

1 **Vancouver, BC**

2 **April 25, 2012**

3 **(PROCEEDINGS COMMENCED AT 9:40 A.M.)**

4 THE REGISTRAR: Order. This hearing is now is resumed.

5 THE COMMISSIONER: Go ahead, Mr. Gratl.

6 MR. GRATL: Thank you, Mr. Commissioner.

7 **GERAMY POWELL: Resumed**

8 **FRED BIDDLECOMBE: Resumed**

9 **DAN DUREAU: Resumed**

10 **CROSS-EXAMINATION BY MR. GRATL CONTINUED:**

11 Q Sergeant Field, yesterday Mr. Roberts on behalf
12 of his client, Marion Bryce, established that you
13 knew about the tip that came through Bill Hiscox
14 in August of 1998?

15 MS. POWELL: Yes, I was aware of some of the information.

16 Q You knew that the tip was in part corroborated by
17 independent information, that is, the Victim 97
18 charges?

19 A I can't remember if I knew that then or when I
20 came back in March.

21 Q You told Detective Constable Shenher to "go for
22 it"?

23 A Yes.

24 Q When you say "go for it" I take it you mean "go
25 for it" in the sense of conducting a homicide

1 investigation?

2 A No. I meant for her to go and vet out the
3 information she had received.

4 Q You weren't clear then about whether she should
5 commence a homicide investigation?

6 A No. At that point it was just source information
7 that she would have to vet out for the veracity
8 of it.

9 Q Sergeant Field, I put it to you that the
10 information she received is that Robert William
11 Pickton had engaged in a homicide?

12 A It wasn't that specific at the time.

13 Q That's your evidence, is it?

14 A Yes.

15 Q You're saying that it's something other than
16 Robert William Pickton is a killer, something
17 other than that information?

18 A The information was that -- and I don't recall
19 the name at the time, she may have said Pickton,
20 it doesn't ring a bell at that time, I know it
21 does later -- at this farm in Coquitlam that
22 Hiscox had been there or somebody that he knew
23 had been there and told him this information. At
24 that point to me it was second-hand and had to be
25 vetted out. It was said -- it wasn't in a

1 meeting or a formal setting at all. It was said
2 in passing to me because I was in the transition
3 stage going from where I was working to this
4 other project.

5 Q I just asked you about whether the information
6 was that Pickton was engaged in a homicide?

7 A Somebody was and I can't tell you if at the time
8 in September when she told me that the name
9 Pickton was there or not.

10 Q On April 9, 1999 you know that Detective
11 Constable Lori Shenher wrote a memo to the
12 Attorney General at the time, Ujjal Dosanjh?

13 A Yes, I am aware of that.

14 Q And you're saying that you didn't read that memo
15 before it went to the Attorney General?

16 A No. I don't recall reading that memo at all
17 before it went to the Attorney General.

18 Q And, Inspector Dureau, you say you didn't read
19 that memo either?

20 MR. DUREAU: No. At that time I wasn't on site in the office.
21 I was assigned to conduct sergeant interviews in
22 a different building for about four weeks so I
23 wasn't there. I was the acting inspector at the
24 time and should something happen someone would
25 call me, but I wasn't in the office reading any

1 memos or doing anything like that.

2 Q You're saying that a detective constable under
3 your supervision was instructed to provide
4 official communications to the attorney general
5 of the province on a case that had reached a
6 level of scandal and you didn't know about it?

7 A I'm saying I had no knowledge of that, yes.

8 Q I take it that you agree that you ought to have
9 known about it; you should have taken control of
10 that memo?

11 A I agree that everyone up the chain of command to
12 the deputy chief and probably the chief should
13 have known about it, yes.

14 Q You say you didn't but you ought to have, you
15 should have taken responsibility for the contents
16 of the memo but you didn't?

17 A I am absolutely as the inspector responsible for
18 what happens under my command. I'm telling you I
19 wasn't there at the time, I was doing something I
20 was assigned to do, but yes, I should have known
21 about that memo.

22 Q So if there's any misinformation in that memo
23 you're responsible for it in part?

24 A Certainly.

25 Q The same for you, Sergeant Field, you're

1 responsible in exactly the same way for any
2 misinformation in the memo that went to the
3 attorney general, aren't you?

4 MS. POWELL: Only if I had read it.

5 Q You're saying that an official communication to
6 the attorney general from one of your
7 subordinates, you're not responsible for the
8 content of that?

9 A If I was there when that memo was written and I
10 was in that position then I should have had my
11 signature on it and looked at it, yes, I should
12 have. I don't know why I didn't. I can't answer
13 that.

14 Q I'm putting it to you that you ought to have had
15 responsibility for the contents of that memo, you
16 didn't, and that's your fault if there's any
17 miscommunication or misinformation in that memo;
18 correct?

19 A If I had the opportunity to read it, yes.

20 Q I take it that information in the memo that
21 suggests that there were no suspects as of April
22 9, 1999, that would be misinformation, wouldn't
23 it?

24 A Perhaps, yes.

25 Q Perhaps or yes?

1 A I don't know at this point what stage, I can't
2 recall, that Detective Shenher -- that Constable
3 Shenher was at with vetting out that information.
4 I know now that she had lost contact with the
5 source and whether that information had been
6 proven to be correct or not at the time.

7 Q Ordinarily information received through Crime
8 Stoppers that a homicide has occurred, that would
9 go to the Homicide Squad; correct?

10 A Yes.

11 Q It would be investigated by Homicide detectives?

12 A Yes.

13 Q Two of them at least?

14 A Perhaps, yes.

15 Q A file would be opened?

16 A Perhaps.

17 Q It would be discussed strategic avenues to take?

18 A The first thing you do is vet out the
19 information, as I said.

20 Q Before opening a file?

21 A Yes.

22 Q On April 22, 1999 you authored a report, a memo
23 to the Vancouver Police Board; correct?

24 A Yes.

25 Q You appreciate that's a public body in charge of,

1 in part, holding the Vancouver Police Department
2 accountable to the public?

3 A I do.

4 Q And of course you appreciate that you have the
5 highest obligation to be honest and forthright
6 with that body?

7 A Yes, I do.

8 Q I'd ask you to turn to page 143 of I believe it's
9 Exhibit 146.

10 THE REGISTRAR: Which one are you looking for in the
11 commission documents?

12 MR. GRATL: The document I referred to yesterday.

13 THE REGISTRAR: From the commission or yours?

14 MR. GRATL: Mine.

15 THE REGISTRAR: That's 146, formerly J for identification.

16 MS. POWELL: There doesn't appear to be a 146; they're not
17 numbered.

18 MR. GRATL: They should be numbered in the top right-hand
19 corner.

20 THE REGISTRAR: Exhibit 146 is the exhibit number.

21 MR. GRATL:

22 Q It's actually page 146 of Exhibit 146. Are you
23 there? If you turn to page 43 you'll see the
24 first page of the memorandum?

25 MS. POWELL: Yes.

1 Q That's the document authored by you dated April
2 22, 1999?

3 A Yes.

4 Q This document went to the Vancouver Police Board?

5 A That's correct.

6 Q If you turn to page 146, you'll see in the first
7 -- in the third paragraph under the heading
8 Reward: "There's been an extensive amount of
9 media coverage surrounding this issue already and
10 to date neither the police department or Crime
11 Stoppers has received a single tip." Isn't that
12 correct?

13 A Yes.

14 Q That's false, isn't it?

15 A Yes.

16 Q Why did you mislead the Vancouver Police Board
17 about the existence of tips in relation to a
18 serial killer and missing women?

19 A I have re-read that obviously and I didn't intend
20 to mislead the police board. I think what has
21 happened in the transition of the original
22 information, being Crime Stoppers, to the point
23 where Mr. Hiscox was considered a source, in my
24 mind somehow I separated those things and had
25 forgotten that that was a Crime Stoppers tip

1 because she had been dealing with him as a source
2 and as such I wouldn't be revealing the source
3 information to the police board. That was
4 probably my thinking at the time.

5 Q You'll agree now that it's false?

6 A Yes.

7 Q Did you ever consult with Detective Constable
8 Lori Shenher before putting this memorandum
9 before the Vancouver Police Board?

10 A We would have discussed it, I'm sure.

11 Q And did you consult with your superiors before
12 putting this document before the police board?

13 A Yes, they would have read it.

14 Q And that includes Inspector Biddlecombe sitting
15 to your left?

16 A Whoever was in the inspector's office at the
17 time. I don't know who was there.

18 Q Inspector Biddlecombe, did you see this document
19 before it went to the Vancouver Police Board?

20 MR. BIDDLECOMBE: No, I didn't.

21 Q How about you, Inspector Dureau?

22 MR. DUREAU: I probably did if I was sitting in the office but
23 I don't recall it particularly.

24 Q You would be responsible for the contents of this
25 memorandum and any misinformation in it as well,

1 wouldn't you?

2 MR. DUREAU: Through the change of command, yes, it's my
3 responsibility.

4 Q In terms of a warning you testified yesterday,
5 Sergeant Field, about the reasons not to give a
6 warning. In fact, your public statements went
7 beyond not giving a warning; you told the public
8 that there was no evidence of a serial killer,
9 didn't you?

