998
19 leading to January '99. After the working group
20 dissolved the missing women investigation
21 continued under the Missing Person Unit. The
22 investigation continued to focus on finding
23 missing women. It appears that this work was
24 primarily conducted by Detective Constable Lori
25 Shenher.

1 The issues that may arise in this phase of
2 the missing women investigation mainly focus on
3 the approach of the investigation. For example,
4 Mr. Commissioner, you may hear evidence that
5 management of the VPD continued to insist that the
6 women were simply missing. This raises questions:

- 7 (1) if so, why was this position taken;
8 (2) why was foul play in Vancouver dismissed;
9 (3) why did the police not warn the public
10 and specifically the women of the
11 Downtown Eastside; and
12 (4) finally, did the investigation receive
13 the appropriate priority and resources?

14 That concludes our discussion of Phase 2.
15 I'd now like to move to Phase 3, as we have
16 defined it, February 1999 to August 1999, and we
17 have styled this "more informants are identified".

18 The Coquitlam RCMP Pickton investigation
19 continued alongside the VPD's missing women
20 investigation. Hiscox, the only informant at this
21 point, was difficult to track down, and strategies
22 to use him as an agent appear to have been
23 abandoned. Surveillance of Pickton conducted over
24 a few days was considered fruitless. However, it
25 appears Pickton was still active. Specifically,

1 in March '99 he was checked on the stroll in New
2 Westminster in the company of a female and was a
3 suspect of an attack on a sex trade worker in New
4 Westminster. Efforts were made to involve UHU and
5 connect Pickton with the sex trade.

6 During this time Project Amelia started, the
7 Missing Women Review Team. Evidence will show
8 that as the missing women investigation continued
9 pressure increased to create an investigative unit
10 dedicated to the missing women. Faced with media
11 speculation and community pressure, members of the
12 VPD met with Attorney General Ujjal Dosanjh and
13 members of the RCMP to provide a brief of the
14 investigation to date and to discuss the
15 possibility of a reward.

16 Eventually these issues were put before Mayor
17 Owen and the police board. The board on April
18 26th, 1999, voted to create a reward of \$100,000
19 for information leading to the arrest and
20 conviction of the person or persons responsible
21 for the unlawful confinement, kidnapping or murder
22 of any or all of the missing women; however, the
23 board did not approve a task force.

24 After Vancouver Police Board made its
25 decision, Detective Constable Shenher, with

1 Sergeant Field and Inspector Biddlecombe's
2 support, wrote a detailed request for the missing
3 women investigation. This included creating a
4 special investigative unit, one that would conduct
5 a suspect-focused investigation.

6 Evidence will show that in May of '99 the VPD
7 created the Missing Women Review Team, also known
8 as Project Amelia. The purpose of this review
9 team was to review and investigate the
10 disappearances of 21 women, primarily drug-
11 addicted sex trade workers who lived and worked in
12 the Downtown Eastside. The investigation
13 continued the missing persons investigations but
14 also had a suspect-focused mandate.

15 Some of the officers who appear to be
16 involved include Biddlecombe, Sergeant Field,
17 Detective Constable Shenher, Constable Dickson,
18 Detective Ron Lepine, Detective Constable Mark
19 Chernoff, Detective Constable Alex Clarke,
20 Detective Constable Mark Wolthers, and Detective
21 Constable Doug Fell.

22 The review team effectively continued the
23 investigative work undertaken by the Missing
24 Persons Unit by providing the unit with additional
25 support and resources. As part of its

1 investigation, the review team sought the
2 assistance of the public through the media, and it
3 also distributed questionnaires to community
4 members at WISH.

5 Opinion evidence of a serial killer was
6 provided to the review team by Detective Inspector
7 Rossmo. He delivered an analysis dated May 25,
8 1999, that considered the matter of the missing
9 sex trade workers from the Downtown Eastside from
10 1995 to 1999 and delivered this to Constable
11 Shenher. On May 27, '99, the report was delivered
12 to Inspector Biddlecombe, Inspector Beach, and
13 Deputy Chief Constable McGuinness. So Deputy
14 Chief Constable McGuinness is number two in the
15 Vancouver Police Department hierarchy.

16 Detective Inspector Rossmo's conclusions were
17 as follows:

18 (1) the number of disappearances of sex trade
19 workers from the Downtown Eastside during
20 the previous 30 months was statistically
21 significant and unlikely to have occurred
22 by chance;

23 (2) it was statistically unlikely that more
24 than two of the missing women would be
25 found;

1 (3) while it was not possible with available
2 information to determine with certainty
3 the cause of these disappearances, the
4 most likely explanation for the majority
5 of the cases was a single murderer or
6 partner murderers preying on sex trade
7 workers in the Downtown Eastside.

8 There are a number of issues, Mr.
9 Commissioner, arising from this phase of the
10 investigation that need to be considered:

- 11 (1) why was a decision made to create a
12 review team instead of a task force;
13 (2) was this language significant in terms of
14 the resources committed and whether the
15 investigation would be as proactive as
16 necessary;
17 (3) did the police board decision to offer a
18 reward contrary to the concerns of the
19 Vancouver Police Department affect the
20 investigation;
21 (4) did senior members of the VPD reject the
22 idea of a serial killer, and if so, why.

23 There are a number of issues that you should
24 also consider in understanding the effectiveness
25 of the review team in advancing the investigation,

1 and these include:

- 2 (1) how was the review team structured;
- 3 (2) how was file management affected;
- 4 (3) what resources did the VPD provide the
- 5 project;
- 6 (4) what staff were assigned and when and
- 7 what qualifications did they have;
- 8 (5) what priority did the Vancouver Police
- 9 Department give the review team and how
- 10 was it assessed;
- 11 (6) did the police's alleged failure to
- 12 accept that the missing women were
- 13 murdered and victims of a serial killer
- 14 affect the priority of the review team;
- 15 (7) what challenges faced the investigation;
- 16 (8) did the review team gather evidence from
- 17 the Downtown Eastside and consider the
- 18 safety of the women in the Downtown
- 19 Eastside; and
- 20 (9) were there personnel issues that impeded
- 21 the investigation and team morale or
- 22 limited the expertise and resources
- 23 available to that investigation.

24 More informant evidence. Evidence will show

25 that the Coquitlam RCMP Pickton investigation

1 received more tips in the summer of 1999. At
2 least three non-police people gave information
3 linking Pickton to the murders of the missing
4 women. They were Ross Caldwell, Ron Menard, and
5 Leah Best. These people provided information that
6 a female associate of Pickton, one Lynn Ellingsen,
7 had told them she had seen Pickton slaughtering a
8 woman in his barn.

9 Members of the VPD review team, particularly
10 Detective Lepine and Detective Constable Chernoff,
11 worked with the RCMP to gather information on
12 Pickton. The informants revealed a great deal of
13 information about Pickton. It appears that
14 further investigative tactics were not used or
15 were unsuccessful. The credibility of the
16 informant Caldwell was questioned. Ellingsen's
17 statement that she did not witness Pickton
18 slaughtering a woman in his barn, nor did she tell
19 the informants that, was believed by some
20 officers. Corporal Connor was promoted and
21 transferred.

22 It appears that a search warrant was
23 considered, but no search at that time was
24 ultimately conducted of the farm. This leads to
25 questions that you may wish to determine:

- 1 (1) how was this assessment of credibility
2 made and by whom;
- 3 (2) what impact did it have on the Pickton
4 investigation;
- 5 (3) you should also be alert to whether there
6 was sufficient reason to seek a search
7 warrant against Pickton or other steps
8 that could have been taken to move the
9 investigation forward.

10 I want to again note, Mr. Commissioner, that
11 this is only our preliminary understanding of the
12 events of this investigation, and, of course,
13 these issues are contentious, and you will have to
14 consider all of the evidence that is before you in
15 making your findings of fact.

16 Phase 4, September '99 to November 2000.
17 Again, this is our date of that phase, and we've
18 styled it "Pickton is interviewed but no arrest".

19 In August and September of 1999 it appears
20 that some members of the Coquitlam RCMP and UHU
21 determined that Caldwell was an unreliable witness
22 and that Ellingsen had made her story up.
23 Evidence will show that once Caldwell's
24 credibility was undermined Detective Lepine and
25 Chernoff essentially stopped their work in the

1 review team and returned to the police department
2 Homicide Unit. Detective Constable Shenher made
3 occasional requests to follow up on the
4 investigation.

5 At the RCMP, Coquitlam, Corporal Connor was
6 replaced by Constable Ruth Yurkiw. She contacted
7 Pickton in late August 1999. Evidence will show
8 that she and Constable Cater ultimately
9 interviewed Pickton in January 2000. It is said
10 that the RCMP made plans to pursue the
11 investigation in February 2000, but by the end of
12 the same month it appears that it essentially
13 abandoned the investigation for other priorities.
14 It is anticipated, Mr. Commissioner, that you will
15 hear evidence of scarcity of police resources and
16 competing priorities in Coquitlam.

17 Evidence will also show that the VPD knew in
18 April 2000 Pickton was known by a number of women
19 involved in the sex trade in the Downtown
20 Eastside, known to members of the VPD, Detective
21 Constable Wolthers and Fell, but this information
22 was apparently not passed on to other members of
23 the Vancouver Police or the RCMP.

24 Mr. Commissioner, the important issues that
25 arise in this section relate to the efforts made

1 to pursue the Pickton investigation. You may want
2 to examine, one, the extent to which the Pickton
3 investigation was pursued and who was involved in
4 prioritizing the investigation. Two, you may also
5 want to address whether the promotion and transfer
6 of Corporal Connor impacted the investigation,
7 which leads to number three, whether there was
8 appropriate continuity of information on the
9 Pickton file upon Connor's transfer. You may also
10 want to examine, four, the quality of the Pickton
11 interview by Yurkiw and Cater and whether it met
12 the standards for interviewing a suspect in a
13 murder case. You may also want to look at whether
14 the interview was effectively followed up.

15 It appears that the information from the
16 informants and Pickton left many unanswered
17 questions, but apparently these concerns were not
18 pursued. Of concern is the evidence that the RCMP
19 declined to take Pickton up on his offer to search
20 his property.

21 There are also issues involving the Vancouver
22 Police Department at this phase of the
23 investigation that you should consider. You
24 should examine:

25 (1) if the information linking Pickton to the

1 Downtown Eastside was passed within the
2 VPD;

3 (2) if not, why not, and how might that have
4 influenced the investigation;

5 (3) you may also want to consider the
6 priority the Vancouver Police Department
7 gave to the Pickton investigation; and

8 (4) whether there was something the Vancouver
9 Police should have done to encourage the
10 RCMP and pursue the investigation.

11 I want to make a few comments about the
12 review team. You will hear that the review team
13 believed the disappearances had stopped in January
14 1999. Some of the staff members assigned to the
15 review team returned to their former postings,
16 leaving Detective Constable Shenher and Sergeant
17 Field. And I note, though, that Constables Fell
18 and Wolthers and Clarke left in mid-2000. But it
19 appears that without further investigative
20 resources Detective Constable Shenher had
21 understandable difficulty making progress.
22 Constable Lori Shenher requested a transfer out of
23 the investigation.

24 At issue then is the Vancouver Police
25 handling of the Missing Women Review Team without

1 having solved the disappearances and the VPD's
2 belief that the disappearances were historical,
3 not ongoing. As we know, this was not the case.
4 It seems this mistaken belief was not corrected
5 until later, after the JFO had already commenced
6 its work.

7 During this time attempts were made to engage
8 the RCMP and UHU in a joint force operation.
9 Sergeant Field believed that the investigation
10 could only viably continue as a multi-
11 jurisdictional investigation. She put her efforts
12 into getting the RCMP and UHU to agree to a JFO,
13 joint force operation. You will hear evidence
14 about the effectiveness of these efforts.

15 Evidence will be presented that in November
16 2000 Sergeant Field presented the missing women
17 case to a multi-jurisdictional group of Major
18 Crime investigators. The group consensus was that
19 the missing women were likely victims of one or
20 more serial killers, and the group recommended a
21 joint task force be formed.

22 On November 21, 2000, at a meeting that
23 included Field, Staff Sergeant Davidson, RCMP
24 Staff Sergeant Henderson of UHU, and VPD Acting
25 Inspector Gord Spencer, and RCMP Corporal Margaret

1 Kingsbury the cases were discussed again, and it
2 was agreed that a joint force would be formed.

3 Sergeant Field's ongoing attempts to form a
4 JFO with the RCMP raised some issues. One issue
5 is the apparent lateness in the formation of the
6 JFO. While it appears Sergeant Field advocated
7 strongly for the JFO, her supervisors did not
8 appear to support her earlier efforts. In other
9 words, should the VPD and RCMP have advocated for
10 a JFO earlier?

11 That brings us now to the final phase,
12 December 2000 to February 2002, and this phase is
13 the JFO, also known as the Missing Women Task
14 Force and Project Evenhanded.

15 The JFO, Mr. Commissioner, is a collaborative
16 effort of multiple police forces for a common
17 goal. Each police force contributes members from
18 its own agency.

19 From the documents reviewed it appears the
20 first actual meeting occurred in January 2001.
21 Over the ensuing months considerable energy was
22 expended dealing with computer programs,
23 logistics, and an operational plan. It included
24 investigators from the Vancouver Police and RCMP.
25 It was referred to as the Vancouver Missing Women

1 Task Force. RCMP Sergeant Don Adam was
2 responsible for the creation of the JFO and
3 determining the direction it would take.

4 Now, initially the purpose of the JFO was to
5 do the following:

6 (1) review existing missing person files with
7 a focus on sex trade workers and
8 hitchhikers;

9 (2) review all files where sex trade workers
10 and hitchhikers were victims of serious
11 assaults, attempt murder, and sexual
12 assaults;

13 (3) identify suspects or persons of interest;

14 (4) identify offender DNA samples;

15 (5) identify all missing sex trade workers;

16 (6) prioritize identified persons of interest
17 who could be responsible for the
18 disappearance and believed murders of the
19 missing sex trade workers.

20 This led to the JFO developing in March 2001
21 strategies for furthering the investigation,
22 including, one, establishing common traits between
23 those sex trade workers whose remains had not been
24 found or identified and continuing the coordinated
25 investigation into unsolved murders of sex trade

1 workers where the remains had been recovered.

2 So the investigational strategy was
3 structured around four phases:

4 (1) build up the existing crime scene DNA
5 banks;

6 (2) review and prioritize persons of interest
7 and suspects;

8 (3) obtain DNA from priority persons of
9 interest and suspects; and

10 (4) on obtaining any DNA hit, confirm or
11 eliminate involvement.

12 And this is when it got the name Evenhanded.

13 It appears the JFO began active review and
14 investigation in the spring of 2001 while it still
15 was continuing to develop its approach. It
16 undertook historical case review for DNA and
17 identified additional missing women and potential
18 suspects as a result of searches and file review.
19 Members of the JFO had also started to meet with
20 victims' family members.

21 Evidence is going to show, though, that
22 during the summer of 2001 members of the JFO
23 realized that the missing women was not a
24 historical problem. Women were still going
25 missing. A lull in receiving reports in '99 and

1 2000 had apparently led police to believe that if
2 there was a serial killer he was not active. It
3 appears that the police were simply wrong. We now
4 know that Pickton was active during this period.

5 So, Mr. Commissioner, the issues you will
6 want to examine in the creation of the JFO relate
7 to:

8 (1) its resources, structure,
9 and consider,

10 (2) was there a proper transition of the
11 missing women investigation from the VPD
12 to the JFO;

13 (3) were there any impediments to that
14 transition; and

15 (4) whether its strategy was appropriate
16 given the information the investigations
17 into the missing women and Pickton
18 investigation had already revealed.

19 It's been said, Mr. Commissioner, by Sergeant
20 Don Adam in a letter printed in the *Vancouver Sun*
21 November 26, 2010:

22 Pickton would kill eight women from when
23 Evenhanded took its first steps until his
24 arrest in February 2002. The issue of
25 whether we made reasonable, effective

1 decisions and efforts needs to be examined.

2 Now I want to focus on parallel Pickton
3 investigation events.

4 THE COMMISSIONER: Is this a convenient time to break or --

5 MR. VERTLIEB: I'm totally in your hands, Mr. Commissioner.

6 THE COMMISSIONER: How long are you going to be?

7 MR. VERTLIEB: I have another ten minutes or so. I'm in your
8 hands completely.

9 THE COMMISSIONER: Given there's a lot of material --

10 MR. VERTLIEB: I'm happy to take the break now.

11 THE COMMISSIONER: Okay. All right. We'll come back at 2:00.

12 THE REGISTRAR: The hearing is now adjourned until 2:00 p.m.

13 **(PROCEEDINGS ADJOURNED AT 12:18 P.M.)**

14 **(PROCEEDINGS RECONVENED AT 2:00 P.M.)**

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

16 THE COMMISSIONER: Yes.

17 MR. VERTLIEB: Thank you, Mr. Giles.

18 Mr. Commissioner, I'd like to discuss the
19 events concerning parallel Pickton investigations.

20 Even while the JFO was in progress, Constable
21 Kim Sherstone, who was Constable Yurkiw's
22 replacement, and Corporal Frank Henley made
23 attempts to continue the Pickton investigations.
24 It appears that Constable Sherstone attempted to
25 re-interview Lynn Ellingsen concerning Pickton,

1 but she was unsuccessful in contacting her. It
2 also appears that Corporal Henley informally
3 interviewed Pickton on his farm on March 30, 2001.
4 This leads to a number of questions:

5 (1) were there parallel investigations all
6 going on at the same time? If so, was
7 this a wise course of action;

8 (2) was there appropriate coordination,
9 commitment, and leadership; and

10 (3) all of this begs the question was anyone
11 ultimately in charge?

12 We're now at the concluding section
13 concerning the search of Pickton's farm. On
14 February 5, 2002, as a result of a tip from
15 informant Scott Chubb that Pickton was in
16 possession of illegal firearms, a junior RCMP
17 officer, Constable Nathan Wells, with less than
18 two years experience, executed a search warrant
19 for firearms on the property of Pickton at 953
20 Dominion Avenue. Two members of the JFO were
21 present during the search. Evidence directly
22 related to two of the 48 missing women attached to
23 the JFO investigation was identified. The search
24 ceased. The property was secured by members of
25 the Coquitlam RCMP. Members of the JFO left the

1 scene and prepared a search warrant to search the
2 Pickton property for evidence of murder. The
3 search warrant was granted, and the actual search
4 commenced on February 7, 2002. The Pickton
5 property was searched pursuant to a series of six
6 search warrants. It was completed in November
7 2003.

8 On February 22, 2002, Pickton was arrested
9 for first degree murder in the deaths of two of
10 the missing women. Over time, 27 charges of first
11 degree murder were laid against Pickton. Police
12 do not believe Pickton's responsible for the
13 disappearance or murder of all the missing women
14 on the list of 68; however, the police have stated
15 that they believe he is responsible for the
16 murders of other missing women who may or may not
17 be attached to the known list of missing women.

18 This then ends our discussion of term of
19 reference 4(a) and dealing with the facts and
20 issues presented in that term of reference. I
21 would now like to discuss the Criminal Justice
22 Branch decision to stay charges in 1998.

23 Following the commission's hearing dedicated
24 to term of reference 4(a) we will move on to
25 examining term of reference 4(b). That term of

1 reference is as follows, the commission being
2 asked to "inquire into and make findings of fact
3 respecting the decision of the Criminal Justice
4 Branch on January 27, 1998, to enter a stay of
5 proceedings on charges against Robert William
6 Pickton of attempted murder, assault with a
7 weapon, forcible confinement, and aggravated
8 assault", those events, Mr. Commissioner,
9 stemming, of course, from the March '97 event with
10 Ms. Anderson.

11 Now background concerning this term of
12 reference 4(b). The charges against Pickton that
13 are the subject of this term of reference arose
14 during a violent encounter on March 23, 1997, with
15 Ms. Anderson, then a sex trade worker involved in
16 the Downtown Eastside of Vancouver. Pickton was
17 charged with attempted murder, assault with a
18 weapon, and forcible confinement on April 8, 1997.
19 It appears that a charge of aggravated assault was
20 added later. On January 27, 1998, the Crown
21 stayed all charges.

22 Mr. Commissioner, you will want to consider
23 the issues that arise out of this decision to stay
24 proceedings. It has been suggested that charges
25 were stayed because of an assessment of Ms.

1 Anderson, that she was not a cooperative witness
2 or that she was not a credible witness. These
3 suggestions must be examined carefully to
4 determine whether the decision to stay the charges
5 was made correctly and according to Crown
6 procedure existing at the time.

7 Now, there are a number of procedural issues
8 I wish to briefly address before I conclude. Now,
9 first I do want to mark the LePard report and the
10 Williams report as exhibits, and I think this is
11 helpful to the proceedings, and it may assist some
12 of the participants in their opening comments.

13 Mr. Giles has copies of both. The LePard report
14 you have right there, Mr. Giles. And this is --

15 THE REGISTRAR: That will be marked as Exhibit number 1.

16 MR. VERTLIEB: Thank you.

17 THE COMMISSIONER: Is there any objection to any of these
18 reports being filed, Mr. Hern?

19 MR. HERN: No.

20 THE COMMISSIONER: All right. Thank you.

21 MR. VERTLIEB: Thank you. And also the next exhibit, please,
22 Mr. Giles, is the Williams report for the RCMP.

23 THE REGISTRAR: Any objections to that?

24 MR. BRONGERS: Good afternoon, Mr. Commissioner. Jan Brongers
25 for the Government of Canada.

1 THE COMMISSIONER: Yes.

2 MR. BRONGERS: Our only concern is with respect to the amount
3 of the report that is being marked. We have no
4 difficulty with the report itself being marked as
5 an exhibit. Our concern is with the voluminous
6 appendices which have yet to be vetted, so if I
7 could just get a clarification from commission
8 counsel as to which portion of the report is being
9 marked as an exhibit.

10 MR. VERTLIEB: Thank you, Mr. Brongers. All that's being
11 marked now is the actual report itself. The
12 appendices, as you mention, are lengthy, and we
13 want to sort out the best way to provide that, and
14 that's something that will develop in due course.
15 As you know, Superintendent Williams will not be
16 called as a witness soon. We have other matters
17 to deal with, and we can sort that out in the
18 intervening couple of weeks.

19 MR. BRONGERS: Thank you very much.

20 THE COMMISSIONER: Thank you.

21 MR. WARD: I now have two concerns with what I've just heard.

22 THE COMMISSIONER: Name, please. Name, please.

23 MR. WARD: Cameron Ward, counsel for the families. The first
24 one is a fairly innocuous housekeeping matter, and
25 that is if my friend or other counsel are not

1 going to be distributing copies of the documents
2 they intend to mark as exhibits, it would be most
3 helpful if we were nonetheless given a reference
4 to the document by document ID number so that we
5 can be sure that we're working from the same
6 document that is being exhibited.

7 THE COMMISSIONER: All right. That makes sense. Do you agree
8 with that?

9 MR. VERTLIEB: Yes. All this apparently has been disclosed to
10 everybody, and I'm working from -- did you want
11 the LePard number?

12 MR. WARD: Yes, please.

13 MR. VERTLIEB: VPD-001-012879. That's the concordance table
14 that we've used to manage documents, Mr.
15 Commissioner.

16 MR. WARD: And the second concern is a little more substantive.
17 My position is that if the Williams report, with
18 which I'm familiar, is to be entered as an
19 exhibit, it should be entered in its entirety.

20 MR. VERTLIEB: We have no concern about that, Mr. Ward. It's a
21 matter of the mechanics of it because, as Mr.
22 Brongers has stated, it is lengthy, and so however
23 is the best way to manage it is what we intend to
24 do. But, again, as I understand, Mr. Ward,
25 disclosure has been made to all participants of

1 all of those appendices outlined in the R.J.
2 Williams report.

3 THE COMMISSIONER: Are you comfortable with that?

4 MR. WARD: My position remains the same. The length of the
5 document should not be a barrier to it being
6 marked as an exhibit. I don't accept there is any
7 need to redact the appendices, and, therefore, my
8 position remains that the document in its
9 entirety, in my view, should be marked as the next
10 exhibit.

11 THE COMMISSIONER: Well, there appears to be some objection to
12 that, and I'll hear argument in due course on
13 that. What procedure do you suggest at this
14 stage?

15 MR. VERTLIEB: I think we can move on and deal with the
16 conclusion of my opening. This is just a
17 mechanical issue. There's no argument of
18 substantive nature. The Williams report has been
19 around for many months. It's been disclosed
20 months ago. The appendices were disclosed a long
21 time ago. Counsel all have them. It's strictly a
22 matter of finding the best way to present them
23 here. That's all it is.

24 THE COMMISSIONER: All right.

25 THE REGISTRAR: Do you wish that to be marked?

1 MR. VERTLIEB: And the concordance number is RCMP-004-000710.

2 THE COMMISSIONER: So in view of -- in view of Mr. Ward's
3 concern or objection, what do you suggest?

4 MR. VERTLIEB: Well, they will end up being filed in some
5 manner that works for the commission.

6 THE COMMISSIONER: Do you want to mark it for identification at
7 this stage?

8 MR. VERTLIEB: The problem is, is we're just sorting out the
9 best way to do that, but there's a number of
10 appendices, they're well known to all and people
11 have seen them, and so we will present them to
12 you, and they will become part of the record. If
13 Mr. Ward wants to deal with them in some way in
14 his opening, we have no objection to that, and I'm
15 sure Mr. Brongers doesn't either.

16 THE COMMISSIONER: All right. Okay. Mr. Ward.

17 MR. WARD: That's agreeable for the moment, certainly, and I
18 just missed the concordance number. I am familiar
19 with the report and the appendices, but I want to
20 make sure that given the vast number of documents
21 and various versions of them that we're all
22 working from the same exhibit.

23 MR. VERTLIEB: Concordance number RCMP -- there's two --
24 004-000710 and --

25 MR. WARD: Thank you.

1 THE COMMISSIONER: Thank you.

2 MR. VERTLIEB: -- 711.

3 THE REGISTRAR: How do you want that marked?

4 MR. VERTLIEB: Well, the Williams report should be an exhibit,
5 the next exhibit, 2, and then we will sort out
6 appending the appendices.

7 THE REGISTRAR: Thank you. That will be marked as Exhibit
8 number 2.

9 MR. VERTLIEB: Thank you, Mr. Giles.

10 **(EXHIBIT 1: Booklet entitled: Vancouver City**
11 **Police (VPD) Missing Women Investigative Review,**
12 **August 2010, 407 pages, VPD-001-012879)**

13 **(EXHIBIT 2: Document entitled: Royal Canadian**
14 **Mounted Police (RCMP) Request for Assistance -**
15 **External Review, RCMP-004-000710)**

16 MR. VERTLIEB: Mr. Commissioner, I want to note that we are
17 awaiting an expert opinion report from Deputy
18 Chief Jennifer Evans of the Peel Regional Police
19 Force. Since late last year she and two other
20 detective sergeants in Homicide have been involved
21 in a full-time and independent review of these
22 investigations. Deputy Chief Evans has
23 interviewed more than 50 witnesses, and she has
24 reviewed with her team thousands and thousands of
25 documents. She completed her interviews here in

1 Vancouver last month and is in the process of
2 preparing her report, which she plans to have to
3 us by the end of this month. This has been an
4 enormous undertaking, and we are grateful for her
5 assistance, the assistance of the Peel Regional
6 Police, and of their police board.

7 THE COMMISSIONER: All right. Any objections? All right.

8 MR. VERTLIEB: Now, with that in mind I want to outline how we
9 plan --

10 MR. WARD: Just a moment. Mr. Commissioner, you're calling for
11 objections, but I understand the report isn't yet
12 ready, and it may be best if there are any
13 objections once we see this document that we be
14 given the opportunity at that time.

15 THE COMMISSIONER: All right.

16 MR. WARD: I do have and will allude to concerns I have with
17 respect to the subject of Deputy Chief Evans'
18 work.

19 THE COMMISSIONER: Okay.

20 MR. VERTLIEB: Just one minor housekeeping matter. Anderson in
21 Exhibit 1, being the LePard report, is referred to
22 as STW 328. We choose to use her name, as we've
23 stated earlier.

24 Now, with that in mind I would like to outline
25 how we plan to deal with the evidence in this

1 proceeding. First we will call contextual
2 witnesses, which will include Professor John
3 Lowman, Dr. Kate Shannon, Dr. Tom Kerr, Nurse
4 Catherine Astin, Preston Guno, Elaine Allan, Susan
5 Davis.

6 Next the plan is during the week of October
7 24 to hear from many of the families represented
8 by my learned friend Cameron Ward. I know, Mr.
9 Commissioner, that some of them are here today.
10 We are grateful for their being here and for their
11 arranging their schedules and their lives to be
12 here, and we do very much appreciate their
13 cooperation during this inquiry.

14 After the families will come the structural
15 witnesses to outline the structure of the
16 Vancouver Police Department, the RCMP, and the
17 Vancouver Police board, as was mentioned earlier.

18 Then we will hear from police review
19 evidence. The first review evidence will come
20 from Deputy Chief Doug LePard, the author of
21 Exhibit 1. After that gentleman we'll have
22 Superintendent Bob Williams, stationed in Alberta,
23 the RCMP member who wrote Exhibit 2. And then,
24 finally, Deputy Chief Constable Jennifer Evans
25 from Peel Regional Police.

1 As is outlined in our rules of procedure,
2 commission counsel will take the witness through
3 the evidence in chief, the exception being Mr.
4 Nathanson, who wishes to take his own client
5 through her evidence in chief, and that will be
6 done. The proposed order of cross-examination
7 then is as follows: if the witness has a lawyer,
8 that counsel would precede commission counsel --
9 or follow commission counsel; next the families,
10 as represented by Cameron Ward; then Marion Bryce
11 through her counsel, Irwin Nathanson; next VANDU,
12 and that is Ms. Livingston, who we met earlier
13 this morning; then independent counsel for the
14 Downtown Eastside, Mr. Gratl; and then independent
15 counsel for aboriginal women, Ms. Gervais and her
16 colleagues who are working with her; then the
17 Vancouver Police Department and Vancouver Police
18 Board followed by the Government of Canada, the
19 Vancouver Police Union, Criminal Justice Branch,
20 Kim Rossmo, and Doug Fell.

21 Now, on some procedural issues, I do want you
22 to know, Mr. Commissioner, that we've had
23 excellent cooperation from all counsel and
24 participants, and we are grateful for that
25 assistance. We have had many requests, we've had

1 meetings, we've had interviews to schedule, and we
2 are grateful for all of that assistance.

3 Recently we've had two counsel and
4 participant meetings to deal with many
5 administrative matters. We recognize that from
6 time to time, given the number of participants,
7 the number of documents, and the number of issues,
8 there will be procedural matters that you'll be
9 called upon to deal with here in the courtroom. I
10 just want to mention three that we will need to
11 give attention to once we start with oral
12 evidence.

13 First, Mr. Gratl has an application regarding
14 protection of vulnerable witnesses, and that
15 should be argued before you and the submissions
16 accordingly. The second, both the Vancouver
17 Police Department and RCMP have concerns around
18 inadvertent disclosure of confidential
19 information, including names and addresses of
20 individuals, and concern regarding outstanding and
21 ongoing police investigations. Their concerns
22 will need to be raised in an open session where
23 the parties can all contribute to the decision
24 that you will need to make. And then, thirdly, at
25 this point, a recent request from Mr. Ward which

1 is being reviewed by the parties and will at some
2 point, of course, need your attention.

3 As to hours, we plan to sit normal court
4 hours, 10:00 to 4:00, with a planned break at
5 12:30. We will not sit on Fridays barring some
6 unusual event, which will allow all the
7 participants to prepare and deal with any other
8 matters that must be attended to. And obviously
9 in an undertaking of this nature there will be
10 other dates that need to be varied because of
11 schedules and other issues.

12 I want to speak briefly to the extension of
13 your mandate. We are mindful that your present
14 terms of reference require this commission to
15 conclude its work by the end of this year. I
16 suggest, Mr. Commissioner, that it has been
17 obvious to many people and for many months that an
18 extension, which is often routine in inquiry
19 cases, will be needed. We made the decision to
20 commence the hearings and then assess the
21 situation, and I will shortly make a
22 recommendation to you concerning an end date for
23 your work so you can take the necessary action in
24 that regard.

25 I conclude by noting in this opening to you

1 that the task of this commission is onerous.
2 There are many issues to investigate. The issue
3 of missing and murdered women and the Pickton
4 investigation is, without doubt, one of our
5 province's and country's biggest tragedies. The
6 effects of the disappearance and murders of so
7 many women, women who were our most vulnerable
8 citizens, have left a deep scar on our
9 communities. It has made many question their
10 trust in the administration of justice in this
11 province.

12 I echo your hope, Mr. Commissioner, that the
13 evidentiary hearing process will reveal any
14 impediments to the missing women investigations
15 and allow you to make recommendations that improve
16 missing women investigations in the future.

