


Exhibit 69

Criminal Investigative Failures

D. Kim Rossmo

Missing Women Commission of Inquiry	
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Preface

Solving major crimes is serious business. Successful investigations and prosecutions contribute to improved public safety by incapacitating violent offenders; in doing so, they also build confidence in our justice system, particularly the police. But when investigations fail, the offenders remain free and the public is at risk of further harm. Even worse is when police arrest, and courts convict, an innocent person; not only is a terrible injustice done and the reputation of the justice system harmed, but the real offender remains free to hurt or kill again.

Dr. Kim Rossmo has brought his varied and extensive police experience as a street cop and geographic profiler, his extraordinary academic accomplishments, and his continuing work in criminal investigations to bear in this book on investigative failures. In it, he describes the cognitive biases, biases in evaluation of evidence, probability errors, and organizational traps that lead to investigative failures. Thankfully, he takes what could be difficult-to-understand concepts and explains them in a way that makes this information accessible to police officers, academics, and laymen alike. Most importantly, he describes practical strategies to overcome the challenges posed by the pitfalls he explores, essentially providing a prescription for success. And throughout, he keeps the reader interested and entertained, no small feat given the topic.

The concepts and strategies outlined in this book are invaluable for helping to accomplish an investigator's primary objective: "find the truth." For those of us who care deeply about investigative excellence and justice, particularly police investigators, this book is a "must read."

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3. Uniformity pressures

- Conformity pressures (those who disagree with the dominant views or decisions are seen as disloyal)
- Self-censorship (the withholding of dissenting views and counter-arguments)
- Shared illusion of unanimity (silence is perceived as consent, and there is an incorrect belief that everyone agrees with the group's decision)
- Self-appointed mindguards (individuals who elect to shield the group from dissenting information).

Groupthink has several negative outcomes. Groups selectively gather information and fail to seek expert opinions (see FPT Heads of Prosecutions Committee Working Group, 2004). They neglect to assess critically their ideas and examine few alternatives, if any. Contingency plans are not developed. For these reasons, groupthink can be a disaster in a major crime investigation.

The Pig Farm

Groupthink and tunnel vision emerged in the police response to what was originally called the Downtown Eastside Missing Women case before it became known as the Pig Farm Serial Murders. In 1998, community workers from the Downtown Eastside in Vancouver, British Columbia, expressed concerns to the police and media over a large number of women who had gone missing from the area (Cameron, 2007). During the previous three years, 27 prostitutes, many of them First Nations women, had disappeared from the Low Track red light district on the edge of Skid Road (Greene, 2001). Were the disappearances a natural part of the transient nature of Skid Row prostitution life or was something more sinister occurring? The first step in assessing any problem of this sort is to obtain an estimate as to what constitutes a "normal" level of such incidents (the base rate). Consequently, the Vancouver Police Department (VPD) reviewed 20 years of data on unfound missing persons from the Downtown Eastside. Surprisingly, all missing persons were eventually found in most of the years from 1978 to 1994; five years had one or two cases of persons still missing (the annual mean was 0.35). However, this changed dramatically in 1995, and by 1998, the number of unfound missing persons had risen to 11 (see Figure 3.3)

To use the language of epidemiologists, this was a statistically significant spatial-temporal cluster. Put more simply, when compared to past trends, there were too many events occurring in too small an area in too short a time for this to just be a random fluctuation. If these numbers represented incidents of tuberculosis, for example, officials would suspect an epidemic and begin searching for the vector (cause) of the disease outbreak. In this