10 MS. POWELL: Yes.

11 Q Repeatedly throughout 1999 and 2000?

12 A No, I'm not aware of that.

13 Q I'll take you to page 159 of Exhibit 146. That's
14 a print-out of the *Vancouver Sun* article dated
15 June 4, 1999. You're quoted therein as
16 "stressing that police have no evidence that a
17 serial killer is at work in Vancouver".

18 A Yes.

19 Q I take it you admit that you took personal
20 responsibility for the media line taken by the
21 Vancouver Police Department on the missing women
22 investigation?

23 A I would have input into that. It does get vetted
24 through our media section, but in regards to that
25 comment, a remark in the *Sun* --

1 MR. GRATL: Mr. Giles, I wonder if you could show the package
2 of documents to the witness. I'm providing the
3 witness with a package of documents, 21 documents
4 in total, that I will eventually, Mr.
5 Commissioner, be asking to be marked as the next
6 exhibit.

7 MS. POWELL: I would just like to explain the term "evidence"
8 that I was most likely referring to which in
9 hindsight is probably incorrect, but the only
10 evidence we had at the time was the evidence
11 presented by Detective Inspector Rossmo which was
12 his report.

13 MR. GRATL:

14 Q You had a tip from Hiscox that Pickton is a
15 killer and he's got a means of disposing bodies
16 and you knew that Pickton had been charged with
17 attacking a sex worker that originated from the
18 Downtown Eastside of Vancouver?

19 A That's not the kind of evidence I would have been
20 discussing with the public at the time. It was
21 still being vetting out.

22 Q That prevents you from giving the public the
23 details of that evidence but it wouldn't prevent
24 you from telling the truth you do have some
25 evidence; isn't that correct?

1 A Yes, but I probably would have had to try to
2 explain that evidence and then it gets very
3 murky.

4 Q Sergeant Field, I put it to you that you lied to
5 the public?

6 A No, I didn't lie.

7 Q You knew the information you were providing to
8 the public was false but you provided it anyway?

9 A No. In my mind there was no evidence and I was
10 thinking of hard evidence.

11 Q All right. I have your testimony on that.

12 A Thank you.

13 Q Page 2 of this new document, you'll see an e-mail
14 sent by yourself to Anne Drennan, the media
15 liaison of the Vancouver Police Department, dated
16 May 26, 1999. In that e-mail you say: "All
17 media releases will be through me."

18 A Yes.

19 Q I take it with this e-mail you're taking
20 responsibility for the media line taken by the
21 Vancouver Police Department, aren't you?

22 A Yes. That was the direction I was given.

23 Q By whom?

24 A By Inspector Biddlecombe.

25 Q So Inspector Biddlecombe told you to be

1 responsible for the media line?

2 A Yes.

3 Q And you took that responsibility?

4 A Yes.

5 Q Did he tell you what the media line was supposed
6 to be? Did he tell you to take the media line:
7 "There is no evidence of a serial killer," or did
8 you come up with that yourself?

9 A I can't recall if that was on my own. I doubt
10 it. It would have been in discussion with
11 Inspector Biddlecombe and with the media
12 department.

13 Q Inspector Biddlecombe, the no evidence line, did
14 that come from you or did that come from Sergeant
15 Field or did it come from some other place? Do
16 you take any responsibility for the no evidence
17 misinformation?

18 MR. BIDDLECOMBE: No. I take no responsibility for the no
19 evidence statement. My statement to Sergeant
20 Field was in our group of seven or eight people I
21 wanted her to be the one that would vet any media
22 releases, that she would be the one responsible
23 to take them to Anne Drennan or other people
24 before releasing, not that we would be making up
25 the media releases as such. She was simply the

1 conduit, that the releases would go through her
2 to the media liaison.

3 Q Inspector Biddlecombe, I put it to you that your
4 actions caused the idea of Inspector Rossmo and
5 Inspector Greer's idea of a working group to
6 assess whether there's a serial killer
7 investigation was required, it was you who
8 prevented that from happening?

9 A I don't think I can answer that. I have no
10 recall, as I testified yesterday, of that time
11 from September of 1998. I don't recall that
12 meeting, I don't recall the documents.

13 Q Is it only September of 1998 or is it August of
14 1998 as well?

15 A I was away on leave in all of August '98.

16 Q I'm asking you if you remember what happened in
17 August of 1998? Where did you go on leave to?

18 A I have no idea.

19 Q How about October of 1998, do you remember that?

20 A As far as I know I was back at work but that's
21 about the extent of my memory from that
22 timeframe.

23 Q What block of memory have you lost? Yesterday
24 you gave a lot of detailed evidence even going
25 into the details of an e-mail chain between

1 Detective Inspector Rossmo and Sandy Cameron.

2 A The way it has been explained to me by my doctor
3 is that I have lost memory at various points in
4 my life that I cannot recall. It's not that I
5 can remember things from yesterday or two weeks
6 ago or a month ago. I have sporadic memory loss.
7 There are other things that because I guess of
8 their context they stick in your mind, such as
9 your first born child and what have you, and
10 there's things that have to do with this
11 investigation that have stuck in my mind that I
12 can recall. There are others I simply cannot
13 recall. There are many other conversations I
14 absolutely have no memory of from 14, 15 years
15 ago.

16 Q Let's test your memory then.

17 A Sure.

18 Q Do you recall that you directed Sergeant Field to
19 give very limited access to missing persons files
20 and homicide files to Detective Inspector Rossmo
21 in the working group?

22 A I don't think it was worded that way. The report
23 you're referring to I read yesterday and I read
24 the last two paragraphs of that report yesterday
25 and that's the report as I've said I don't recall

1 from 1998, but having read those last two
2 paragraphs yesterday in that report and looking
3 at it in today's light what I'm saying those
4 documents said is that they could have access to
5 reports but it had to go through Sergeant Field
6 so we would have some control over what documents
7 were leaving our area.

8 Q I'm not asking you to speculate about what you
9 think might have happened to documents. If you
10 have no recollection independent and your
11 recollection is not triggered by documents, then
12 I don't want you to testify about that. Do you
13 understand the distinction?

14 A No. I have no idea what you're talking about.
15 I'm telling you I don't recall the document being
16 created in 1998, I don't recall the document from
17 1998. I'm telling you what I read of the
18 document yesterday and I'm putting my
19 understanding of what I wrote there, 12, 13 years
20 ago into today's context.

21 Q Sergeant Field, can you turn to the first page of
22 the package of documents I handed up to you.
23 These are your notes dated September 16, 1998,
24 are they? That's your handwriting?

25 MS. POWELL: Yes, it is.

1 Q You'll see there's a section three-quarters of
2 the way down the page, it says: "Very limited
3 access to files through me".

4 A Yes.

5 Q Those are your words?

6 A Yes.

7 Q Those were your notes of what happened at a
8 meeting that occurred on September 16, 1998;
9 correct?

10 A Yes.

11 Q That would have been Inspector Biddlecombe's
12 instruction to you, very limited access to files
13 through you?

14 A That's what I've written, yes.

15 Q I take it you acknowledge that what is happening
16 right there and reflected in that note is that
17 Inspector Biddlecombe is strangling, he's
18 throttling the working group's access to the
19 documents and he's using you as his instrument.

20 A My understanding is that if they wanted to look
21 at a file then I would provide it to them. The
22 "limited" refers to probably handing them to them
23 and letting them go out of the building or out of
24 the office. They could look at them freely in
25 our office but through me.

1 Q You're saying "very limited access to files
2 through me" in the context of that meeting that
3 we've heard testimony about?

4 A Yes.

5 Q That means they would have to attend your office?

6 A Yes.

7 Q Thank you for your evidence.

8 Inspector Biddlecombe, do you recall that
9 when Project Amelia was formed in and around May
10 of 1999 it was supposed to be suspect focused?

11 MR. BIDDLECOMBE: We did form a project in May of 1999. It
12 was not called Project Amelia. I have no idea
13 when that moniker was put on the investigative
14 team. I think it was after I left the
15 department.

16 Q Was it supposed to be suspect focused, yes or no?

17 A The request from Sergeant Field was for a
18 suspect-focused investigation.

19 Q That's what you granted, was it? That's what
20 your testimony was?

21 A That's what my testimony is, yes.

22 Q I put it to you, Inspector Biddlecombe, that in
23 fact you got yourself involved in that
24 investigation, didn't you?

25 A I only got involved at the point I met every two

1 weeks with the investigators to be brought up to
2 speed on what they were doing.

3 Q Isn't it true that you stayed focused on this
4 idea that the women could be found even after a
5 suspect-focused investigation had been initiated?

6 A Yes. I think you can't put blinders on any
7 investigation and simply say we're going to go
8 down this tunnel and ignore everything that might
9 come in this way. You have to look at everything
10 that comes into your office, whether it's
11 suspect-based intelligence or information or
12 non-suspect based, it's still information that
13 has to be fleshed out and investigated.