17 I would like to close by quoting Madam
18 Justice Saunders in *Bentley v. Braidwood*, 2009
19 B.C. Court of Appeal 604. Her remarks in
20 paragraph 40 highlight the significance of a
21 public inquiry and its important community purpose
22 in promoting the public interest in the
23 administration of justice. She states, and I
24 quote:

25 The Commissioner is charged with making a

1 full report on the circumstances...Inherently
2 in that process he must assess credibility of
3 witnesses where evidence conflicts, and as
4 part of his responsibility to his terms of
5 reference, make comment on material conflicts
6 in the evidence. Further, as his inquiry is
7 made in the interests of administration of
8 justice, it seems to me he is entitled to
9 comment, if comment be warranted, on the
10 response of public officials to the events
11 and to his process, thereby to advance the
12 public interest of confidence in the
13 administration of justice.

14 Mr. Commissioner, it is our commitment to you
15 that we will at all times endeavour to assist you
16 in conducting a full and fair inquiry in an effort
17 to advance the public interest and confidence in
18 the administration of justice.

19 THE COMMISSIONER: Thank you.

20 MR. VERTLIEB: The next speaker will be Mr. Ward on behalf of
21 his clients.

22 MR. WARD: Mr. Commissioner, before I start might I just have a
23 moment to confer with my friend Mr. Vertlieb? We
24 need not stand down, just a moment.

25 THE COMMISSIONER: Yes.

1 MR. WARD: Thank you. Mr. Commissioner, thank you for that.

2 THE COMMISSIONER: Name, please.

3 MR. WARD: Cameron Ward, counsel for 18 families. Just before
 4 I commence my opening remarks, the reason I took a
 5 moment to confer with my friend Mr. Vertlieb was
 6 that I'm concerned before embarking on my opening
 7 that I might inadvertently run afoul of a very
 8 broad undertaking with respect to confidentiality
 9 that I was obliged to sign before I could look at
 10 any documents, and I plan in the course of my
 11 opening, as my friend Mr. Vertlieb did, to refer
 12 to some of the evidence that I anticipate this
 13 commission will be receiving, and some of that
 14 evidence is enclosed in documents that have been,
 15 after they've been vetted and redacted, have been
 16 described as confidential in nature and made
 17 available to me in accordance with the terms of
 18 the signed undertaking. I don't want to breach
 19 any undertaking that's been imposed on me, and I
 20 plan to mention things that are found in the
 21 disclosure, and so I say this now so that if any
 22 of my friends has any objection to my proceeding
 23 in that fashion, which is the ordinary way in
 24 which openings are conducted, in my experience,
 25 that I be aware of that now so that there's no

1 problem with proceeding further.

2 THE COMMISSIONER: All right.

3 MR. WARD: And my friend Mr. Vertlieb kindly heard my concern
4 and indicated that he alone wasn't able to
5 alleviate it.

6 MR. VERTLIEB: Perhaps, Mr. Commissioner -- and part of the
7 problem is that we're not aware of the documents
8 that Mr. Ward wishes to put. We respect that, of
9 course. Maybe the answer for my learned friend
10 Mr. Ward is to mark whatever he wants for
11 identification so that it's not part of the record
12 and then that won't interrupt him, and if other
13 parties have concerns over those materials, then
14 we can deal with them.

15 THE COMMISSIONER: All right. Everybody comfortable with that?

16 MR. HERN: Sean Hern for the department and the board.

17 THE COMMISSIONER: Yes.

18 MR. HERN: The difficulty is, of course, I heard Mr. Ward to
19 say that he was planning on speaking about the
20 documents, and it may be a non-issue, but this is
21 the issue of confidentiality that lies within the
22 enormous document production from the police
23 agencies, is that these are investigative
24 documents into a very wide ranging group of people
25 investigating reports from a variety, hundreds,

1 hundreds of third party witnesses, victims of
2 horrible experiences, of sexual assault, reports
3 from sex trade workers in the course of the
4 investigators doing their work trying to identify
5 suspects and so on. Now, the main players within
6 the context of the narrative that's really at
7 issue I think are probably all people who have
8 been publicly identified in the Pickton trial and
9 so on or have spoken to the media independently,
10 so it's probably not an issue, but I wanted to
11 alert you to the fact that there is this issue
12 with third party confidential information that
13 does not -- the disclosure of which will not
14 advance the commission's mandate or the
15 commission -- assist the commission's work and
16 could have a very destructive effect on members of
17 the public. So that's the concern.

18 THE COMMISSIONER: So you're saying the prejudicial value
19 outweighs whatever probative value there is?

20 MR. HERN: They certainly don't need to be identified in order
21 to discuss them. The fact that a police officer
22 spoke to a victim who advised that officer of an
23 incident is -- does not require the identification
24 of that person necessarily in order to note the
25 work that's been done by the officer, but what --

1 so for the purposes of this opening it may be of
2 assistance to stand down for a moment and have Mr.
3 Ward simply advise us what -- generally what he
4 plans to do. The alternative would be to deal
5 with this application which Mr. Vertlieb mentioned
6 to you, which concerns how to deal with all this
7 latent confidential third party information that
8 is within the documents that will be introduced
9 into exhibits within this inquiry.

10 THE COMMISSIONER: Mr. Ward, are you able to proceed with your
11 opening keeping in mind what Mr. Hern's concerns
12 are?

13 MR. WARD: Absolutely, Mr. Commissioner. I prepared the
14 opening with great care so as not to divulge
15 sensitive information that might relate to any
16 third parties. I anticipate that the only
17 references that I may make to information
18 contained in -- to information contained in the
19 disclosure material will be sensitive, if I can
20 use that word, only to police interests. They
21 don't have the type of third party confidentiality
22 concern that my friend Mr. Hern has spoken about.
23 I've prepared this opening with great care, and I
24 just want to make sure that no one accuses me of
25 breaching what is a very, very expansive and broad

1 undertaking concerning the hundreds of thousands
2 of pages of material that have been given us.

3 THE COMMISSIONER: Mr. Hern, anything further? Are you
4 comfortable with what he said?

5 MR. HERN: Yes, I am comfortable with what he said in the sense
6 that each of these documents, by the sounds of it,
7 will be introduced to a police witness at some
8 point who can clarify or comment on them.

9 THE COMMISSIONER: All right. Okay. Go ahead.

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

11 Mr. Commissioner, as you know, my colleague
12 Mr. Chantler and I act for the families of 18
13 women who went missing on Vancouver's Downtown
14 Eastside and who were later linked in some way to
15 Robert William Pickton, the convicted serial
16 murderer. The names of these women, which I
17 propose to list now, are the following: Dianne
18 Rock, Georgina Papin, Marnie Frey, Cynthia Dawn
19 Feliks, Cara Ellis, Mona Wilson, Helen Mae
20 Hallmark, Dawn Crey, Angela Hazel Williams,
21 Jacqueline Murdock, Brenda Wolfe, Andrea Joesbury,
22 Elsie Sebastian, Heather Bottomley, Andrea
23 Borhaven, Tiffany Drew, Angela Jardine, and
24 Stephanie Lane.

25 The family members that these women have left

1 behind, many of whom have come here today, live
2 throughout the province in places like Prince
3 George, Sparwood, Rosedale, Coldstream, Campbell
4 River, Victoria, Fanny Bay, Surrey, and
5 Chilliwack. Some of them are from elsewhere in
6 this country, from Edmonton, Calgary, and North
7 York, Ontario, or even across our border, from
8 Washington State.

9 The families of these women and the families
10 of others of the missing women demanded a public
11 inquiry into why it took law enforcement
12 authorities so long to arrest Pickton and put a
13 stop to his horrific crimes. Now that this public
14 inquiry has convened and this day has finally
15 arrived, we intend on behalf of the families we
16 represent to do everything we possibly can to
17 assist you, Mr. Commissioner, in fulfilling the
18 commission's mandate.

19 As my friend Mr. Vertlieb pointed out in the
20 course of his very thorough and helpful opening
21 remarks, that mandate includes conducting a
22 thorough factual review of two related subject
23 areas concerning past events. The first one, of
24 course, is the conduct of the missing women
25 investigations, defined as the police

1 investigations conducted between January 23rd,
2 1997, and February 5th, 2002, a period of just
3 over five years, in respect of women who had been
4 reported missing from the Downtown Eastside. The
5 second retrospective subject of this inquiry is
6 the decision of the Attorney General's Criminal
7 Justice Branch to stay charges against Pickton of
8 attempted murder, assault with a weapon, forcible
9 confinement, and aggravated assault that had been
10 laid against him in respect of events that
11 occurred on March the 23rd, 1997.

12 Mr. Commissioner, we perceive that this
13 inquiry should primarily serve the families and
14 respect the memory of their lost loved ones.
15 Because the missing women were ignored by society
16 during their lives when they disappeared and to
17 some extent after they died, I am going to take
18 the liberty now of spending a few minutes to
19 introduce each of them to you by name. Every
20 single person on the following list was once
21 someone's child, someone's little girl.

22 First, Dianne Rock. She was adopted into a
23 warm and loving family at the age of 4 and lived
24 in Welland, Ontario. By the time she reached the
25 age of 28 she was the mother of five children.

1 She was married and worked as a care aide to
2 mentally handicapped adults until her life, as
3 many of the women's, took a turn for the worse.
4 In her case this happened in 2001. She came to
5 the Downtown Eastside, and she was last seen there
6 on October 19th, 2001. She was reported missing a
7 month later.

8 Second, Georgina Papin was born into a very
9 well-known family who resided on the Enoch Cree
10 First Nation reserve south-west of Edmonton. By
11 the time she was 35 she had seven children.
12 Georgina disappeared from the Downtown Eastside in
13 March of 1999 leaving behind a large extended
14 family, several members of which are here today.

15 Third, Marnie Frey. She had a fairly typical
16 or normal childhood in Campbell River, raised by
17 her loving father and her adoptive mother. Marnie
18 moved to Vancouver in 1997 and maintained frequent
19 and regular contact with her family on the Island.
20 She went missing in August of that year, 1997.
21 Her disappearance was reported to the police
22 immediately.

23 Fourth, Cynthia, or Cindy, Feliks was raised
24 primarily by her adoptive mother and attended Lord
25 Bing High School here on Vancouver's west side.

1 Cindy had one daughter, who's now in her twenties,
2 and she had many friends when she suddenly
3 disappeared from the Downtown Eastside in November
4 of 1997. We expect the evidence will be that the
5 police told Cindy's family when they reported her
6 missing and sought help that she "must be around"
7 and that she would "likely just show up".

8 Fifth, Cara Ellis was born and raised in
9 Calgary. She moved to Vancouver in her early
10 twenties, and despite an endless string of
11 troubles and difficulties that she encountered
12 here maintained close contact with her family back
13 home in Alberta. Cara vanished in early 1997, and
14 a subsequent report of her disappearance was
15 shrugged off by the Vancouver Police Department.

16 Sixth, Mona Wilson was raised in foster care in
17 Surrey, but she was originally from the O'Chiese
18 First Nation near Rocky Mountain House, Alberta.
19 She is survived by a large family, including
20 several siblings. Mona disappeared from the
21 Downtown Eastside on November 23rd, 2001, at the
22 age of 26. She was reported missing shortly after
23 that.

24 Seventh, Helen Mae Hallmark grew up in Burnaby.
25 She entered foster care in her early teens but

1 remained close with her natural family. She
2 disappeared from the Downtown Eastside shortly
3 after her 31st birthday in October of 1997. I
4 expect the evidence will be that Helen's siblings'
5 attempts to report her disappearance to the VPD
6 and get help from them were met with resistance
7 and apathy.

8 Eight, Dawn Crey was a member of the Sto:lo
9 First Nation near Chilliwack and is survived by a
10 large family, including six siblings, many nieces
11 and nephews, and her own son. She was raised in
12 foster care, but she too maintained ties with her
13 natural family. Dawn disappeared shortly before
14 her 43rd birthday in November of 2000 and was
15 reported missing one month later.

16 Nine, Angela Williams was raised by her father
17 in Campbell River. She went missing from the
18 Downtown Eastside in December of 2001, and she was
19 found murdered in Surrey shortly after that. She
20 had three children. Although her death is the
21 only one of this group not attributed to the
22 actions of Robert William Pickton, Angela is on
23 this list because the circumstances of her
24 disappearance may shed further light on the
25 quality of the missing person investigations

1 conducted in respect of those who went missing
2 from the Downtown Eastside.

3 Ten, Jackie Murdock was the youngest daughter
4 of a large -- in a large family from the Carrier
5 First Nation in Fort St. James. She was 26 years
6 old when she was last seen at the corner of Main
7 Street and Hastings on the Downtown Eastside of
8 Vancouver on the 14th of August, 1997. Jackie is
9 survived by a large family, including her parents,
10 siblings, and four children.

11 Eleven, Brenda Wolfe was born and raised near
12 Lethbridge. She later moved to the Downtown
13 Eastside, where she made many friends and worked
14 at the Balmoral Hotel. Brenda had two children of
15 her own when she disappeared in February of 1999
16 at the age of 31.

17 Twelve, Andrea Joesbury was born in Victoria
18 and was raised by her mother until the age of 16,
19 when she moved to Vancouver. She was last seen in
20 June of 2001 when she was 23 years old. Andrea
21 left behind her grandparents, parents and
22 siblings, and a young daughter.

23 Thirteen, Elsie Sebastian was born into the
24 Pacheedaht First Nation near Port Renfrew and was
25 a survivor of the Alberni Indian Residential

1 School. She disappeared from the Downtown
2 Eastside in 1992. Elsie left behind two
3 daughters, two sons, and a large extended family.

4 Fourteen, Heather Bottomley was born and
5 raised in New Westminster, where she enjoyed, by
6 all accounts, a happy and normal childhood. In
7 her teenage years a boyfriend led her to the
8 Downtown Eastside, and she began to live there.
9 She had two children and was last seen on April
10 17th, 2001, at the age of 24. Heather was
11 reported missing later that year.

12 Fifteen, Andrea Borhaven was born in Langley
13 and was raised by her mother and stepfather in
14 Armstrong. Her mother last heard from her in
15 January of 1997 and reported her disappearance to
16 the Vancouver Police Department later. Andrea was
17 26 years old when she vanished.

18 Sixteen, Tiffany Drew was raised in Port
19 Alberni in Nanaimo by her parents. After she
20 moved to Vancouver in 1998 she remained close with
21 her aunt, who now has custody of Tiffany's three
22 children. She vanished from the Downtown Eastside
23 in 1999. Her family was met with resistance when
24 trying to report her disappearance to the
25 Vancouver Police Department.

1 Seventeen, Angela Jardine was born in
2 Sudbury, Ontario and moved to Sparwood with her
3 parents when she was 12. At the age of 19 she
4 left home and moved to Vancouver. She was last
5 seen by her Downtown Eastside social worker in
6 December of 1998, and when she failed to return
7 home to Sparwood for Christmas that year, her
8 family contacted the VPD to report her missing.
9 Angela was 28 years old.

10 Eighteenth, and finally, Stephanie Lane grew
11 up in East Vancouver with her parents and younger
12 brother. While in high school she was a straight
13 A student. She disappeared from the Downtown
14 Eastside in January of 1997 and was reported
15 missing to the VPD within weeks. Stephanie was 20
16 years old and had recently given birth to her only
17 son.

18 These 18 missing women, Mr. Commissioner,
19 were all little girls once. They were women when
20 they went missing, and they could have been
21 anyone's daughters. Each of them loved their
22 families, and their families loved them right
23 back. While many of these young women had fallen
24 into the grip of drug addictions and had been
25 forced to sell their bodies to supplement meager

1 welfare payments, they had homes and friends and
2 kept in frequent touch with their parents,
3 siblings, and other relatives. Many occasionally
4 returned to their families' homes for special
5 occasions like Christmas, birthdays and weddings,
6 or simply for a home-cooked meal and temporary
7 respite from the life they lived in the Downtown
8 Eastside. However, and this is important, I
9 submit, their lives were the Downtown Eastside.
10 The Downtown Eastside was their home. It was the
11 only place where they felt that they could be
12 secure and could survive. Other than sometimes
13 catching up with their relatives, these women
14 rarely left their circle of friends, fellow
15 addicts and drug dealers, and were caught in a
16 vicious cycle of highs and lows and dependence.

17 We expect that many of the friends and family
18 members of the missing women will testify that
19 when they realized they were gone they got the
20 brush-off when they tried to report the
21 disappearances to the Vancouver Police Department.
22 We expect they will testify that members of the
23 Vancouver Police Department told the families they
24 must have gone on holiday or they must have gone
25 travelling, perhaps to Calgary, or that there was

1 some other reasonable explanation for their sudden
2 absence. Mr. Commissioner, common sense should
3 tell us that that was patently nonsense. Addicted
4 women who rely on welfare cheques to survive can't
5 get up and leave their home turf even if they
6 wanted to.

7 We expect that the families who provide
8 testimony here will describe the experience of
9 fearing that something terrible may have happened
10 to their loved one, the experience of taking their
11 concern to the police, who were responsible for
12 public safety and responsible for following up,
13 and being told by a perfect stranger there that
14 their child or their relative was probably just
15 off on holidays or gone travelling. These
16 witnesses will try to convey to you how
17 presumptuous, insulting, condescending, and
18 offensive those comments were to them.

19 We expect that the evidence brought before
20 this inquiry will reveal that the police, to the
21 extent they even noticed, were full of disdain and
22 contempt for the missing women and their families.
23 After all, these weren't nice girls from the west
24 side of Vancouver, where people drive expensive
25 cars and where nondescript houses change hands for

1 millions of dollars. These were poverty-stricken,
2 drug-addicted, poorly educated, predominantly
3 native sex trade workers from the Downtown
4 Eastside, a part of Vancouver where people don't
5 own cars but offer to wipe the windows of more
6 wealthy residents who pass through that part of
7 town. These are people who are forced by
8 circumstance to sleep in alleys or bedbug-infested
9 flophouses and to scrounge for pocket change just
10 to survive from one day to the next. The police
11 and most of the rest of society, if the truth be
12 told, probably could have cared less what happened
13 to these women.

14 Now I want to provide an introduction to the
15 families' perspective that they're bringing to
16 these hearings, and they followed, of course, Mr.
17 Pickton's criminal trial, and they're aware that
18 for a period of at least five long years leading
19 up to February 5th, 2002, the date that the police
20 accidentally stumbled upon evidence at the Pickton
21 farm, dozens of women, including their loved ones,
22 vanished from right under the noses of the VPD and
23 were murdered right under the noses of the
24 Coquitlam RCMP even though both police forces had
25 plenty of information during that period pointing

1 to Pickton as a prime suspect.

2 Given all they've heard, given the criminal
3 trial and the outcome of that, given the jury's
4 clear indication that the jury did not consider
5 that Pickton acted alone, the families have two
6 very important questions that they seek answers
7 to. Number one, they want to know why Pickton
8 wasn't stopped sooner; and, number 2, they want to
9 know if Pickton had accomplices in his heinous
10 deeds who may still be walking the streets and
11 praying on others.

12 The families come to this process, Mr.
13 Commissioner, believing that the law enforcement
14 authorities who were responsible for protecting
15 the public and keeping our community safe appear
16 to have failed miserably in their duties. The
17 families perceive that these institutions,
18 although they had millions of dollars of
19 taxpayers' funds at their disposal, turned a blind
20 eye to the issue of the missing women either
21 because of absolute indifference, breathtaking
22 incompetence, or perhaps for even more sinister
23 reasons.

24 Whatever factors may have led to the five-
25 year delay in charging Pickton, and for our part

1 we intend to help you find out exactly what they
2 were, the families of the missing women are
3 absolutely outraged by what happened in the
4 handling of this case. They believe that the
5 authorities are culpable in the deaths of over a
6 dozen women because the authorities' negligence
7 enabled Pickton to literally get away with murder
8 for more than five years. Mr. Commissioner, make
9 no mistake about it, our clients believe that the
10 VPD, the RCMP, and the Criminal Justice Branch
11 have the blood of their loved ones on their hands.

12 Mr. Commissioner, the facts already in the
13 public domain are truly shocking and have led our
14 clients to the inescapable conclusion that both
15 the Vancouver Police Department and the RCMP
16 completely botched the handling of the missing
17 women investigations. We anticipate that the
18 additional evidence to come forward at these
19 hearings will show that the conduct of both police
20 forces was inexcusable and egregious.

21 My friend Mr. Vertlieb has touched upon some
22 of the areas where you may be asked to draw
23 conclusions about the quality of the police
24 investigations. We expect that the evidence will
25 show that there were some fundamental technical

1 and operational failures, many of which Mr.
2 Vertlieb has alluded to, on the part of the
3 police. Very quickly, we submit the evidence will
4 reveal that these include, first, the police
5 failed to acknowledge the possibility of a serial
6 killer praying on the Downtown Eastside community
7 despite the overwhelming evidence and failed to
8 warn the public of that possibility. Second, they
9 failed to share information between police forces
10 or even within their own police forces. Third,
11 investigators failed to follow the basic
12 principles of major case management and lacked
13 adequate training in how to perform that role.
14 Next, they failed to conduct effective or
15 sufficient or indeed any surveillance on their
16 primary suspects. They failed to follow basic
17 leads, such as interviewing family members and
18 friends of the women who had been reported
19 missing. They failed to conduct a proper
20 interview of Pickton in 2000, when he voluntarily
21 came into the Coquitlam RCMP detachment, and then,
22 compounding that mistake, they failed to follow up
23 the inadequate interview with a search of his
24 farm, which he then, in 2000, had consented to.

25 I'll just stop there for a moment. Pickton

1 tells the RCMP in 2000, "Sure, you can go search
2 my farm." It's six kilometres down the road from
3 the detachment. They don't bother. We know the
4 remains are there, and we know that after 2000
5 many more women are murdered there. It's
6 literally unbelievable.

7 Finally on the list of blunders, the police
8 failed to adequately prioritize resources despite
9 the scale of the tragedy that was obviously
10 unfolding.

11 Beyond these purely technical failings, we
12 expect that the evidence will show that there was
13 another problem, a pervasive one. The police, and
14 by that I mean both Vancouver and RCMP members,
15 simply had a bad attitude. They showed an
16 enormous lack of understanding of or prejudice
17 towards the population with which they were
18 dealing. For instance, they failed to understand
19 the cycle of dependence of drug-addicted sex
20 workers and naively assumed that they were
21 transient in nature. They failed to deal
22 effectively and appropriately with tipsters and
23 witnesses who happened to have drug addictions
24 themselves. And perhaps most importantly, they
25 failed to give sufficient or indeed any value to

1 the evidence brought forward by friends, family
2 members, and social service providers to the
3 effect that these women had disappeared. In
4 short, it seems that the police, Vancouver in
5 particular, didn't believe the families, the
6 friends, the other concerned citizens who reported
7 these sudden disappearances of women from the
8 Downtown Eastside.

9 My clients want to know why the police were
10 apparently so callous and indifferent. Was it
11 because these women had the nine unfortunate
12 characteristics that my friend Mr. Vertlieb
13 listed? Did the police conclude because they were
14 poverty-stricken, poorly educated residents of the
15 Downtown Eastside, many of First Nations heritage,
16 many addicted to drugs, many involved in the sex
17 trade, many with criminal records that they simply
18 didn't matter and that their disappearances were
19 of no consequence?

20 We feel that whatever the failures of the
21 Vancouver Police Department might have been within
22 their jurisdiction that the RCMP and the evidence
23 pertaining to its activities should receive full
24 and careful scrutiny by this commission given the
25 following facts, which we expect will clearly

1 emerge in the course of the hearings.

2 Mr. Commissioner, as you know, the RCMP was
3 responsible for policing the relatively small
4 suburb of Port Coquitlam, the jurisdiction where
5 the remains and DNA of the missing women were
6 ultimately found at a farm owned by the three
7 Pickton siblings: Robert William, or Willie,
8 Pickton, David Francis Pickton, and Linda Louise
9 Wright. That farm, as I mentioned, was just a
10 short drive east on the Lougheed Highway from the
11 Coquitlam RCMP detachment, a Hells Angels
12 clubhouse was right across the street from the
13 Pickton farm, and just around the corner from
14 those two properties was Piggy's Palace, an
15 infamous and notorious hangout operated by Willie
16 Pickton's brother Dave on land that the three
17 Pickton siblings also owned.

18 It has been publicly reported that Piggy's
19 Palace was well-known in the community as a "wild
20 party place with drugs and prostitutes" and that
21 it was frequented by the Hells Angels, off-duty
22 police officers, and city officials. Given the
23 size of the community and the proximity of Piggy's
24 Palace to the RCMP station, the Coquitlam RCMP
25 must have been intimately familiar with the

1 activities going on there and with the Pickton
2 brothers, especially since we expect the evidence
3 will reveal that a long-time friend of the Pickton
4 family worked in a civilian capacity within that
5 Coquitlam RCMP detachment.

6 Earl Moulton, the officer in charge at the
7 Coquitlam RCMP detachment at all relevant times,
8 must have known of the unsavoury activities going
9 on at Piggy's Palace. We expect that he will
10 testify and describe Piggy's Palace as an illegal
11 after-hours booze can and say that "the nature of
12 their clients and such was that we didn't want
13 that going on and we took some steps to
14 interfere".

15 The steps the RCMP and the City took,
16 apparently, included a court action commenced by
17 the City of Port Coquitlam in the Supreme Court of
18 British Columbia on October 24th, 1996, five
19 months before Pickton allegedly attempted to
20 murder the sex trade worker known as Anderson.
21 The Pickton siblings defended that court action,
22 and the litigation lasted over two years until
23 December 31st, 1998, New Year's Eve 1998, when the
24 City of Port Coquitlam obtained an interlocutory
25 injunction from Mr. Justice Scarth that restrained

1 the Picktons from using the premises at 2552 Burns
2 Road, otherwise known as Piggy's Palace, "for the
3 purposes of holding a dance or party or for the
4 assembly of persons for entertainment,
5 recreational, charitable or cultural purposes".

6 This two-year period during which the City
7 was trying to shut Piggy's Palace down in the
8 courts, presumably with the assistance and advice
9 and help of the RCMP, was a critical time, because
10 it was during that very period that the RCMP was
11 receiving information from several sources that
12 Willie Pickton was involved in harming or killing
13 sex trade workers at his farm around the corner.

14 If everyone knew of the wild activities going
15 on at the Picktons' property involving Hells
16 Angels, sex trade workers and drugs, if off-duty
17 police officers had been frequenting the place, if
18 a long-time friend of the Pickton family worked in
19 a civilian capacity for the Coquitlam RCMP, then
20 how in the world could they fail to put two and
21 two together when the information about Pickton's
22 connection with the missing Downtown Eastside
23 women began coming in?

24 I remind you of what my friend Mr. Vertlieb
25 said about Bill Hiscox. In August of last year,

1 2010, Bill Hiscox, the tipster, received a portion
2 of the hundred thousand dollar reward that had
3 been offered by the Vancouver Police Board and the
4 Province in 1999 for "information leading to the
5 arrest and conviction of the person or persons
6 responsible for the unlawful confinement,
7 kidnapping or murder of 31 listed missing women".
8 He got the reward, some of it.

9 Mr. Hiscox, as Mr. Vertlieb pointed out, had
10 come forward in August of 1998 with information
11 that Willie Pickton, a Port Coquitlam pig farmer,
12 was a "sicko" who had killed Sarah de Vries, had
13 women's purses and identification in his trailer,
14 had said that he could "easily dispose of bodies
15 by putting them through a grinder" and that he
16 "might be responsible for all the missing girls".

17 Mr. Hiscox had made the effort out of a sense
18 of public duty to telephone Crime Stoppers, Ms. De
19 Vries' friend Wayne Leng, and the Vancouver Police
20 Department with this information. The Vancouver
21 Police considered it credible and passed it on to
22 the Coquitlam RCMP right away, in August of 1998.

23 When the Coquitlam RCMP received that
24 information, the first thing they did with it,
25 obviously, was to check the records on Pickton.

1 That led them to their file involving the
2 attempted murder of Anderson just the year before,
3 herself a Downtown Eastside sex trade worker. The
4 RCMP had on their files that they had gathered in
5 March of 1997 still photographs and video of the
6 inside of Pickton's trailer as well as clothing
7 and other items that they had seized from him and
8 retained in an exhibit locker. And, by the way,
9 when the RCMP finally got around to checking that
10 clothing for evidence in 2004, seven years after
11 they had seized it from Pickton, they found DNA
12 from two of the missing women, Andrea Borhaven and
13 Cara Ellis.

14 Although more informants independently came
15 forward with information similar to what Hiscox
16 had reported, the RCMP failed to take any number
17 of steps that could have stopped Pickton in his
18 tracks. Unfortunately, tragically, unbelievably,
19 Pickton was able to continue taking women from the
20 Downtown Eastside to his Port Coquitlam farm,
21 where he butchered them unhindered, unmolested by
22 the police from August of 1998 until February of
23 2002, a period of over three and a half years.
24 How could this possibly happen? That's what my
25 clients want to and need to know.

1 Mr. Commissioner, we have the benefit now of
2 internal reviews conducted by both the VPD and the
3 RCMP of their own investigations. They've been or
4 parts of them have been entered as exhibits now.
5 Deputy Chief LePard wrote that the Vancouver
6 Police Department's investigation lacked what he
7 called urgency and priority. He suggested that
8 inadequate resources and lack of a regional police
9 force structure contributed to the mistakes that
10 were made. He also pointed fingers at the RCMP
11 stating in his report, and I quote:

12 Those in positions of authority in the
13 Coquitlam RCMP and the Provincial Unsolved
14 Homicide Unit must bear primary
15 responsibility for the failure to effectively
16 manage the investigation.

17 To the Vancouver Police Department's credit,
18 Mr. LePard, or Deputy Chief LePard, at least had
19 the decency to tender an apology of sorts to the
20 families at a press conference he conducted last
21 year on August 20th, 2010.

22 The RCMP has also conducted an internal
23 review. The formal one was done by Officer
24 Williams. There's a review of LePard's report
25 that we've been made privy to as well. LePard's

1 report. Pardon me. And it would seem that the
2 RCMP, in what I would characterize as an
3 astonishing display of hubris, have expressed
4 indignation at any suggestion they have made any
5 serious mistakes along the way in their handling
6 of this case.

7 We expect that RCMP Superintendent Nash will
8 testify and confirm that he characterized portions
9 of Deputy Chief LePard's review with these
10 adjectives. He found it, and these are all
11 quotes, objectionable, inflammatory, disturbing,
12 biased, unfair, insulting, misleading,
13 distasteful, offensive, completely without merit,
14 and bizarre.

15 Don Adam also did a review of sorts. He's
16 the retired RCMP investigator who started working
17 on the case in January of 2001 and, as I
18 understand it, was the first witness to testify at
19 Pickton's criminal trial. He had a lengthy and
20 largely self-congratulatory opinion piece
21 published in the *Vancouver Sun* in November of 2010
22 after this inquiry had been announced. Mr.
23 Commissioner, in my respectful submission, Mr.
24 Adam's commentary cannot be allowed to remain in
25 the public record unchallenged, and we look

1 forward to having the opportunity to question him
2 about the steps he and his team took or didn't
3 take after he became involved in 2001.

4 While infighting, personality clashes, and
5 lack of communication may have contributed to the
6 police investigation's problems, and, Mr.
7 Commissioner, you, of course, will have the task
8 of sorting all this out once all the evidence is
9 in, we will be taking issue in the strongest
10 possible terms with any suggestion that a lack of
11 resources was any factor at all.

12 Wayne Leng, a concerned citizen with no
13 investigative training and no funding other than
14 his personal money, using his spare time arguably
15 did more in three months to solve the case than
16 the Vancouver Police Department and RCMP did with
17 their combined money and manpower in over five
18 years.

19 If anybody alleges that the Vancouver Police
20 Department had inadequate resources, I find it
21 ironic that we observed at least 11 uniformed
22 members of the Vancouver Police Department
23 downstairs at the entrance to this building,
24 presumably to ensure that the peaceful protest
25 outside didn't get out of hand. I say it's ironic

1 because that number of Vancouver Police Department
2 members, at least 11, amounts to eight more, at
3 least eight more than the number of members they
4 assigned to the missing women cases in the first
5 few phases of their investigations.

6 On the issue of resources, we expect the
7 evidence to reveal that Canada's national police
8 force, the RCMP, and the municipal police
9 department of this country's third largest city,
10 Vancouver, both had ample funds and human
11 resources at their disposal to enable them to do a
12 competent job on the missing women investigations.
13 The resource issue, if there was any at all,
14 appears to us to have been one of misallocation of
15 resources, not inadequacy of resources.

16 Mr. Commissioner, I note the time. I've
17 got -- I would say I'm about two-thirds of the way
18 through.

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

20 THE REGISTRAR: We'll recess for 15 minutes.

21 **(PROCEEDINGS ADJOURNED AT 3:16 P.M.)**

22 **(PROCEEDINGS RECONVENED AT 3:35 P.M.)**

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

24 THE COMMISSIONER: Yes.

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

1 The families of the missing women that I
2 represent want this inquiry to produce some things
3 that have alluded them for far too long. They
4 hope that this inquiry produces the truth, some
5 measure of justice, and some accountability. As
6 counsel for the families, our task of trying to
7 help this commission ferret out the truth is going
8 to be a challenge. In our view, this forum is not
9 anything like a level playing field. In fact,
10 it's going to be much more like a mountain that
11 we're going to have to climb.