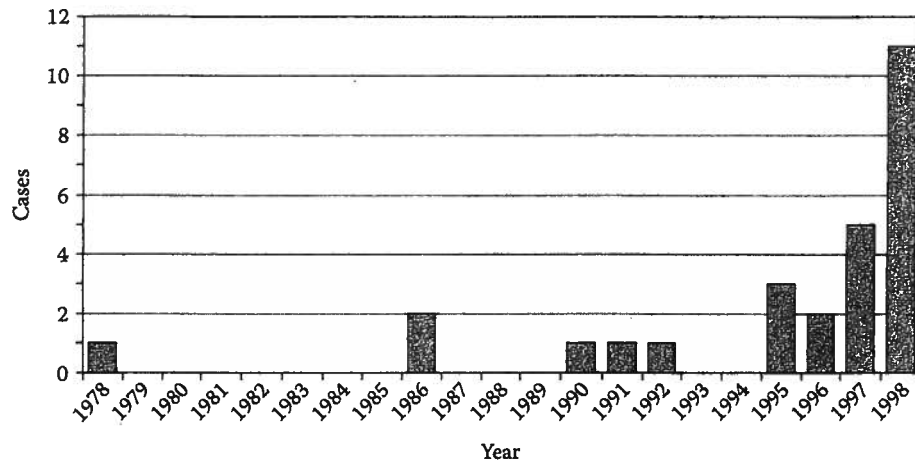


Figure 3.3 Unfound missing persons cases.

situation, it was the responsibility of the police to determine what had happened to the missing women.

However, the inspector in charge of VPD's Major Crime Section (MCS), which is responsible for investigating homicide, sexual assault, robbery, and missing persons cases, argued that the only reason the disappearances were high in recent years was because there had been insufficient time to find the women (see Stelfox & Pease, 2005, regarding the misclassification of murders as missing persons). Over the course of the next few years, he asserted, most of the missing women will be found, and the 1995–1998 peak will drop to the 1978–1994 level. After some debate, a decision was made to test this conjecture empirically. An analysis of national data showed the typical (modal) time from initial missing person report to when the individual was found was two days; after three weeks, 93% of missing persons were found (see Figure 3.4). Using these data to calculate a missing persons case survival curve (i.e., how long a missing person stays missing), it was possible to estimate that over the course of time, on average, only two people out of the 27 would be found. This left 25 missing women, still a statistically significantly high number.

Any theory proposed to explain this cluster of missing women had to be able to answer the following questions:

1. Why was this happening now and not before?
2. Why was this happening in Vancouver's Skid Road and not in any other Canadian urban Skid Road?
3. Why had no bodies been found?
4. Why were only women, and not men, disappearing?

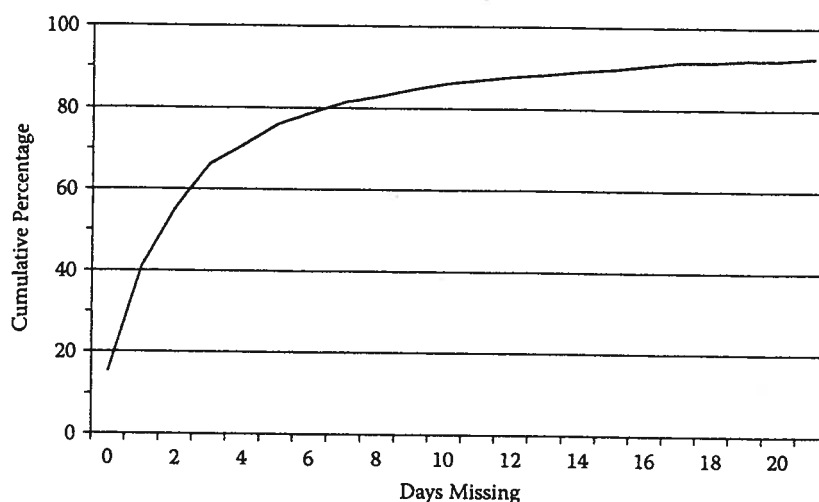


Figure 3.4 Missing persons case survival curve.

The only theory that appeared to answer all these questions was that of a serial killer. As rare as these predators are, Vancouver has had more than its share of them; prostitutes and other marginal members of society are the typical victims (Egger, 2002; Hickey, 2006). Indeed, Lowman and Fraser (1995) estimated the murder rate for street prostitutes to be 60 to 120 times that of nonprostitute women.

Unfortunately, even with this analysis, VPD's MCS and local politicians were reluctant to consider the possibility of a serial killer. When the Vancouver Police Board was asked to offer a reward in the case (similar to a \$100,000 reward issued the previous month for information on a series of residential garage robberies on the city's affluent West Side), the response was not sympathetic.

Mayor Philip Owen says he's not in favor of offering a \$100,000 reward to try to find out what happened to 20 prostitutes who disappeared from his city, saying he's not financing a "location service" for hookers. Police and city officials are being pressured by several families of the women to offer cash for information. Social service workers and several of the families believe the women may have been the victims of a serial killer. "There's no evidence that a serial killer is at work. ... No bodies have been found. ... I don't think it is appropriate for a big award for a location service."