14 Q I'm asking you to turn to page 20 of the package
15 of documents I've just handed up. It's a
16 memorandum dated July 29, 1999 from yourself to
17 Sergeant Field.

18 A Yes.

19 Q In this memorandum you direct Sergeant Field, you
20 say: "I require that one of your members be
21 assigned to do the following: Interview women
22 from social services and determine if they would
23 have a master database that would be searchable
24 by known names; interview an individual from
25 Glenhaven to search their database by no name for

1 Jane Does; manually do a records search of
2 Glenhaven for individuals who have been buried."
3 I put it to you that you diverted resources from
4 what was then called Project Amelia to continue
5 to try to find the women rather than investigate
6 potential suspects?

7 A I think I would disagree with you.

8 Q Isn't it true that Detective Alex Clarke was
9 forced to spend two months manually searching
10 records of indigent burials at Glenhaven instead
11 of conducting more fruitful avenues of
12 investigation?

13 A Well, I could argue with you that you say it's
14 not fruitful but if we had even found one missing
15 sex trade worker through that process --

16 Q I characterize that as a wild goose search and
17 you're disagreeing with that, are you?

18 A It was an investigative lead that had to be
19 followed up.

20 Q It was an investigative lead that was focused on
21 your pet theory the women would be found because
22 they were transient, or, as you put it in your
23 May 20 memo, they have died because of the deaths
24 attributable to AIDS and drug overdoses.

25 A That was one possibility, yes, but they could be

1 in the indigent burial system.

2 Q That was your pet theory I put it to you. You
3 didn't like a suspect focused investigation and
4 you were focused on having these women found.
5 This memo --

6 A Which of those three questions do you want me to
7 answer?

8 Q All of them.

9 A First of all, it was not a pet theory. It was an
10 investigative process that had to be looked at.
11 Secondly, I did want these women to be found.
12 That's why we put what resources we could into
13 it. That's why we brought homicide investigators
14 into it, that's why I met with them every two
15 weeks to find out what they were doing, was there
16 anything we could do more.

17 Q Lori Shenher by that point had already spent an
18 entire year looking for the women, yet you still
19 wanted to devote more research time to doing
20 manual searches of indigent burial records?

21 A That's part of an investigative process. It
22 wasn't a year, she had been at it I believe for
23 eight months.

24 Q I have your evidence on that.

25 Sergeant Field, do you agree with that

1 characterization that the Glenhaven manual search
2 by Detective Alex Clarke was a wild goose chase
3 that amounted to nothing and diverted resources
4 from more appropriate or auspicious investigative
5 avenues?

6 MS. POWELL: I wouldn't characterize it as a wild goose chase.
7 I do think it was something that had to be done.
8 Unfortunately it was far more time consuming than
9 we ever anticipated.

10 Q Why did Inspector Biddlecombe have to direct you
11 to direct someone else to engage in that search?

12 A I believe that was his idea that came up at one
13 of the meetings.

14 Q But he directed you in a memo to do that. Why
15 was that necessary?

16 A I don't know.

17 Q It's unusual for an inspector to get involved in
18 micromanaging an investigation of this kind,
19 isn't it?

20 A No. I think managers have input into an
21 investigation, if they come up with an idea
22 worthy of following up then it gets followed up.

23 Q And, Inspector Biddlecombe, was this a standard
24 for you then to get involved in an investigation
25 like this, to start directing detective

1 constables how they're supposed to spend their
2 time on an investigation like this?

3 MR. BIDDLECOMBE: I wouldn't be directing the detective
4 constables. Any direction I would give would be
5 through their NCO. If I was at a meeting and we
6 were discussing different aspects of an
7 investigation or different aspects of possible
8 leads or things that should be followed up, I
9 would offer my input on that, yes.

10 Q You're not offering your input at a meeting, with
11 respect, sir. What you're doing in your memo is
12 you're directing Sergeant Field to direct someone
13 who is responsible to her to engage in specific
14 investigative avenues; isn't that right?

15 A In this particular memo, yes, but it did come up
16 at a previous meeting, I believe. I believe the
17 first line of that document talks about a
18 previous discussion we had had on that very
19 topic. So it could be previously discussed.

20 Q Sergeant Field, could you please turn to page 7
21 of the package of documents I passed forward.

22 MS. POWELL: Yes.

23 Q You can see this is your typewritten record of a
24 meeting you had with Mark Wolthers and Doug Fell
25 on May 4th, year 2000?

1 A Yes.

2 Q In that meeting Mark Wolthers and Doug Fell tell
3 you that they were critical of the file, that
4 they're critical of what hadn't been done on the
5 file, and they told you there's a whole lot of
6 people to follow up on in the existing files;
7 correct?

8 A Yes.

9 Q Did you not believe them?

10 A No, I believed them.

11 Q Then why did you reassign Mark Wolthers and Doug
12 Fell?

13 A Because of their past performance as team players
14 and investigators on this kind of investigation
15 did not bode well for them to continue on the
16 kind of path we would have wanted them to. They
17 were focused on one suspect which was their
18 suspect and that was pretty much it.

19 Q So you agreed with their assessment that there
20 were a whole lot of people to follow up on in the
21 existing files; is that right?

22 A Yes.

23 Q But I take it you did not assign detectives to
24 replace Wolthers and Fell after you removed them
25 from the team?

1 A No. The flow of the investigation was directed
2 at that point we were hoping towards, much sooner
3 than it happened, a joint forces operation with
4 the RCMP.

5 Q So you didn't replace Fell and Wolthers?

6 A No.

7 Q We went through this yesterday.

8 A There was nobody to replace them. I discussed it
9 I think with Acting Inspector Dureau and because
10 of the timing in the summer -- it would have been
11 Spencer, I'm sorry, that was the previous summer.

12 Q If you turn over the page to page 8 you'll see a
13 memo dated September 29, 2000. This is months
14 after Fell and Wolthers are removed from the
15 team. It's a memo from you, Sergeant Field, to
16 Inspector Spencer. There you can see it says in
17 the first paragraph: "As you are aware, we have
18 suffered a setback in our plans to have the RCMP
19 assist us with the Missing Persons Review Team
20 investigation." Correct?

21 A Yes.

22 Q You appreciate that the work that Fell and
23 Wolthers were talking about in May of 2000 hadn't
24 been done it appeared between May and September?

25 A Yes.

1 Q There you acknowledge as of September 29, 2000,
2 that you have a problem with the RCMP assisting
3 you; the RCMP is not going to be there in the
4 short term?

5 A At this point we don't know when, but yes.

6 Q Did you assign somebody at that point knowing
7 that the RCMP is not going to assist you in the
8 short term?

9 A There was nobody to assign.

10 Q You're saying lack of resources?

11 A Lack of resource, yes.

12 Q I take it that there are always resource
13 allocation problems and it's a question of
14 priorities?

15 A Yes.

16 Q Now, you can see in the next paragraph it says:
17 "I am currently assisting Lori and Dan with a
18 backlog of files that need to be classified as
19 concluded. Need clarification for SIUSS or need
20 further follow up." Correct?

21 A Yes.

22 Q There you acknowledge that you had personal
23 knowledge not only that some of the material
24 might need further follow-up but it wasn't even
25 clear to the team what information needed to be

1 classified as needing follow-up and what needed
2 clarification or what was concluded?

3 A It had been looked at further, yes.

4 Q In essence, there's a whole bunch of unclassified
5 information that nobody even knows what to do
6 with at that stage, September 29, 2000?

7 A I guess that refers to tips that are still
8 sitting there that need to be investigated, yes.

9 Q At that point to your knowledge there are new
10 missings; correct?

11 A At this point I believe that we -- my
12 recollection is that there had been no new
13 missings.

14 Q In retrospect you can see obviously from the
15 chart on the wall that there had been a
16 significant number of new missings as of
17 September 29, 2000?

18 A But they hadn't been reported to us at that
19 point.

20 Q I have your evidence on that point.

21 Now, you go on in your memo to say: "Once
22 the classification exercise is completed I will
23 have a better idea of what I will need in the way
24 of manpower to conclude the investigation and get
25 it in shape for the RCMP." Correct?

1 A Yes.

2 Q So this classification exercise wasn't even an
3 exercise for the Vancouver Police Department to
4 decide what to do with the information; it was an
5 exercise to try to organize the file because it
6 wasn't in any kind of shape to transfer it even
7 to the RCMP?

8 A No. The main difficulty here was with our SIUSS
9 computer program that we had been trying to work
10 with throughout the whole project and encountered
11 continuing difficulties with it and with staffing
12 difficulties and getting somebody that was
13 trained to input the data.

14 Q The home invasion task force was able to use the
15 SIUSS database but under your command the Project
16 Amelia was not?