12 The law enforcement authorities have had the
13 advantage of virtually unlimited resources at
14 their disposal in terms of money, legal counsel,
15 and time. We understand that the RCMP and the VPD
16 first consulted their civil lawyers about these
17 matters almost a decade ago. We've been
18 looking --

19 THE COMMISSIONER: I don't want to interrupt you, but I am
20 going to. Regardless of when other people got
21 counsel, I can tell you that there will be a level
22 playing field in here. This will be a fair
23 hearing. Everybody will have full opportunity to
24 be heard. And if you think during the course of
25 the inquiry that you need more time because you

1 think that the -- or your position is that counsel
2 for the police, the RCMP have -- that you're
3 disadvantaged by the fact that they've had longer
4 time to prepare, I'll give you time to prepare. I
5 can tell you at the end of the day that this will
6 be a fair hearing.

7 MR. WARD: Thank you. I know that will be the case, but I
8 would be remiss, Mr. Commissioner, if I did not
9 express now, at the first opportunity, my concerns
10 about the issue of documents. My experience with
11 inquiries of this nature have made it clear to me
12 that it's very important to ensure that all
13 relevant documents are made available at the
14 outset. In this case we've been shown through the
15 concordance cloud method of document access
16 hundreds of thousands of pages of documents, but
17 we've only had access to them since about June of
18 this year.

19 It's apparent from our initial review that
20 the documents which have come from the police
21 departments in question, VPD, RCMP and the
22 Criminal Justice Branch, have been carefully
23 vetted and heavily redacted, and as I mentioned
24 before I started, as counsel I had to sign a
25 strict undertaking before I could even look at the

1 edited documents. As I stand here today at the
2 commencement of these hearings, it's obvious, at
3 least to me, that many, many classes of important
4 records still have not been revealed even though
5 lawyers have been working on this case for a long,
6 long time.

7 I want you to be aware, Mr. Commissioner,
8 that we intend on behalf of the families to take
9 whatever steps we need to to ensure that every
10 relevant record, every scrap of paper, every piece
11 of audio, video or photographic evidence is
12 available for our scrutiny and use at these
13 hearings. We intend to use all the means at our
14 disposal to ensure that any lid that may have been
15 sealed on this case is pried off and that all the
16 relevant facts are exposed for public scrutiny.
17 We see our role as counsel for the families as, in
18 large measure, assisting you, Mr. Commissioner,
19 with trying to ferret out or get to the truth of
20 what actually happened with respect to the issues
21 identified in the terms of reference.

22 We do have other concerns about the process
23 as it's unfolded so far, and I must mention those.
24 My clients, the families, are very troubled that
25 the provincial government decided not to fund

1 other groups who had been granted standing, which
2 has left us to shoulder a heavier burden than we
3 had anticipated. Those groups could have been of
4 assistance, we feel, not only to us, but to you
5 yourself, Mr. Commissioner, and to this process,
6 and it's very regrettable that they're not here
7 today.

8 My friend Mr. Vertlieb mentioned the
9 involvement of Deputy Chief Evans of the Peel
10 Regional Police Force, and I have to say on behalf
11 of the families we are concerned with her
12 engagement to play a role in this inquiry, and we
13 question and look forward to receiving an
14 explanation as to why the Peel Police, and Deputy
15 Evans in particular, apparently had access to the
16 files about six months before we did.

17 We have felt left out of the loop as we have
18 prepared for this hearing, and that's an
19 uncomfortable state to be in. We are concerned
20 when we learn about developments in the media, as
21 we did again last Friday when we heard on the
22 radio some expressions about how long this hearing
23 process is expected to last. On this point, the
24 duration of these hearings, the terms of reference
25 of course state that the commission must report

1 its findings to the government by December 31st,
2 2011. We concur with Mr. Vertlieb's view, as we
3 understood it, that it will be absolutely
4 impossible to complete an adequate inquiry of
5 these matters by that date. In our view, the
6 government simply must extend the deadline for at
7 least another year if this is to be a bona fide
8 exercise, and we insist for the sake of the
9 families and their scheduling purposes that the
10 government turn its mind to making a decision now
11 so that we all have some scheduling certainty as
12 we move forward with these hearings.

13 We know and trust that the evidentiary
14 hearing process will be thorough and open and
15 transparent, and we trust that the families will
16 be kept fully informed through us of any material
17 issues pertaining to this process as and when the
18 other participants are apprised of them.

19 I want to make a further reference to the
20 anticipated evidence and the nature of it. Mr.
21 Commissioner, we perceive that the effectiveness
22 of this commission's work and the end result of it
23 will depend on the nature, the quality, and the
24 quantity of the evidence that it receives. That
25 evidence will include the records that the

1 commission is able to obtain through the use of
2 its statutory powers and then disclose to the
3 participants, the documents that become exhibits
4 at these hearings, and the sworn testimony of the
5 witnesses who take the stand.

6 As Mr. Vertlieb and I have both mentioned, we
7 do have a formal application for the disclosure of
8 some of the additional records we believe still
9 need to be produced. And just for a few examples,
10 we don't yet have any audio or video files. We
11 haven't got the Vancouver Police Department's
12 missing person files for Cara Ellis. We don't
13 have the files related to the investigation and
14 closure of Piggy's Palace. We seem to be missing
15 copies of many police and Crown e-mails relative
16 to this case, and the disclosure of police
17 notebooks seems incomplete and so on. We hope to
18 deal with these issues in a timely way, and we
19 know we can count on the continued cooperation of
20 the participants and others who may be involved in
21 this endeavour, but we do need, we feel, to
22 resolve issues like that fairly quickly.

23 As far as the witnesses are concerned, aside
24 from the first several witnesses scheduled for
25 this month, we do not yet have any real certainty

1 as to the identities of those whom Mr. Vertlieb
2 intends to call to the stand, and I don't say that
3 in a critical way, but we offer our views now as
4 to the types of witnesses that we feel should
5 testify at these hearings, under compulsion if
6 necessary, and they include people from the
7 following groups. Firstly, Vancouver witnesses in
8 our view ought to include all community members,
9 activists, friends and family who tried to bring
10 the disappearances of the missing women to the
11 attention of the Vancouver Police Department.
12 Another group of important witnesses in our view
13 are city officials and members of the Vancouver
14 Police Board, including former Mayor Owen, who
15 initially dismissed the issue of the
16 disappearances of women from the Downtown Eastside
17 and hesitated to offer a reward for information
18 leading to their recovery.

19 THE COMMISSIONER: You know, rather than dealing with that now,
20 why don't you ask Mr. Vertlieb at the conclusion
21 of today's hearing who he intends to call? I
22 don't know if it's productive at all for you to be
23 making this application while everyone else is
24 sitting around here waiting to hear your opening.
25 I think -- I want to hear your opening, I want to

1 hear what your position is, I want to hear about
2 the families, but if you have an application for
3 further disclosure, it might be productive for you
4 to speak to Mr. Vertlieb after today's hearing,
5 and then if we can't resolve that, then we'll --
6 then we'll deal with it in the hearing room, but
7 I -- you know, I don't know if this is a formal
8 application. I don't -- and if it is, I don't
9 know if it's contested, so --

10 MR. WARD: Mr. Commissioner, I'm not making any application
11 right now. I'm expressing my views as counsel for
12 the families of 18 missing women as to who should
13 be called to this commission to testify about the
14 subject matter --

15 THE COMMISSIONER: Yes.

16 MR. WARD: -- of your mandate.

17 THE COMMISSIONER: Yes.

18 MR. WARD: I have been expressing my views on both the issue of
19 witnesses and on the production of relevant
20 documents to my friend Mr. Vertlieb and others for
21 some considerable time now, and I want to put it
22 on the record because I have not been getting any
23 responses that give me any comfort. I'm starting
24 to feel, quite frankly, like the families must
25 have felt when they went to the Vancouver Police

1 Department and the RCMP.

2 THE COMMISSIONER: Okay. I think you missed the point of what
3 I said. I said that obviously you should have all
4 relevant documents and all relevant evidence that
5 you need to further your case. That's a given.
6 But what I'm saying is why don't you talk to Mr.
7 Vertlieb or any other counsel here to express your
8 concerns, and maybe if we can resolve that outside
9 the hearing room we can move this matter much more
10 expeditiously.

11 MR. WARD: I'm sorry to waste the commission's time.

12 THE COMMISSIONER: You're not wasting my time. I just, you
13 know --

14 MR. WARD: I'll move along. Thank you.

15 In my respectful submission, I should have,
16 as I stand here today, the day before the hearings
17 are to start with witnesses, all of the relevant
18 documents and a list of all of the witnesses who
19 are coming. I perceive that I have neither, and
20 it's going to be a huge problem for me to
21 discharge my duty to my clients unless I get both
22 of those things. I'll leave it at that.

23 THE COMMISSIONER: All right. Thank you.

24 MR. WARD: Mr. Commissioner, I recognize that this inquiry will
25 have to cover an awful lot of ground if it's going

1 to be effective. It's probably going to have to
2 take a long time. I want any members of the
3 public who may be following these proceedings to
4 know that we plan on behalf of the families to
5 post regular reports on our website as to
6 developments that are occurring with respect to
7 this. We appeal as counsel for the families to
8 anyone who might be following these hearings and
9 who may have helpful information to offer to
10 contact us through our website, anonymously if
11 they wish, and we will follow those tips up. We
12 will do everything we possibly can to bring any
13 relevant evidence before this commission and help
14 this commission uncover all of the true facts.

15 Mr. Commissioner, there's a lot at stake in
16 this process. The families of the missing women
17 have decided after considerable soul searching
18 given the developments of the recent months to
19 participate in this process and to put some faith
20 in it and to come here. They did consider, many
21 of them, withdrawing as well. Some did. But in
22 the end the families feel that they are in a
23 unique and different position than the groups that
24 elected not to participate. If they are going to
25 attempt to find out exactly what happened in the

1 investigations of their missing loved ones, and if
2 they are going to have their lingering questions
3 answered, this is the only viable forum that can
4 give them those opportunities.

5 Besides looking backwards to answer the
6 important questions the families have, the ones I
7 identified before, why didn't the police stop
8 Pickton sooner, did Pickton really act alone, this
9 commission will be looking forward in considering
10 recommendations that may be designed to improve
11 the safety of the most vulnerable members of our
12 communities, whether they're First Nations or
13 others, whether they're drug addicts, whether
14 they're sex trade workers who may be living in our
15 communities. The commission may consider making
16 recommendations designed to improve policing in
17 the province, perhaps concerning the issue of the
18 appropriateness of a regional police force,
19 perhaps concerning the fairly topical issue of
20 whether it is appropriate for the RCMP to continue
21 fulfilling the role of the provincial police force
22 in this province.

23 Mr. Commissioner, on behalf of the families
24 of the 18 missing and murdered women that I listed
25 earlier, we look forward to doing everything we

1 possibly can to assist you and this commission
2 with your very important work.

3 THE COMMISSIONER: Okay.

4 MR. WARD: Thank you.

5 THE COMMISSIONER: Thank you, Mr. Ward. Mr. Vertlieb.

6 MR. VERTLIEB: Mr. Commissioner, I think we're close to the
7 break time. We had planned two days for openings.
8 I think we're on track from what we're observing.
9 May I suggest that tomorrow, to accommodate a
10 couple of schedules, we first hear from Grand
11 Chief Ed John, and then Mr. Skwarok on behalf of
12 Dr. Rossmo, then Mr. Gratl for the Downtown
13 Eastside, Ms. Gervais. I know, I'm informed that
14 Ann Livingston of VANDU wishes to make some
15 opening comments. I'm told that the Government of
16 Canada will be very brief, that Vancouver Police
17 Department will not be lengthy, and then perhaps
18 there might be some others that I'm not aware of
19 right now.

20 THE COMMISSIONER: All right.

21 MR. VERTLIEB: So if we plan to do that starting at 10:00
22 tomorrow, I think we're in good shape.

23 THE COMMISSIONER: Thank you.

24 THE REGISTRAR: The hearing will now adjourn until ten o'clock
25 tomorrow morning.

1 (PROCEEDINGS ADJOURNED AT 3:53 P.M.)

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I hereby certify the foregoing to
be a true and accurate transcript
of the proceedings transcribed to
the best of my skill and ability.

Leanna Smith
Official Reporter
UNITED REPORTING SERVICE LTD.

EXHIBITS

NO.	DESCRIPTION	PAGE
	(EXHIBIT 1: Booklet entitled: Vancouver City Police (VPD) Missing Women Investigative Review, August 2010, 407 pages, VPD-001-012879)	74
	(EXHIBIT 2: Document entitled: Royal Canadian Mounted Police (RCMP) Request for Assistance - External Review, RCMP-004-000710)	74

INDEX OF PROCEEDINGS

	Page
Opening by Commissioner Oppal	1
Opening by Mr. Vertlieb	18
Opening by Mr. Ward	86

\$	90:4, 90:13, 91:3, 92:8, 93:15, 94:14, 107:5 1998 [31] - 2:12, 7:23, 12:18, 20:3, 21:7, 31:1, 32:11, 34:9, 35:24, 37:1, 37:23, 38:9, 39:5, 39:10, 43:8, 43:19, 44:15, 45:6, 47:8, 47:23, 48:18, 67:22, 68:4, 68:20, 93:20, 94:6, 104:23, 106:10, 106:22, 107:22 1999 [17] - 34:9, 36:3, 38:10, 39:17, 49:16, 50:18, 52:8, 52:10, 55:1, 56:19, 57:7, 59:14, 89:13, 92:15, 93:23, 106:4 19th [1] - 89:6	32:20, 80:18 2010 [8] - 2:19, 19:15, 64:21, 74:12, 106:1, 108:21, 109:21, 1:6 2011 [2] - 1:2, 116:2 20th [1] - 108:21 21 [3] - 7:10, 51:10, 60:22 22 [2] - 18:25, 67:8 23 [3] - 38:1, 68:14, 92:20 23rd [3] - 88:1, 88:11, 90:21 24 [2] - 76:7, 93:10 24th [1] - 104:18 25 [2] - 18:25, 52:7 2552 [1] - 105:1 26 [4] - 64:21, 90:22, 92:5, 93:17 26th [1] - 50:18 27 [8] - 6:13, 19:1, 19:15, 20:3, 52:11, 67:10, 68:4, 68:20 28 [2] - 88:25, 94:9 290 [1] - 9:19 2:00 [3] - 65:11, 65:12, 65:14	68:12 4(c) [1] - 20:7 4(d) [1] - 20:12 40 [1] - 80:20 407 [2] - 74:12, 1:6 43rd [1] - 91:14 48 [1] - 66:22 49 [1] - 6:15 4:00 [1] - 79:4	12:4, 12:6, 16:8, 17:6, 26:25, 27:21, 37:8, 42:8, 77:15 Aboriginal [1] - 18:23 absence [1] - 96:2 absolute [1] - 98:21 Absolutely [1] - 85:13 absolutely [2] - 99:3, 116:3 abusive [1] - 27:25 accept [2] - 54:12, 72:6 acceptable [2] - 5:8, 5:9 accepting [1] - 39:21 access [4] - 11:23, 113:15, 113:17, 115:15 accessible [1] - 23:25 accidentally [1] - 97:20 accommodate [1] - 123:9 accomplices [1] - 98:9 accordance [1] - 82:17 according [2] - 38:25, 69:5 accordingly [1] - 78:16 account [1] - 10:8 accountability [1] - 112:5 accountable [1] - 24:3 accounts [1] - 93:6 accurate [1] - 124:8 accuses [1] - 85:24 achieved [1] - 7:5 acknowledge [2] - 36:4, 100:5 acknowledged [1] - 36:11 act [3] - 7:10, 86:12, 122:8 Act [10] - 2:1, 7:7, 8:11, 22:2, 22:25, 23:8, 29:3, 31:19, 31:24, 32:21 acted [1] - 98:5 acting [1] - 44:19 Acting [1] - 60:24 action [5] - 45:12, 66:7, 79:23, 104:16, 104:21 actions [2] - 34:12,
\$100,000 [1] - 50:18		5	5 [5] - 27:24, 41:9, 54:8, 62:15, 66:14 50 [1] - 74:23 5th [2] - 88:2, 97:19	
'		6	6 [4] - 27:25, 41:11, 54:11, 62:16 604 [1] - 80:19 65 [1] - 18:21 68 [1] - 67:14	
'01 [1] - 44:20 '97 [2] - 38:14, 68:9 '98 [5] - 39:16, 40:8, 40:12, 40:17, 40:19 '99 [8] - 40:19, 44:19, 48:19, 50:1, 51:6, 52:11, 56:16, 63:25		7	7 [4] - 28:2, 41:14, 54:15, 67:4 7(2) [1] - 22:2 70 [1] - 31:17 71 [2] - 34:7, 37:10 711 [1] - 74:2 74 [2] - 1:4, 1:7	
0		8	8 [4] - 28:3, 41:17, 54:16, 68:18 80 [1] - 9:19 86 [1] - 2:4	
004-000710 [1] - 73:24	2	9	9 [4] - 19:3, 28:4, 41:19, 54:20 953 [1] - 66:19 98 [1] - 44:19	
1	2 [30] - 7:10, 8:10, 27:20, 30:11, 30:21, 32:6, 38:16, 41:2, 45:11, 46:8, 46:16, 47:3, 47:13, 49:8, 49:14, 52:23, 53:13, 54:3, 56:3, 59:3, 62:9, 63:6, 64:10, 66:8, 74:5, 74:8, 74:13, 76:23, 98:8, 1:7 2,500 [1] - 38:21 20 [3] - 8:10, 19:6, 94:15 2000 [16] - 31:8, 34:10, 40:14, 56:16, 57:9, 57:11, 57:18, 60:16, 60:22, 61:12, 64:1, 91:14, 100:20, 100:24, 101:1, 101:4 2001 [17] - 18:21, 32:11, 40:2, 40:6, 61:20, 62:20, 63:14, 63:22, 66:3, 89:4, 89:6, 90:21, 91:18, 92:20, 93:10, 109:17, 110:3 2002 [12] - 6:2, 7:21, 18:25, 38:14, 61:12, 64:24, 66:14, 67:4, 67:8, 88:2, 97:19, 107:23 2003 [1] - 67:7 2004 [1] - 107:10 2005 [1] - 18:25 2007 [1] - 19:3 2009 [3] - 19:25,	3	A	abandoned [2] - 49:23, 57:13 abduction [1] - 36:4 ability [3] - 23:21, 46:3, 124:10 able [6] - 18:10, 47:20, 83:4, 85:10, 107:19, 117:1 aboriginal [10] - 5:3,
1 [25] - 7:9, 8:10, 27:19, 30:11, 30:16, 32:4, 41:1, 45:5, 47:2, 49:7, 52:18, 53:11, 54:2, 56:1, 58:25, 62:6, 63:4, 64:8, 66:5, 69:15, 74:10, 75:21, 76:21, 1:4, 2:2 10 [1] - 41:22 10:00 [3] - 1:3, 79:4, 123:21 11 [4] - 1:2, 41:24, 110:21, 111:2 11:07 [1] - 33:18 11:25 [1] - 33:19 12 [2] - 38:22, 94:3 12:18 [1] - 65:13 12:30 [1] - 79:5 14th [1] - 92:8 15 [2] - 33:17, 111:20 16 [2] - 9:4, 92:18 17th [1] - 93:10 18 [8] - 15:13, 15:19, 82:3, 86:12, 94:18, 119:12, 122:24, 2:3 1829 [1] - 24:9 19 [1] - 94:3 1978 [1] - 18:21 1979 [1] - 40:6 1990s [1] - 6:2 1992 [1] - 93:2 1995 [1] - 52:10 1996 [2] - 33:25, 104:18 1997 [21] - 7:21, 32:5, 34:8, 37:1, 37:4, 37:14, 38:1, 43:14, 68:14, 68:18, 88:2, 88:11, 89:18, 89:20,	4			
1 [25] - 7:9, 8:10, 27:19, 30:11, 30:16, 32:4, 41:1, 45:5, 47:2, 49:7, 52:18, 53:11, 54:2, 56:1, 58:25, 62:6, 63:4, 64:8, 66:5, 69:15, 74:10, 75:21, 76:21, 1:4, 2:2 10 [1] - 41:22 10:00 [3] - 1:3, 79:4, 123:21 11 [4] - 1:2, 41:24, 110:21, 111:2 11:07 [1] - 33:18 11:25 [1] - 33:19 12 [2] - 38:22, 94:3 12:18 [1] - 65:13 12:30 [1] - 79:5 14th [1] - 92:8 15 [2] - 33:17, 111:20 16 [2] - 9:4, 92:18 17th [1] - 93:10 18 [8] - 15:13, 15:19, 82:3, 86:12, 94:18, 119:12, 122:24, 2:3 1829 [1] - 24:9 19 [1] - 94:3 1978 [1] - 18:21 1979 [1] - 40:6 1990s [1] - 6:2 1992 [1] - 93:2 1995 [1] - 52:10 1996 [2] - 33:25, 104:18 1997 [21] - 7:21, 32:5, 34:8, 37:1, 37:4, 37:14, 38:1, 43:14, 68:14, 68:18, 88:2, 88:11, 89:18, 89:20,	3 [17] - 27:21, 30:24, 32:8, 41:5, 45:13, 47:4, 49:9, 49:15, 53:1, 53:17, 54:4, 56:5, 59:5, 62:13, 63:8, 64:13, 66:10 30 [3] - 47:23, 52:20, 66:3 31 [2] - 92:16, 106:7 31st [3] - 91:3, 104:23, 116:1 32 [1] - 19:8 328 [1] - 75:22 33 [1] - 19:7 35 [1] - 89:11 3:16 [1] - 111:21 3:35 [1] - 111:22 3:53 [1] - 124:1	4	4 [14] - 27:22, 32:12, 41:7, 45:15, 47:6, 49:12, 53:21, 54:6, 56:16, 59:8, 62:14, 63:10, 64:15, 88:23 4(a) [4] - 19:20, 21:2, 67:19, 67:24 4(b) [3] - 21:2, 67:25,	

91:22
active [6] - 28:13, 47:7, 49:25, 63:13, 64:2, 64:4
activism [1] - 27:4
activists [1] - 118:9
activities [8] - 14:15, 26:23, 27:20, 35:18, 102:23, 104:1, 104:8, 105:14
activity [2] - 26:20, 28:3
actual [3] - 61:20, 67:3, 70:11
Adam [3] - 62:1, 64:20, 109:15
Adam's [1] - 109:24
adapt [1] - 25:10
added [1] - 68:20
addicted [5] - 5:4, 51:11, 97:2, 101:19, 102:16
Addicted [1] - 96:3
addictions [2] - 94:24, 101:23
addicts [2] - 95:15, 122:13
additional [7] - 37:21, 39:8, 46:9, 51:24, 63:17, 99:18, 117:8
address [6] - 11:13, 14:1, 23:12, 37:20, 58:5, 69:8
addresses [1] - 78:19
adequate [2] - 100:13, 116:4
adequately [1] - 101:8
adjectives [1] - 109:10
adjourn [1] - 123:24
adjourned [1] - 65:12
Adjourned [4] - 33:18, 65:13, 111:21, 124:1
administration [9] - 21:25, 22:6, 33:1, 33:4, 80:10, 80:23, 81:7, 81:13, 81:18
Administrative [1] - 29:19
administrative [1] - 78:5
adopted [1] - 88:22
adoptive [2] - 89:17, 89:24
adults [2] - 3:21,

89:2
advance [3] - 81:11, 81:17, 84:14
advancing [1] - 53:25
advantage [2] - 35:11, 112:13
advice [1] - 105:8
advise [1] - 85:3
advised [1] - 84:22
adviser/assistant [1] - 17:5
advising [1] - 32:9
advisory [2] - 8:5, 9:1
advocated [2] - 61:6, 61:9
advocating [1] - 35:21
affect [2] - 53:19, 54:14
affected [2] - 16:1, 54:3
affects [1] - 11:11
affirmation [1] - 7:12
afoul [1] - 82:7
after-hours [1] - 104:11
afternoon [1] - 69:24
age [7] - 88:23, 88:25, 90:22, 92:16, 92:18, 93:10, 94:3
agencies [5] - 19:13, 22:14, 28:11, 28:16, 83:23
agency [2] - 8:25, 61:18
agent [1] - 49:22
aggravated [4] - 20:6, 68:7, 68:19, 88:9
ago [3] - 72:20, 72:21, 112:17
agree [2] - 60:12, 71:7
agreeable [1] - 73:17
agreed [1] - 61:2
ahead [1] - 86:9
aide [1] - 89:1
AI [3] - 39:11, 40:6, 44:16
Albani [2] - 92:25, 93:19
Alberta [3] - 76:22, 90:13, 90:18
alcohol [1] - 27:19
alert [3] - 45:4, 56:5, 84:11
Alex [1] - 51:19
Allan [1] - 76:4

allegations [3] - 10:19, 36:20, 42:5
alleged [6] - 37:19, 37:25, 38:7, 42:7, 42:9, 54:11
allegedly [1] - 104:19
alleges [2] - 7:24, 110:19
alleviate [1] - 83:5
alleys [1] - 97:8
allocate [1] - 23:14
allow [2] - 79:6, 80:15
allowed [3] - 5:9, 47:21, 109:24
allude [1] - 75:16
alluded [2] - 100:2, 112:3
almost [2] - 43:9, 112:17
alone [3] - 83:4, 98:5, 122:8
alongside [1] - 49:19
alternative [1] - 85:4
Amelia [3] - 30:20, 50:6, 51:8
amount [1] - 70:2
amounts [1] - 111:2
ample [1] - 111:10
analysis [1] - 52:7
analytical [1] - 25:13
ancestry [1] - 37:8
Anderson [11] - 21:8, 21:10, 37:24, 44:13, 45:10, 68:10, 68:15, 69:1, 75:20, 104:20, 107:2
Andrea [7] - 86:21, 86:22, 92:17, 92:20, 93:12, 93:16, 107:12
Angela [7] - 16:21, 86:20, 86:23, 91:16, 91:22, 94:1, 94:9
Angels [3] - 103:11, 103:21, 105:16
angry [1] - 13:14
animals [1] - 3:15
Ann [2] - 17:10, 123:14
announced [1] - 109:22
anonymously [1] - 121:10
answer [2] - 83:9, 122:5
answered [1] - 122:3
answering [1] - 21:16
answers [3] - 5:21,

13:25, 98:6
antagonism [1] - 26:8
anticipate [6] - 9:15, 35:5, 48:7, 82:12, 85:16, 99:17
anticipated [3] - 57:14, 115:3, 116:20
apathy [1] - 91:7
apology [1] - 108:19
appalling [1] - 4:24
apparent [2] - 61:5, 113:19
appeal [2] - 2:18, 121:7
Appeal [3] - 19:25, 32:24, 80:19
appear [8] - 5:1, 16:16, 16:21, 36:16, 49:22, 51:15, 61:8, 98:15
appearing [4] - 17:9, 17:16, 18:5, 18:8
appendices [8] - 70:6, 70:12, 72:1, 72:7, 72:20, 73:10, 73:19, 74:6
appending [1] - 74:6
application [7] - 78:13, 85:5, 117:7, 118:23, 119:2, 119:8, 119:10
appointed [3] - 1:25, 2:9, 33:2
appreciate [2] - 17:9, 76:12
appreciation [1] - 22:22
apprised [1] - 116:18
approach [3] - 23:4, 49:3, 63:15
appropriate [10] - 15:4, 33:12, 39:24, 43:3, 43:6, 49:13, 58:8, 64:15, 66:8, 122:20
appropriately [2] - 46:4, 101:22
appropriateness [1] - 122:18
approval [1] - 23:23
approve [1] - 50:23
April [4] - 50:17, 57:18, 68:18, 93:9
area [1] - 10:13
area's [1] - 26:24
areas [2] - 87:23, 99:22
arguably [1] - 110:14
argued [1] - 78:15

argument [2] - 72:12, 72:17
arise [4] - 42:2, 49:1, 57:25, 68:23
arising [2] - 42:22, 53:9
Armed [1] - 12:18
Armstrong [2] - 16:19, 93:14
arose [1] - 68:13
arrangements [1] - 28:2
arranging [1] - 76:11
arrest [5] - 50:19, 56:18, 64:24, 87:12, 106:5
arrested [2] - 6:12, 67:8
arrived [1] - 87:15
Art [1] - 2:2
articled [1] - 16:3
artistic [1] - 3:25
aside [1] - 117:23
aspect [2] - 9:1, 19:12
aspects [3] - 8:5, 25:7, 26:10
assault [9] - 20:5, 20:6, 68:6, 68:8, 68:17, 68:19, 84:2, 88:8, 88:9
assaults [2] - 62:11, 62:12
assembly [1] - 105:4
assess [2] - 79:20, 81:2
assessed [1] - 54:10
assessment [3] - 45:25, 56:1, 68:25
assign [1] - 43:3
assigned [7] - 22:7, 39:9, 43:10, 46:10, 54:6, 59:14, 111:4
assignment [1] - 37:20
assist [8] - 1:9, 8:4, 37:13, 69:11, 81:15, 84:15, 87:17, 123:1
Assistance [3] - 27:24, 74:14, 1:8
assistance [1] - 17:17, 35:11, 52:2, 75:5, 77:25, 78:2, 85:2, 86:10, 105:8, 115:4
assistant [1] - 16:18
assisted [1] - 40:4
assisting [3] - 10:7, 16:23, 114:18
associate [2] - 2:3,