He scoffed at claims by relatives of the missing women that the prostitutes had close ties to their families and wouldn't just vanish from the streets.

"That's what they say," Owen said. "... some of these girls have been missing for a year. All of a sudden ... it becomes a major event." (Phillips, 1999)

Within a month, however, the mayor would succumb to political pressure and media criticism. *The Province*, one of the city's two major newspapers,⁴ observed: "That reward (and obvious concern) for garages in the city's more affluent areas was the mayor's proud brainchild, but it stood in unfortunately clear contrast to the lack of reward (and apparent lack of concern) for the missing prostitutes in the very poorest neighbourhood" (Stall, 1999). Even when the city begrudgingly agreed to offer a reward in the missing women case, they only put up 30% of the money, the provincial government was responsible for the other 70%.

Avoiding the serial killer explanation, MCS management suggested various alternative theories for what had happened to the missing women. None of these satisfactorily answered the above questions:

- The women are only missing and eventually will be found (does not answer questions 1, 2, or 4).
- Their pimps killed them (does not answer question 3).
- They were drug murder victims (does not answer question 4).
- They died of drug overdoses (does not answer questions 3 or 4).
- They died of natural causes, but problems with hospital record systems have prevented them from being identified (does not answer question 4).
- They were murdered by multiple serial killers (see below).

For some inexplicable reason, the theory of several "little" serial killers became more organizationally palatable than that of one big serial killer—even if it meant that multiple perpetrators now had to be caught. Of course, the likelihood that more than one serial killer was murdering prostitutes in the same area at the same time, and then hiding their bodies, was very remote. Occam would be spinning in his grave.

The initial response of the VPD was to assign one constable from the Missing Persons Unit to the task of finding the missing women. This said much about how MCS management defined the problem. The detective constable was able to locate a few of the women, but she also discovered many more unreported disappearances of sex trade workers in the Downtown Eastside (the list eventually grew to over 60 missing women).

No police officer wants to see a killer go free or a victim not avenged. On the other hand, if the missing women had been from Vancouver's affluent West Side, there is little doubt the police response would have been very different. In all likelihood, the police subconsciously "fooled" themselves into believing what they did. As one homicide detective rationalized, "There are no bodies. So there's nothing we can do." This is equivalent to a fire station refusing to send out trucks because they can only see smoke but no fire.

⁴ Reporters for Vancouver's other daily newspaper, *The Sun*, deserve much of the investigative credit for the eventual resolution of the Missing Women case.

After much community and media pressure, the Royal Canadian Mounted Police (RCMP) eventually formed a Task Force to review and investigate the missing women case. In February 2002, they arrested⁵ Robert “Willie” Pickton, a pig farmer from Coquitlam, British Columbia. Pickton was a suspect known to investigators. He had been the subject of a VPD tip in 1998 by an individual who had seen different women’s purses and identification in his farm house (presumably the same items observed four years later by the RCMP constable), and he had been arrested by the RCMP in 1997 for attempted murder after stabbing a prostitute (the case never came to court). A search of Pickton’s 14-acre pig farm for body parts took 21 months; excavators dug up 370,000 cubic yards of top soil, with the assistance of 102 forensic anthropologists. The costs of the investigation are estimated at \$70 million. To date, over 100 investigators have been involved and at least 100,000 exhibits collected.

Pickton was charged with 27 counts of first-degree murder (one of these was later rejected by the judge); his trial began on January 30, 2006. Prosecutors eventually decided to sever the charges and only proceeded with six counts. On December 9, 2007, almost two years later, the jury found Pickton guilty of second-degree murder and he was subsequently sentenced to life in prison with no possibility of parole for 25 years. It is unlikely the Crown will proceed with the additional 20 charges as further convictions would not increase Pickton’s sentence.

Police recovered DNA for 31 women at the pig farm and suspect there is more. Pickton confessed to killing 49 women to an undercover police officer posing as his cell mate. It appears that some of the victim’s body parts were fed to Pickton’s pigs; after being slaughtered, he gave the pig meat away to friends. Sadly, at least 14 women were murdered after Pickton was first identified as a viable suspect in the disappearances. Police ignored Canada’s most prolific sex murderer for over three years because they did not want to believe, despite evidence to the contrary, that a serial killer was responsible for the missing women in the Downtown Eastside.