17 A I don't know what database they used.

18 Q Under your command the SIUSS database was not
19 able to be used; correct?

20 A That's right.

21 Q I take it you take responsibility for that?

22 A I tried to correct the problem along the way, but
23 yes, I accept responsibility for that.

24 Q Over the page, page 9 is a memo dated October 21,
25 1999.

1 A Yes.

2 Q This is -- it's dated five months after the
3 Project Amelia team is initiated; correct?

4 A Yes.

5 Q If you turn -- this is a memo from you to Deputy
6 Chief Brian McGuinness; correct?

7 A Yes.

8 Q Over the page in the first paragraph you discuss
9 what has happened since the team was formed.
10 I'll read it to you. "The formation of the team
11 has been gradual based on the identified need for
12 additional members and the availability of
13 suitable resources. Many of the team members had
14 annual leave booked prior to their secondment to
15 the Missing Person Review Team which left only a
16 few members available to work on the case at any
17 given point throughout the summer months." Do
18 you see that?

19 A Yes.

20 Q I take it that was accurate, was it?

21 A Yes.

22 Q You basically operated as a skeleton crew for the
23 first five months of the Project Amelia?

24 A I wouldn't call it a skeleton crew. I received
25 the bodies that -- some of the bodies I requested

1 which were Mark and Doug Fell and Mark Chernoff
2 and Ron Lepine and Alex Clarke and Dave Dickson
3 but at different times they're going to be off.
4 They're not there full time all the time all
5 summer.

6 Q I take it you acknowledge you can't start a
7 coherent, cohesive investigation when many of the
8 team members that are part of the investigation
9 are on annual leave and only a few members are
10 available to work as a team?

11 A No. It makes it difficult, you're right.

12 Q It makes it impossible to have a cohesive team
13 when the members are not there?

14 A It's always that way though, people are always
15 taking annual leave. We didn't allow people to
16 take courses and things like that but their leave
17 because of union agreements is entrenched.

18 Q Sure. They joined the team and they immediately
19 went on vacation, that's what this paragraph
20 says.

21 A I wouldn't say they immediately went on vacation,
22 no. Throughout the summer some are on vacation.

23 Q I take it you're acknowledging in this paragraph
24 that the team wasn't cohesive during the summer
25 months?

1 A I wouldn't call it cohesive -- no, we worked as a
2 team throughout the summer. They weren't there
3 all the time; they were cohesive.

4 Q You knew there were problems with Doug Fell and
5 Mark Wolthers; correct?

6 A Yes.

7 Q You'd received complaints from Detective
8 Constable Shenher about that?

9 A She had commented to me on some of the things
10 that she had observed, yes.

11 Q Homophobic remarks, among others?

12 A No.

13 Q You don't recall that?

14 A No.

15 Q A certain strain of sexism?

16 A Uhm, yes.

17 Q Coming from Fell and Wolthers?

18 A She had brought those comments to me about -- I
19 would say more about their attitude.

20 Q Sorry, you say it's more about their attitude and
21 not about sexism?

22 A I would call it a lack of a professional
23 attitude.

24 Q What about racist comments?

25 A No, I don't recall racist comments.

1 THE REGISTRAR: Five minutes, Mr. Gratl.

2 MR. GRATL: Thank you.

3 A I did speak to them about their attitude and
4 about being team players and that was my main
5 concern was keeping them involved as team players
6 and following up on the tips they had been
7 assigned.

8 Q Isn't it true that when you confronted them about
9 being team players, about their attitude
10 problems, they responded by blowing it off and
11 making a joke about Chinese drivers?

12 A Not to me they didn't.

13 Q Not to you?

14 A No, not at all.

15 Q You're saying you never heard of that?

16 A Lori may have made a comment to me about that but
17 they certainly didn't.

18 Q Lori told you about her attempts to speak with
19 Fell and Wolthers which ended with them making a
20 joke about Chinese drivers?

21 A I don't know how that interaction occurred with
22 her and them.

23 Q I take it you never took any formal disciplinary
24 steps against Fell and Wolthers?

25 A No. I spoke to them a couple times primarily

1 about being team players and the need to continue
2 with following up the tips that Lori had
3 assigned. It wasn't until later that I found out
4 that they were telling me they were following up
5 their tips and in fact they were concentrating
6 primarily on their suspect.

7 Q You knew, of course, that Fell and Wolthers had
8 brought their own investigative priorities to the
9 Missing Women Review Team?

10 A I found that out as it went along; I didn't know
11 that initially.

12 Q When did you find that out?

13 A Part way through.

14 Q How soon did you find it out that they weren't
15 going to be part of the team in any meaningful
16 sense?

17 A I never ever found they weren't going to be part
18 of the team in that sense. I always felt that at
19 some point they would pick up the ball and carry
20 the other files like everybody else was. They
21 had a very good suspect, and yes, it needed to be
22 worked on, but there were also other tips that
23 needed to be worked on, too.

24 Q I'm suggesting to you that you knew full well
25 that they joined the team for the primary and

1 perhaps even sole purpose of pursuing a
2 particular suspect and that they had no intention
3 of joining any type of team?

4 A No, I didn't know that.

5 Q They had a reputation going in as not being team
6 players?

7 A I didn't know that either.

8 Q They had just come off a very successful
9 investigation of a sexual predator in which they
10 acted independently?

11 A I didn't know that either.

12 Q Their techniques, in effect, worked but they
13 weren't orthodox and they certainly weren't part
14 of any joint strategy working with other
15 officers?

16 A I didn't know much about their prior history. I
17 just knew of them and that they worked in
18 District 2. They were assigned to me.

19 Q Did you ask any questions? Obviously a deputy
20 chief parachuted them in, you didn't select them?

21 A I wouldn't say "parachuted" them in. It went
22 through the deputy chief to Inspector Biddlecombe
23 and then they were assigned to our team.

24 Q The deputy chief bypassed the inspector level and
25 the sergeant level and just added them to the

1 review team, didn't he?

2 A No.

3 Q It was your responsibility to ensure that the
4 team environment was free from sexism and
5 discrimination, homophobia and racism?

6 A Yes.

7 Q I take it you acknowledge that you didn't fully
8 live up to your responsibility in the case of
9 Project Amelia?

10 A I thought I was.

11 Q I didn't ask that. I'm saying that you
12 acknowledge that you had responsibility for that
13 task and you didn't live up to that
14 responsibility?

15 A I think I fully lived up to my responsibilities
16 with Project Amelia.

17 Q We've heard testimony from Detective Constable
18 Shenher that she worked in an environment which
19 was difficult for women, especially women of
20 discriminated against or vulnerable minorities?

21 A I wasn't aware that's how she felt.

22 Q You went through the Vancouver Police Department
23 at a time when you were the first woman to do a
24 lot of -- to play a lot of roles; correct?

25 A That's correct.

1 Q The first dog handler, for example?

2 A Yes.

3 Q And what were the other first roles that you were
4 involved in?

5 A I believe I was the first female sergeant in
6 Homicide.

7 Q So you're the first female sergeant in Homicide,
8 you're just starting in January of 1998; is that
9 right?

10 A Yes, in June of 1998.

11 Q You've got to acknowledge that it was a difficult
12 environment to work in as a women?

13 A I didn't find that at all. I had a very good
14 working relationship with all the people in the
15 office.

16 Q You were under special scrutiny?

17 A No.

18 Q You're saying the Vancouver Police Department
19 wasn't a sexist environment in any way?

20 A I'm saying I never felt that at all. I felt that
21 I was under scrutiny because I was new but not
22 because I was a woman.

23 Q You're saying you never experienced sexism in the
24 Vancouver Police Department?

25 A Never.

1 Q And you never saw any racism at all towards any
2 group of people?

3 A No, I didn't. I think our police department is
4 actually very good about dealing with racism and
5 has education programs. I'm not saying there
6 aren't immature individuals within the police
7 department that may make odd comments, but in
8 terms of racism within the police department, no.

9 Q I'm just suggesting to you that you just
10 testified that you heard from Lori Shenher about
11 racist comments about Chinese drivers.

12 A I don't know the context of that.

13 MR. WOODALL: I've heard Mr. Gratl make this suggestion three
14 times now to this witness in contradiction to the
15 evidence.

16 THE COMMISSIONER: I know that; she's denied it.

17 MR. WOODALL: In any event, I think his time is up and he
18 should move on.

19 THE REGISTRAR: It is. I was just going to announce that.

20 MR. GRATL: Mr. Commissioner, I won't sit down without saying
21 that 20 minutes per witness, 20 minutes allocated
22 to me per witness is not sufficient for me to
23 fulfil my mandate.

24 THE COMMISSIONER: I'm the one that decides whether it's
25 sufficient or not. I'm the one that decides how

1 much evidence I need.

2 MR. GRATL: I'm advising you as independent counsel that 20
3 minutes per witness here is not enough for me to
4 fulfil my mandate. If you want to allocate me
5 less that is within your power, but I am saying,
6 I am submitting to you that I'm today not able to
7 do my job with these witnesses.

8 THE COMMISSIONER: It might help if you wouldn't ask the same
9 questions over and over again.

10 MR. GRATL: Mr. Commissioner, it's not necessary to be
11 personal.

12 THE COMMISSIONER: I'm not personal at all. What I'm saying
13 is that I know it's difficult for all lawyers.
14 In an ideal world I would like to give every
15 counsel as much time as they would want, but at
16 the end of the day I have a mandate and there are
17 certain areas I have to examine and give advice
18 on and make recommendations on, make findings of
19 fact on, and I think that your cross-examination
20 here has been more than thorough. It's been a
21 thorough cross-examination and I think that it --
22 there are other lawyers who will be in the same
23 position.