<p>55:6 assumed [1] - 101:20 assumptions [2] - 35:7, 45:24 assure [1] - 21:19 Astin [1] - 76:4 astonishing [1] - 109:3 attached [2] - 66:22, 67:17 attack [1] - 50:3 attempt [3] - 37:25, 62:11, 121:25 attempted [10] - 20:5, 21:6, 32:4, 45:9, 65:24, 68:6, 68:17, 88:8, 104:19, 107:2 attempting [1] - 42:15 attempts [4] - 60:7, 61:3, 65:23, 91:5 attended [2] - 79:8, 89:24 attention [7] - 6:8, 24:16, 37:5, 43:18, 78:11, 79:2, 118:11 attitude [1] - 101:15 Attorney [4] - 19:24, 37:7, 50:12, 88:6 attributed [1] - 91:21 audience [1] - 15:17 audio [2] - 114:11, 117:10 August [16] - 2:19, 43:19, 43:22, 47:7, 49:16, 56:19, 57:7, 74:12, 89:20, 92:8, 105:25, 106:10, 106:22, 107:22, 108:21, 1:6 aunt [1] - 93:21 aunts [2] - 4:15, 28:9 author [1] - 76:20 authorities [4] - 87:12, 98:14, 99:5, 112:12 authorities' [1] - 99:6 authority [2] - 29:3, 108:12 available [7] - 25:12, 45:8, 53:1, 54:23, 82:17, 113:13, 114:12 Avenue [2] - 26:16, 66:20 avenues [1] - 45:13 average [1] - 38:20 avoid [1] - 39:1 awaiting [1] - 74:17 aware [6] - 32:14,</p>	<p>82:25, 83:7, 97:17, 114:7, 123:18 awful [1] - 120:25</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>background [1] - 68:11 backgrounds [1] - 46:20 backward [1] - 20:18 backwards [1] - 122:5 bad [1] - 101:15 Balmoral [1] - 92:14 ban [1] - 21:4 banks [1] - 63:5 barn [2] - 55:8, 55:18 barrier [1] - 72:5 barriers [2] - 41:22, 42:19 barring [1] - 79:5 based [1] - 23:8 basic [3] - 11:6, 100:11, 100:16 Basil [4] - 17:13, 17:18, 17:20 basis [3] - 7:18, 25:1, 48:11 Bay [1] - 87:4 Baynham [1] - 17:8 Bc [11] - 1:1, 1:25, 2:1, 6:20, 9:10, 18:19, 23:6, 31:12, 31:24, 34:3, 80:19 Beach [1] - 52:12 bear [2] - 33:3, 108:14 bearing [1] - 24:24 beautiful [3] - 3:18, 3:24, 4:9 became [1] - 110:3 become [2] - 73:12, 117:3 bedbug [1] - 97:8 bedbug-infested [1] - 97:8 began [3] - 63:13, 93:8, 105:23 begin [2] - 3:3, 11:2 begins [2] - 2:21, 2:25 begs [1] - 66:10 behalf [10] - 1:18, 16:22, 17:6, 81:20, 87:15, 114:8, 115:10, 121:4, 122:23, 123:11 behaviour [1] - 35:17 behind [4] - 87:1, 89:13, 92:21, 93:2</p>	<p>belief [4] - 12:10, 22:11, 60:2, 60:4 beliefs [1] - 45:23 benefit [1] - 108:1 Bentley [2] - 32:20, 80:18 best [7] - 11:17, 70:13, 71:23, 72:22, 73:9, 75:12, 124:10 Best [1] - 55:5 Between [1] - 18:25 between [12] - 6:25, 7:7, 7:21, 18:21, 23:11, 26:6, 47:15, 48:8, 48:14, 62:22, 88:1, 100:9 Beyond [1] - 101:11 biased [1] - 109:12 Biddlecombe [6] - 40:18, 44:21, 48:9, 48:15, 51:16, 52:12 Biddlecombe's [3] - 48:11, 48:12, 51:1 biggest [1] - 80:5 Bill [2] - 105:25, 106:1 Bing [1] - 89:25 birth [1] - 94:16 birthday [2] - 91:3, 91:14 birthdays [1] - 95:5 bizarre [1] - 109:14 blessing [1] - 1:20 blind [1] - 98:19 blood [1] - 99:11 bloody [1] - 44:11 blunders [1] - 101:7 Board [9] - 16:13, 23:6, 28:19, 29:2, 29:5, 50:24, 77:18, 106:3, 118:14 board [9] - 17:14, 29:5, 50:17, 50:23, 53:17, 75:6, 76:17, 83:16 Bob [2] - 37:7, 76:22 Boddie [1] - 15:8 bodies [4] - 39:24, 43:25, 94:25, 106:14 bona [1] - 116:7 Booklet [2] - 74:10, 1:4 booze [1] - 104:11 border [1] - 87:7 bordered [1] - 26:14 Borhaven [3] - 86:23, 93:12, 107:12 born [8] - 89:8, 90:8, 92:11, 92:17, 92:23, 93:4, 93:12, 94:1</p>	<p>botched [1] - 99:16 bother [1] - 101:3 Bottomley [2] - 86:22, 93:4 Boyd [1] - 44:17 boyfriend [1] - 93:7 Braidwood [1] - 80:18 Branch [9] - 16:22, 20:2, 43:15, 67:22, 68:4, 77:19, 88:7, 99:10, 113:22 breach [1] - 82:18 breaching [1] - 85:25 break [6] - 33:13, 65:4, 65:10, 79:4, 111:19, 123:7 breathtaking [1] - 98:21 Brenda [3] - 86:21, 92:11, 92:14 brief [4] - 25:17, 28:21, 50:13, 123:16 briefly [3] - 33:23, 69:8, 79:12 bring [3] - 6:8, 118:9, 121:12 bringing [1] - 97:15 brings [1] - 61:11 British [16] - 5:24, 8:22, 9:4, 11:8, 13:19, 13:23, 18:16, 20:9, 20:14, 23:2, 23:17, 23:18, 31:15, 31:18, 31:20, 104:18 broad [2] - 82:8, 85:25 broader [3] - 2:23, 8:5, 9:25 Brongers [8] - 16:17, 69:24, 70:2, 70:10, 70:19, 71:22, 73:15 Brooks [2] - 2:3, 15:6 brother [2] - 94:12, 103:16 brothers [1] - 104:2 brought [3] - 37:4, 96:19, 102:1 brush [1] - 95:20 brush-off [1] - 95:20 Bryan [1] - 17:8 Bryce [2] - 15:23, 77:10 bubbly [1] - 3:14 build [1] - 63:4 building [1] - 110:23 burden [1] - 115:2 Burnaby [1] - 90:24 Burns [1] - 105:1</p>	<p>butchered [1] - 107:21 bylaws [1] - 29:11</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>Caldwell [3] - 55:4, 55:16, 56:21 Caldwell's [1] - 56:23 Calgary [3] - 87:6, 90:9, 95:25 callous [1] - 102:10 Cambie [1] - 26:14 Cameron [8] - 15:11, 15:12, 15:18, 40:5, 70:23, 76:8, 77:10, 82:3 Campbell [3] - 87:3, 89:16, 91:17 Canada [9] - 2:19, 11:19, 12:4, 16:16, 24:19, 31:13, 69:25, 77:18, 123:16 Canada's [3] - 26:19, 31:10, 111:7 Canadian [2] - 74:13, 1:7 cannot [6] - 3:10, 8:1, 10:10, 14:25, 22:18, 109:24 capacity [3] - 17:8, 104:4, 105:19 Cara [5] - 86:19, 90:8, 90:13, 107:13, 117:12 care [7] - 13:15, 85:14, 85:23, 89:1, 90:16, 90:25, 91:12 cared [3] - 3:22, 28:10, 97:12 careful [2] - 12:14, 102:24 carefully [2] - 69:3, 113:22 caring [1] - 4:1 carried [3] - 21:18, 26:11, 28:15 Carrier [2] - 17:13, 92:4 carry [3] - 14:23, 14:25, 22:19 cars [2] - 96:25, 97:5 case [19] - 5:15, 25:3, 42:17, 58:13, 60:3, 60:17, 63:16, 89:4, 99:4, 100:12, 109:6, 109:17, 110:15, 113:7, 113:14, 114:5,</p>
---	--	---	---	---

114:15, 117:16, 120:5
cases [11] - 10:10, 19:14, 37:12, 38:21, 38:22, 38:24, 47:3, 53:5, 61:1, 79:19, 111:4
catching [1] - 95:13
Cater [2] - 57:8, 58:11
Catherine [1] - 76:4
caught [1] - 95:15
caused [2] - 4:17, 48:16
causes [1] - 23:13
ceased [1] - 66:24
cent [1] - 31:17
centre [1] - 23:3
centred [1] - 21:15
ceremony [1] - 1:16
Ceremony [1] - 1:17
certain [1] - 26:10
certainly [2] - 73:17, 84:20
certainty [3] - 53:2, 116:11, 117:25
certify [1] - 124:7
challenge [1] - 112:8
challenges [3] - 5:11, 8:18, 54:15
chance [1] - 52:22
change [5] - 14:9, 14:16, 35:17, 96:25, 97:9
changes [4] - 7:4, 14:8, 20:7, 20:12
changing [1] - 25:11
Chantler [2] - 15:20, 86:12
characteristics [3] - 25:23, 27:16, 102:12
characterize [1] - 109:2
characterized [1] - 109:8
charge [10] - 19:7, 40:9, 40:10, 40:18, 44:17, 44:20, 47:13, 66:11, 68:19, 104:6
charged [4] - 6:12, 19:1, 68:17, 80:25
charges [11] - 19:5, 20:4, 43:14, 67:10, 67:22, 68:5, 68:12, 68:21, 68:24, 69:4, 88:7
charging [1] - 98:25
charitable [1] - 105:5
check [1] - 106:25
checked [1] - 50:1
checking [1] - 107:9

cheques [1] - 96:4
Chernoff [3] - 51:19, 55:10, 56:25
Cheryl [1] - 16:15
chief [5] - 29:3, 29:15, 77:3, 77:5
Chief [12] - 52:13, 52:14, 74:18, 74:22, 75:17, 76:20, 76:24, 108:5, 108:18, 109:9, 115:9, 123:11
child [2] - 88:21, 96:14
childhood [2] - 89:16, 93:6
children [7] - 88:25, 89:11, 91:20, 92:10, 92:14, 93:9, 93:22
Chilliwick [2] - 87:5, 91:9
choose [1] - 75:22
Christmas [2] - 94:7, 95:5
Chubb [1] - 66:15
Cindy [2] - 89:23, 90:1
Cindy's [1] - 90:5
circle [2] - 14:19, 95:14
circumstance [1] - 97:8
circumstances [4] - 22:8, 35:4, 43:2, 91:23
circumstances...
inherently [1] - 81:1
citizen [2] - 24:17, 110:12
citizens [3] - 13:19, 80:8, 102:6
city [6] - 22:1, 27:5, 29:9, 103:22, 111:9, 118:13
City [8] - 19:20, 29:7, 74:10, 104:15, 104:17, 104:24, 105:6, 1:4
civil [2] - 8:2, 112:16
civilian [4] - 30:12, 40:5, 104:4, 105:19
Claire [1] - 18:8
clarification [1] - 70:7
clarify [1] - 86:8
Clark [1] - 26:14
Clarke [2] - 51:19, 59:18
clashes [1] - 110:4
classes [1] - 114:3
clear [6] - 20:17,

21:15, 25:18, 38:11, 98:4, 113:11
clearly [1] - 102:25
clerk [1] - 40:6
clerk [1] - 42:5
client [1] - 77:4
clients [8] - 81:21, 99:9, 99:14, 102:9, 104:12, 107:25, 114:24, 120:21
climb [1] - 112:11
close [5] - 80:17, 90:12, 91:1, 93:20, 123:6
closely [1] - 44:7
closing [1] - 14:18
closure [3] - 4:20, 13:17, 117:14
clothing [3] - 44:11, 107:6, 107:10
cloud [1] - 113:15
clubhouse [1] - 103:12
Clue [1] - 39:15
co [1] - 18:9
co-counsel [1] - 18:9
Coast [3] - 1:24, 17:24, 18:2
Code [1] - 23:17
code [1] - 26:19
coherent [1] - 46:5
Coldstream [1] - 87:3
collaborative [1] - 61:15
colleague [3] - 16:17, 17:7, 86:11
colleagues [1] - 77:16
colour [1] - 27:21
Columbia [16] - 5:24, 8:22, 9:4, 11:8, 13:19, 13:23, 18:17, 20:9, 20:14, 23:2, 23:17, 23:19, 31:15, 31:18, 31:20, 104:18
combined [1] - 110:17
comfort [1] - 119:23
comfortable [4] - 72:3, 83:15, 86:4, 86:5
coming [3] - 1:19, 105:23, 120:19
commence [2] - 79:20, 82:4
commenced [3] - 60:5, 67:4, 104:16
commencement [1] - 114:2

comment [4] - 81:5, 81:9, 86:8
commentary [1] - 109:24
comments [5] - 43:23, 59:11, 69:12, 96:18, 123:15
Commission [3] - 1:4, 6:22, 15:25
commission [52] - 1:18, 2:2, 2:3, 2:16, 6:25, 7:1, 7:2, 7:6, 7:9, 8:6, 8:8, 8:12, 8:15, 9:7, 11:4, 11:19, 12:5, 12:8, 12:24, 13:8, 14:14, 15:1, 20:18, 20:23, 20:24, 20:25, 32:22, 33:2, 38:6, 40:22, 45:2, 68:1, 70:7, 73:5, 77:2, 77:8, 77:9, 79:14, 80:1, 82:13, 84:15, 102:24, 112:7, 115:25, 117:1, 119:13, 121:13, 121:14, 122:9, 122:15, 123:1
commission's [10] - 2:21, 13:16, 20:19, 21:1, 67:23, 84:14, 84:15, 87:18, 116:22, 120:11
Commissioner [153] - 1:5, 1:6, 1:7, 1:8, 1:18, 15:3, 15:4, 15:10, 15:11, 15:12, 15:15, 15:21, 15:22, 15:24, 16:6, 16:10, 16:11, 16:14, 16:15, 16:20, 16:21, 16:24, 17:3, 17:4, 17:9, 17:12, 17:13, 17:16, 17:19, 17:21, 18:3, 18:6, 18:7, 18:11, 18:14, 18:15, 18:16, 21:14, 24:4, 24:20, 24:24, 26:3, 27:13, 28:5, 32:14, 33:11, 33:14, 33:16, 33:21, 33:22, 34:11, 35:21, 36:11, 36:15, 38:4, 45:3, 45:18, 47:14, 49:4, 53:9, 56:10, 57:14, 57:24, 61:15, 64:5, 64:19, 65:4, 65:5, 65:6, 65:9, 65:11, 65:16, 65:18, 68:8, 68:22, 69:17, 69:20, 69:24, 70:1, 70:20, 70:22, 71:7,

71:15, 72:3, 72:11, 72:24, 73:2, 73:6, 73:16, 74:1, 74:16, 75:7, 75:10, 75:15, 75:19, 76:9, 77:22, 79:16, 80:12, 80:25, 81:14, 81:19, 81:22, 81:25, 82:1, 82:2, 83:2, 83:6, 83:15, 83:17, 84:18, 85:10, 85:13, 86:3, 86:9, 86:11, 87:17, 88:12, 94:18, 96:2, 98:13, 99:8, 99:12, 103:2, 108:1, 109:23, 110:7, 111:16, 111:19, 111:24, 111:25, 112:19, 113:8, 114:7, 114:18, 115:5, 116:21, 118:19, 119:10, 119:15, 119:17, 120:2, 120:12, 120:23, 120:24, 121:15, 122:23, 123:3, 123:5, 123:6, 123:20, 123:23, 2:2
commissioner [3] - 1:25, 32:16, 32:23
Commissioner's [1] - 22:3
commissions [1] - 7:8
commitment [6] - 12:1, 12:6, 12:9, 12:13, 66:9, 81:14
committed [3] - 21:20, 27:4, 53:14
common [6] - 24:20, 24:21, 27:15, 61:16, 62:22, 96:2
communication [1] - 110:5
communities [7] - 9:9, 9:22, 9:25, 13:11, 80:9, 122:12, 122:15
Community [1] - 23:10
community [51] - 2:23, 4:12, 6:4, 6:7, 9:8, 9:18, 10:5, 10:17, 11:16, 13:11, 13:12, 13:15, 14:11, 21:17, 23:3, 23:8, 23:11, 23:15, 23:16, 23:19, 24:17, 25:11, 25:15, 25:19, 25:22, 25:25, 26:5, 27:3, 27:4, 27:7, 34:15, 34:19, 34:24, 35:9, 35:12, 35:14,

35:20, 35:21, 35:23,
36:8, 46:22, 47:23,
50:11, 52:3, 80:21,
98:15, 100:6, 103:19,
103:23, 118:8
community-based
[1] - 23:8
company [1] - 50:2
compassion [1] -
43:6
competent [1] -
111:12
competing [1] -
57:16
compiling [1] - 47:2
complete [2] - 14:18,
116:4
completed [2] - 67:6,
74:25
completely [3] -
65:8, 99:16, 109:13
completeness [1] -
42:24
complex [1] - 18:17
composed [2] -
30:10, 31:8
composite [1] - 3:11
compounding [1] -
100:22
compulsion [1] -
118:5
computer [1] - 61:22
concern [13] - 2:5,
10:1, 58:18, 70:2,
70:5, 71:16, 71:20,
73:3, 78:20, 83:3,
84:17, 85:22, 96:11
concerned [6] - 82:6,
102:6, 110:12,
115:11, 115:19,
117:23
concerning [10] -
36:20, 65:19, 65:25,
66:13, 68:11, 79:22,
86:1, 87:23, 122:17,
122:19
concerns [17] -
34:16, 34:17, 38:6,
45:19, 46:22, 53:18,
58:17, 70:21, 75:16,
78:17, 78:21, 83:13,
85:6, 85:11, 113:9,
114:22, 120:8
conclude [4] - 69:8,
79:15, 79:25, 102:13
concludes [1] -
49:14
concluding [1] -
66:12
conclusion [3] -

72:16, 99:14, 118:20
conclusions [3] -
10:23, 52:16, 99:23
concordance [4] -
71:13, 73:1, 73:18,
113:15
Concordance [1] -
73:23
concur [1] - 116:2
condescending [1] -
96:17
conditions [1] -
26:21
conduct [15] - 8:12,
8:21, 19:20, 19:22,
20:9, 27:11, 36:13,
38:7, 42:3, 44:25,
51:4, 87:24, 99:19,
100:14, 100:19
conducted [14] -
14:8, 29:25, 38:19,
41:8, 43:4, 48:24,
49:23, 55:24, 82:24,
88:1, 92:1, 108:2,
108:20, 108:22
conducting [4] -
12:5, 30:16, 81:16,
87:21
confer [2] - 81:23,
82:5
conference [1] -
108:20
confidence [4] -
22:13, 33:3, 81:12,
81:17
confidential [4] -
78:18, 82:16, 84:12,
85:7
confidentiality [3] -
82:8, 83:21, 85:21
confined [1] - 5:24
confinement [6] -
20:6, 50:21, 68:7,
68:18, 88:9, 106:6
confirm [2] - 63:10,
109:8
conflict [1] - 48:8
conflicts [3] - 48:16,
81:3, 81:5
congratulatory [1] -
109:20
connect [1] - 50:5
connection [2] -
43:17, 105:22
Connor [5] - 44:7,
44:22, 55:20, 57:5,
58:6
Connor's [2] - 44:24,
58:9
consensus [1] -

60:18
consented [1] -
100:24
consequence [1] -
102:19
consider [16] - 25:1,
25:8, 36:18, 38:4,
40:24, 45:21, 53:24,
54:17, 56:14, 58:23,
59:5, 64:9, 68:22,
98:4, 121:20, 122:15
considerable [3] -
61:21, 119:21, 121:17
consideration [2] -
33:6, 41:11
considered [8] -
20:7, 20:12, 41:14,
49:24, 52:8, 53:10,
55:23, 106:21
considering [1] -
122:9
considers [1] - 39:3
consistent [2] -
19:24, 25:5
Constable [39] -
18:8, 37:12, 37:14,
37:18, 38:5, 39:8,
40:11, 40:16, 42:25,
43:11, 43:18, 44:6,
44:16, 46:23, 47:13,
48:24, 50:25, 51:17,
51:18, 51:19, 51:20,
51:21, 52:10, 52:13,
52:14, 55:10, 57:2,
57:6, 57:8, 57:21,
59:16, 59:20, 59:22,
65:20, 65:21, 65:24,
66:17, 76:24
constable [3] - 29:4,
29:15, 29:16
Constables [1] -
59:17
consult [1] - 8:14
consultations [1] -
9:8
Consultations [1] -
9:10
consulted [1] -
112:16
contact [3] - 89:19,
90:12, 121:10
contacted [2] - 57:6,
94:8
contacting [1] - 66:1
contained [2] - 85:18
contains [1] - 2:13
contempt [1] - 96:22
contentious [2] -
36:17, 56:13
contested [1] - 119:9

context [4] - 21:11,
25:19, 25:21, 84:6
contextual [1] - 76:1
continue [10] - 2:22,
4:19, 5:19, 11:9,
12:22, 33:15, 60:10,
65:23, 107:19, 122:20
continued [9] -
39:20, 48:21, 48:22,
49:5, 49:19, 50:8,
51:13, 51:22, 117:19
continues [4] - 2:24,
4:18, 21:3, 48:17
Continuing [1] - 33:7
continuing [2] -
62:24, 63:15
continuity [1] - 58:8
contracts [1] - 31:22
contrary [1] - 53:18
contribute [2] - 48:4,
78:23
contributed [2] -
108:9, 110:5
contributes [1] -
61:17
contributing [4] -
30:21, 31:3, 32:6,
32:12
Convened [1] - 1:3
convened [1] - 87:14
convenient [1] - 65:4
convey [1] - 96:16
Convicted [1] - 6:13
convicted [2] - 19:3,
86:15
conviction [2] -
50:20, 106:5
cooked [1] - 95:6
Cooper [2] - 16:2,
37:7
cooperation [6] -
1:10, 23:11, 23:24,
76:13, 77:23, 117:19
cooperative [1] -
69:1
coordinated [1] -
62:24
Coordinated [1] -
39:15
coordination [3] -
20:16, 34:2, 66:8
coordinator [1] -
40:13
copies [3] - 69:13,
71:1, 117:15
Coquitlam [28] -
30:24, 31:21, 31:22,
32:5, 38:2, 44:6,
44:23, 49:18, 54:25,
56:20, 57:5, 57:16,

66:25, 97:24, 100:21,
103:4, 103:11,
103:24, 104:5, 104:7,
104:17, 104:24,
105:19, 106:11,
106:22, 106:23,
107:20, 108:13
Core [1] - 25:8
core [6] - 21:13,
22:21, 23:2, 24:4,
25:5, 25:17
corner [3] - 92:6,
103:13, 105:13
Coroner's [1] - 40:17
Corporal [9] - 44:7,
44:22, 44:24, 55:20,
57:5, 58:6, 60:25,
65:22, 66:2
corrected [1] - 60:4
correctly [1] - 69:5
Council [2] - 19:16,
19:17
Counsel [2] - 15:10,
72:21
counsel [32] - 2:2,
2:3, 15:2, 15:5, 15:8,
15:19, 15:25, 16:8,
18:9, 21:19, 70:8,
70:23, 70:25, 77:2,
77:8, 77:9, 77:11,
77:13, 77:15, 77:23,
78:3, 82:3, 112:6,
112:14, 112:21,
113:1, 113:24,
114:17, 119:11,
120:7, 121:7
count [1] - 117:19
country [5] - 5:25,
11:8, 11:22, 22:1,
87:6
country's [2] - 80:5,
111:9
counts [1] - 6:14
couple [3] - 34:6,
70:18, 123:10
course [25] - 10:4,
20:20, 32:14, 36:17,
36:22, 38:3, 44:5,
47:24, 56:12, 66:7,
68:9, 70:14, 72:12,
79:2, 82:10, 83:9,
83:18, 84:3, 87:20,
87:24, 97:16, 103:1,
110:7, 112:24, 115:25
court [4] - 7:16, 79:3,
104:16, 104:21
Court [6] - 2:19,
19:25, 24:19, 32:24,
80:19, 104:17
courtroom [1] - 78:9

courts [1] - 105:8
cover [1] - 120:25
Crab [1] - 18:1
crazy [1] - 4:7
create [3] - 50:9,
 50:18, 53:11
created [6] - 33:24,
 37:18, 46:13, 46:21,
 47:10, 51:7
creating [1] - 51:3
creation [3] - 37:22,
 62:2, 64:6
credibility [4] -
 55:15, 56:1, 56:24,
 81:2
credible [2] - 69:2,
 106:21
credit [2] - 35:20,
 108:17
credited [1] - 24:8
Cree [1] - 89:9
Creyn [2] - 86:20, 91:8
Crime [10] - 30:4,
 30:9, 38:16, 40:19,
 43:20, 44:20, 44:23,
 47:18, 60:18, 106:18
crime [11] - 21:23,
 22:5, 23:2, 23:13,
 25:14, 41:13, 41:15,
 41:16, 47:6, 47:24,
 63:4
crimes [2] - 23:14,
 87:13
criminal [8] - 2:17,
 8:2, 28:3, 29:10,
 97:17, 98:2, 102:17,
 109:19
Criminal [9] - 16:22,
 20:2, 43:15, 67:21,
 68:3, 77:19, 88:6,
 99:10, 113:22
crisis [3] - 5:25, 6:1,
 18:18
critical [3] - 8:20,
 105:9, 118:3
critically [1] - 9:2
criticized [1] - 6:20
cross [1] - 77:6
cross-examination
 [1] - 77:6
Crossin [3] - 16:25,
 17:3
Crown [3] - 68:20,
 69:5, 117:15
culpable [1] - 99:5
cultural [1] - 105:5
custody [1] - 93:21
cycle [2] - 95:16,
 101:19
Cynthia [2] - 86:18,

89:23

D

Dan [1] - 40:16
dance [1] - 105:3
Darrell [1] - 17:4
Daryll [1] - 44:22
data [1] - 18:18
date [5] - 50:14,
 56:17, 79:22, 97:19,
 116:5
dated [2] - 47:22,
 52:7
dates [1] - 79:10
daughter [4] - 4:9,
 90:1, 92:3, 92:22
daughters [4] - 4:14,
 28:9, 93:3, 94:21
Dave [2] - 37:12,
 103:16
David [2] - 16:25,
 103:8
Davidson [1] - 60:23
Davies [1] - 19:25
Davis [1] - 76:5
Dawn [4] - 86:18,
 86:20, 91:8, 91:13
days [3] - 17:25,
 49:24, 123:7
de [4] - 14:20, 36:2,
 44:2, 106:12
De [1] - 106:18
deadline [1] - 116:6
deal [15] - 9:17,
 55:12, 70:17, 72:15,
 73:13, 75:25, 78:4,
 78:9, 79:7, 83:14,
 85:4, 85:6, 101:21,
 117:18, 119:6
dealers [1] - 95:15
dealing [4] - 61:22,
 67:19, 101:18, 118:19
death [1] - 91:20
deaths [6] - 4:16,
 13:16, 19:4, 19:6,
 67:9, 99:5
decade [1] - 112:17
decades [1] - 34:4
December [8] - 19:3,
 31:8, 40:14, 61:12,
 91:18, 94:6, 104:23,
 116:1
decency [1] - 108:19
decided [2] - 114:25,
 121:17
decision [13] - 2:11,
 20:2, 50:25, 53:11,
 53:17, 67:22, 68:3,
 68:23, 69:4, 78:23,

79:19, 88:6, 116:10
decisions [1] - 65:1
declined [1] - 58:19
decrease [1] - 23:13
dedicated [2] -
 50:10, 67:23
deeds [1] - 98:10
deep [1] - 80:8
deeply [1] - 3:22
defended [1] -
 104:21
define [1] - 37:1
defined [2] - 49:16,
 87:25
defines [1] - 23:8
degree [5] - 6:13,
 6:14, 19:4, 67:9,
 67:11
delay [2] - 38:7,
 98:25
delayed [2] - 3:21,
 42:19
delaying [1] - 42:16
delays [1] - 42:12
delivered [3] - 52:7,
 52:10, 52:11
delve [1] - 25:19
demand [1] -
 87:10
demonstrate [2] -
 12:1, 12:9
department [3] -
 57:1, 83:16, 111:9
Department [31] -
 16:12, 28:12, 28:25,
 29:1, 29:13, 30:14,
 32:9, 46:14, 52:15,
 53:19, 54:9, 58:22,
 59:6, 76:16, 77:17,
 78:17, 90:15, 93:16,
 93:25, 95:21, 95:23,
 99:15, 102:21,
 106:20, 110:16,
 110:20, 110:22,
 111:1, 118:11, 120:1,
 123:17
Department's [3] -
 108:6, 108:17, 117:11
departments [1] -
 113:21
dependence [2] -
 95:16, 101:19
dependent [3] -
 23:22, 27:19, 27:24
Deputy [12] - 52:13,
 74:17, 74:22, 75:17,
 76:20, 76:24, 108:5,
 108:18, 109:9, 115:9,
 115:14
deputy [1] - 29:15

describe [5] - 3:10,
 30:23, 34:23, 96:8,
 104:10
described [3] - 3:7,
 44:10, 82:16
describes [1] - 23:7
Description [1] - 1:2
descriptions [1] -
 3:9
deserving [1] - 12:12
designed [2] -
 122:10, 122:16
despite [4] - 27:1,
 90:10, 100:7, 101:8
destructive [1] -
 84:16
detachment [6] -
 31:25, 100:21, 101:3,
 103:11, 104:5, 104:7
detachments [1] -
 31:16
detailed [1] - 51:2
detective [1] - 74:20
Detective [28] - 39:8,
 39:11, 40:6, 40:7,
 40:11, 40:16, 43:11,
 44:6, 44:16, 47:9,
 48:8, 48:24, 50:25,
 51:17, 51:18, 51:19,
 51:20, 52:6, 52:16,
 55:10, 56:24, 57:2,
 57:20, 59:16, 59:20
detectives [2] -
 30:10, 39:12
determination [1] -
 10:2
determine [5] -
 46:24, 47:20, 53:2,
 55:25, 69:4
determined [2] -
 47:17, 56:21
determining [1] -
 62:3
develop [2] - 63:15,
 70:14
developing [1] -
 62:20
developmentally [1]
 - 3:21
developments [3] -
 115:20, 121:6, 121:18
devoted [1] - 3:20
Dianne [2] - 86:17,
 88:22
diary [1] - 14:20
Dickhout [1] - 40:16
Dickson [7] - 16:13,
 37:12, 37:14, 37:18,
 46:23, 47:13, 51:17
Dickson's [1] - 38:5

dictated [1] - 43:2
died [1] - 88:17
different [4] - 8:7,
 46:2, 46:20, 121:23
differently [1] - 42:6
difficult [1] - 49:21
difficulties [1] -
 90:11
difficulty [3] - 59:21,
 70:4, 83:18
direction [2] - 22:3,
 62:3
directly [1] - 66:21
director [1] - 15:9
disadvantaged [1] -
 113:3
disappear [1] - 5:10
disappearance [11] -
 4:22, 35:5, 62:18,
 67:13, 80:6, 89:21,
 90:14, 91:5, 91:24,
 93:15, 93:24
disappearances [12]
 - 4:17, 51:10, 52:18,
 53:3, 59:13, 60:1,
 60:2, 95:21, 102:7,
 102:18, 118:10,
 118:16
disappeared [11] -
 6:3, 88:16, 89:12,
 90:3, 90:20, 91:2,
 91:13, 92:15, 93:1,
 94:13, 102:3
disappearing [1] -
 34:20
discharge [1] -
 120:21
discharging [1] -
 12:23
discipline [1] - 33:8
disclose [1] - 117:2
disclosed [3] - 71:9,
 72:19, 72:20
disclosure [8] -
 71:25, 78:18, 82:21,
 84:13, 85:19, 117:7,
 117:16, 119:3
disconnected [2] -
 35:8, 35:9
discover [2] - 12:15,
 23:12
discrimination [1] -
 45:20
discuss [14] - 21:11,
 21:13, 25:15, 27:9,
 28:11, 33:22, 34:15,
 38:12, 43:7, 43:15,
 50:14, 65:18, 67:21,
 84:21
discussed [3] - 36:1,

43:12, 61:1
discussion [2] -
 49:14, 67:18
disdain [1] - 96:21
dismissed [2] - 49:8,
 118:15
dismissive [2] -
 34:25, 42:9
display [1] - 109:3
disposal [4] - 98:19,
 111:11, 112:14,
 114:14
dispose [2] - 43:24,
 106:14
disproportionate [1]
 - 12:3
disproportionately
 [2] - 11:11, 18:24
disputes [1] - 39:2
dissolved [3] -
 47:15, 48:6, 48:20
distasteful [1] -
 109:13
distinct [2] - 7:2, 7:4
distinction [1] - 6:24
distinguishes [1] -
 7:7
distributed [1] - 52:3
distributing [1] -
 71:1
District [2] - 46:16,
 47:13
distrust [1] - 26:8
disturbing [1] -
 109:11
Diversity [1] - 40:15
divided [3] - 29:14,
 30:11, 36:24
Division [8] - 29:18,
 29:19, 30:1, 30:2,
 31:11, 46:16, 46:18
division [1] - 31:13
divisions [2] - 29:14,
 29:17
divulge [1] - 85:14
Dna [8] - 19:7, 62:14,
 63:4, 63:8, 63:10,
 63:16, 103:5, 107:11
document [8] - 71:4,
 71:6, 72:5, 72:8,
 75:13, 83:22, 113:15
Document [2] -
 74:13, 1:7
documentary [1] -
 7:18
documents [22] -
 61:19, 71:1, 71:14,
 73:20, 74:25, 78:7,
 82:10, 82:14, 83:7,
 83:20, 83:24, 85:8,

86:6, 113:10, 113:13,
 113:16, 113:20,
 114:1, 117:3, 119:20,
 120:4, 120:18
dollar [1] - 106:2
dollars [2] - 97:1,
 98:18
domain [1] - 99:13
Dominion [1] - 66:20
Don [4] - 36:7, 62:1,
 64:20, 109:15
done [8] - 14:4,
 22:15, 22:16, 37:20,
 59:9, 77:6, 84:25,
 108:23
Dosanjh [1] - 50:12
doubt [1] - 80:4
Doug [4] - 18:8,
 51:21, 76:20, 77:20
Douglas [1] - 47:11
Doust [1] - 16:23
down [6] - 26:17,
 49:21, 81:24, 85:2,
 101:2, 105:7
downstairs [1] -
 110:23
Downtown [65] - 2:7,
 6:3, 6:7, 9:11, 13:12,
 16:2, 18:22, 19:2,
 25:16, 25:24, 26:2,
 26:4, 26:13, 27:2,
 27:10, 27:15, 29:24,
 30:17, 34:18, 35:3,
 35:19, 39:7, 41:24,
 45:16, 46:25, 49:11,
 51:12, 52:9, 52:19,
 53:7, 54:17, 54:18,
 57:19, 59:1, 68:16,
 77:14, 86:13, 88:4,
 89:5, 89:12, 90:3,
 90:21, 91:2, 91:18,
 92:2, 92:7, 92:12,
 93:1, 93:8, 93:22,
 94:5, 94:13, 95:7,
 95:9, 95:10, 97:3,
 100:6, 102:8, 102:15,
 105:22, 107:3,
 107:20, 118:16,
 123:12
dozen [1] - 99:6
dozens [1] - 97:21
Dr [4] - 18:5, 76:3,
 123:12
draft [1] - 47:22
draw [1] - 99:22
drawing [1] - 46:19
dreamer [1] - 4:5
dreams [1] - 4:12
Drew [2] - 86:23,
 93:18

Drive [1] - 26:15
drive [2] - 96:24,
 103:10
dropped [1] - 19:7
drug [9] - 5:4, 26:20,
 51:10, 94:24, 95:15,
 97:2, 101:19, 101:23,
 122:13
drug-addicted [2] -
 97:2, 101:19
drugs [4] - 27:19,
 102:16, 103:20,
 105:16
Drugs [1] - 30:7
dual [1] - 22:25
due [4] - 21:25,
 34:17, 70:14, 72:12
dunn [1] - 47:12
duration [2] - 16:4,
 115:24
During [6] - 6:17,
 29:12, 38:14, 45:2,
 50:6, 60:7
during [15] - 7:19,
 9:20, 36:22, 52:19,
 63:22, 64:4, 66:21,
 68:14, 76:6, 76:13,
 88:16, 97:25, 105:6,
 105:10, 112:24
duties [8] - 21:18,
 22:4, 22:23, 23:22,
 24:16, 24:20, 39:13,
 98:16
duty [4] - 103:21,
 105:16, 106:18,
 120:21
dynamics [1] - 26:9