References

- Bugliosi, V. (2007). *Reclaiming history: The assassination of President John F. Kennedy*. New York: W. W. Norton.
- Cameron, S. (2007). *The Pickton file*. Toronto: Alfred A. Knopf.
- Campbell, A. (1996). *The Campbell Inquiry Report: Bernardo investigation review*. Toronto: Government of Ontario.

⁵ Even this arrest was fortuitous, the unintended result of a search for a handgun unrelated to the murders. The RCMP constable executing the search warrant noticed personal effects belonging to several different women in Pickton’s farm house.

- Doney, R. H. (1990). The aftermath of the Yorkshire Ripper: The response of the United Kingdom police service. In S. A. Egger (Ed.), *Serial murder: An elusive phenomenon* (pp. 95–112). New York: Praeger.
- Douglas, J. E., & Olshaker, M. (1995). *Journey into darkness*. New York: Simon & Schuster.
- Egger, S. A. (2002). *The killers among us: An examination of serial murder and its investigation* (2nd ed.). Upper Saddle River, NJ: Prentice-Hall.
- Eyewitness evidence: A trainer's manual for law enforcement*. (2003). NIJ Special Report (NIJ Publication No. NCJ-188678). Washington, DC: U.S. Government Printing Office.
- FPT Heads of Prosecutions Committee Working Group. (2004). *Report on the prevention of miscarriages of justice*. Ottawa: Department of Justice.
- Greene, T. (2001). *Bad date: The lost girls of Vancouver's Low Track*. Toronto: ECW Press.
- Griffiths, R. (Producer). (April 14, 1993). "Murder by number: Inside the serial killers." CNN television special report.
- Halberstam, D. (1969). *The best and the brightest*. New York: Ballantine Books.
- Hickey, E. W. (2006). *Serial murderers and their victims* (4th ed.). Belmont, CA: Thompson Wadsworth.
- Janis, I. L. (1982). *Groupthink: Psychological studies of policy decisions and fiascoes* (2nd ed.). Boston: Houghton Mifflin.
- Karem, B. J., & Napolitano, C. (2003, March). In a room with madness. *Playboy*, pp. 70–74, 84, 146–152.
- Livingstone, H. E., & Groden, R. J. (1998). *High treason: The assassination of JFK and the case for conspiracy*. New York: Carroll & Graf Publishers.
- Lowman, J., & Fraser, L. (1995). *Violence against persons who prostitute: The experience in British Columbia*. Ottawa: Department of Justice.
- Makin, K. (1992). *Redrum the innocent*. Toronto: Viking.
- McAdams, J. (2004). *The Kennedy assassination*. Retrieved March 27, 2006, from <http://mcadams.posc.mu.edu/home.htm>.
- Phillips, R. A. (1999, April 9). Mayor: No reward in missing hookers case. *Vancouver Downtown Eastside Missing Women*. Retrieved March 10, 2008, from http://www.missingpeople.net/mayor_no_reward-april_9,1999.htm.
- Shibutani, T. (1966). *Improvised news: A sociological study of rumor*. Indianapolis: Bobbs-Merrill.
- Smith, C., & Guillen, T. (1991). *The search for the Green River Killer*. New York: Penguin Books.
- Stall, B. (1999, April 25). Mayor to propose skid-row reward. *The Vancouver Province*. Retrieved March 10, 2008, from <http://www.canada.com/theprovince/news/story.html?id=6b6fec98-13e6-4dc0-8901-13cb5c2a1131>.
- Stelfox, P., & Pease, K. (2005). Cognition and detection: Reluctant bedfellows? In M. J. Smith & N. Tilley (Eds.), *Crime science: New approaches to preventing and detecting crime* (pp. 191–207). Cullompton, Devon: Willan Publishing.
- Wagner, U., Gais, S., Haider, H., Verleger, R., & Born, J. (2004). Sleep inspires insight. *Nature*, 427, 352–355.
- Walton, R. (Ed.). (2006). *Cold case homicides: Practical investigative techniques*. Boca Raton, FL: CRC Press.