24 MR. GRATL: I know, Mr. Commissioner, that time constraints
25 have been placed upon you by political forces

1 outside of this hearing room and I know that
2 you're responsible to allocate the limited time
3 that we have. I'm just saying that -- I just
4 want to put on the record that I haven't had
5 enough time.

6 THE COMMISSIONER: I have your point.

7 MR. WARD: Cameron Ward, counsel for the families of 25
8 missing and murdered women who lobbied for a
9 decade for this inquiry, put their faith and
10 trust in this process when it was announced, and
11 I support and endorse my friend Mr. Gratl's
12 comments. I noted while he was making them that
13 both Mr. Biddlecombe and Mr. Crossin have been
14 smirking. I have endeavoured to -- this is a
15 very, very serious and important matters for my
16 clients.

17 THE COMMISSIONER: Yes, I know it is.

18 MR. WARD: We have three individuals on this panel, appearing
19 in panel format, that you as a judge never
20 encountered in your years on the bench, you as
21 counsel never encountered during
22 cross-examination I am certain during your years
23 at the bar. They worked for a cumulative total
24 of 15 years on the missing women cases and you
25 have given me on behalf of the families 30

1 minutes each to cross-examine these people, 30
2 minutes for each witness. I have got four
3 binders of documents that were generated by these
4 witnesses over a 15-year period. This matter is
5 very complex to those of us who have grappled
6 with the hundreds of thousands of pages of
7 documents and endeavoured to prepare to represent
8 our clients' interests effectively and it is,
9 quite frankly, ridiculous that we are getting
10 shut down when we attempt to fulfil our mandates
11 in representing our clients' interests. I can
12 tell you having spent days trying to prepare a
13 1.5 cross-examination respecting these members'
14 actions over a cumulative total of 15 years and
15 reviewing all the documents necessary to do that
16 that I'm at a loss as to how I can perform my
17 duties, and I resent in the strongest possible
18 terms and I can tell you my clients are offended
19 to the very core by the government's imposition
20 of an unreasonable time limit on this
21 commission's mandate.

22 These are very important matters especially
23 because for 20 of the families the attorney
24 general of the day stayed first degree murdered
25 charges against Mr. Pickton arising from his

1 suspected murder of their loved ones. They never
2 got their day in court. The justice system that
3 is supposed to be there for all Canadians of
4 whatever ethnicity, standing in society failed
5 them. They didn't get trial dates so they rely
6 on this process. This process is supposed to be
7 thorough, independent and transparent and it's
8 become, quite frankly, a fiasco because of the
9 time limit. I am extremely distressed and my
10 clients have asked me to convey that concern to
11 you in the strongest possible terms.

12 THE COMMISSIONER: I've listened to you from time to time, Mr.
13 Ward, complaining about the process. The fact is
14 that examination in chief here took an hour and a
15 half and the cross-examination by various counsel
16 I think adds up to about nine hours or whatever
17 it is and I think that's more than fair that
18 amount of cross-examination. I don't know if
19 cross-examination -- everybody wants to see an
20 effective cross-examination. That doesn't mean
21 it has to be endless. There's only so much
22 material that can be elicited from these
23 witnesses. Cross-examination to be fair doesn't
24 have to be endless. It has to be focused.
25 You're an experienced lawyer, you have many years

1 in the courts, and I see no reason why you cannot
2 conduct with your skills a fair cross-examination
3 in the time that's been allotted. I have done
4 murder cases and I'm sure you have where the
5 cross-examination takes a lot less than is
6 allotted here. What we're doing is we're
7 examining what happened in the missing women
8 investigation and I am getting a pretty thorough
9 background and pretty thorough evidence as to
10 what has happened and I don't see anything unfair
11 about it at all. You might think it's unfair
12 because you have a different idea as to what I
13 need. I think what has emerged here is a pattern
14 of evidence and you have an opportunity to
15 challenge these officers, as you have of all
16 officers and all witnesses, all evidence that has
17 been called. Anyway, let's get on with this.

18 MR. WARD: Thank you. I suggest with respect we simply have
19 had another difference of opinion and I respect
20 yours.

21 THE COMMISSIONER: Thank you.

22 MR. GRATL: Mr. Commissioner, may I ask that this package of
23 documents be marked as the next exhibit.

24 THE COMMISSIONER: Yes. I assume when counsel wants to file a
25 document that no one is objecting to it. Thank

1 you.

2 THE REGISTRAR: Is that a non-redacted document so it should
3 be marked NR?

4 MR. GRATL: It should be marked NR.

5 THE REGISTRAR: That will be 151 NR.

6 **(EXHIBIT 151NR: Document entitled Bundle of VPD**
7 **Handwritten Notes and Typewritten Documents;**
8 **Totalling 21 Pages)**

9 THE COMMISSIONER: Mr. Crossin.

10 MR. CROSSIN: Mr. Ward has raised a personal comment about me
11 that I was in his view smirking at some point. I
12 don't know why Mr. Ward is interested in my
13 facial expressions or what I may convey. But I
14 can assure you that nothing I was thinking or
15 intending to convey during the examination was in
16 any way intended to show any disrespect to the
17 witnesses. I think, frankly, at least most of us
18 in the room have consistently shown the greatest
19 of respect to the witnesses and to you. Thank
20 you.

21 THE COMMISSIONER: Thank you. Who is next?

22 MR. VERTLIEB: Mr. Ward is next.

23 THE COMMISSIONER: Mr. Ward, you're next.

24 MR. WARD: I understand that counsel representing some of
25 these witnesses have not yet conducted their

1 examinations in chief and if they have
2 examinations they should precede me in my
3 respectful view. That's the practice we've been
4 practicing.

5 THE COMMISSIONER: Generally you always get first crack,
6 that's the normal practice because of the
7 families you represent, but I'm in your hands.
8 If someone else wants to go now that's fine with
9 me. It's whatever is convenient for any and all
10 lawyers. I'm prepared to do whatever you want.

11 MR. VERTLIEB: Mr. Ward is correct though that the witnesses
12 represented by counsel, they would normally
13 follow.

14 THE COMMISSIONER: We'll do it that way then. Is there not
15 any counsel that represents any of the three
16 witnesses?

17 MR. WOODALL: I'm in an awkward spot, Mr. Commissioner. I'm
18 acting for one of the panel members who will have
19 very little evidence, that is former Inspector
20 Dureau, but I will also be cross-examining
21 another person on the panel, that being Sergeant
22 Field. As has been my practice, I've only
23 cross-examined on areas that have been raised by
24 other counsel and my preference would be to go
25 later in the order because the primary focus of

1 my examination --

2 THE COMMISSIONER: I understand that, Mr. Woodall. Look, I'm
3 in your hands. I'm here and I want the matter to
4 proceed.

5 MR. WARD: I'm content to proceed then.

6 MR. ROBERTS: Darrell Roberts for Marion Bryce. The only
7 remark I would like to make on this point, Mr.
8 Commissioner, is that I would have preferred to
9 have done my cross-examination after counsel for
10 the VPD had done whatever examination they
11 thought necessary of this panel. They may be
12 retired officers but nevertheless they're still
13 here in a way representing the VPD and in
14 retrospect I would have rather gone after Mr.
15 Hern if he has some questions of this panel. I'm
16 in the position I may want to ask for an
17 opportunity to re-examine.

18 THE COMMISSIONER: Mr. Hern, are you prepared to go now?

19 MR. HERN: I can, Commissioner, but I don't represent any of
20 these three individuals, they all have individual
21 counsel, and so for employing some sort of
22 practice or precedent here it should be counsel
23 for Sergeant Field, Mr. Crossin, and counsel for
24 Mr. Biddlecombe is David Neave.

25 MR. CROSSIN: I act for Ms. Powell. I don't have any

1 questions at the moment -- well, I think I have
2 one question but it may be just as convenient to
3 wait. I don't see any strategic issues at play
4 here.

5 THE COMMISSIONER: Well, isn't anybody ready to go?

6 MR. WARD: I'm pleased to proceed then, given those assurances
7 from counsel. Cameron Ward, counsel for the
8 families of 25 missing and murdered women,
9 starting at 10:30.

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

11 Q Ms. Field -- I gather your name is Ms. Pollock
12 now?

13 A Powell.

14 Q Powell, sorry, I'm thinking of someone else.
15 You're retired from the VPD?

16 A Yes.

17 Q Are you still working for the RCMP in some
18 capacity?

19 A No, I retired from there on March 31.

20 Q Just so I have the sequence of the conclusion of
21 your police career, when did you retire from the
22 VPD?

23 A November of 2003.

24 Q When did you work with the RCMP?

25 A From January 2004 until March 31, 2012.

1 Q And when you were interviewed by Deputy Chief
2 Evans with respect to the subject matter of this
3 commission of inquiry's work you attended with
4 lawyers from both the VPD and the Department of
5 Justice; correct?