E

e-mails [1] - 117:15
Earl [1] - 104:6
early [3] - 90:9,
 90:13, 90:25
earnest [1] - 46:12
easily [2] - 43:24,
 106:14
East [1] - 94:11
east [2] - 26:15,
 103:10
Eastside [65] - 2:7,
 6:4, 6:7, 9:11, 13:12,
 16:2, 18:22, 19:2,
 25:16, 25:24, 26:2,
 26:4, 26:13, 27:2,
 27:3, 27:10, 27:15,
 29:24, 30:17, 34:18,
 35:3, 35:19, 39:7,
 41:24, 45:17, 46:25,
 49:11, 51:12, 52:9,
 52:19, 53:7, 54:17,
 54:19, 57:20, 59:1,
 68:16, 77:14, 86:14,
 86:14,
 88:4, 89:5, 89:12,
 90:3, 90:3, 90:21, 91:2,
 91:18, 91:18, 92:2, 92:2,
 92:7, 92:7,
 92:13, 93:2, 93:8,
 93:22, 94:5, 94:14,
 95:8, 95:9, 95:10,
 97:4, 100:6, 102:8,
 102:15, 105:22,
 107:3, 107:20,
 118:16, 123:13
easygoing [1] - 3:17
echo [1] - 80:12
economic [1] - 19:12
Ed [1] - 123:11
edited [1] - 114:1
Edmonton [2] - 87:6,
 89:10
educate [1] - 12:24
educated [2] - 97:2,
 102:14
education [1] - 28:4
effect [2] - 84:16,
 102:3
effective [10] - 10:3,
 14:9, 14:10, 14:16,
 34:2, 46:7, 64:25,
 100:14, 121:1
effectively [5] -
 21:18, 51:22, 58:14,
 101:22, 108:15
effectiveness [4] -
 22:10, 53:24, 60:14,
 116:21
effects [1] - 80:6
effort [4] - 36:9,
 61:16, 81:16, 106:17
Efforts [1] - 50:4
efforts [6] - 45:15,
 57:25, 60:11, 60:14,
 61:8, 65:1
egregious [1] - 99:20
Eight [1] - 91:8
eight [3] - 64:22,
 111:2, 111:3
Eighteenth [1] -
 94:10
either [2] - 73:15,
 98:20
Elaine [1] - 76:4
elder [2] - 1:14
Elder [1] - 1:19
elected [1] - 121:24
Eleven [1] - 92:11
eliminate [1] - 63:11
Elizabeth [1] - 17:1
Ellingsen [3] - 55:6,
 56:22, 65:25

Ellingsen's [1] -
 55:16
Ellis [4] - 86:19,
 90:8, 107:13, 117:12
elsewhere [2] - 42:1,
 87:5
Elsie [3] - 86:22,
 92:23, 93:2
embarking [1] - 82:6
emerge [1] - 103:1
emerged [2] - 42:21,
 48:2
emerges [1] - 38:11
emphasis [1] - 23:5
emphasize [5] -
 10:14, 11:3, 13:21,
 22:25, 23:16
employee [1] - 40:5
enable [1] - 111:11
enabled [1] - 99:7
enclosed [1] - 82:14
encounter [1] -
 68:14
encountered [1] -
 90:11
encourage [2] -
 14:12, 59:9
end [11] - 2:19,
 19:15, 38:21, 57:11,
 73:4, 75:3, 79:15,
 79:22, 113:5, 116:22,
 121:22
endeavour [2] -
 81:15, 117:21
endless [1] - 90:10
ends [1] - 67:18
endured [1] - 13:5
energy [1] - 61:21
enforce [2] - 21:23,
 23:1
enforcement [3] -
 87:11, 98:13, 112:12
Enforcement [1] -
 39:16
enforcing [3] - 29:9,
 29:10, 31:25
engage [1] - 60:7
engaged [2] - 28:3,
 35:17
engagement [1] -
 115:12
England [1] - 24:8
enjoyed [1] - 93:5
Enoch [1] - 89:9
enormous [3] - 75:4,
 83:22, 101:16
ensuing [1] - 61:21
ensure [9] - 5:18,
 12:21, 13:18, 22:17,
 34:2, 110:24, 113:12,

114:9, 114:14
ensuring [1] - 12:7
enter [2] - 20:3, 68:4
entered [4] - 71:18, 71:19, 90:25, 108:4
entertainment [1] - 105:4
entirety [2] - 71:19, 72:9
entitled [5] - 74:10, 74:13, 81:8, 1:4, 1:7
entity [2] - 32:18, 32:19
entrance [1] - 110:23
equal [4] - 5:13, 11:23, 12:7, 12:11
equality [2] - 11:14, 12:2
especially [1] - 104:2
essentially [2] - 56:25, 57:12
established [5] - 2:16, 22:24, 31:7, 32:22, 34:17
establishing [3] - 6:22, 19:17, 62:22
estimated [1] - 31:16
Ethics [1] - 23:17
Eugene [1] - 1:13
evaluate [1] - 40:20
Evans [5] - 74:18, 74:22, 76:24, 115:9, 115:15
Evans' [1] - 75:17
Ev [1] - 104:23
Evenhanded [4] - 31:5, 61:14, 63:12, 64:23
event [2] - 68:9, 79:6
events [10] - 2:24, 25:22, 36:10, 56:12, 65:3, 65:19, 68:8, 81:10, 87:23, 88:10
Eventually [1] - 50:16
eventually [1] - 6:12
Evidence [13] - 37:3, 39:5, 43:9, 44:9, 50:7, 51:6, 54:24, 56:23, 57:7, 57:17, 60:15, 63:21, 66:21
evidence [59] - 5:21, 6:14, 7:11, 7:18, 10:16, 10:21, 13:18, 25:2, 26:3, 27:14, 27:16, 28:5, 28:18, 35:6, 36:18, 45:11, 46:9, 48:7, 48:13, 49:4, 52:5, 54:16, 54:24, 56:14, 57:15,

58:18, 60:13, 67:2, 75:25, 76:19, 77:3, 77:5, 78:12, 81:3, 81:6, 82:12, 82:14, 90:4, 91:4, 96:19, 97:20, 99:18, 99:24, 100:3, 100:7, 101:12, 102:1, 102:22, 104:2, 107:10, 110:8, 111:7, 114:11, 116:20, 116:24, 116:25, 120:4, 121:13
evidentiary [9] - 3:4, 7:13, 7:19, 8:7, 10:15, 11:2, 21:1, 80:13, 116:13
Evidentiary [1] - 10:10
evolve [2] - 13:7, 25:10
exactly [2] - 99:1, 121:25
examination [2] - 12:14, 77:6
examine [8] - 5:15, 11:12, 11:20, 48:6, 58:2, 58:10, 58:24, 64:6
examined [2] - 65:1, 69:3
examining [1] - 67:25
example [3] - 35:5, 42:4, 49:3
examples [1] - 117:9
excellent [1] - 77:23
exception [1] - 77:3
exclusively [1] - 47:19
excuse [1] - 15:15
executed [1] - 66:18
executive [1] - 15:8
exercise [1] - 116:8
Exhibit [9] - 69:15, 74:7, 74:10, 74:13, 75:21, 76:21, 76:23, 1:4, 1:7
exhibit [10] - 69:21, 70:5, 70:9, 71:19, 72:6, 72:10, 73:22, 74:4, 74:5, 107:8
exhibited [1] - 71:6
Exhibits [1] - 1:1
exhibits [5] - 69:10, 71:2, 85:9, 108:4, 117:3
existed [1] - 42:20
existence [1] - 24:18
existing [4] - 25:4, 62:6, 63:4, 69:6

expanding [1] - 25:13
expansive [1] - 85:25
expect [14] - 5:18, 90:4, 91:4, 95:17, 95:22, 96:7, 96:19, 99:24, 101:12, 102:25, 104:2, 104:9, 109:7, 111:6
expected [2] - 16:4, 115:23
expeditiously [1] - 120:10
expended [1] - 61:22
expending [1] - 36:8
expensive [1] - 96:24
experience [5] - 66:18, 82:24, 96:8, 96:10, 113:10
experienced [1] - 9:24
experiences [1] - 84:2
expert [1] - 74:17
expertise [2] - 46:20, 54:22
experts [1] - 26:1
explanation [3] - 53:4, 96:1, 115:14
explored [2] - 22:11, 45:13
exposed [1] - 114:16
express [2] - 113:9, 120:7
expressed [1] - 109:3
expressing [2] - 119:11, 119:18
expressions [3] - 10:1, 10:2, 115:22
expressly [1] - 32:22
extend [1] - 116:6
extended [2] - 89:13, 93:3
extension [2] - 79:12, 79:18
extent [4] - 6:10, 58:2, 88:17, 96:21
External [2] - 74:15, 1:9
eye [1] - 98:20

F

face [1] - 6:1
faced [4] - 12:4, 13:4, 27:1, 54:15
Faced [1] - 50:10

fact [17] - 7:3, 7:20, 7:25, 8:16, 10:6, 10:25, 11:1, 19:22, 20:1, 34:20, 36:19, 56:15, 68:2, 84:11, 84:21, 112:9, 113:3
factor [1] - 110:11
factors [2] - 28:6, 98:24
facts [6] - 13:2, 67:19, 99:12, 102:25, 114:16, 121:14
factual [2] - 7:5, 87:22
fail [2] - 48:16, 105:20
failed [15] - 94:6, 98:16, 100:5, 100:7, 100:9, 100:11, 100:14, 100:16, 100:19, 100:22, 101:8, 101:18, 101:21, 101:25, 107:16
failings [1] - 101:11
failure [2] - 54:11, 108:15
failures [2] - 100:1, 102:20
fair [3] - 81:16, 112:22, 113:6
fairly [4] - 70:24, 89:15, 117:22, 122:19
fairness [3] - 3:16, 7:15, 10:15
faith [1] - 121:19
fall [2] - 39:16, 44:15
fallen [1] - 94:23
familiar [3] - 71:18, 73:18, 103:25
families [50] - 2:22, 6:5, 9:5, 10:16, 15:13, 15:19, 21:16, 34:18, 34:24, 35:8, 35:11, 41:20, 70:23, 76:7, 76:14, 77:9, 82:3, 86:12, 87:9, 87:15, 88:13, 94:22, 95:23, 96:7, 96:22, 98:5, 98:12, 98:17, 99:2, 102:5, 108:20, 112:1, 112:6, 114:8, 114:17, 114:24, 115:11, 116:9, 116:15, 119:2, 119:12, 119:24, 121:4, 121:7, 121:16, 121:22, 122:6, 122:23
Families [1] - 42:14
families' [2] - 95:4, 97:15

family [32] - 3:7, 3:23, 4:18, 9:24, 13:10, 21:6, 34:15, 42:8, 43:5, 63:20, 86:25, 88:23, 89:9, 89:14, 89:19, 90:5, 90:12, 90:19, 91:1, 91:10, 91:13, 92:4, 92:9, 93:3, 93:23, 94:8, 95:17, 100:17, 102:1, 104:4, 105:18, 118:9
Fanny [1] - 87:4
far [3] - 112:3, 114:23, 117:23
farm [13] - 19:9, 32:5, 55:24, 66:3, 66:13, 97:21, 100:24, 101:2, 103:6, 103:9, 103:13, 105:13, 107:20
farmer [1] - 106:11
fashion [1] - 82:23
fasting [1] - 17:25
father [3] - 24:8, 89:17, 91:16
faulty [1] - 45:24
fearing [1] - 96:9
fears [1] - 4:13
February [14] - 18:25, 37:3, 44:20, 49:16, 57:11, 61:12, 64:24, 66:14, 67:4, 67:8, 88:2, 92:15, 97:19, 107:22
federal [4] - 29:10, 31:14, 31:19, 32:19
feed [1] - 44:1
Feliks [2] - 86:19, 89:23
Fell [5] - 18:9, 51:21, 57:21, 59:17, 77:20
follow [1] - 95:14
felt [3] - 95:11, 115:17, 119:25
female [2] - 50:2, 55:6
ferret [2] - 112:7, 114:19
Few [1] - 11:5
few [5] - 49:24, 59:11, 88:18, 111:5, 117:9
hide [1] - 116:7
Field [10] - 39:13, 40:8, 44:21, 51:1, 51:16, 59:17, 60:9, 60:16, 60:23, 61:6
field [2] - 112:9, 112:22
Field's [1] - 61:3

Fifteen [1] - 93:12
Fifth [1] - 90:8
file [5] - 40:13, 54:3, 58:9, 63:18, 107:1
filed [2] - 69:18, 73:4
files [8] - 37:9, 62:6, 62:9, 107:4, 115:16, 117:10, 117:12, 117:13
final [1] - 61:11
Finally [1] - 101:7
finally [5] - 49:12, 76:24, 87:14, 94:10, 107:9
findings [16] - 7:3, 7:12, 7:20, 7:23, 7:25, 8:1, 10:6, 10:25, 11:1, 19:22, 20:1, 36:19, 56:15, 68:2, 116:1
fingers [1] - 108:10
finish [1] - 44:13
firearms [2] - 66:16, 66:19
First [20] - 1:15, 6:5, 13:11, 17:14, 21:12, 28:25, 34:6, 37:4, 37:6, 38:12, 76:1, 78:13, 88:22, 89:10, 90:18, 91:9, 92:5, 92:24, 102:15, 122:12
first [23] - 6:12, 11:19, 13:24, 36:25, 43:11, 44:4, 47:15, 61:20, 64:23, 67:9, 67:10, 69:9, 70:23, 76:19, 87:23, 100:4, 106:24, 109:18, 111:4, 112:16, 113:9, 117:24, 123:10
Firstly [1] - 118:7
fit [1] - 39:22
fitting [1] - 42:14
five [9] - 36:25, 38:22, 88:3, 88:25, 97:18, 98:24, 99:8, 104:18, 110:17
flexible [1] - 8:9
flophouses [1] - 97:9
flow [1] - 10:25
focus [7] - 21:1, 21:20, 43:13, 48:22, 49:2, 62:7, 65:2
focused [3] - 36:9, 51:5, 51:14
follow [6] - 57:3, 77:9, 100:11, 100:16, 100:22, 121:11
followed [4] - 45:14, 58:14, 77:18, 97:16
Following [1] - 67:23

following [9] - 45:4, 62:5, 86:17, 88:20, 96:12, 102:25, 118:7, 121:3, 121:8
follows [5] - 19:18, 40:4, 52:17, 68:1, 77:7
food [1] - 44:1
force [18] - 22:3, 24:9, 30:8, 31:3, 31:6, 32:13, 36:6, 50:23, 53:12, 60:8, 60:13, 60:21, 61:2, 61:17, 108:9, 111:8, 122:18, 122:21
Force [6] - 18:20, 31:5, 61:14, 62:1, 74:19, 115:10
forced [2] - 94:25, 97:7
forces [5] - 61:16, 97:24, 99:20, 100:9, 100:10
forces' [1] - 46:3
forcible [4] - 20:6, 68:7, 68:18, 88:8
foregoing [1] - 124:7
Forensic [1] - 30:6
form [3] - 10:5, 18:23, 61:3
formal [4] - 28:4, 108:23, 117:7, 119:7
formation [1] - 61:5
formed [3] - 46:15, 60:21, 61:2
former [2] - 59:15, 118:14
formulate [2] - 8:4, 10:7
Fort [1] - 92:5
forthrightness [1] - 10:1
forum [2] - 112:8, 122:3
forums [3] - 9:9, 9:18, 10:5
forward [12] - 1:20, 20:18, 56:9, 99:18, 102:1, 106:10, 107:15, 110:1, 115:13, 116:12, 122:9, 122:25
foster [4] - 22:13, 90:16, 90:25, 91:12
foul [1] - 49:8
foundation [1] - 25:9
four [5] - 30:4, 30:7, 58:10, 63:3, 92:10
Fourteen [1] - 93:4
Fourth [1] - 89:23

frame [1] - 36:6
framework [2] - 22:20, 22:24
France [1] - 17:1
Francis [1] - 103:8
Frank [1] - 65:22
frankly [1] - 119:24
Fred [2] - 40:18, 44:21
frequent [2] - 89:18, 95:2
frequented [1] - 103:21
frequenting [1] - 105:17
Frey [2] - 86:18, 89:15
Friday [1] - 115:21
Fridays [1] - 79:5
friend [18] - 44:2, 70:25, 76:8, 81:23, 82:5, 82:11, 83:3, 83:9, 85:22, 87:19, 99:21, 102:12, 104:3, 105:18, 105:24, 106:19, 115:8, 119:20
friends [18] - 3:8, 4:16, 4:19, 13:10, 28:9, 41:21, 42:15, 43:5, 82:22, 90:2, 92:13, 95:1, 95:14, 95:17, 100:18, 102:1, 102:6, 118:9
fruitless [1] - 49:24
fulfilling [2] - 87:17, 122:21
full [8] - 22:22, 24:15, 74:21, 81:1, 81:16, 96:21, 102:23, 112:23
full-time [2] - 24:15, 74:21
fully [3] - 6:11, 14:14, 116:16
fulsomely [1] - 43:2
function [1] - 13:9
functions [4] - 22:4, 22:19, 22:23, 23:1
fund [1] - 114:25
fundamental [5] - 5:12, 10:24, 11:6, 25:23, 99:25
funding [1] - 110:13
funds [2] - 98:19, 111:10
furtherance [1] - 21:25
furthered [1] - 12:13
furthering [1] - 62:21
future [4] - 12:20,

13:20, 20:22, 80:16

G

gang [1] - 26:20
gang-related [1] - 26:20
Gary [1] - 47:12
gather [2] - 54:16, 55:11
gathered [2] - 8:17, 107:4
General [3] - 19:24, 37:7, 50:12
General's [1] - 88:6
Generally [1] - 38:17
generally [4] - 8:15, 26:13, 35:9, 85:3
generous [2] - 3:15, 4:1
gentle [1] - 3:19
gentleman [1] - 76:21
Geographic [2] - 46:17, 47:11
George [1] - 87:3
Georgina [3] - 86:18, 89:8, 89:12
Geramy [3] - 39:12, 40:8, 44:21
Gervais [9] - 1:9, 1:11, 1:12, 16:7, 16:10, 17:6, 77:15, 123:13
Giles [5] - 65:17, 69:13, 69:14, 69:22, 74:9
girl [2] - 4:7, 88:21
girls [3] - 94:19, 96:23, 106:16
given [15] - 9:2, 37:11, 41:11, 64:16, 71:3, 73:20, 75:14, 78:6, 86:2, 94:16, 98:2, 98:3, 102:24, 120:5, 121:18
Given [3] - 65:9, 98:2, 103:22
global [1] - 11:10
goal [1] - 61:17
Gord [1] - 60:25
governed [2] - 29:1, 31:19
government [8] - 2:1, 2:8, 6:21, 33:25, 114:25, 116:1, 116:6, 116:10
Government [4] - 16:16, 69:25, 77:18, 123:15

Governor [1] - 19:16
Grand [1] - 123:10
granddaughters [1] - 4:15
grandparents [1] - 92:21
granted [2] - 67:3, 115:1
grateful [9] - 1:10, 1:21, 9:18, 14:12, 75:4, 76:10, 77:24, 78:2, 86:10
Gratl [6] - 15:25, 16:6, 77:14, 78:13, 123:12
great [6] - 9:17, 24:22, 36:9, 55:12, 85:14, 85:23
greater [1] - 25:14
greatness [1] - 11:16
Greer [2] - 47:12, 48:14
grew [2] - 90:24, 94:10
grief [4] - 4:17, 4:18, 10:2, 13:13
grinder [2] - 43:25, 106:15
grip [1] - 94:24
ground [1] - 120:25
group [18] - 46:15, 46:19, 46:21, 47:1, 47:7, 47:14, 47:16, 47:20, 48:3, 48:16, 48:18, 48:19, 60:17, 60:18, 60:20, 83:24, 91:21, 118:12
Group [2] - 37:23, 46:13
groups [7] - 6:4, 6:7, 27:6, 115:1, 115:3, 118:7, 121:23
Guno [1] - 76:4

H

half [1] - 107:23
Hallmark [2] - 86:20, 90:24
Hamilton [1] - 36:7
hand [1] - 110:25
Handbook [1] - 23:6
handicapped [1] - 89:2
handles [1] - 38:20
handling [4] - 59:25, 99:4, 99:16, 109:5
hands [4] - 65:5, 65:8, 96:25, 99:11
hangout [1] - 103:15

<p>happy [3] - 3:22, 65:10, 93:6</p> <p>happy-go-lucky [1] - 3:22</p> <p>harm [1] - 12:7</p> <p>harming [1] - 105:12</p> <p>Harry [2] - 1:13, 1:19</p> <p>Hastings [2] - 26:17, 92:7</p> <p>Hatcher [3] - 18:7, 18:8, 18:12</p> <p>Hazel [1] - 86:20</p> <p>headed [2] - 29:14, 30:12</p> <p>healing [1] - 13:17</p> <p>health [1] - 27:23</p> <p>hear [24] - 10:16, 10:20, 15:17, 26:3, 27:14, 27:16, 28:5, 28:18, 35:6, 36:22, 46:8, 48:7, 49:4, 57:15, 59:12, 60:13, 72:12, 76:7, 76:18, 118:24, 118:25, 119:1, 123:10</p> <p>heard [9] - 17:21, 48:13, 70:21, 83:3, 83:18, 93:14, 98:2, 112:24, 115:21</p> <p>hearing [24] - 6:25, 7:6, 7:8, 7:9, 20:24, 20:25, 33:17, 33:20, 36:24, 65:12, 65:15, 67:23, 80:13, 111:23, 112:23, 113:6, 115:18, 115:22, 116:14, 118:21, 119:4, 119:6, 120:9, 123:24</p> <p>hearings [25] - 2:20, 3:4, 5:22, 7:11, 7:14, 7:19, 8:3, 8:7, 10:10, 10:15, 11:2, 19:20, 21:1, 79:20, 97:16, 99:19, 103:1, 114:2, 114:13, 115:24, 116:12, 117:4, 118:5, 120:16, 121:8</p> <p>heart [2] - 3:2, 4:2</p> <p>heartbreaking [1] - 4:21</p> <p>Heather [3] - 86:22, 93:4, 93:10</p> <p>heavier [1] - 115:2</p> <p>heavily [2] - 26:5, 113:23</p> <p>heinous [1] - 98:9</p> <p>held [4] - 9:9, 9:11, 10:10, 35:7</p> <p>Helen [2] - 86:19,</p>	<p>90:24</p> <p>Helen's [1] - 91:4</p> <p>Hells [3] - 103:11, 103:21, 105:15</p> <p>help [15] - 2:13, 8:17, 12:5, 13:25, 14:1, 35:22, 35:23, 42:8, 90:6, 91:6, 99:1, 105:9, 112:7, 121:13</p> <p>helpful [4] - 69:11, 71:3, 87:20, 121:9</p> <p>Henderson [1] - 60:24</p> <p>Henley [2] - 65:22, 66:2</p> <p>Hepatitis [1] - 26:22</p> <p>hereby [1] - 124:7</p> <p>heritage [1] - 102:15</p> <p>Hern [11] - 16:11, 69:18, 69:19, 83:16, 83:18, 84:20, 85:22, 86:3, 86:5</p> <p>Hern's [1] - 85:11</p> <p>herself [1] - 107:3</p> <p>hesitated [1] - 118:17</p> <p>hierarchy [1] - 52:15</p> <p>High [1] - 89:25</p> <p>high [5] - 9:22, 11:10, 18:24, 26:22, 94:12</p> <p>higher [3] - 7:14, 26:25, 34:21</p> <p>highlight [3] - 35:22, 36:21, 80:20</p> <p>highly [1] - 26:4</p> <p>highs [1] - 95:16</p> <p>Highway [4] - 9:3, 9:6, 10:11, 103:10</p> <p>Hiscox [11] - 35:25, 43:8, 43:19, 44:8, 44:9, 49:20, 105:25, 106:1, 106:9, 106:17, 107:15</p> <p>historic [2] - 24:12, 27:5</p> <p>historical [3] - 60:2, 63:16, 63:24</p> <p>history [1] - 27:3</p> <p>hit [1] - 63:10</p> <p>hitchhikers [2] - 62:8, 62:10</p> <p>Hiv/aids [1] - 26:22</p> <p>hogs [1] - 44:1</p> <p>holding [3] - 7:10, 9:15, 105:3</p> <p>holiday [1] - 95:24</p> <p>holidays [1] - 96:15</p> <p>Home [1] - 24:7</p> <p>home [6] - 90:13,</p>	<p>94:4, 94:7, 95:6, 95:10, 96:5</p> <p>home-cooked [1] - 95:6</p> <p>homelessness [1] - 26:19</p> <p>homes [2] - 95:1, 95:4</p> <p>homicide [3] - 8:23, 20:13, 39:14</p> <p>Homicide [11] - 30:5, 30:9, 30:22, 32:7, 33:23, 38:16, 40:9, 44:17, 57:2, 74:20, 108:14</p> <p>homicides [3] - 8:23, 20:11, 34:3</p> <p>hope [7] - 12:23, 13:16, 14:24, 22:14, 80:12, 112:4, 117:17</p> <p>hopes [1] - 4:12</p> <p>horrible [1] - 84:2</p> <p>horrific [2] - 4:22, 87:13</p> <p>Hotel [1] - 92:14</p> <p>hours [3] - 79:3, 79:4, 104:11</p> <p>House [1] - 90:18</p> <p>housekeeping [2] - 70:24, 75:20</p> <p>houses [1] - 96:25</p> <p>housing [2] - 26:21, 28:2</p> <p>Howlett [2] - 39:11, 40:7</p> <p>hubris [1] - 109:3</p> <p>huge [2] - 3:9, 120:20</p> <p>human [2] - 11:14, 111:10</p> <p>humour [1] - 4:8</p> <p>hundred [1] - 106:2</p> <p>hundreds [4] - 83:25, 84:1, 86:1, 113:16</p>	<p>identify [5] - 21:5, 62:13, 62:14, 62:15, 84:4</p> <p>identifying [3] - 39:21, 42:13, 43:21</p> <p>identities [1] - 118:1</p> <p>ignore [1] - 35:4</p> <p>ignored [1] - 88:15</p> <p>illegal [2] - 66:16, 104:10</p> <p>illness [1] - 26:21</p> <p>immeasurable [1] - 4:17</p> <p>immediately [2] - 43:9, 89:22</p> <p>immensity [1] - 4:23</p> <p>impact [2] - 45:25, 56:3</p> <p>impacted [1] - 58:6</p> <p>impacts [1] - 38:7</p> <p>impartial [1] - 23:25</p> <p>impeded [1] - 54:20</p> <p>impediments [3] - 12:16, 64:13, 80:14</p> <p>importance [3] - 5:20, 10:14, 11:3</p> <p>important [22] - 9:2, 10:18, 10:22, 13:9, 14:3, 14:7, 19:11, 19:12, 22:19, 25:20, 28:16, 42:22, 45:1, 57:24, 80:21, 95:8, 98:6, 113:12, 114:3, 118:12, 122:6, 123:2</p> <p>importantly [1] - 101:24</p> <p>imposed [1] - 82:19</p> <p>impossible [1] - 116:4</p> <p>impoverished [1] - 5:5</p> <p>improve [5] - 12:20, 19:14, 80:15, 122:10, 122:16</p> <p>inadequacy [1] - 111:15</p> <p>inadequate [4] - 26:20, 100:23, 108:8, 110:20</p> <p>inadvertent [1] - 78:18</p> <p>inadvertently [1] - 82:7</p> <p>incident [1] - 84:23</p> <p>include [11] - 7:10, 8:12, 9:7, 47:9, 51:16, 54:1, 76:2, 100:4, 116:25, 118:6, 118:8</p> <p>included [6] - 30:2, 47:1, 51:3, 60:23,</p>	<p>61:23, 104:16</p> <p>includes [2] - 30:5, 87:21</p> <p>including [20] - 2:18, 5:6, 8:13, 13:11, 20:15, 26:22, 27:7, 29:9, 29:23, 31:21, 36:7, 40:25, 45:6, 62:22, 78:19, 90:19, 91:10, 92:9, 97:21, 118:14</p> <p>incompetence [1] - 98:22</p> <p>incomplete [1] - 117:17</p> <p>incomprehensible [1] - 4:23</p> <p>inconsistent [1] - 18:18</p> <p>increase [1] - 23:10</p> <p>increased [4] - 6:2, 37:10, 39:6, 50:9</p> <p>incredibly [1] - 14:3</p> <p>incumbent [1] - 24:16</p> <p>indeed [2] - 100:15, 101:25</p> <p>Indeed [1] - 24:19</p> <p>independent [5] - 15:25, 16:7, 74:21, 77:13, 77:14</p> <p>independently [2] - 84:9, 107:14</p> <p>Index [1] - 2:1</p> <p>Indian [1] - 92:25</p> <p>indicated [2] - 20:24, 83:4</p> <p>indicates [1] - 27:17</p> <p>indication [1] - 98:4</p> <p>indifference [1] - 98:21</p> <p>indifferent [1] - 102:10</p> <p>indignation [1] - 109:4</p> <p>individual [3] - 4:2, 25:6, 42:13</p> <p>Individually [1] - 4:20</p> <p>individuals [5] - 9:20, 14:4, 14:13, 16:1, 78:20</p> <p>Individuals [1] - 6:4</p> <p>inescapable [1] - 99:14</p> <p>inexcusable [1] - 99:20</p> <p>infamous [1] - 103:15</p> <p>infested [1] - 97:8</p>
I				
<p>Id [1] - 71:4</p> <p>idea [2] - 48:11, 53:22</p> <p>identification [5] - 44:11, 73:6, 83:11, 84:23, 106:13</p> <p>identified [15] - 19:8, 21:8, 37:2, 39:6, 42:18, 47:4, 49:17, 62:16, 62:24, 63:17, 66:23, 84:8, 84:20, 114:21, 122:7</p>				