6 A Yes.

7 Q She, Evans, interviewed you from 9:00 a.m. on
8 August 23, 2011 until 3:00 p.m.?

9 A That's correct.

10 Q A full day?

11 A Yes.

12 Q The first few questions are for all of the panel
13 and they are respecting an issue that I would
14 like to ask each of you about and that is the
15 effect of absenteeism on the quality of the
16 investigations of the missing women whose
17 families I represent.

18 Mr. Registrar, could you please provide the
19 witnesses with Exhibit BB, the Lori Shenher book
20 manuscript. My recollection is it's a black
21 binder.

22 First of all, I'll ask all three of you in
23 succession, have you read Detective Constable
24 Shenher's book manuscript about her experience
25 with the missing women investigations?

1 MS. POWELL: I haven't, no.

2 MR. BIDDLECOMBE: I have read parts of it.

3 MR. DUREAU: I have not read any of it.

4 Q I gather there's only one copy available for the
5 three of you, but I'll ask you, Ms. Powell, to
6 turn please to page 31. Perhaps you can share it
7 with your colleagues sitting next to you as I
8 read a passage. You all appreciate that the time
9 period covered by this commission of inquiry is
10 from January 1997 until February of 2002, a
11 little over five years; correct?

12 MS. POWELL: Okay.

13 Q Page 31, the middle paragraph, Detective
14 Constable Shenher wrote this and according to her
15 testimony this is her personal first-person
16 account of her involvement in the investigation
17 written by her in 2002 or 2003. She wrote this:
18 "There were two detective positions in Missing
19 Persons in 1998 and there had been for several
20 years. One was filled by a detective nearing
21 retirement and using up his sick time and the
22 other was filled by a detective recovering at
23 home from a heart attack who wasn't expected to
24 return before retirement." Do you see that?

25 MS. POWELL: Yes.

1 Q What I gather from that is that although on paper
2 there were two detectives in Missing Persons in
3 1998 while some of my clients' loved ones were
4 going missing from the streets, none of them were
5 actually on duty, they were off; correct?

6 MS. POWELL: I can't comment about the comment about somebody
7 at home with a heart attack. I know that
8 Detective Howlett was there and he wasn't there
9 because he was retiring. He was there as a
10 senior detective but I believe he got sick while
11 he was in there. That's my knowledge of that
12 aspect.

13 Q Let me put this proposition to each of you in
14 succession. During the time period covered by
15 this inquiry, it was a common practice for
16 members reaching their age of retirement to use
17 up their accumulated sick leave and go off duty
18 until their retirement date, ostensibly on sick
19 leave, and then collect their pensions
20 thereafter; correct?

21 MR. BIDDLECOMBE: I would agree with you, counsel. In 1998,
22 when I was there in 1999 the authorized strength
23 of the Missing Persons Unit was the clerk you've
24 heard from and one investigator. That increased
25 to two investigators in mid 1999 when Shenher

1 came into the office. Also part of that office
2 was -- inside that office area was the coroner's
3 liaison officer. Occasionally members would be
4 added to the Missing Persons who were on light
5 duties. I can think of Constable Ralph Hutton
6 was one. I can't think of the others --

7 Q Sir, sorry to cut you off but you've
8 misunderstood my question so I'm going to ask it
9 again of you each of you in turn. I'm not
10 referring to the Missing Persons Unit. I'm
11 referring to the Vancouver Police Department as a
12 whole. In the years 1997 to 2002 I put it to you
13 that it was common practice for members who were
14 reaching their retirement dates to take their
15 accumulated sick leave and book off for months,
16 perhaps a year or more, until their retirement
17 date came along and they could receive their full
18 pension, resulting in numerous vacancies in
19 positions throughout the department where the
20 people were actually on duty on paper but away
21 from work. Do you agree with that?

22 MR. BIDDLECOMBE: I certainly can't speak for the department
23 but I can speak for my own position. I did take
24 extended sick leave, I took a year of extended
25 sick leave. I had accumulated two years of

1 extended sick leave throughout my career. I did
2 take a year and it was bonafide sick leave that I
3 took with a doctor's approval. There may have
4 been others in the same position as me but the
5 best person to address that would be somebody
6 from human resources.

7 Q All right. Same question.

8 THE COMMISSIONER: Excuse me for interrupting. The real point
9 here is, and we've heard of much of this evidence
10 before, that this particular part of the
11 Vancouver Police Department was not taken
12 seriously by anybody in that people were moving
13 in and out of it, some people were on sick leave
14 and that's really the point here, is that not so,
15 Mr. Ward?

16 MR. WARD: Not quite, Mr. Commissioner. It's part of it.

17 I'll endeavour to make my point more clearly.

18 MR. DUREAU: Can I try to answer that question?

19 Q Certainly.

20 MR. DUREAU: My experience is what you suggested was not the
21 case. In fact, I know there's been research done
22 that can probably be found that showed that we as
23 a police department did not use up our sick time
24 before we retired. Personally I had 4,000 hours
25 in the sick bank when I retired and I didn't use

1 it because I wasn't sick and that was my
2 experience with my peers at the time.

3 Q Thank you. Were each of you working four-day
4 weeks during the period under review?

5 MR. DUREAU: I was working a four-day week when I was a staff
6 sergeant, I was working a five-day week when I
7 was acting inspector.

8 MS. POWELL: I was four days a week.

9 MR. BIDDLECOMBE: I was five days a week while in the
10 inspector's office and when I had to fill in as a
11 duty officer they were 12-hour shifts so they
12 would be two on, two off.

13 Q In the five-year period under review can you each
14 advise me of the extent of the leaves you took
15 during those years '97 through 2001?

16 MS. POWELL: I would have taken whatever I was entitled to,
17 which was perhaps four weeks annual leave and
18 whatever accumulated overtime I would have
19 collected. I was on call a lot in Homicide and
20 when you're on call you collect that in overtime,
21 so you would have to access the payroll records
22 to get an exact determination of that. I think I
23 was off sick one day throughout that whole
24 project.

25 Q Maternity leave?

1 MS. POWELL: I had no maternity leave, none.

2 Q Thank you.

3 MR. BIDDLECOMBE: I really have no idea how long I was off in

4 1997. I know in 1998 and 1999, we discussed it

5 yesterday, for those two years -- 19 months I

6 served in the Major Crime Section, I was probably

7 gone I would think eight of those months, perhaps

8 nine, somewhere in that area, on various leaves,

9 whether it was sick leave, overtime leave, lieu

10 time leave, and I was away on several projects

11 that took me to Eastern Canada, investigations.

12 Q I'm just seeking a general sense unless you want
13 to finish the answer.

14 MR. DUREAU: During that timeframe I believe my leave was five
15 weeks a year, my holidays were five weeks a year.

16 I don't recall any sick time, although there
17 could be a day here or there.

18 Q The reason I'm asking this question is because in
19 the Missing Persons Unit in particular, at least
20 according to Lori Shenher who worked there,
21 absenteeism appeared to be a factor and her book
22 read as a whole discloses that, at least to me,
23 and we heard yesterday from Sandra Cameron
24 yesterday that nobody seemed to be in that unit
25 for prolonged periods of time. Let me read to

1 you page 26 from the same exhibit. At the foot
2 of the page, last paragraph, according to
3 Shenher: "I doubt that McGuinness and now
4 retired Major Crime Investigator Fred Biddlecombe
5 gave it any thought whatsoever, other than to be
6 glad there was a warm body in Missing Persons,
7 someone junior and ambitious enough not to book
8 off sick frequently." I'll pause there. The
9 implication of that is prior to Shenher's arrival
10 Missing Persons appeared to be a repository for
11 older members who were booking off sick
12 frequently, older members who lacked ambition and
13 were just putting in time and were disinterested
14 in the job. Do you agree, Ms. Powell?

15 MS. POWELL: No, I don't. I don't know what the previous --
16 prior to '97 I know Detective Steinbach was there
17 who was not near retirement at all, he was there
18 for quite some time. I don't know what the
19 circumstances were prior to that. Detective
20 Howlett went in there and he worked for me in the
21 sex offence squad and he was a very hard working
22 individual. It was probably unfortunate that he
23 ended up going off on sick time but certainly I
24 don't believe it was any planned event on his
25 behalf.

1 Q I've seen a reference in the documents to Brock
2 Giles being off for an extended period of time on
3 leaves. Is that your recollection?

4 MS. POWELL: Yes.

5 Q In order to ascertain whether prolonged absences
6 and leaves affected the quality of the
7 investigations, it would be an easy thing, I
8 suggest, for the VPD or the city's human
9 resources people to produce a print-out showing
10 the dates that the members involved in the
11 investigations actually worked as opposed to
12 being on paper employed, wouldn't it?

13 MS. POWELL: Probably, yes.

14 MR. WARD: Mr. Commissioner, I've asked for that in the past.
15 I apply, if necessary, for an order that such a
16 document be produced. With the computerized
17 record-keeping systems available today I'm sure
18 it's not a problem.