<p>infighting [1] - 110:4</p> <p>inflammatory [1] - 109:11</p> <p>influenced [2] - 45:23, 59:4</p> <p>informal [1] - 8:8</p> <p>informally [1] - 66:2</p> <p>informant [6] - 35:25, 43:8, 49:20, 54:24, 55:16, 66:15</p> <p>informants [5] - 49:17, 55:12, 55:19, 58:16, 107:14</p> <p>information [37] - 8:16, 13:1, 21:5, 43:7, 43:23, 44:8, 45:5, 45:6, 46:4, 50:19, 53:2, 55:2, 55:5, 55:11, 55:13, 57:21, 58:8, 58:15, 58:25, 64:16, 78:19, 84:12, 85:7, 85:15, 85:17, 85:18, 97:25, 100:9, 105:11, 105:21, 106:4, 106:10, 106:20, 106:24, 107:15, 118:17, 121:9</p> <p>Information [1] - 8:3</p> <p>informed [2] - 116:16, 123:13</p> <p>initial [4] - 38:19, 39:25, 42:22, 113:19</p> <p>initials [2] - 18:4, 21:4</p> <p>initiated [2] - 9:14, 47:24</p> <p>initiation [3] - 8:21, 20:8, 45:2</p> <p>initiative [1] - 44:3</p> <p>initiatives [1] - 47:6</p> <p>injunction [1] - 104:25</p> <p>innocuous [1] - 70:24</p> <p>input [1] - 14:10</p> <p>inquire [5] - 2:9, 7:3, 19:21, 19:25, 68:2</p> <p>inquiries [1] - 113:11</p> <p>inquiry [37] - 1:18, 3:3, 10:24, 11:19, 12:5, 13:8, 13:24, 14:6, 14:17, 19:17, 21:12, 22:12, 22:20, 25:20, 27:11, 32:16, 33:8, 33:9, 34:16, 76:13, 79:18, 80:21, 81:6, 81:16, 85:9, 87:11, 87:14, 88:5, 88:13, 96:20, 109:22, 112:2, 112:4, 112:25,</p>	<p>115:12, 116:4, 120:24</p> <p>Inquiry [5] - 2:1, 6:23, 7:7, 8:11, 32:21</p> <p>insecure [1] - 28:2</p> <p>inside [1] - 107:6</p> <p>insist [2] - 49:5, 116:8</p> <p>inspector [1] - 44:19</p> <p>Inspector [16] - 40:17, 44:21, 47:10, 47:12, 48:8, 48:9, 48:10, 48:12, 48:14, 48:15, 51:1, 52:6, 52:12, 52:16, 60:25</p> <p>instance [1] - 101:18</p> <p>instead [2] - 8:16, 53:12</p> <p>Institute [1] - 23:18</p> <p>institutions [1] - 98:17</p> <p>insulting [2] - 96:17, 109:12</p> <p>integrate [1] - 25:12</p> <p>intend [6] - 71:2, 71:23, 87:15, 99:1, 114:8, 114:13</p> <p>intended [2] - 46:18, 47:25</p> <p>intends [2] - 118:2, 118:21</p> <p>interacting [1] - 41:20</p> <p>interest [7] - 62:13, 62:16, 63:6, 63:9, 80:22, 81:12, 81:17</p> <p>interested [2] - 9:12, 14:13</p> <p>interesting [1] - 37:24</p> <p>interests [5] - 16:9, 17:6, 24:17, 81:7, 85:20</p> <p>interfere [1] - 104:14</p> <p>interlocutory [1] - 104:24</p> <p>internal [2] - 108:2, 108:22</p> <p>interrupt [2] - 83:12, 112:19</p> <p>interrupting [1] - 15:15</p> <p>intervening [1] - 70:18</p> <p>interview [5] - 58:11, 58:14, 65:25, 100:20, 100:23</p> <p>interviewed [4] - 56:18, 57:9, 66:3, 74:23</p> <p>interviewing [2] -</p>	<p>58:12, 100:17</p> <p>interviews [3] - 8:13, 74:25, 78:1</p> <p>intimately [1] - 103:25</p> <p>introduce [3] - 1:13, 17:7, 88:19</p> <p>introduced [2] - 85:8, 86:7</p> <p>introduction [1] - 97:14</p> <p>introductions [1] - 15:5</p> <p>invaluable [1] - 10:6</p> <p>investigate [9] - 19:14, 34:7, 34:10, 39:9, 43:1, 43:10, 46:11, 51:9, 80:2</p> <p>investigated [2] - 41:16, 47:18</p> <p>investigating [7] - 8:24, 20:15, 32:4, 32:8, 37:11, 47:4, 83:25</p> <p>investigation [86] - 2:10, 6:20, 25:3, 28:17, 28:24, 29:25, 30:25, 33:9, 34:9, 34:22, 35:13, 36:10, 36:25, 37:13, 37:16, 38:1, 38:8, 39:15, 39:19, 39:25, 40:25, 42:23, 42:24, 43:14, 44:14, 45:1, 45:3, 45:9, 45:20, 45:22, 46:1, 46:4, 46:7, 46:12, 47:17, 48:4, 48:17, 48:20, 48:22, 49:2, 49:3, 49:12, 49:18, 49:20, 50:8, 50:14, 51:3, 51:5, 51:12, 52:1, 53:10, 53:15, 53:20, 53:25, 54:15, 54:21, 54:23, 54:25, 56:4, 56:9, 56:12, 57:4, 57:11, 57:13, 58:1, 58:3, 58:4, 58:6, 58:23, 59:4, 59:7, 59:10, 59:23, 60:9, 60:11, 62:21, 62:25, 63:14, 64:11, 64:18, 65:3, 66:23, 80:4, 108:6, 108:16, 117:13</p> <p>Investigation [3] - 29:20, 30:2, 30:6</p> <p>investigation's [1] - 110:6</p> <p>investigational [1] - 63:2</p>	<p>investigations [59] - 6:17, 6:19, 7:21, 8:19, 8:21, 8:24, 10:13, 10:20, 12:15, 12:16, 12:20, 13:2, 14:6, 14:8, 19:23, 20:9, 20:13, 20:16, 20:21, 22:9, 26:11, 27:12, 28:14, 28:15, 29:17, 29:22, 30:15, 30:16, 32:3, 34:2, 34:6, 34:14, 34:16, 36:14, 36:16, 36:23, 38:14, 38:19, 41:7, 42:4, 43:4, 51:13, 64:16, 65:19, 65:23, 66:5, 74:22, 78:21, 80:14, 80:16, 87:25, 88:1, 91:25, 99:17, 99:24, 108:3, 111:5, 111:12, 122:1</p> <p>Investigative [2] - 74:11, 1:5</p> <p>investigative [12] - 30:3, 30:8, 39:24, 45:12, 45:13, 50:9, 51:4, 51:23, 55:14, 59:19, 83:23, 110:13</p> <p>investigator [7] - 37:21, 39:8, 40:7, 40:11, 40:13, 46:10, 109:16</p> <p>investigators [4] - 60:18, 61:24, 84:4, 100:11</p> <p>invited [1] - 9:12</p> <p>involve [1] - 50:4</p> <p>involved [19] - 5:3, 27:20, 28:12, 28:17, 34:5, 34:8, 35:2, 44:15, 47:9, 48:10, 51:16, 57:19, 58:3, 68:15, 74:20, 102:16, 105:12, 110:3, 117:20</p> <p>involvement [3] - 34:13, 63:11, 115:9</p> <p>involving [3] - 58:21, 105:15, 107:1</p> <p>ironic [2] - 110:21, 110:25</p> <p>Irwin [2] - 15:22, 77:11</p> <p>Island [1] - 89:19</p> <p>issue [26] - 13:21, 37:5, 38:6, 42:22, 45:1, 46:2, 47:18, 59:24, 61:4, 64:24, 72:17, 80:2, 83:20, 83:21, 84:7, 84:10, 84:11, 98:20, 110:9,</p>	<p>111:6, 111:13, 113:10, 118:15, 119:18, 122:17, 122:19</p> <p>issued [2] - 7:22, 19:16</p> <p>issues [32] - 9:15, 19:12, 27:23, 32:15, 34:23, 36:17, 36:21, 42:2, 45:4, 46:6, 48:2, 49:1, 50:16, 53:8, 53:23, 54:20, 56:13, 57:24, 58:21, 61:4, 64:5, 67:20, 68:23, 69:7, 77:21, 78:7, 79:11, 80:2, 114:20, 116:17, 117:18, 117:22</p> <p>items [1] - 107:7</p> <p>itself [3] - 12:1, 70:4, 70:11</p>
J				
<p>Jackie [2] - 92:3, 92:8</p> <p>Jacqueline [1] - 86:21</p> <p>James [1] - 92:5</p> <p>Jamie [1] - 36:7</p> <p>Jan [2] - 16:17, 69:24</p> <p>January [14] - 20:3, 37:1, 38:10, 40:19, 48:19, 57:9, 59:13, 61:20, 68:4, 68:20, 88:1, 93:15, 94:14, 109:17</p> <p>Jardine [2] - 86:23, 94:1</p> <p>Jason [1] - 15:25</p> <p>Jennifer [2] - 74:18, 76:24</p> <p>Jessica [1] - 15:7</p> <p>Jfo [23] - 32:13, 34:10, 40:1, 60:5, 60:12, 61:4, 61:6, 61:7, 61:10, 61:13, 61:15, 62:2, 62:4, 62:20, 63:13, 63:19, 63:22, 64:6, 64:12, 65:20, 66:20, 66:23, 66:25</p> <p>job [1] - 111:12</p> <p>Joesbury [2] - 86:21, 92:17</p> <p>John [3] - 15:8, 76:2, 123:11</p> <p>joined [1] - 40:8</p> <p>joint [8] - 18:20, 31:3, 31:6, 32:12,</p>				

<p>60:8, 60:13, 60:21, 61:2 Juba [2] - 16:21 July [5] - 35:24, 38:9, 39:10, 43:19, 43:21 June [3] - 37:1, 92:20, 113:17 junior [1] - 66:16 jurisdiction [7] - 29:22, 32:17, 38:23, 38:25, 44:6, 102:22, 103:4 jurisdictional [5] - 32:15, 39:2, 46:6, 60:11, 60:17 jury [1] - 98:4 jury's [1] - 98:3 justice [11] - 21:25, 22:7, 24:22, 33:1, 33:4, 80:10, 80:23, 81:8, 81:13, 81:18, 112:5 Justice [12] - 16:22, 20:2, 23:18, 43:15, 67:21, 68:3, 77:19, 80:18, 88:7, 99:10, 104:25, 113:22 justify [1] - 45:11</p>	<p>3:14 kindly [1] - 83:3 Kingsbury [1] - 61:1 knowledge [2] - 12:19, 25:13 knowledgeable [1] - 14:5 known [13] - 30:19, 31:4, 51:7, 57:18, 57:20, 61:13, 67:17, 73:10, 89:9, 103:19, 104:8, 104:20, 105:2</p>	<p>leading [6] - 35:3, 48:19, 50:19, 97:18, 106:4, 118:18 leads [4] - 55:24, 58:7, 66:4, 100:17 Leah [1] - 55:5 Leanna [1] - 124:12 learn [1] - 115:20 learned [4] - 9:17, 37:16, 76:8, 83:9 least [8] - 55:2, 97:18, 108:18, 110:21, 111:2, 111:3, 114:3, 116:7 leave [2] - 96:5, 120:22 leaving [2] - 59:16, 89:13 led [9] - 22:9, 35:24, 44:4, 62:20, 64:1, 93:7, 98:24, 99:13, 107:1 Lee [1] - 36:7 left [11] - 58:16, 59:18, 66:25, 80:8, 86:25, 92:21, 93:2, 94:4, 95:14, 115:2, 115:17 legal [2] - 2:17, 112:14 Leng [5] - 35:23, 43:20, 44:2, 106:19, 110:12 length [1] - 72:4 lengthy [4] - 70:12, 71:22, 109:19, 123:17 Lepard [9] - 21:8, 69:9, 69:13, 71:11, 75:21, 76:20, 108:5, 108:18 Lepard's [3] - 108:24, 108:25, 109:9 Lepine [3] - 51:18, 55:10, 56:24 less [2] - 66:17, 97:12 Lethbridge [1] - 92:12 letter [1] - 64:20 level [5] - 7:14, 9:22, 12:3, 112:9, 112:21 liability [1] - 8:2 Liaison [1] - 40:17 liberty [1] - 88:18 lid [1] - 114:14 lies [1] - 83:21 Lieutenant [1] - 19:16 life [4] - 4:10, 26:2, 89:2, 95:7</p>	<p>Life [1] - 18:1 light [2] - 12:2, 91:24 likely [3] - 53:4, 60:19, 90:7 limited [1] - 54:22 Linda [1] - 103:8 lingering [1] - 122:2 link [1] - 45:15 linked [2] - 45:7, 86:14 linking [3] - 47:3, 55:3, 58:25 Lisa [1] - 44:9 list [11] - 34:7, 37:9, 37:18, 47:2, 67:14, 67:17, 86:17, 88:20, 91:23, 101:7, 120:18 listed [5] - 37:15, 37:17, 102:13, 106:7, 122:24 lists [1] - 37:7 literally [2] - 99:7, 101:6 litigation [1] - 104:22 live [4] - 25:25, 26:7, 87:1, 93:8 lived [4] - 28:2, 51:11, 88:23, 95:7 lives [5] - 14:23, 35:2, 76:11, 88:16, 95:9 living [1] - 122:14 Livingston [4] - 17:10, 77:12, 123:14 loaned [1] - 37:13 locker [1] - 107:8 logistics [1] - 61:23 long-standing [1] - 18:17 long-term [1] - 41:18 long-time [2] - 104:3, 105:18 look [8] - 20:18, 34:12, 58:13, 82:9, 109:25, 113:25, 115:13, 122:25 looking [3] - 112:18, 122:5, 122:9 looks [2] - 7:17, 23:10 loop [1] - 115:17 Lord [1] - 89:24 Lori [4] - 40:11, 44:16, 48:24, 59:22 loss [2] - 4:20, 9:24 lost [1] - 88:14 Lougheed [1] - 103:10 Louise [1] - 103:8 loved [11] - 3:12,</p>	<p>3:15, 4:10, 4:13, 88:14, 94:21, 94:22, 96:10, 97:21, 99:11, 122:1 loves [1] - 4:12 loving [5] - 3:16, 3:20, 4:1, 88:23, 89:17 lovingly [1] - 3:7 Lowman [1] - 76:3 lows [1] - 95:16 Ltd [1] - 124:14 lucky [1] - 3:22 lull [1] - 63:25 Lynn [2] - 55:6, 65:25</p>
<p style="text-align: center;">K</p> <p>Karey [2] - 2:3, 15:6 Kate [1] - 76:3 keep [3] - 10:18, 10:23, 28:8 keeping [3] - 21:20, 85:11, 98:15 Kelly [1] - 17:24 kept [2] - 95:2, 116:16 Kerr [1] - 76:3 Kevin [1] - 18:9 key [2] - 26:9, 40:12 kidnapping [2] - 50:21, 106:7 kill [1] - 64:22 killed [1] - 106:12 killer [8] - 36:12, 47:21, 48:10, 52:5, 53:22, 54:13, 64:2, 100:6 killers [1] - 60:20 killing [2] - 19:1, 105:12 kilometres [1] - 101:2 Kim [3] - 18:5, 65:21, 77:20 kind [2] - 4:2, 13:24 kindhearted [1] -</p>	<p style="text-align: center;">L</p> <p>lack [5] - 34:19, 101:16, 108:8, 110:5, 110:10 lacked [3] - 28:4, 100:12, 108:6 laid [2] - 67:11, 88:10 land [1] - 103:16 Lane [2] - 86:24, 94:10 Langley [1] - 93:12 Language [1] - 17:23 language [1] - 53:13 large [8] - 89:13, 90:19, 91:10, 92:4, 92:9, 93:3, 114:18 largely [1] - 109:20 larger [2] - 13:15, 32:25 largest [2] - 31:13, 111:9 Larson [1] - 36:7 last [15] - 2:18, 34:4, 38:24, 74:19, 75:1, 89:5, 92:6, 92:19, 93:9, 93:14, 94:4, 105:25, 108:20, 115:21, 115:23 lasted [1] - 104:22 lastly [1] - 31:2 late [4] - 6:2, 31:7, 57:7, 74:19 lateness [1] - 61:5 latent [1] - 85:7 laugh [2] - 4:3 law [14] - 5:17, 7:16, 11:24, 21:24, 22:6, 23:1, 24:20, 24:21, 29:9, 29:10, 31:25, 87:11, 98:13, 112:12 Law [1] - 39:16 lawyer [1] - 77:7 lawyers [2] - 112:16, 114:5 lead [1] - 11:22 leadership [1] - 66:9</p>	<p>lead [6] - 35:3, 48:19, 50:19, 97:18, 106:4, 118:18 leads [4] - 55:24, 58:7, 66:4, 100:17 Leah [1] - 55:5 Leanna [1] - 124:12 learn [1] - 115:20 learned [4] - 9:17, 37:16, 76:8, 83:9 least [8] - 55:2, 97:18, 108:18, 110:21, 111:2, 111:3, 114:3, 116:7 leave [2] - 96:5, 120:22 leaving [2] - 59:16, 89:13 led [9] - 22:9, 35:24, 44:4, 62:20, 64:1, 93:7, 98:24, 99:13, 107:1 Lee [1] - 36:7 left [11] - 58:16, 59:18, 66:25, 80:8, 86:25, 92:21, 93:2, 94:4, 95:14, 115:2, 115:17 legal [2] - 2:17, 112:14 Leng [5] - 35:23, 43:20, 44:2, 106:19, 110:12 length [1] - 72:4 lengthy [4] - 70:12, 71:22, 109:19, 123:17 Lepard [9] - 21:8, 69:9, 69:13, 71:11, 75:21, 76:20, 108:5, 108:18 Lepard's [3] - 108:24, 108:25, 109:9 Lepine [3] - 51:18, 55:10, 56:24 less [2] - 66:17, 97:12 Lethbridge [1] - 92:12 letter [1] - 64:20 level [5] - 7:14, 9:22, 12:3, 112:9, 112:21 liability [1] - 8:2 Liaison [1] - 40:17 liberty [1] - 88:18 lid [1] - 114:14 lies [1] - 83:21 Lieutenant [1] - 19:16 life [4] - 4:10, 26:2, 89:2, 95:7</p>	<p>Life [1] - 18:1 light [2] - 12:2, 91:24 likely [3] - 53:4, 60:19, 90:7 limited [1] - 54:22 Linda [1] - 103:8 lingering [1] - 122:2 link [1] - 45:15 linked [2] - 45:7, 86:14 linking [3] - 47:3, 55:3, 58:25 Lisa [1] - 44:9 list [11] - 34:7, 37:9, 37:18, 47:2, 67:14, 67:17, 86:17, 88:20, 91:23, 101:7, 120:18 listed [5] - 37:15, 37:17, 102:13, 106:7, 122:24 lists [1] - 37:7 literally [2] - 99:7, 101:6 litigation [1] - 104:22 live [4] - 25:25, 26:7, 87:1, 93:8 lived [4] - 28:2, 51:11, 88:23, 95:7 lives [5] - 14:23, 35:2, 76:11, 88:16, 95:9 living [1] - 122:14 Livingston [4] - 17:10, 77:12, 123:14 loaned [1] - 37:13 locker [1] - 107:8 logistics [1] - 61:23 long-standing [1] - 18:17 long-term [1] - 41:18 long-time [2] - 104:3, 105:18 look [8] - 20:18, 34:12, 58:13, 82:9, 109:25, 113:25, 115:13, 122:25 looking [3] - 112:18, 122:5, 122:9 looks [2] - 7:17, 23:10 loop [1] - 115:17 Lord [1] - 89:24 Lori [4] - 40:11, 44:16, 48:24, 59:22 loss [2] - 4:20, 9:24 lost [1] - 88:14 Lougheed [1] - 103:10 Louise [1] - 103:8 loved [11] - 3:12,</p>	<p style="text-align: center;">M</p> <p>Madam [1] - 80:17 Mae [2] - 86:19, 90:24 Maggie [1] - 36:2 mails [1] - 117:15 main [3] - 30:2, 48:2, 84:5 Main [1] - 92:6 maintain [1] - 24:10 maintained [3] - 89:18, 90:12, 91:12 Major [7] - 30:4, 30:9, 38:16, 40:19, 44:20, 47:18, 60:17 major [1] - 100:12 majority [1] - 53:4 management [4] - 71:14, 71:23, 108:16 management [4] - 38:5, 49:5, 54:3, 100:12 mandate [14] - 8:6, 9:1, 9:16, 12:24, 20:19, 21:15, 21:20, 34:1, 51:14, 79:13, 84:14, 87:18, 87:21, 119:16 mandates [2] - 7:2, 7:4 manner [5] - 26:10, 41:25, 43:4, 46:6, 73:5 manpower [1] - 110:17 March [12] - 36:3, 37:13, 38:1, 44:19, 50:1, 62:20, 66:3, 68:9, 68:14, 88:11, 89:13, 107:5 Margaret [1] - 60:25 marginalized [5] -</p>

5:2, 11:12, 11:15,
12:10, 26:4
Marion [2] - 15:22,
77:10
mark [4] - 69:9, 71:2,
73:6, 83:10
Mark [2] - 51:18,
51:20
marked [12] - 26:8,
26:18, 69:15, 70:3,
70:4, 70:9, 70:11,
72:6, 72:9, 72:25,
74:3, 74:7
Marlene [1] - 17:13
Marnie [3] - 86:18,
89:15, 89:17
married [1] - 89:1
material [6] - 28:21,
65:9, 81:5, 85:19,
86:2, 116:16
materials [1] - 83:13
matter [12] - 16:23,
21:12, 25:20, 37:20,
52:8, 70:24, 71:21,
72:22, 75:20, 102:18,
119:14, 120:9
matters [7] - 33:3,
70:16, 78:5, 78:8,
79:8, 112:17, 116:5
mayor [1] - 29:6
Mayor [2] - 50:16,
118:14
McGuinness [2] -
52:13, 52:14
Mckay [1] - 47:12
Mckay-dunn [1] -
47:12
Mckeachie [1] - 15:7
meager [1] - 94:25
meal [1] - 95:6
mean [1] - 101:14
means [1] - 114:13
measure [2] - 112:5,
114:18
measured [1] - 11:17
mechanical [1] -
72:17
mechanics [1] -
71:21
media [4] - 50:10,
52:2, 84:9, 115:20
meet [3] - 23:15,
25:11, 63:19
meeting [3] - 47:15,
60:22, 61:20
meetings [2] - 78:1,
78:4
member [4] - 4:11,
17:15, 76:23, 91:8
Members [3] - 55:9,

63:19, 66:25
members [51] - 9:13,
9:25, 11:15, 11:18,
14:11, 15:17, 23:12,
24:14, 26:5, 30:21,
30:24, 31:3, 31:8,
32:6, 32:12, 34:1,
34:12, 35:12, 41:2,
42:8, 46:13, 46:15,
47:16, 50:11, 50:13,
52:4, 53:21, 56:20,
57:20, 57:22, 59:14,
61:17, 63:20, 63:22,
66:20, 66:24, 84:16,
86:25, 89:14, 95:18,
95:22, 100:17,
101:14, 102:2,
110:22, 111:2, 111:3,
118:8, 118:13, 121:2,
122:11
memory [2] - 3:5,
88:14
Menard [1] - 55:4
mental [2] - 26:21,
27:22
mentally [1] - 89:2
mention [4] - 70:12,
78:10, 82:20, 114:23
mentioned [6] -
76:17, 85:5, 103:9,
113:23, 115:8, 117:6
merit [2] - 22:11,
109:13
met [5] - 50:12,
58:11, 77:12, 91:6,
93:23
method [1] - 113:15
mid-2000 [1] - 59:18
middle [1] - 26:17
might [9] - 59:3,
81:22, 82:7, 85:15,
102:21, 106:16,
119:3, 121:8, 123:18
Mike [2] - 44:7, 44:22
millions [2] - 97:1,
98:18
mind [8] - 10:18,
10:23, 24:24, 28:8,
75:8, 75:24, 85:11,
116:10
mindful [1] - 79:13
Minister [1] - 24:7
minor [1] - 75:20
minute [1] - 3:5
minutes [4] - 33:17,
65:7, 88:18, 111:20
misallocation [1] -
111:14
misconduct [5] -
7:13, 7:23, 7:25, 8:1,

32:23
miserably [1] - 98:16
misleading [1] -
109:12
missed [3] - 4:14,
73:18, 120:2
Missing [34] - 1:4,
6:22, 18:20, 30:5,
30:18, 30:19, 31:4,
37:21, 37:22, 38:13,
38:15, 38:17, 38:20,
38:23, 39:5, 39:19,
40:4, 40:10, 40:21,
40:23, 41:5, 42:25,
44:18, 46:10, 46:12,
48:21, 50:7, 51:7,
51:23, 59:25, 61:13,
61:25, 74:11, 1:5
missing [170] - 2:7,
3:2, 3:6, 3:10, 5:1,
5:23, 6:17, 6:19, 7:20,
8:22, 9:3, 10:11, 11:9,
11:20, 12:14, 12:16,
12:20, 13:2, 13:9,
13:22, 14:6, 14:19,
15:13, 15:19, 18:16,
18:19, 18:22, 19:2,
19:10, 19:14, 19:23,
20:10, 20:20, 22:8,
25:3, 26:11, 27:10,
27:11, 27:14, 27:17,
28:13, 28:14, 28:23,
29:16, 29:23, 29:25,
30:15, 30:16, 31:7,
32:3, 34:5, 34:7,
34:10, 34:13, 35:1,
36:15, 37:4, 37:8,
37:9, 37:15, 37:17,
37:19, 38:12, 38:18,
38:24, 39:3, 39:7,
39:10, 39:18, 39:21,
39:22, 40:1, 40:24,
41:3, 41:7, 41:9,
41:12, 41:18, 41:21,
41:22, 42:5, 42:10,
42:13, 42:14, 42:16,
42:21, 42:23, 43:1,
43:5, 43:10, 43:17,
45:7, 45:16, 46:11,
46:22, 47:16, 47:17,
48:4, 48:17, 48:20,
48:23, 49:2, 49:6,
49:19, 50:8, 50:10,
50:22, 51:2, 51:13,
52:8, 52:24, 54:12,
55:3, 60:16, 60:19,
62:6, 62:15, 62:19,
63:17, 63:23, 63:25,
64:11, 64:17, 66:22,
67:10, 67:13, 67:16,

67:17, 80:3, 80:14,
80:16, 86:13, 87:10,
87:24, 88:4, 88:15,
89:6, 89:20, 90:6,
90:22, 91:15, 91:17,
91:25, 92:1, 93:11,
94:8, 94:15, 94:18,
94:20, 95:18, 96:22,
98:20, 99:2, 99:16,
100:19, 103:5,
105:22, 106:7,
106:16, 107:12,
111:4, 111:12, 112:1,
117:12, 117:14,
118:10, 119:12,
121:16, 122:1, 122:24
mistake [2] - 99:9,
100:22
mistaken [1] - 60:4
mistakes [4] - 20:21,
22:17, 108:9, 109:5
misunderstood [1] -
35:2
MI [1] - 18:5
modern [1] - 24:9
moment [8] - 30:23,
73:17, 75:10, 81:23,
81:24, 82:5, 85:2,
100:25
Mona [3] - 86:19,
90:16, 90:20
money [3] - 110:14,
110:17, 112:14
month [6] - 57:12,
75:1, 75:3, 89:7,
91:15, 117:25
months [9] - 52:20,
61:21, 72:19, 72:20,
79:17, 104:19,
110:15, 115:16,
121:18
morale [1] - 54:21
morning [9] - 1:7,
1:8, 1:12, 1:16, 1:23,
18:7, 33:12, 77:13,
123:25
most [11] - 3:18, 5:5,
5:9, 11:14, 14:11,
53:4, 71:2, 80:7,
97:11, 101:24, 122:11
mother [7] - 3:20,
88:25, 89:17, 89:24,
92:18, 93:13, 93:14
mothers [2] - 4:16,
28:8
Moulton [1] - 104:6
Mountain [1] - 90:18
mountain [1] -
112:10
Mounted [2] - 74:14,

1:8
mourn [1] - 4:19
move [9] - 13:19,
36:13, 49:15, 56:8,
67:24, 72:15, 116:12,
120:9, 120:14
moved [7] - 89:18,
90:9, 92:12, 92:19,
93:20, 94:2, 94:4
Mpu [4] - 38:13,
39:11, 40:3, 40:7
multi [2] - 60:10,
60:17
multi-jurisdictional
[1] - 60:17
multidisciplinary [1]
- 46:19
multiple [3] - 8:23,
20:10, 61:16
municipal [4] -
29:11, 31:14, 31:24,
111:8
municipalities [2] -
31:21, 31:23
municipality [1] -
32:1
murder [28] - 4:21,
5:7, 6:13, 6:14, 11:7,
19:4, 19:5, 20:5, 21:6,
32:5, 36:5, 37:25,
45:9, 47:4, 50:21,
58:13, 62:11, 67:2,
67:9, 67:11, 67:13,
68:6, 68:17, 88:8,
99:7, 104:20, 106:7,
107:2
murdered [23] - 2:7,
3:2, 3:6, 3:10, 5:1,
5:10, 5:23, 6:15,
10:11, 11:10, 11:20,
12:21, 13:10, 13:22,
15:13, 15:20, 27:17,
54:13, 80:3, 91:19,
97:23, 101:5, 122:24
murderer [3] - 46:24,
53:5, 86:16
murderers [1] - 53:6
murders [5] - 55:3,
62:18, 62:25, 67:16,
80:6
Murdock [2] - 86:21,
92:3
musician [1] - 4:6
must [19] - 5:8, 5:14,
20:18, 22:3, 23:24,
25:22, 69:3, 79:8,
81:2, 90:6, 95:24,
103:25, 104:8,
108:14, 114:23,
115:25, 116:6, 119:24

N

naively [1] - 101:20
name [13] - 16:7, 16:11, 16:15, 16:21, 16:25, 17:4, 17:13, 18:4, 18:7, 21:4, 63:12, 75:22, 88:19
Name [3] - 70:22, 82:2
name's [1] - 17:10
named [1] - 35:25
names [2] - 78:19, 86:16
Nanaimo [2] - 17:24, 93:19
narrative [1] - 84:6
Nash [1] - 109:7
Nathan [1] - 66:17
Nathanson [5] - 15:22, 15:24, 77:4, 77:11
Nation [9] - 1:15, 1:24, 17:14, 17:24, 89:10, 90:18, 91:9, 92:5, 92:24
nation [1] - 13:23
national [2] - 31:11, 111:7
Nations [6] - 6:6, 13:11, 37:4, 37:6, 102:15, 122:12
native [1] - 97:3
natural [2] - 91:1, 91:13
nature [8] - 72:18, 79:9, 82:16, 101:21, 104:11, 113:11, 116:20, 116:23
near [5] - 19:20, 90:18, 91:9, 92:11, 92:24
necessarily [1] - 84:24
necessary [6] - 20:8, 20:13, 22:13, 53:16, 79:23, 118:6
need [22] - 14:17, 17:17, 19:13, 22:22, 25:1, 45:21, 48:5, 53:10, 72:7, 78:10, 78:22, 78:24, 79:2, 79:10, 81:24, 84:20, 107:25, 112:25, 114:9, 117:9, 117:21, 120:5
needed [1] - 79:19
needs [4] - 23:15, 23:16, 25:11, 65:1
negligence [1] - 99:6

neighbourhood [1] - 26:18
Neil [1] - 15:14
nephews [1] - 91:11
never [3] - 22:17, 47:20, 47:24
new [3] - 5:24, 24:6, 25:12
New [4] - 50:1, 50:3, 93:5, 104:23
next [7] - 69:21, 72:9, 74:5, 77:9, 77:11, 81:20, 97:10
Next [2] - 76:6, 100:14
nice [3] - 3:19, 4:7, 96:23
nieces [2] - 4:15, 91:10
nine [1] - 102:11
Nine [1] - 91:16
non [2] - 55:2, 83:20
non-issue [1] - 83:20
non-police [1] - 55:2
nondescript [1] - 96:25
nonetheless [1] - 71:3
nonsense [1] - 96:3
normal [3] - 79:3, 89:16, 93:6
North [1] - 87:6
north [3] - 9:21, 9:22, 26:15
Northern [2] - 9:4, 9:9
northern [3] - 9:8, 9:17, 10:4
noses [2] - 97:22, 97:23
note [8] - 21:3, 37:24, 44:1, 56:10, 59:17, 74:16, 84:24, 111:16
notebooks [1] - 117:17
noticed [1] - 96:21
noting [1] - 79:25
notorious [1] - 103:15
November [11] - 40:2, 44:20, 56:16, 60:15, 60:22, 64:21, 67:6, 90:3, 90:21, 91:14, 109:21
Number [1] - 98:7
number [31] - 3:9, 6:3, 18:19, 23:13, 31:21, 39:6, 42:2, 52:14, 52:18, 53:8,

53:23, 57:18, 58:7, 66:4, 69:7, 69:15, 71:4, 71:11, 73:1, 73:9, 73:18, 73:20, 73:23, 74:8, 78:6, 78:7, 98:8, 107:16, 111:1, 111:3
numbers [1] - 11:10
Nurse [1] - 76:3

O

O'chiese [1] - 90:17
o'clock [1] - 123:24
oath [1] - 7:12
objection [5] - 69:17, 72:11, 73:3, 73:14, 82:22
objectionable [1] - 109:11
objections [4] - 69:23, 75:7, 75:11, 75:13
objective [1] - 47:1
obliged [1] - 82:9
observed [1] - 110:21
observing [2] - 3:5, 123:8
obtain [3] - 44:8, 63:8, 117:1
obtained [1] - 104:24
obtaining [1] - 63:10
obvious [2] - 79:17, 114:2
obviously [4] - 79:8, 101:9, 106:25, 120:3
occasional [1] - 57:3
occasionally [1] - 95:3
occasions [1] - 95:5
occur [1] - 12:22
occurred [5] - 34:3, 40:21, 52:21, 61:20, 88:11
occurring [3] - 36:10, 37:23, 121:6
October [6] - 1:2, 40:19, 76:6, 89:6, 91:3, 104:18
off-duty [2] - 103:21, 105:16
offences [1] - 22:6
offender [1] - 62:14
offensive [2] - 96:18, 109:13
offer [9] - 3:11, 36:5, 53:17, 58:19, 97:5, 118:3, 118:17, 121:9
offered [1] - 106:3

office [2] - 16:18, 39:11
officer [7] - 40:9, 40:18, 66:17, 84:21, 84:22, 84:25, 104:6
Officer [2] - 40:17, 108:23
officers [9] - 29:8, 31:18, 33:5, 46:20, 47:9, 51:15, 55:20, 103:22, 105:17
Officers [1] - 44:15
Official [1] - 124:13
officials [3] - 81:10, 103:22, 118:13
often [5] - 11:16, 26:7, 26:18, 28:4, 79:18
old [5] - 92:6, 92:20, 93:17, 94:9, 94:16
Once [2] - 15:18, 42:21
once [7] - 39:18, 56:23, 75:13, 78:11, 88:20, 94:19, 110:8
One [1] - 61:4
one [32] - 5:12, 5:13, 5:17, 7:4, 7:5, 8:24, 11:11, 19:6, 19:8, 19:12, 20:14, 26:24, 42:4, 51:4, 55:6, 58:2, 60:19, 62:22, 70:24, 75:20, 80:4, 85:24, 87:23, 90:1, 91:15, 91:21, 96:10, 97:10, 98:7, 101:13, 108:23, 111:14
one-seventh [1] - 26:24
onerous [1] - 80:1
ones [7] - 3:13, 5:20, 88:14, 97:21, 99:11, 122:1, 122:6
ongoing [7] - 8:18, 9:2, 10:12, 27:25, 60:3, 61:3, 78:21
Ontario [3] - 87:7, 88:24, 94:2
open [7] - 1:4, 9:23, 10:23, 15:2, 23:24, 78:22, 116:14
opening [16] - 1:16, 69:12, 72:16, 73:14, 79:25, 82:4, 82:6, 82:11, 85:1, 85:11, 85:14, 85:23, 87:20, 118:24, 118:25, 123:15
Opening [4] - 1:17, 2:2, 2:3, 2:4

openings [2] - 82:24, 123:7
operate [1] - 28:17
operated [2] - 39:15, 103:15
operation [5] - 31:4, 31:6, 32:13, 60:8, 60:13
operational [2] - 61:23, 100:1
Operational [3] - 29:18, 30:1, 46:18
Operations [3] - 29:17, 29:20, 46:16
Opinion [1] - 52:5
opinion [2] - 74:17, 109:20
Oppal [2] - 1:5, 2:2
opportunities [1] - 122:4
opportunity [7] - 11:21, 11:25, 14:7, 75:14, 110:1, 112:23, 113:9
oral [2] - 7:18, 78:11
Order [5] - 1:4, 19:16, 33:20, 65:15, 111:23
order [6] - 25:11, 29:9, 32:1, 77:6, 84:20, 84:24
ordinary [1] - 82:23
organization [2] - 8:25, 20:15
organizations [8] - 6:6, 14:5, 14:13, 16:1, 16:9, 28:20, 28:23
organized [1] - 46:5
oriented [1] - 23:4
originally [1] - 90:17
otherwise [1] - 105:2
ought [1] - 118:8
ourselves [1] - 5:8
outcome [1] - 98:3
outcry [1] - 6:21
outing [1] - 3:24
outline [3] - 75:8, 75:24, 76:15
outlined [2] - 72:1, 77:1
outraged [1] - 99:3
outset [2] - 3:1, 113:14
outside [2] - 110:25, 120:8
outstanding [3] - 19:5, 38:22, 78:20
outweighs [1] - 84:19
overall [1] - 44:25

overview [5] - 25:17, 28:22, 34:22, 36:15, 36:21
overwhelmed [1] - 9:21
overwhelming [1] - 100:7
Owen [2] - 50:17, 118:14
own [10] - 37:18, 39:1, 44:3, 61:18, 77:4, 91:11, 92:15, 97:5, 100:10, 108:3
owned [2] - 103:6, 103:17

P

Pacheedaht [1] - 92:24
Page [2] - 1:2, 2:1
pages [4] - 74:12, 86:2, 113:16, 1:6
paid [1] - 24:15
pain [1] - 9:24
paint [1] - 26:1
Palace [8] - 103:14, 103:19, 103:24, 104:9, 104:10, 105:2, 105:7, 117:14
paper [1] - 114:10
Papin [2] - 86:18, 89:8
paragraph [1] - 80:20
paralegal [1] - 16:18
parallel [3] - 65:2, 65:19, 66:5
paramount [2] - 11:24, 39:4
pardon [1] - 1:14
Pardon [1] - 109:1
parents [6] - 92:9, 92:21, 93:19, 94:3, 94:11, 95:2
part [14] - 10:5, 22:21, 30:9, 34:17, 46:17, 51:25, 73:12, 81:4, 83:6, 83:11, 97:4, 97:6, 98:25, 100:2
participant [1] - 78:4
participants [11] - 7:15, 8:14, 15:5, 69:12, 71:25, 77:24, 78:6, 79:7, 116:18, 117:3, 117:20
participate [4] - 14:14, 14:17, 121:19, 121:24

participated [3] - 9:19, 30:14, 32:2
participation [4] - 9:23, 14:4, 14:10, 14:12
particular [3] - 12:3, 102:5, 115:15
particularly [3] - 6:5, 11:5, 55:9
parties [5] - 10:21, 78:23, 79:1, 83:13, 85:16
partner [1] - 53:6
parts [2] - 5:25, 108:4
party [6] - 84:1, 84:12, 85:7, 85:21, 103:20, 105:3
pass [1] - 97:6
passed [4] - 36:1, 57:22, 59:1, 106:21
passing [1] - 39:23
past [2] - 27:25, 87:23
patently [1] - 96:3
pattern [5] - 38:11, 39:9, 39:22, 42:14, 42:21
payments [1] - 95:1
peace [3] - 4:19, 21:23, 22:5
peaceful [1] - 110:24
peaked [1] - 6:1
Peel [6] - 24:6, 74:18, 75:5, 76:25, 115:9, 115:14
people [18] - 9:19, 22:9, 25:24, 26:7, 28:8, 28:10, 43:24, 55:2, 55:5, 73:10, 79:17, 83:24, 84:7, 96:24, 97:4, 97:7, 112:20, 118:6
per [1] - 31:17
perceive [4] - 88:12, 98:17, 116:21, 120:19
perceived [1] - 34:19
percentage [1] - 18:24
perception [1] - 13:6
perfect [1] - 96:13
perform [3] - 22:4, 23:22, 100:13
performed [1] - 40:5
Perhaps [1] - 83:6
perhaps [7] - 6:10, 95:25, 98:22, 101:24, 122:17, 122:19, 123:17
period [9] - 29:12,

46:8, 64:4, 88:2, 97:18, 97:25, 105:6, 105:10, 107:23
permission [1] - 16:18
permits [2] - 32:22, 33:1
Person [5] - 30:5, 40:23, 42:25, 44:18, 48:21
person [16] - 7:24, 7:25, 38:24, 39:4, 41:9, 41:12, 41:14, 42:5, 42:13, 50:20, 62:6, 84:24, 88:20, 91:25, 106:5, 117:12
personal [1] - 110:14
personality [1] - 110:4
personnel [1] - 54:20
persons [15] - 29:23, 40:3, 41:3, 41:8, 41:18, 41:21, 41:23, 50:20, 51:13, 62:13, 62:16, 63:6, 63:8, 105:4, 106:5
Persons [14] - 30:18, 37:21, 38:13, 38:15, 38:17, 38:20, 38:23, 39:6, 39:19, 40:4, 40:21, 41:5, 46:10, 51:24
perspective [1] - 97:15
pertaining [2] - 102:23, 116:17
pervasive [2] - 13:22, 101:13
Phase [4] - 46:8, 49:14, 49:15, 56:16
phase [9] - 37:1, 38:9, 44:14, 49:1, 53:9, 56:17, 58:22, 61:11, 61:12
phases [3] - 36:25, 63:3, 111:5
phenomenon [1] - 9:2
phoned [1] - 43:20
photographic [1] - 114:11
photographs [1] - 107:5
physical [2] - 26:21, 27:22
Pickton [104] - 2:12, 2:18, 6:11, 6:18, 6:19, 7:22, 12:18, 19:1, 19:3, 19:5, 20:4, 30:25, 32:4, 32:8,

32:10, 34:8, 38:1, 43:12, 43:13, 43:17, 43:22, 44:5, 44:12, 44:25, 45:6, 45:7, 45:15, 45:22, 46:11, 49:18, 49:23, 49:25, 50:5, 54:25, 55:3, 55:6, 55:7, 55:12, 55:13, 55:17, 56:3, 56:7, 56:18, 57:7, 57:9, 57:18, 58:1, 58:2, 58:9, 58:10, 58:16, 58:19, 58:25, 59:7, 64:4, 64:17, 64:22, 65:2, 65:19, 65:23, 65:25, 66:3, 66:15, 66:19, 67:2, 67:4, 67:8, 67:11, 68:6, 68:12, 68:16, 80:3, 84:8, 86:15, 87:12, 88:7, 91:22, 97:20, 98:1, 98:5, 98:7, 98:9, 98:25, 99:7, 100:20, 100:25, 103:7, 103:8, 103:13, 103:17, 104:1, 104:3, 104:19, 104:21, 105:12, 105:18, 106:11, 106:25, 107:11, 107:17, 107:19, 122:8
Pickton's [8] - 44:12, 66:13, 67:12, 97:17, 103:16, 105:21, 107:6, 109:19
Picktons [1] - 105:1
Picktons' [1] - 105:15
piece [2] - 109:20, 114:10
pieces [1] - 44:10
pig [1] - 106:11
Piggy's [8] - 103:14, 103:18, 103:23, 104:9, 104:10, 105:2, 105:7, 117:14
place [11] - 2:15, 11:14, 25:10, 25:18, 25:22, 38:2, 41:20, 44:14, 95:11, 103:20, 105:17
places [2] - 23:4, 87:2
plan [9] - 61:23, 75:9, 75:25, 76:6, 79:3, 82:10, 82:20, 121:4, 123:21
planned [2] - 79:4, 123:7
planning [1] - 83:19

plans [3] - 57:10, 75:2, 85:4
play [2] - 49:8, 115:12
played [1] - 45:20
players [2] - 28:13, 84:5
playing [2] - 112:9, 112:22
plenty [1] - 97:25
Pm [6] - 65:12, 65:13, 65:14, 111:21, 111:22, 124:1
pocket [1] - 97:9
point [9] - 6:24, 14:15, 14:19, 49:21, 78:25, 79:2, 86:8, 115:23, 120:2
pointed [3] - 87:19, 106:9, 108:10
pointing [1] - 97:25
Police [70] - 16:12, 16:13, 17:2, 22:1, 22:25, 23:6, 23:8, 23:17, 24:10, 28:12, 28:19, 28:25, 29:1, 29:2, 29:3, 29:5, 29:13, 30:14, 31:24, 32:9, 36:2, 37:12, 46:14, 50:24, 52:15, 53:19, 54:8, 57:23, 58:22, 59:6, 59:9, 59:24, 61:24, 67:11, 74:11, 74:14, 74:18, 75:6, 76:16, 76:17, 76:25, 77:17, 77:19, 78:17, 90:15, 93:16, 93:25, 95:21, 95:23, 99:15, 102:21, 106:3, 106:19, 106:21, 108:6, 108:17, 110:16, 110:19, 110:22, 111:1, 115:10, 115:14, 117:11, 118:11, 118:14, 119:25, 123:16, 1:5, 1:8
police [106] - 2:9, 5:17, 6:18, 8:18, 10:12, 10:17, 10:19, 11:24, 12:20, 13:14, 13:25, 21:18, 21:22, 22:2, 22:10, 22:18, 22:23, 23:1, 23:11, 23:14, 23:19, 23:22, 24:9, 24:13, 24:14, 24:21, 24:25, 25:1, 25:2, 26:5, 26:7, 28:11, 28:16, 29:5, 31:11, 31:12, 31:18,

31:23, 33:5, 34:19, 34:25, 35:1, 35:4, 35:6, 35:10, 35:14, 35:15, 35:18, 36:3, 37:5, 37:9, 45:5, 45:24, 46:2, 49:9, 50:17, 53:17, 55:2, 57:1, 57:15, 61:16, 61:17, 64:1, 64:3, 67:14, 75:6, 76:18, 78:21, 83:22, 84:21, 85:20, 86:7, 87:25, 89:21, 90:5, 96:11, 96:20, 97:10, 97:19, 97:24, 99:19, 99:23, 100:3, 100:4, 100:9, 100:10, 101:7, 101:13, 102:4, 102:9, 102:13, 103:22, 105:17, 107:22, 108:8, 110:6, 111:7, 111:8, 113:2, 113:20, 117:15, 117:16, 122:7, 122:18, 122:21

police's [1] - 54:11

police-community [1] - 23:19

policies [4] - 25:4, 25:9, 33:10, 40:23

policing [21] - 19:13, 21:13, 21:15, 22:14, 22:21, 23:3, 23:6, 23:8, 23:10, 23:15, 23:16, 24:4, 25:5, 25:8, 25:17, 25:18, 31:15, 38:18, 103:3, 122:16

policy [8] - 2:12, 7:5, 8:4, 9:1, 9:15, 10:7, 39:1, 39:2

political [1] - 19:11

Pollock [1] - 44:23

poorest [1] - 26:19

poorly [2] - 97:2, 102:14

population [2] - 26:24, 101:17

Port [8] - 31:22, 92:24, 93:18, 103:4, 104:17, 104:24, 106:11, 107:20

portion [3] - 2:20, 70:8, 106:1

portions [1] - 109:8

portrait [2] - 3:11, 26:1

position [7] - 49:7, 71:17, 72:4, 72:8, 113:1, 119:1, 121:23

positions [1] -

108:12

possession [1] - 66:16

possibility [5] - 36:4, 36:12, 50:15, 100:5, 100:8

possible [3] - 47:2, 53:1, 110:10

possibly [4] - 87:16, 107:24, 121:12, 123:1

post [1] - 121:5

postal [1] - 26:19

postings [1] - 59:15

potential [4] - 40:20, 48:3, 48:5, 63:17

poverty [3] - 26:18, 97:1, 102:14

poverty-stricken [2] - 97:1, 102:14

power [2] - 7:8, 8:12

powers [3] - 8:11, 20:23, 117:2

practices [2] - 25:4, 25:9

prayers [1] - 1:21

praying [4] - 46:25, 53:6, 98:11, 100:6

precede [1] - 77:8

predominantly [1] - 97:2

prejudice [1] - 101:16

prejudicial [2] - 45:23, 84:18

preliminary [1] - 56:11

premature [1] - 10:22

premises [1] - 105:1

prepare [4] - 44:1, 79:7, 113:4

prepared [5] - 23:18, 67:1, 85:13, 85:23, 115:18

preparing [1] - 75:2

presence [2] - 1:21, 3:19

present [4] - 66:21, 72:22, 73:11, 79:13

presented [5] - 25:2, 37:3, 60:15, 60:16, 67:20

presents [1] - 11:25

preservation [1] - 22:5

preserve [2] - 21:23, 22:13

presiding [1] - 1:5

press [2] - 47:22, 108:20

pressing [1] - 19:11

pressure [2] - 50:9, 50:11

Preston [1] - 76:4

presumably [2] - 105:8, 110:24

presumptuous [1] - 96:17

prevent [5] - 2:14, 21:23, 23:2, 25:14, 46:6

prevented [1] - 20:22

prevention [3] - 22:5, 47:6, 47:25

previous [1] - 52:20

pried [1] - 114:15

primarily [4] - 48:24, 51:10, 88:13, 89:24

primary [2] - 100:16, 108:14

Prime [1] - 24:7

prime [1] - 98:1

Prince [1] - 87:2

principles [8] - 21:13, 22:21, 23:3, 24:5, 25:5, 25:8, 25:17, 100:12

printed [1] - 64:20

priorities [2] - 57:13, 57:16

prioritize [3] - 62:16, 63:6, 101:8

prioritized [1] - 41:10

prioritizing [1] - 58:4

priority [10] - 41:25, 43:3, 45:22, 45:25, 49:13, 54:8, 54:14, 59:6, 63:8, 108:7

privy [1] - 108:25

proactive [2] - 23:5, 53:15

probative [1] - 84:19

problem [11] - 11:11, 19:13, 23:4, 37:2, 42:18, 63:24, 73:8, 83:1, 83:7, 101:13, 120:20

problem-oriented [1] - 23:4

problems [3] - 27:1, 40:20, 110:6

procedural [4] - 7:15, 69:7, 77:21, 78:8

procedure [3] - 69:6, 72:13, 77:1

procedures [1] - 40:23

proceed [1] - 85:10

proceeding [4] - 36:23, 76:1, 82:22, 83:1

proceedings [15] - 2:11, 2:17, 7:22, 12:17, 13:3, 15:2, 16:5, 18:1, 20:4, 21:7, 68:5, 68:24, 69:11, 121:3, 124:9

Proceedings [9] - 1:3, 33:18, 33:19, 65:13, 65:14, 111:21, 111:22, 124:1, 2:1

process [22] - 7:16, 8:6, 8:15, 8:17, 9:7, 9:14, 12:25, 36:24, 37:16, 41:17, 75:1, 80:13, 81:2, 81:11, 98:12, 114:22, 115:5, 115:23, 116:14, 116:17, 121:16, 121:19

produce [1] - 112:2

produced [1] - 117:9

produces [1] - 112:4

production [2] - 83:22, 119:19

productive [2] - 118:22, 119:3

Professor [1] - 76:2

Profile [1] - 46:17

profile [1] - 25:16

profiles [1] - 27:9

Profiling [1] - 47:11

profusely [1] - 1:22

programs [1] - 61:22

progress [2] - 59:21, 65:20

project [1] - 54:5

Project [5] - 30:20, 31:5, 50:6, 51:8, 61:14

promoted [1] - 55:20

promotes [1] - 13:17

promoting [1] - 80:22

promotion [1] - 58:5

proper [3] - 3:3, 64:10, 100:19

properly [1] - 35:18

properties [1] - 103:14

property [7] - 44:5, 58:20, 66:19, 66:24, 67:2, 67:5, 105:15

propose [1] - 86:17

proposed [1] - 77:6

prosecutorial [1] - 2:10

prostitutes [1] -

103:20

protect [3] - 12:9, 21:22, 24:21

protected [1] - 35:18

protecting [2] - 12:6, 98:14

protection [7] - 5:14, 5:16, 11:24, 12:8, 12:12, 36:5, 78:14

protest [1] - 110:24

protocols [1] - 41:19

provide [12] - 7:14, 23:24, 28:21, 31:20, 31:23, 36:14, 42:8, 50:13, 54:4, 70:13, 96:7, 97:14

provided [5] - 35:13, 37:6, 43:23, 52:6, 55:5

providers [2] - 35:12, 102:2

provides [1] - 31:12

providing [7] - 1:15, 13:1, 27:6, 31:14, 34:21, 36:20, 51:24

province [7] - 10:9, 22:1, 22:24, 80:11, 87:2, 122:17, 122:22

Province [2] - 29:7, 106:4

province's [1] - 80:5

Provincial [3] - 32:6, 33:23, 108:13

provincial [11] - 2:8, 22:2, 29:3, 29:10, 30:21, 31:14, 32:16, 32:18, 33:25, 114:25, 122:21

provincially [1] - 33:2

proximity [1] - 103:23

Public [4] - 2:1, 7:7, 8:11, 32:21

public [42] - 2:5, 2:20, 5:20, 6:8, 6:21, 8:4, 8:14, 9:8, 9:13, 12:24, 13:1, 14:1, 21:24, 22:18, 23:23, 24:1, 24:2, 24:11, 24:13, 24:15, 24:25, 33:3, 49:9, 52:2, 80:21, 80:22, 81:10, 81:12, 81:17, 84:17, 87:10, 87:13, 96:12, 98:15, 99:13, 100:8, 106:18, 109:25, 114:16, 121:3

public's [1] - 13:5

publication [1] - 21:4

<p>publicly [5] - 24:3, 36:4, 36:11, 84:8, 103:18</p> <p>published [1] - 109:21</p> <p>purely [1] - 101:11</p> <p>purpose [6] - 7:13, 10:24, 46:24, 51:8, 62:4, 80:21</p> <p>purposes [4] - 85:1, 105:3, 105:5, 116:9</p> <p>purses [2] - 44:11, 106:13</p> <p>pursuant [2] - 29:2, 67:5</p> <p>pursue [3] - 57:10, 58:1, 59:10</p> <p>pursued [2] - 58:3, 58:18</p> <p>put [7] - 50:16, 60:11, 83:8, 87:12, 105:20, 119:21, 121:19</p> <p>putting [2] - 43:25, 106:15</p>	<p>34:24, 61:4, 78:22, 89:16, 89:23, 90:8, 90:16, 91:11, 91:16, 92:11, 92:18, 93:5, 93:13, 93:18</p> <p>raises [2] - 19:10, 49:6</p> <p>ran [1] - 47:10</p> <p>ranging [1] - 83:24</p> <p>rarely [1] - 95:14</p> <p>rates [2] - 26:22, 34:21</p> <p>rather [2] - 23:5, 118:19</p> <p>Rcmp [86] - 28:13, 28:18, 30:25, 31:9, 31:10, 31:11, 31:16, 31:19, 31:20, 31:22, 31:24, 32:2, 32:10, 32:19, 33:9, 34:1, 38:2, 43:13, 44:6, 44:8, 44:22, 44:23, 49:18, 50:13, 54:25, 55:11, 56:20, 57:5, 57:10, 57:23, 58:18, 59:10, 60:8, 60:12, 60:23, 60:25, 61:4, 61:9, 61:24, 62:1, 66:16, 66:25, 69:22, 73:23, 74:14, 76:16, 76:23, 78:17, 97:24, 99:10, 99:15, 100:21, 101:1, 101:14, 102:22, 103:2, 103:11, 103:24, 104:5, 104:7, 104:15, 105:9, 105:10, 105:19, 106:22, 106:23, 107:4, 107:9, 107:16, 108:3, 108:10, 108:13, 108:22, 109:2, 109:7, 109:16, 110:16, 111:8, 112:15, 113:2, 113:21, 120:1, 122:20, 1:8</p> <p>Rcmp-004-000710 [3] - 73:1, 74:15, 1:9</p> <p>re [1] - 65:25</p> <p>re-interview [1] - 65:25</p> <p>reach [1] - 10:22</p> <p>reached [1] - 88:24</p> <p>reactive [1] - 23:5</p> <p>read [1] - 19:18</p> <p>ready [1] - 75:12</p> <p>real [1] - 117:25</p> <p>reality [1] - 24:12</p> <p>realized [4] - 6:11, 48:5, 63:23, 95:19</p>	<p>really [2] - 84:6, 122:8</p> <p>reason [2] - 56:6, 82:4</p> <p>reasonable [2] - 64:25, 96:1</p> <p>reasons [2] - 12:17, 98:23</p> <p>rebuffed [1] - 42:15</p> <p>receipt [1] - 42:16</p> <p>receive [3] - 5:16, 49:12, 102:23</p> <p>received [7] - 32:10, 38:18, 43:11, 46:1, 55:1, 106:1, 106:23</p> <p>receives [1] - 116:24</p> <p>receiving [5] - 7:11, 63:25, 82:13, 105:11, 115:13</p> <p>recent [2] - 78:25, 121:18</p> <p>Recently [1] - 78:3</p> <p>recently [1] - 94:16</p> <p>recess [2] - 33:17, 111:20</p> <p>recognize [2] - 78:5, 120:24</p> <p>recognized [1] - 24:20</p> <p>recognizing [1] - 3:4</p> <p>Recognizing [1] - 23:21</p> <p>recommend [3] - 7:4, 20:7, 20:12</p> <p>recommendation [1] - 79:22</p> <p>recommendations [9] - 2:12, 8:5, 8:20, 10:8, 10:25, 22:16, 80:15, 122:10, 122:16</p> <p>recommended [1] - 60:20</p> <p>reconciliation [1] - 13:9</p> <p>Reconvened [3] - 33:19, 65:14, 111:22</p> <p>record [5] - 73:12, 83:11, 109:25, 114:10, 119:22</p> <p>records [5] - 102:17, 106:25, 114:4, 116:25, 117:8</p> <p>recovered [1] - 63:1</p> <p>recovery [1] - 118:18</p> <p>recreational [1] - 105:5</p> <p>recurring [1] - 23:14</p> <p>redact [1] - 72:7</p> <p>redacted [2] - 82:15, 113:23</p>	<p>refer [4] - 9:5, 21:9, 37:2, 82:11</p> <p>reference [20] - 7:1, 19:18, 20:17, 21:2, 21:14, 29:13, 38:10, 67:19, 67:20, 67:24, 67:25, 68:1, 68:12, 68:13, 71:3, 79:14, 81:5, 114:21, 115:24, 116:19</p> <p>references [1] - 85:17</p> <p>referred [2] - 61:25, 75:21</p> <p>refinement [1] - 24:5</p> <p>reflect [1] - 33:2</p> <p>reform [2] - 10:3, 14:16</p> <p>refused [1] - 42:7</p> <p>regard [2] - 42:3, 79:24</p> <p>regarding [3] - 10:19, 78:13, 78:20</p> <p>Regardless [1] - 112:20</p> <p>regional [2] - 108:8, 122:18</p> <p>Regional [4] - 74:18, 75:5, 76:25, 115:10</p> <p>Registrar [13] - 1:4, 33:17, 33:20, 65:12, 65:15, 69:15, 69:23, 72:25, 74:3, 74:7, 111:20, 111:23, 123:24</p> <p>regrettable [1] - 115:6</p> <p>regular [2] - 89:19, 121:5</p> <p>regulations [1] - 22:25</p> <p>regulatory [1] - 22:24</p> <p>reject [1] - 53:21</p> <p>relate [5] - 36:23, 48:3, 57:25, 64:6, 85:15</p> <p>related [5] - 7:2, 26:20, 66:22, 87:22, 117:13</p> <p>relates [1] - 32:17</p> <p>relating [1] - 32:15</p> <p>Relations [1] - 40:15</p> <p>relationship [3] - 23:20, 24:11, 26:6</p> <p>relationships [1] - 28:1</p> <p>relative [2] - 96:14, 117:15</p> <p>relatively [1] - 103:3</p>	<p>relatives [2] - 95:3, 95:13</p> <p>release [2] - 47:22</p> <p>relevant [9] - 104:7, 113:13, 114:10, 114:16, 119:19, 120:4, 120:17, 121:13</p> <p>rely [2] - 26:5, 96:4</p> <p>remain [1] - 109:24</p> <p>remained [2] - 91:1, 93:20</p> <p>remains [6] - 62:23, 63:1, 72:4, 72:8, 101:4, 103:5</p> <p>remarks [3] - 80:19, 82:4, 87:21</p> <p>remember [2] - 14:22, 14:24</p> <p>remembered [1] - 3:12</p> <p>remind [1] - 105:24</p> <p>remiss [1] - 113:8</p> <p>Renfrew [1] - 92:24</p> <p>replaced [1] - 57:6</p> <p>replacement [1] - 65:22</p> <p>report [32] - 7:24, 21:8, 32:23, 42:16, 52:11, 69:9, 69:10, 69:13, 69:22, 70:3, 70:4, 70:8, 70:11, 71:17, 72:2, 72:18, 73:19, 74:4, 74:17, 75:2, 75:11, 75:21, 81:1, 90:14, 91:5, 93:24, 94:8, 95:20, 108:11, 108:24, 109:1, 115:25</p> <p>reported [16] - 29:15, 29:23, 44:9, 88:4, 89:6, 89:21, 90:5, 90:22, 91:15, 93:11, 93:15, 94:14, 100:18, 102:6, 103:18, 107:16</p> <p>reportees [1] - 42:6</p> <p>Reporter [1] - 124:13</p> <p>reporting [2] - 41:22, 42:19</p> <p>Reporting [1] - 124:14</p> <p>reports [19] - 35:1, 38:12, 38:18, 39:21, 39:22, 39:23, 41:9, 41:17, 42:10, 42:13, 42:17, 42:19, 43:1, 43:3, 63:25, 69:18, 83:25, 84:2, 121:5</p> <p>repository [1] - 24:22</p> <p>represent [4] -</p>
Q				
<p>Qc [1] - 2:3</p> <p>qualifications [1] - 54:7</p> <p>quality [4] - 58:10, 91:25, 99:23, 116:23</p> <p>quantity [1] - 116:24</p> <p>quest [1] - 2:21</p> <p>questionable [1] - 35:7</p> <p>questioned [1] - 55:16</p> <p>questionnaires [1] - 52:3</p> <p>questions [11] - 2:24, 5:19, 21:16, 25:7, 49:6, 55:25, 58:17, 66:4, 98:6, 122:2, 122:6</p> <p>quickly [2] - 100:3, 117:22</p> <p>quite [2] - 8:7, 119:24</p> <p>quote [2] - 80:24, 108:11</p> <p>quotes [1] - 109:11</p> <p>quoting [1] - 80:17</p>				
R				
<p>race [1] - 42:6</p> <p>radio [1] - 115:22</p> <p>raised [15] - 21:17,</p>				

15:12, 16:11, 87:16, 112:2
representative [1] - 28:18
representatives [1] - 29:7
represented [2] - 76:7, 77:10
representing [4] - 16:8, 17:1, 17:10, 17:14
represents [1] - 14:7
request [3] - 40:14, 51:2, 78:25
Request [2] - 74:14, 1:8
requested [1] - 59:22
requests [2] - 57:3, 77:25
require [2] - 79:14, 84:23
required [1] - 41:2
research [2] - 8:13, 15:8
Research [1] - 9:13
resentful [1] - 13:13
reserve [1] - 89:10
resided [1] - 89:9
Residential [1] - 92:25
residents [3] - 27:2, 97:6, 102:14
resistance [4] - 48:11, 48:12, 91:6, 93:23
resolve [3] - 117:22, 119:5, 120:8
resource [1] - 111:13
resources [20] - 23:15, 41:5, 46:1, 49:13, 51:25, 53:14, 54:4, 54:22, 57:15, 59:20, 64:8, 101:8, 108:8, 110:11, 110:20, 111:6, 111:11, 111:15, 112:13
respect [11] - 32:18, 70:2, 75:17, 82:8, 83:8, 88:3, 88:10, 88:14, 92:1, 114:20, 121:6
respectful [2] - 109:23, 120:15
respecting [8] - 8:20, 8:23, 19:22, 20:1, 20:8, 20:13, 22:4, 68:3
respective [1] - 28:23

respite [1] - 95:7
responded [2] - 6:21, 38:5
response [6] - 2:5, 9:21, 33:5, 34:20, 46:21, 81:10
responses [1] - 119:23
responsibilities [1] - 23:7
responsibility [3] - 40:2, 81:4, 108:15
responsible [21] - 24:2, 29:4, 29:8, 31:17, 31:25, 39:20, 39:25, 40:3, 44:18, 47:21, 50:20, 62:2, 62:17, 67:12, 67:15, 96:11, 96:12, 98:14, 103:3, 106:6, 106:16
responsive [1] - 23:25
rest [2] - 11:22, 97:11
restrained [1] - 104:25
result [8] - 13:5, 32:8, 34:11, 45:8, 47:19, 63:18, 66:14, 116:22
resulted [1] - 21:7
resumed [3] - 33:20, 65:15, 111:23
retained [1] - 107:8
retired [1] - 109:16
retrospective [1] - 88:5
return [1] - 94:6
returned [3] - 57:1, 59:15, 95:4
reveal [5] - 80:13, 96:20, 100:4, 104:3, 111:7
revealed [3] - 55:12, 64:18, 114:4
revealing [1] - 22:15
Review [9] - 30:19, 40:10, 50:7, 51:7, 59:25, 74:11, 74:15, 1:5, 1:9
review [33] - 40:13, 40:22, 51:8, 51:9, 51:22, 52:1, 52:6, 53:12, 53:25, 54:2, 54:9, 54:14, 54:16, 55:9, 57:1, 59:12, 59:15, 62:6, 62:9, 63:6, 63:13, 63:16, 63:18, 74:21, 76:18, 76:19, 87:22, 108:23,

108:24, 109:9, 109:15, 113:19
reviewed [3] - 61:19, 74:24, 79:1
reviews [1] - 108:2
reward [7] - 36:5, 50:15, 50:18, 53:18, 106:2, 106:8, 118:17
rights [2] - 11:6, 11:14
risk [1] - 35:19
risks [1] - 35:15
risky [1] - 35:17
River [3] - 87:4, 89:16, 91:17
Rj [1] - 72:1
Road [1] - 105:2
road [1] - 101:2
Robert [10] - 2:11, 6:11, 7:22, 19:1, 24:6, 43:12, 68:5, 86:15, 91:22, 103:7
Roberts [2] - 17:4
robust [1] - 4:2
Robyn [2] - 16:7, 17:5
Rock [2] - 86:18, 88:22
Rocky [1] - 90:18
role [8] - 30:23, 32:15, 40:24, 45:20, 100:13, 114:17, 115:12, 122:21
roles [2] - 23:7, 28:22
Ron [2] - 51:18, 55:4
room [2] - 119:6, 120:9
root [1] - 23:12
roots [1] - 27:5
Rosedale [1] - 87:3
Ross [1] - 55:4
Rossmo [6] - 18:5, 47:10, 48:9, 52:7, 77:20, 123:12
Rossmo's [1] - 52:16
round [1] - 9:15
routine [1] - 79:18
Royal [2] - 74:13, 1:7
rules [1] - 77:1
run [1] - 82:7
running [1] - 26:17
Ruth [1] - 57:6