19 THE COMMISSIONER: Mr. Hern?

20 MR. HERN: What exactly are you looking for now?

21 MR. WARD: I'm seeking just a list of all of the members
22 involved in the investigation of the missing
23 women showing the dates they were on duty, the
24 dates, not reasons for absences, nothing of a
25 personal nature, the dates they were actually

1 working during the period covered by this
2 investigation's terms of reference.

3 MR. HERN: Last September we produced a document showing each
4 person involved in the missing women
5 investigation and the table shows their leave
6 dates, all of their leave dates for the relevant
7 period. So by extrapolation you can see that the
8 other dates are dates they were working. The
9 only thing that it doesn't show, however, is if
10 they were working four ten-hour days and then
11 were off for four, it doesn't show what their
12 ordinary days off would be, just like it doesn't
13 show weekends, for example. So it's not
14 necessarily the case that an individual is
15 working on a particular date because from that
16 table you'll see whether they are on annual leave
17 or not. That is something that I worked out with
18 the commission counsel because commission counsel
19 was looking at the issue of extended leaves
20 affecting the investigation. The human resource
21 records as to when any particular individual was
22 on shift on any particular day, that's a very
23 cumbersome piece of work to do. What I would
24 suggest is if there is a particular issue and Mr.
25 Ward or anyone else wants to know whether a

1 particular person was working on a particular
2 day, then that's a more appropriate request to
3 make rather than making us do that enormous
4 manual task for everybody.

5 MR. WARD: Thank you. I don't want to debate it. We can
6 address it privately. I can only say at this
7 point the records I have access to don't address
8 the question I'm seeking to address by the
9 request but I have limited time so I'd like to
10 press on.

11 Q All of you have said you saw no evidence of
12 sexism in the workplace as I understood your
13 testimony a few moments ago; is that right?

14 MS. POWELL: I would say there is probably -- when you say
15 evidence of sexism, as I said, occasionally
16 there's immature individuals that make immature
17 comments, but in terms of sexism in the Vancouver
18 Police Department, I didn't see that, no.

19 MR. BIDDLECOMBE: My comment would be the same. I never
20 experienced it.

21 MR. DUREAU: I'm the same. I would echo Geramy's comment.
22 Were there individuals over 30 years that made
23 stupid comments, sure. But did I ever experience
24 or see anyone treated different because of their
25 gender or sex, no.

1 Q Sirs and madam, if you read Ms. Shenher's book
2 from cover to cover as I have and review her
3 testimony and if you review the testimony of the
4 two civilian female employees who testified
5 yesterday, they all described a culture, an old
6 boys culture of sexism and demeaning conduct
7 towards women that in their view affected the
8 response to the problem of the sex trade workers
9 from the Downtown Eastside going missing from the
10 streets. Are you all testifying under oath that
11 in the course of your respective careers you saw
12 no evidence of a culture of sexism or demeaning
13 conduct toward women perpetrated by male members
14 of the department?

15 MR. BIDDLECOMBE: That's exactly what I'm saying.

16 Q Did you, sir, go to the men only affairs that the
17 Vancouver Police Department held?

18 MR. BIDDLECOMBE: Are you talking about the regimental
19 dinners?

20 Q I am.

21 MR. BIDDLECOMBE: I believe I attended one of them.

22 Q You would agree that they were gatherings of only
23 male members of the VPD, and perhaps other police
24 agencies, occasions at which ribald comments,
25 demeaning comments would be made about women?

1 MR. BIDDLECOMBE: I certainly don't recall those comments.

2 The one regimental dinner I went to I believe

3 Deputy Chief Daley was there.

4 Q So one woman was there?

5 MR. BIDDLECOMBE: At the regimental dinner for the officer

6 ranks, if that's the one you're referring to, and

7 I only recall Inspector Daley or Deputy Daley

8 being one of the few female officers that had

9 achieved that rank at that time.

10 Q Why is that?

11 MR. BIDDLECOMBE: Why had the department not promoted more

12 females?

13 Q Yes.

14 MR. BIDDLECOMBE: I have no idea.

15 Q Could it possibly be due to an old boys culture

16 that resented the advancement of women within the

17 ranks?

18 MR. BIDDLECOMBE: I don't think so. I think we had some very

19 capable women that in time did move up in the

20 ranks.

21 MR. DUREAU: I can say that I attended a couple of those

22 events and at every event I attended there were

23 at least two, three, four women from different

24 organizations including our own.

25 Q Got names?

1 MR. DUREAU: Val Harrison, Caroline Daley. There was a couple
2 of RCMP officers that were there, other
3 organizations were invited. Bev Busson I think
4 was at one.

5 Q In a room full of hundreds of people?

6 MR. DUREAU: There weren't hundreds of people there. The
7 dinners I attended I'm thinking maybe a hundred.

8 Q So you would all agree that the representation of
9 women within the ranks of the Vancouver Police
10 Department at senior levels was not at all
11 representative of the representation of women in
12 our community and our society, right?

13 MS. POWELL: In terms of numbers, that's correct, but in terms
14 of how the Vancouver Police Department treated
15 its women, I have been following what's been
16 going on with the RCMP and the issues that have
17 been brought to light by the women in their force
18 and I've discussed it with other women that have
19 since retired and some that are currently working
20 and they don't feel that that climate exists
21 within our police department, that we've been
22 treated relatively fairly.

23 When I first started in 1997 we were given a
24 number at that point, we were not designated as
25 police women, we were police constables, and I

1 think at that point they started the trend to try
2 to treat us as equally as they could. It takes
3 time to get rid of that old boys network and I'm
4 sure some of that still existed and I'm sure
5 individuals probably experienced some of those
6 experiences, but none of the sections I worked in
7 did I experience that.

8 MR. WARD: Thank you. Mr. Commissioner, I've used up 20
9 minutes now. I'd like to move into another area.
10 I have no further questions for Mr. Dureau, I
11 have no further questions for Mr. Biddlecombe and
12 I certainly don't want to harm his fragile state
13 so I'd ask those two witnesses be excused for the
14 remainder of this cross-examination. I only wish
15 to cross-examine Ms. Powell.

16 THE COMMISSIONER: Go ahead.

17 MR. WARD: May they be excused, please.

18 THE COMMISSIONER: You can stay there or leave, whatever you
19 want.

20 MR. WARD: I'd ask that they leave, please. I'd like them to
21 sit in the gallery.

22 THE COMMISSIONER: Why?

23 MR. WARD: Because I want to cross-examine the witness in the
24 box on her own without any influence from male
25 former superior officers. The police is a

1 paramilitary hierarchal culture and there's the
2 possibility of influencing the testimony, so I
3 ask that those two gentlemen sit in the gallery.

4 THE COMMISSIONER: Mr. Neave.

5 MR. WARD: I should say, I've observed the body language and
6 the expressions of these witnesses and I request
7 -- I seek simply --

8 THE COMMISSIONER: Let me hear from Mr. Neave. He acts for
9 one of them.

10 MR. NEAVE: David Neave for Inspector Biddlecombe. Quite
11 frankly, my friend's comment is outrageous to
12 suggest that a witness sitting beside someone who
13 is being asked questions can influence that
14 person because of gender, merely answers or deals
15 with or further promotes the very questions that
16 my friend just put to the panel, and for that
17 reason it should be to the members sitting there
18 and the commissioner to determine whether that's
19 appropriate.

20 THE COMMISSIONER: All right. Thank you.

21 MR. WOODALL: Mr. Commissioner, I think that the suggestion
22 that my client Inspector Dureau should leave
23 because he is a man is frankly offensive and it
24 is also without any evidentiary basis. It seems
25 to be based on Mr. Ward's special ability to

1 perceive things through his views of what
2 people's body language is conveying. He's made a
3 comment this morning about Mr. Crossin, now he's
4 making a comment about these witnesses. I've
5 been watching these witnesses as closely as I can
6 and I haven't seen them do anything that suggests
7 anything improper and I think that an order that
8 they be sent in to the gallery on the basis of
9 the submission Mr. Ward made would simply give
10 credence to the submission Mr. Ward made which
11 should simply not occur.

12 THE COMMISSIONER: Does anybody else have a comment on this
13 weighty issue?

14 MR. WARD: Just a quick right of reply --

15 THE COMMISSIONER: Mr. Crossin wants to speak.

16 MR. WARD: I see him now. Thank you.

17 MR. CROSSIN: I don't think it's appropriate that Mr. Ward
18 suggest that because Ms. Powell is a woman she's
19 going to be intimidated and not be truthful in
20 her answers because she's sitting beside two men.
21 I think if for some reason Ms. Powell says to you
22 I am intimidated and I would like to give
23 evidence on my own without these two men sitting
24 beside me you should listen to that, but short of
25 that I don't see the point.