S

safe [2] - 11:7, 98:15
safeguard [2] - 21:24, 24:1
safeguards [1] - 2:14

safer [1] - 13:20
safety [10] - 11:4, 11:23, 12:2, 35:15, 39:3, 47:6, 47:24, 54:18, 96:12, 122:11
sake [1] - 116:8
Salima [2] - 2:4, 15:7
Salish [3] - 1:24, 17:24, 18:2
Samnani [2] - 2:4, 15:7
samples [1] - 62:14
Sandy [1] - 40:5
Sarah [5] - 14:20, 16:19, 36:3, 44:2, 106:12
Saunders [1] - 80:18
scale [1] - 101:9
scar [1] - 80:8
scarcity [1] - 57:15
Scarth [1] - 104:25
scene [2] - 63:4, 67:1
schedule [1] - 78:1
scheduled [1] - 117:24
schedules [3] - 76:11, 79:11, 123:10
scheduling [2] - 116:9, 116:11
school [1] - 94:12
School [2] - 89:25, 93:1
Scott [1] - 66:15
scrap [1] - 114:10
scrounge [1] - 97:9
scrutiny [5] - 6:18, 11:4, 102:24, 114:12, 114:16
sealed [1] - 114:15
Sean [2] - 16:11, 83:16
search [16] - 4:19, 55:22, 55:23, 56:6, 58:19, 66:13, 66:18, 66:21, 66:23, 67:1, 67:3, 67:6, 100:23, 101:1
searched [1] - 67:5
searches [1] - 63:18
searching [1] - 121:17
Sebastian [2] - 86:22, 92:23
second [6] - 6:14, 19:3, 38:9, 71:16, 78:16, 88:5
Second [2] - 89:8, 100:8
Secondly [1] - 34:8
Secretary [1] - 24:7

section [6] - 7:10, 8:10, 22:2, 38:15, 57:25, 66:12
Section [3] - 30:10, 38:16, 46:17
sections [2] - 30:3, 30:8
secure [1] - 95:12
secured [1] - 66:24
see [2] - 75:13, 114:17
seek [4] - 5:21, 13:25, 56:6, 98:6
seem [2] - 109:1, 117:14
seized [2] - 107:7, 107:11
self [1] - 109:20
self-congratulatory [1] - 109:20
sell [1] - 94:25
senior [2] - 30:10, 53:21
sense [6] - 3:16, 4:7, 71:7, 86:5, 96:2, 106:17
sensitive [3] - 3:24, 85:15, 85:19
sensitivity [1] - 43:6
September [7] - 9:10, 19:15, 44:19, 47:8, 47:22, 56:16, 56:19
sergeant [2] - 30:12, 40:9
Sergeant [18] - 37:7, 39:12, 40:8, 44:16, 44:21, 44:22, 47:11, 51:1, 51:16, 59:16, 60:9, 60:16, 60:23, 60:24, 61:3, 61:6, 62:1, 64:19
sergeants [1] - 74:20
serial [11] - 36:12, 46:24, 47:21, 48:10, 52:5, 53:22, 54:13, 60:20, 64:2, 86:15, 100:5
series [2] - 47:5, 67:5
serious [4] - 41:13, 41:15, 62:10, 109:5
Serious [1] - 44:23
serve [4] - 12:25, 13:8, 22:16, 88:13
service [4] - 23:25, 31:11, 35:12, 102:2
Service [2] - 30:6, 124:14
services [6] - 26:6,

27:6, 27:7, 31:12,
31:20, 31:23
Services [1] - 29:21
servicing [1] - 6:6
session [1] - 78:22
set [3] - 7:9, 8:11,
36:6
Seth [1] - 16:2
seven [4] - 9:9,
26:25, 89:11, 107:10
Seventeen [1] - 94:1
Seventh [1] - 90:24
seventh [1] - 26:24
several [5] - 34:4,
89:14, 90:20, 105:11,
117:24
sex [29] - 5:4, 26:23,
27:8, 27:20, 35:3,
42:10, 50:3, 50:5,
51:11, 52:9, 52:18,
53:6, 57:19, 62:7,
62:9, 62:15, 62:19,
62:23, 62:25, 68:15,
84:3, 97:3, 101:19,
102:16, 104:20,
105:13, 105:16,
107:3, 122:14
sexual [3] - 5:6,
62:11, 84:2
Shannon [1] - 76:3
shape [2] - 2:13,
123:22
shaped [1] - 22:21
share [3] - 3:8, 46:3,
100:9
shared [1] - 27:15
sharing [1] - 9:23
shed [2] - 12:2,
91:24
Shenher [15] - 39:9,
40:8, 40:11, 42:25,
43:11, 44:7, 44:16,
48:25, 50:25, 51:17,
52:11, 57:2, 59:16,
59:20, 59:22
Shenher's [1] - 43:18
Sherstone [2] -
65:21, 65:24
shocking [1] - 99:13
short [2] - 102:4,
103:10
shortly [6] - 47:15,
79:21, 90:22, 91:2,
91:13, 91:19
shoulder [1] - 115:2
show [16] - 11:22,
14:24, 39:5, 43:9,
44:9, 50:7, 51:6,
54:24, 56:23, 57:7,
57:17, 63:21, 90:7,

99:19, 99:25, 101:12
showed [1] - 101:15
shown [1] - 113:14
shrugged [1] - 90:15
shut [1] - 105:7
siblings [8] - 90:20,
91:10, 92:10, 92:22,
95:3, 103:7, 103:17,
104:21
siblings' [1] - 91:4
sicko [1] - 106:12
side [2] - 89:25,
96:24
sign [2] - 82:9,
113:24
signed [1] - 82:18
significance [2] -
32:17, 80:20
significant [3] - 33:6,
52:21, 53:13
silence [1] - 3:5
similar [1] - 107:15
simply [7] - 49:6,
64:3, 85:3, 95:6,
101:15, 102:17, 116:6
single [2] - 53:5,
88:20
sinister [1] - 98:22
sister [2] - 4:10, 36:2
sisters [2] - 4:15,
28:9
sit [2] - 79:3, 79:5
sitting [1] - 118:24
situation [3] - 10:9,
33:6, 79:21
six [6] - 6:13, 19:4,
67:5, 91:10, 101:2,
115:16
Sixteen [1] - 93:18
Sixth [1] - 90:16
size [1] - 103:23
skill [1] - 124:10
Skwarok [6] - 17:21,
18:4, 18:6, 123:11
slaughtering [2] -
55:7, 55:18
sleep [1] - 97:8
small [1] - 103:3
smile [1] - 3:18
Smith [1] - 124:12
Social [1] - 27:24
social [4] - 19:11,
26:6, 94:5, 102:2
society [6] - 11:17,
11:25, 13:7, 14:1,
88:15, 97:11
Society [1] - 18:2
sole [2] - 1:25, 40:7
solve [1] - 110:15
solved [1] - 60:1

sometimes [2] -
33:24, 95:12
son [2] - 91:11,
94:17
sons [1] - 93:3
soon [2] - 16:3,
70:16
sooner [2] - 98:8,
122:8
sorry [2] - 15:11,
120:11
sort [4] - 27:6, 70:13,
70:17, 74:5
sorting [2] - 73:8,
110:8
sorts [2] - 108:19,
109:15
sought [3] - 6:8,
52:1, 90:6
soul [2] - 3:19,
121:17
sounds [1] - 86:6
sources [1] - 105:11
south [2] - 26:16,
89:10
south-west [1] -
89:10
spare [1] - 110:14
Sparwood [3] - 87:3,
94:2, 94:7
speaker [1] - 81:20
speaking [2] - 32:24,
83:19
special [3] - 17:5,
51:4, 95:4
Specialized [1] -
30:6
specific [3] - 2:10,
25:21, 41:3
specifically [3] -
25:16, 27:8, 49:10
Specifically [2] -
42:7, 49:25
speculation [1] -
50:11
Spencer [1] - 60:25
spending [1] - 88:18
spirit [1] - 3:15
Spoken [1] - 17:23
spoken [2] - 84:9,
85:22
spring [2] - 39:17,
63:14
Squad [5] - 30:11,
38:16, 40:9, 44:17
Squamish [2] - 1:13,
1:14
St [1] - 92:5
staff [4] - 1:19,
30:13, 54:6, 59:14

Staff [3] - 47:11,
60:23, 60:24
staffed [1] - 33:25
stage [2] - 72:14,
73:7
stake [1] - 121:15
stand [6] - 81:24,
85:2, 114:1, 117:5,
118:2, 120:16
standards [5] -
22:22, 25:4, 25:10,
41:19, 58:12
standing [2] - 18:17,
115:1
start [5] - 17:25,
27:12, 78:11, 81:22,
120:17
started [7] - 35:23,
44:3, 46:12, 50:6,
63:19, 109:16, 113:24
starting [6] - 14:19,
31:1, 40:12, 43:19,
119:23, 123:21
State [1] - 87:8
state [3] - 19:18,
115:19, 115:25
statement [1] - 55:17
states [3] - 22:2,
39:2, 80:23
stating [1] - 108:11
station [1] - 103:24
stationed [1] - 76:22
statistically [2] -
52:20, 52:23
statutes [1] - 29:11
statutory [1] - 117:2
stay [11] - 2:11, 7:21,
12:17, 13:3, 20:3,
21:7, 67:22, 68:4,
68:23, 69:4, 88:7
stayed [4] - 19:6,
43:14, 68:21, 68:25
stemming [1] - 68:9
stepfather [1] -
93:13
Stephanie [3] -
86:24, 94:10, 94:15
steps [7] - 56:7,
64:23, 104:13,
104:15, 107:17,
110:2, 114:9
stereotypes [1] -
45:19
stereotyping [1] -
45:23
still [8] - 48:18,
49:25, 63:14, 63:24,
98:10, 107:5, 114:4,
117:8
Still [1] - 46:8

Sto:lo [1] - 91:8
stop [3] - 87:13,
100:25, 122:7
stopped [4] - 56:25,
59:13, 98:8, 107:17
Stoppers [2] - 43:20,
106:18
story [1] - 56:22
straight [1] - 94:12
stranger [1] - 96:13
strategies [3] -
47:25, 49:21, 62:21
strategy [2] - 63:2,
64:15
Street [3] - 26:14,
26:17, 92:7
street [1] - 103:12
Street/prior [1] -
26:16
streets [1] - 98:10
stress [1] - 3:1
stricken [2] - 97:1,
102:14
strict [1] - 113:25
strictly [1] - 72:21
string [1] - 90:10
strives [1] - 39:1
stroll [1] - 50:1
strong [1] - 27:3
strongest [1] - 110:9
strongly [1] - 61:7
struck [1] - 34:10
structural [1] - 76:14
structure [5] - 28:20,
28:22, 64:8, 76:15,
108:9
structured [2] - 54:2,
63:3
student [2] - 16:3,
94:13
studies [1] - 9:13
study [11] - 6:25, 7:6,
7:8, 8:6, 8:8, 8:11,
8:15, 8:17, 9:7, 14:14,
20:24
stumbled [1] - 97:20
Stw [1] - 75:22
style [1] - 38:9
styled [2] - 49:17,
56:18
subject [9] - 21:12,
24:5, 25:20, 37:25,
68:13, 75:17, 87:22,
88:5, 119:14
subjected [1] - 27:25
submission [2] -
109:23, 120:15
submissions [5] -
7:11, 9:12, 9:20, 10:4,
78:15

<p>submit [2] - 95:9, 100:3 Subsections [1] - 8:10 subsections [1] - 7:9 subsequent [1] - 90:14 substantive [2] - 71:16, 72:18 suburb [1] - 103:4 Sudbury [1] - 94:2 sudden [2] - 96:1, 102:7 suddenly [1] - 90:2 suffer [1] - 2:23 suffered [2] - 13:13, 27:22 sufficient [4] - 2:13, 56:6, 100:15, 101:25 suggest [4] - 72:13, 73:3, 79:16, 123:9 suggested [3] - 45:18, 68:24, 108:7 suggestion [4] - 42:12, 48:13, 109:4, 110:10 suggestions [1] - 69:3 summer [3] - 44:15, 55:1, 63:22 Summit [2] - 37:4, 37:6 Sun [2] - 64:20, 109:21 Superintendent [3] - 70:15, 76:22, 109:7 supervised [3] - 39:12, 41:1, 46:5 supervisor [1] - 44:24 supervisors [1] - 61:7 supplement [1] - 94:25 Support [5] - 29:18, 29:19, 29:20, 30:1, 46:18 support [8] - 23:23, 27:7, 30:12, 36:9, 40:6, 51:2, 51:25, 61:8 Supreme [3] - 2:18, 24:19, 104:17 Surrey [3] - 87:4, 90:17, 91:19 surrounding [1] - 22:8 surveillance [1] - 100:15 Surveillance [1] -</p>	<p>49:23 surveys [1] - 8:13 survival [2] - 5:4, 26:23 survive [3] - 95:12, 96:4, 97:10 survived [3] - 90:19, 91:9, 92:9 survivor [1] - 92:25 Susan [1] - 76:4 suspect [7] - 43:21, 43:22, 50:3, 51:5, 51:14, 58:12, 98:1 suspect-focused [2] - 51:5, 51:14 suspected [2] - 8:22, 20:10 suspects [6] - 62:13, 63:7, 63:9, 63:18, 84:5, 100:16 suspicious [1] - 35:4 sworn [2] - 29:8, 117:4 system [2] - 2:13, 24:23 systematic [1] - 46:5 systemic [1] - 25:6</p>	<p>106:18 temporarily [1] - 39:14 temporary [1] - 95:6 Ten [1] - 92:3 ten [3] - 17:25, 65:7, 123:24 tend [1] - 21:5 tender [1] - 108:19 tendered [2] - 5:22, 7:19 term [8] - 41:18, 67:18, 67:20, 67:24, 67:25, 68:11, 68:13 termed [1] - 9:5 terms [15] - 7:1, 19:17, 20:17, 21:2, 21:14, 23:9, 29:12, 53:13, 79:14, 81:4, 82:17, 110:10, 112:14, 114:21, 115:24 terrible [3] - 2:6, 9:24, 96:9 territory [1] - 1:24 testify [7] - 95:18, 95:22, 104:10, 109:8, 109:18, 118:5, 119:13 testimony [2] - 96:8, 117:4 themselves [2] - 14:20, 101:24 thereby [1] - 81:11 therefore [9] - 7:15, 10:22, 14:11, 21:9, 22:20, 25:6, 45:21, 47:23, 72:7 They've [1] - 108:3 they've [3] - 82:15, 98:2, 113:3 Third [2] - 89:15, 100:10 third [6] - 84:1, 84:12, 85:7, 85:16, 85:21, 111:9 thirdly [1] - 78:24 thirds [1] - 111:17 Thirteen [1] - 92:23 thorough [3] - 87:20, 87:22, 116:14 thousand [1] - 106:2 thousands [4] - 74:24, 86:1, 113:16 three [11] - 29:14, 29:17, 55:2, 58:7, 78:10, 91:20, 93:21, 103:6, 103:16, 107:23, 110:15 throughout [1] - 87:2 ties [1] - 91:12</p>	<p>Tiffany [2] - 86:23, 93:18 Tiffany's [1] - 93:21 Tim [1] - 16:13 timely [2] - 43:4, 117:18 tip [5] - 35:24, 36:1, 43:11, 44:4, 66:14 tips [3] - 32:10, 55:1, 121:11 tipster [2] - 43:22, 106:1 tipsters [1] - 101:22 Tobias [2] - 16:15 today [10] - 2:2, 17:11, 18:10, 23:2, 76:9, 87:1, 89:14, 114:1, 115:7, 120:16 Today [2] - 2:20, 2:21 today's [2] - 118:21, 119:4 together [7] - 4:21, 12:19, 13:20, 37:9, 46:3, 47:3, 105:21 Tom [1] - 76:3 tomorrow [3] - 123:9, 123:22, 123:25 took [10] - 25:22, 35:10, 40:1, 64:23, 82:4, 87:11, 89:3, 104:13, 104:15, 110:2 tool [1] - 12:25 tools [1] - 25:13 topical [1] - 122:19 total [2] - 18:24, 19:7 totally [1] - 65:5 touch [1] - 95:2 touched [1] - 99:21 tour [1] - 9:20 toward [1] - 13:19 towards [1] - 101:17 town [1] - 97:7 track [2] - 49:21, 123:8 tracks [1] - 107:18 trade [29] - 5:4, 26:20, 26:23, 27:8, 27:20, 35:3, 42:11, 50:3, 50:5, 51:11, 52:9, 52:18, 53:6, 57:19, 62:7, 62:9, 62:15, 62:19, 62:23, 62:25, 68:15, 84:3, 97:3, 102:17, 104:20, 105:13, 105:16, 107:3, 122:14 tradition [1] - 24:12 traditional [2] - 1:15, 1:24</p>	<p>Traditional [2] - 1:17, 17:23 tragedies [3] - 2:14, 13:4, 80:5 tragedy [10] - 2:6, 4:24, 5:23, 6:9, 6:10, 11:20, 12:22, 14:2, 19:10, 101:9 tragic [2] - 13:16, 18:18 tragically [1] - 107:18 trailer [3] - 44:12, 106:13, 107:6 training [4] - 33:10, 41:4, 100:13, 110:13 traits [1] - 62:22 transcribed [1] - 124:9 transcript [1] - 124:8 transfer [3] - 58:5, 58:9, 59:22 transferred [3] - 39:14, 40:15, 55:21 transient [2] - 35:8, 101:21 transition [2] - 64:10, 64:14 transparent [1] - 116:15 travelling [2] - 95:25, 96:15 treated [3] - 41:24, 42:5, 43:5 treats [1] - 11:17 tremendous [1] - 11:21 trial [7] - 6:15, 6:18, 7:17, 84:8, 97:17, 98:3, 109:19 tried [2] - 95:20, 118:9 troubled [1] - 114:24 troubles [1] - 90:11 true [3] - 5:14, 121:14, 124:8 truly [1] - 99:13 trust [6] - 21:24, 22:18, 24:2, 80:10, 116:13, 116:15 truth [6] - 2:22, 22:15, 97:11, 112:4, 112:7, 114:19 try [1] - 96:16 trying [5] - 84:4, 93:24, 105:7, 112:6, 114:19 turf [2] - 48:14, 96:5 turn [3] - 1:11, 89:3, 116:10</p>
T				
<p>table [1] - 71:13 tables [1] - 9:15 tactics [1] - 55:14 Task [4] - 18:20, 31:5, 61:13, 62:1 task [8] - 36:6, 37:11, 50:23, 53:12, 60:21, 80:1, 110:7, 112:6 tasked [1] - 34:7 taxpayers' [1] - 98:19 team [20] - 21:19, 40:14, 51:9, 51:22, 52:1, 52:6, 53:12, 53:25, 54:2, 54:9, 54:14, 54:16, 54:21, 55:9, 57:1, 59:12, 59:15, 74:24, 110:2 Team [5] - 30:19, 40:10, 50:7, 51:7, 59:25 teams [1] - 30:11 Tears [2] - 9:6, 10:12 technical [2] - 99:25, 101:11 technologies [1] - 25:12 teenage [1] - 93:7 teens [1] - 90:25 telephone [1] -</p>				

turned [1] - 98:19
Twelve [1] - 92:17
twenties [2] - 90:1, 90:10
two [26] - 7:2, 30:11, 37:14, 52:14, 52:24, 66:18, 66:22, 67:9, 70:21, 73:23, 74:19, 78:3, 87:22, 92:14, 93:2, 93:3, 93:9, 98:5, 103:14, 104:22, 105:6, 105:20, 105:21, 107:12, 111:17, 123:7
Two [2] - 58:4, 66:20
two-thirds [1] - 111:17
two-year [1] - 105:6
type [1] - 85:21
types [1] - 118:4
typical [1] - 89:15

U

ubiquitous [1] - 14:2
Uhu [12] - 30:22, 30:25, 32:7, 33:24, 34:5, 34:13, 37:11, 50:4, 56:20, 60:8, 60:12, 60:24
Ujjal [1] - 50:12
ultimately [5] - 34:9, 55:24, 57:8, 66:11, 103:6
Ultimately [1] - 48:15
unable [1] - 35:16
unanswered [1] - 58:16
unbelievable [1] - 101:6
unbelievably [1] - 107:18
unchallenged [1] - 109:25
uncomfortable [1] - 115:19
uncover [1] - 121:14
under [15] - 2:1, 6:18, 7:11, 8:5, 22:3, 23:7, 30:18, 31:19, 31:23, 32:21, 38:16, 48:21, 97:22, 97:23, 118:5
undermined [1] - 56:24
understandable [1] - 59:21
understood [1] - 116:3
undertake [1] - 41:3

undertaken [1] - 51:23
undertaking [7] - 75:4, 79:9, 82:8, 82:18, 82:19, 86:1, 113:25
undertook [1] - 63:16
underway [1] - 39:19
unfair [1] - 109:12
unfolded [3] - 34:22, 36:16, 114:23
unfolding [2] - 6:8, 101:10
unfortunate [1] - 102:11
Unfortunately [1] - 107:18
unhindered [1] - 107:21
unicorns [1] - 4:5
unidentified [1] - 19:8
uniformed [1] - 110:21
Union [2] - 17:2, 77:19
unique [2] - 13:23, 121:23
Unit [30] - 30:5, 30:6, 30:9, 30:18, 30:22, 32:7, 33:23, 37:22, 38:13, 38:15, 38:17, 38:20, 38:23, 39:6, 39:16, 39:20, 40:4, 40:15, 40:22, 40:23, 41:6, 43:1, 44:18, 44:23, 46:11, 47:11, 48:21, 51:24, 57:2, 108:14
unit [11] - 33:24, 38:18, 39:1, 39:20, 40:12, 41:1, 41:2, 42:3, 50:9, 51:4, 51:24
United [1] - 124:14
unlawful [2] - 50:21, 106:6
unless [1] - 120:21
unlikely [2] - 52:21, 52:23
unlimited [1] - 112:13
unmolested [1] - 107:21
unreliable [1] - 56:21
unsavoury [1] - 104:8
Unsolved [4] - 30:22, 32:7, 33:23, 108:13

unsolved [3] - 34:3, 41:17, 62:25
unsuccessful [2] - 55:15, 66:1
untold [1] - 13:13
unusual [1] - 79:6
unwilling [2] - 35:14, 35:16
up [19] - 15:16, 29:6, 36:6, 45:14, 56:22, 57:3, 58:14, 58:19, 63:4, 73:4, 90:7, 90:24, 94:11, 95:13, 96:5, 96:12, 97:19, 100:22, 121:11
upsetting [1] - 5:11
urgency [1] - 108:7
urging [1] - 46:23
uses [1] - 44:1
usual [1] - 34:21
utmost [1] - 5:20

V

valuable [1] - 12:25
value [5] - 11:13, 13:7, 84:18, 84:19, 101:25
valued [2] - 4:11, 12:11
values [1] - 5:12
Vancouver [85] - 1:1, 2:8, 6:1, 9:11, 16:12, 17:2, 18:23, 19:21, 25:24, 26:25, 28:12, 28:19, 28:25, 29:1, 29:2, 29:5, 29:6, 29:13, 29:23, 30:14, 32:9, 36:2, 37:12, 38:3, 40:21, 46:14, 49:8, 50:24, 52:15, 53:19, 54:8, 57:23, 58:21, 59:6, 59:8, 59:24, 61:24, 61:25, 64:20, 68:16, 74:10, 75:1, 76:16, 76:17, 77:17, 77:19, 78:16, 89:18, 90:9, 90:15, 92:8, 92:19, 93:16, 93:20, 93:25, 94:4, 94:11, 95:21, 95:23, 96:24, 97:4, 99:15, 101:14, 102:4, 102:21, 106:3, 106:19, 106:20, 108:5, 108:17, 109:21, 110:16, 110:19, 110:22, 111:1, 111:10, 117:11, 118:7, 118:11, 118:13, 119:25, 123:16, 1:4
Vancouver's [2] - 86:13, 89:25
Vandu [4] - 17:11, 17:14, 77:11, 123:14
vanished [4] - 90:13, 93:17, 93:22, 97:22
varied [1] - 79:10
variety [1] - 83:25
various [1] - 73:21
vast [1] - 73:20
Venables [1] - 26:16
versions [1] - 73:21
Vertlieb [58] - 1:6, 1:7, 1:9, 2:2, 15:1, 15:3, 17:22, 18:13, 18:14, 18:15, 33:15, 33:21, 33:22, 65:5, 65:7, 65:10, 65:17, 69:16, 69:21, 70:10, 71:9, 71:13, 71:20, 72:15, 73:1, 73:4, 73:8, 73:23, 74:2, 74:4, 74:9, 74:16, 75:8, 75:20, 81:20, 81:23, 82:5, 82:11, 83:3, 83:6, 85:5, 87:19, 99:21, 100:2, 102:12, 105:24, 106:9, 115:8, 117:6, 118:1, 118:20, 119:4, 119:20, 120:7, 123:5, 123:6, 123:21, 2:3
Vertlieb's [1] - 116:2
vetted [3] - 70:6, 82:15, 113:23
viable [1] - 122:3
viably [1] - 60:10
vibrant [1] - 27:4
Vice [1] - 30:7
vicious [1] - 95:16
victim [4] - 21:6, 41:12, 41:15, 84:22
victimization [1] - 28:7
victims [9] - 2:22, 4:25, 6:5, 27:13, 47:2, 54:13, 60:19, 62:10, 84:1
victims' [3] - 9:5, 34:18, 63:20
Victoria [2] - 87:4, 92:17
video [3] - 107:5, 114:11, 117:10
view [11] - 22:12, 32:25, 72:9, 73:2, 112:8, 116:2, 116:5, 118:8, 118:12

viewed [1] - 26:13
views [3] - 118:3, 119:11, 119:18
violence [7] - 5:6, 5:14, 11:7, 12:4, 13:3, 26:23
violent [1] - 68:14
virtually [1] - 112:13
voice [1] - 12:6
voiced [1] - 10:3
volumes [1] - 11:13
voluminous [1] - 70:5
voluntarily [1] - 100:20
voted [1] - 50:18
Vpd [37] - 28:19, 29:1, 29:4, 29:8, 29:22, 30:3, 31:9, 32:18, 34:1, 36:11, 37:6, 38:3, 38:15, 38:20, 40:15, 49:5, 50:12, 51:6, 53:21, 54:4, 55:9, 57:17, 57:20, 59:2, 60:24, 61:9, 64:11, 74:11, 91:5, 94:8, 94:15, 97:22, 99:10, 108:2, 112:15, 113:21, 1:5
Vpd's [3] - 29:16, 49:19, 60:1
Vpd-001-012879 [3] - 71:13, 74:12, 1:6
Vries [4] - 14:20, 36:2, 44:2, 106:12
Vries' [1] - 106:19
vulnerability [1] - 4:25
vulnerable [12] - 5:5, 5:10, 8:19, 11:5, 11:15, 12:10, 13:4, 13:6, 28:6, 78:14, 80:7, 122:11

W

waiting [1] - 118:24
walking [1] - 98:10
wants [2] - 73:13, 83:10
war [1] - 48:14
Ward [46] - 15:11, 15:12, 15:18, 70:21, 70:23, 71:12, 71:16, 71:20, 71:24, 72:4, 73:13, 73:16, 73:17, 73:25, 75:10, 75:16, 76:8, 77:10, 78:25, 81:20, 81:22, 82:1, 82:3, 83:3, 83:8,

83:10, 83:18, 85:3,
85:10, 85:13, 86:10,
111:25, 113:7,
119:10, 119:16,
119:18, 120:11,
120:14, 120:24,
123:4, 123:5, 2:4
Ward's [1] - 73:2
warm [1] - 88:23
warn [3] - 35:14,
49:9, 100:8
warning [1] - 47:23
warrant [5] - 55:22,
56:7, 66:18, 67:1,
67:3
warranted [1] - 81:9
warrants [1] - 67:6
Washington [1] -
87:8
waste [1] - 120:11
wasting [1] - 120:12
Water [1] - 18:1
waterfront [1] -
26:15
Wayne [5] - 35:23,
43:20, 44:2, 106:19,
110:12
ways [3] - 12:19,
30:15, 34:6
weakest [1] - 11:18
wealthy [1] - 97:6
weapon [4] - 20:5,
68:7, 68:18, 88:8
website [4] - 35:24,
44:3, 121:5, 121:10
weddings [1] - 95:5
week [1] - 76:6
weeks [2] - 70:18,
94:15
Welcome [1] - 1:23
welfare [4] - 24:18,
39:3, 95:1, 96:4
well-known [2] -
89:9, 103:19
Welland [1] - 88:24
Wells [1] - 66:17
west [4] - 26:14,
89:10, 89:25, 96:23
Westminster [3] -
50:2, 50:4, 93:5
White [3] - 17:22,
17:23, 17:24
whole [4] - 5:25,
10:9, 13:18, 27:1
wide [1] - 83:24
wild [2] - 103:19,
105:14
William [7] - 6:11,
35:25, 43:8, 68:5,
86:15, 91:22, 103:7

Williams [11] - 69:10,
69:22, 70:15, 71:17,
72:2, 72:18, 74:4,
76:22, 86:20, 91:16,
108:24
Willie [6] - 43:21,
43:23, 103:7, 103:15,
105:12, 106:11
willing [1] - 23:23
Wilson [2] - 86:19,
90:16
windows [1] - 97:5
wipe [1] - 97:5
wisdom [1] - 24:22
wise [1] - 66:7
wish [5] - 33:12,
55:25, 69:8, 72:25,
121:11
Wish [1] - 52:4
wishes [3] - 77:4,
83:8, 123:14
withdrawing [1] -
121:21
witness [9] - 55:17,
56:21, 69:1, 69:2,
70:16, 77:2, 77:7,
86:7, 109:18
witnesses [19] -
10:17, 26:1, 74:23,
76:2, 76:15, 78:14,
81:3, 84:1, 96:16,
101:23, 117:5,
117:23, 117:24,
118:4, 118:7, 118:12,
119:19, 120:17,
120:18
Wolfe [2] - 86:21,
92:11
Wolthers [3] - 51:20,
57:21, 59:18
woman [6] - 3:14,
4:13, 4:14, 4:20, 55:8,
55:18
women [195] - 2:6,
3:2, 3:4, 3:6, 3:10,
3:12, 4:11, 4:14, 4:22,
5:1, 5:2, 5:16, 5:23,
6:3, 6:13, 6:16, 6:17,
6:19, 7:20, 8:19, 8:22,
9:3, 10:11, 11:5, 11:9,
11:12, 11:21, 12:2,
12:4, 12:7, 12:10,
12:14, 12:16, 12:21,
13:2, 13:4, 13:6,
13:15, 13:22, 14:6,
14:20, 15:13, 15:20,
18:2, 18:16, 18:19,
18:21, 18:23, 19:2,
19:4, 19:6, 19:7,
19:10, 19:15, 19:23,

20:10, 20:20, 22:9,
25:3, 26:11, 27:8,
27:10, 27:11, 27:14,
27:18, 27:21, 28:13,
28:15, 28:23, 29:16,
29:25, 30:15, 30:17,
31:7, 32:3, 34:5, 34:7,
34:11, 34:13, 34:20,
35:1, 35:2, 35:7,
35:16, 35:19, 36:16,
37:5, 37:8, 37:10,
37:15, 37:17, 37:19,
38:13, 38:19, 39:7,
39:10, 39:18, 39:21,
39:23, 40:1, 40:24,
42:10, 42:14, 42:16,
42:21, 42:23, 43:1,
43:5, 43:10, 43:18,
45:7, 45:16, 46:11,
46:22, 46:25, 47:16,
47:18, 48:4, 48:17,
48:20, 48:23, 49:2,
49:6, 49:10, 49:19,
50:8, 50:10, 50:22,
51:3, 51:10, 52:24,
54:12, 54:18, 55:4,
57:18, 60:16, 60:19,
63:17, 63:23, 64:11,
64:17, 64:22, 66:22,
67:10, 67:13, 67:16,
67:17, 77:15, 80:3,
80:7, 80:14, 80:16,
86:13, 86:16, 86:25,
87:9, 87:10, 87:24,
88:3, 88:15, 94:18,
94:19, 94:23, 95:13,
95:18, 96:4, 96:22,
97:13, 97:21, 98:20,
99:2, 99:6, 99:17,
100:18, 101:5, 102:3,
102:7, 102:11, 103:5,
105:23, 106:7,
107:12, 107:19,
111:4, 111:12, 112:1,
118:10, 118:16,
119:12, 121:16,
122:24
Women [16] - 1:4,
6:22, 18:20, 30:19,
31:5, 37:22, 40:10,
46:12, 50:7, 51:7,
59:25, 61:13, 61:25,
63:24, 74:11, 1:5
women's [6] - 6:7,
11:23, 13:10, 44:10,
89:3, 106:13
wonderful [1] - 4:6
Woodall [1] - 18:9
word [1] - 85:20
words [2] - 24:1,

61:9
worker [5] - 50:3,
68:15, 94:5, 104:20,
107:3
workers [17] - 27:8,
51:11, 52:9, 52:19,
53:7, 62:7, 62:9,
62:15, 62:19, 62:23,
63:1, 84:3, 97:3,
101:20, 105:13,
105:16, 122:14
works [1] - 73:5
world [4] - 6:1, 11:9,
11:23, 105:20
worse [1] - 89:3
worthy [1] - 5:13
Wright [1] - 103:9
written [1] - 9:12
wrote [3] - 51:2,
76:23, 108:5

Y

year [14] - 38:21,
74:19, 79:15, 89:20,
93:11, 94:7, 98:25,
105:6, 105:25, 107:2,
108:21, 113:18, 116:7
Year's [1] - 104:23
years [15] - 24:6,
66:18, 88:3, 92:5,
92:20, 93:7, 93:17,
94:9, 94:16, 97:18,
99:8, 104:22, 107:10,
107:23, 110:18
Yields [1] - 44:10
York [1] - 87:7
young [3] - 9:3,
92:22, 94:23
younger [1] - 94:11
youngest [1] - 92:3
yourself [1] - 115:5
Yukon [1] - 31:13
Yurkiw [2] - 57:6,
58:11
Yurkiw's [1] - 65:21