1 THE COMMISSIONER: Are you comfortable with the two men
2 sitting next to you?

3 MS. POWELL: I'm comfortable with wherever they want to sit.
4 It doesn't matter to me at all.

5 THE COMMISSIONER: Let's get on with it.

6 MR. WARD: Right of reply, Mr. Commissioner, to the
7 submissions made by my friends. We have heard
8 extensive evidence from three female members of
9 the department to the effect there was an old
10 boys culture within the Vancouver Police
11 Department at the material times where they felt
12 that they were being treated in a demeaning
13 fashion, they felt that their concerns were not
14 being respected, they heard jokes about women, in
15 one case a woman was harassed sexually by a
16 superior, and I'm concerned about proceeding with
17 my cross-examination of Ms. Powell in light of
18 that testimony and in light of the fact that two
19 superiors to her are sitting next to her. I want
20 to question her unimpeded, undistracted by
21 outside considerations. I simply ask that the
22 two gentlemen for whom I have no questions now
23 sit there until I finish.

24 THE COMMISSIONER: I've heard your application, Mr. Ward. I'm
25 quite capable of looking at the witness and her

1 demeanour and deciding whether or not she's been
2 intimidated. She tells me she won't be
3 intimidated. Your evidence that relates to the
4 pervasive atmosphere that took place within the
5 Vancouver Police Department at that time is
6 important for judging the conduct of the officers
7 at that time, but there's absolutely no evidence
8 that any of this is taking place in this
9 courtroom and I'm quite capable of discerning
10 that if it takes place. I'm interested in
11 hearing whether or not Ms. Field is comfortable
12 in giving evidence and she's truthfully able to
13 answer your questions without any kind of aura of
14 oppression and she tells me she is and that's the
15 governing factor. This really is a side issue.
16 Let's get on with it.

17 MR. WARD: Thank you. I passed up, Mr. Registrar, a bundle of
18 handwritten documents. I'd ask that one copy is
19 going to be an exhibit copy, Mr. Registrar.
20 There's no need to show it to Mr. Biddlecombe or
21 Mr. Dureau. I have no questions for those
22 gentlemen and I would ask that they not interrupt
23 any of the witness's answers while I
24 cross-examine her.

25 THE COMMISSIONER: I don't know if that's necessary to say

1 that. They already know that they're not to
2 interrupt. The questions are directed toward
3 Ms. Field. Why don't we just get on with it. Go
4 ahead. Conduct your cross-examination, Mr. Ward.

5 MR. WARD: I was about to and I will.

6 THE COMMISSIONER: Okay.

7 MR. WARD:

8 Q Are these notes yours, Ms. Powell?

9 MS. POWELL: Yes, they are.

10 MR. WARD: I'd ask that they be marked as the next exhibit.

11 MR. CROSSIN: We haven't seen them. What are they?

12 MR. HERN: We haven't seen them.

13 THE COMMISSIONER: Why don't we go on with the

14 cross-examination and you can look at these to

15 see whether or not --

16 MR. CROSSIN: Maybe I'll walk over there -- okay, thanks.

17 MR. WARD:

18 Q Just to put your work on this file in context,

19 Ms. Powell, you were in the Sex Offence Squad for

20 five years prior to mid 1998; correct?

21 MS. POWELL: Yes.

22 Q And can you summarize shortly or succinctly what

23 that work entailed?

24 A It began with actually a very small squad, I

25 believe four detectives and a sergeant, it worked

1 out of the Homicide office and by the end of '98
2 when I left we had expended to ten detectives,
3 two sergeants and we had moved to our separate
4 quarters and we had actually improved the
5 treatment and investigation of sex offences
6 against children and managed to make them a
7 separate issue from adults. My job eventually
8 became the sergeant in charge of the sexual
9 offences that involved adults.

10 Q Were you involved in any way with the women who
11 worked in the sex trade in the Downtown Eastside
12 portion of Vancouver during your five years on
13 the Sex Offence Squad?

14 A Only if they came into our office as victims of a
15 sex offence or I occasionally attended WAVAW
16 meetings where they had been victims of a violent
17 offence.

18 Q Was your office then at 312 Main?

19 A Yes.

20 Q The women that I'm speaking of, sex trade workers
21 in the survival industry, plying their trade on
22 the Downtown Eastside were within blocks of your
23 office?

24 A Yes.

25 Q For five years you would have seen them in the

1 streets?

2 A Yes.

3 Q I've given you these notes and we'll have a break
4 shortly and you can review them, but I've given
5 these notes to you because they disclose that you
6 and numerous colleagues within the department
7 were focusing on Pickton as a suspect in the
8 disappearances during the dates of the meetings
9 recorded in these notes and, again, I'll let you
10 read them over during the break I'll come and
11 come back to that.

12 In fact, while you were in the Sex Offence
13 Squad in March of 1997, you learned of Pickton
14 for the first time when Sergeant Mike Connor of
15 the RCMP in Coquitlam phoned you to tell you
16 about a serious attempted murder case involving
17 one of the sex trade workers from the Downtown
18 Eastside; right?

19 A Mike Connor phoned me, as I testified yesterday,
20 to inquire about a victim of a sex assault,
21 attempted murder that occurred in Coquitlam in
22 his jurisdiction. I think he was trying to find
23 out some background about that victim and that's
24 why he phoned us.

25 Q You knew her?

1 A No, I didn't know her.

2 Q You were able to disclose -- you were able to
3 tell Connor something about her?

4 A I either located some records about her through
5 our Vice Section or I directed him to the Vice
6 Section and he was able to get that information,
7 I can't remember.

8 Q That's the one we've called Anderson?

9 A Yes.

10 Q While you were five years in Vice or the Sex
11 Offence Squad working at 312 Main, blocks away
12 from where the women were working, you cared
13 about their well-being; correct?

14 A Yes.

15 Q And you considered it part of your duty as a
16 Vancouver Police officer to ensure that they were
17 safe; correct?

18 A In a general sense, yes.

19 Q And, of course, you felt that they should receive
20 the same benefit of the criminal justice system
21 as anyone else who might be the victim of an
22 offence; right?

23 A Yes.

24 Q So you learned that this woman, Anderson, had
25 been violently assaulted, knifed by a pig farmer

1 in Port Coquitlam in March of 1997; correct?

2 A Some of that, yes.

3 Q Now, you must have asked yourself: Jeez, the
4 women on the streets around this police
5 department engaged in the survival sex trade like
6 Ms. Anderson don't go far from the downtown core.
7 They go into people's cars, earn five or ten
8 dollars for a service and then they come back and
9 they're barely scraping by, so how did this woman
10 get out to Port Coquitlam? What was she doing
11 there? You must have asked yourself that.

12 A I can't recall if I asked myself that
13 specifically. But your general comments on the
14 sex trade in the Downtown Eastside, yes, it was
15 like that, and to go to Coquitlam would be
16 unusual.

17 Q You've got an unusual case, a sex trade worker
18 from the streets outside your police department
19 who is normally in that closely defined area,
20 ending up in Port Coquitlam, being literally
21 ripped apart and almost killed by a pig farmer
22 there; right?

23 A Yes.

24 Q So now a year later, Lori Shenher comes to you
25 and she says, we've got this information, there's

1 a pig farmer in Port Coquitlam who might be
2 responsible for the murders or the disappearances
3 of the women whose cases are in the paper that
4 we're looking into; right?

5 A Yes. I just want to backtrack. At the time Mike
6 Connor spoke to me I don't believe he ever said
7 he was a pig farmer. I just knew he was a man
8 out in a rural area of Port Coquitlam.

9 Q Fair enough. Certainly you could ascertain his
10 name from him?

11 A I could have, yes.

12 Q If you were concerned about the victim's
13 well-being and ability to testify at the
14 attempted murder trial you could have assisted
15 her in getting ready for that; right?

16 A I wasn't involved in that case at all. It was
17 strictly a Port Coquitlam matter.

18 Q But it was a Vancouver citizen?

19 A Yes. I don't have control over all the citizens
20 in Vancouver and where they go or any of the
21 other women.

22 Q I'm not suggesting you have control, but you're
23 in law enforcement, you're concerned about her
24 safety and you're concerned about her getting a
25 fair shake from the criminal justice system;

1 right?

2 A And I have no doubt that she wouldn't have
3 received a fair shake at that point.

4 Q I see. So Shenher comes to you as in '98 and
5 then, as we'll explore after the break, in '99
6 you sit down with numerous colleagues in both the
7 Vancouver Police Department and the RCMP and you
8 focus on the same man, Pickton, as the suspect in
9 the disappearances and you talk about what you're
10 going to do about it, right? That's what the
11 notes say?

12 A When I read them, yes.

13 MR. WARD: I'll take you to certain passages after the break.

14 THE COMMISSIONER: We'll take the break.

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

16 (PROCEEDINGS ADJOURNED AT 11:05 A.M.)

17 (PROCEEDINGS RESUMED AT 11:29 P.M.)

18 THE REGISTRAR: Order. This hearing is now resumed.

19 MR. WARD:

20 Q Ms. Powell, to recap where I was before the
21 break, in March of 1997 you learn that a Downtown
22 Eastside sex trade worker, Anderson, has been
23 nearly murdered by this fellow who lives in a
24 rural area of Port Coquitlam; right?

25 MS. POWELL: Yes.

1 Q In August of 1998 you're now working closely with
2 Lori Shenher in the Missing Persons Unit;
3 correct?

4 A Yes.

5 Q She comes to you and says she has received
6 information from a man named Bill Hiscox that a
7 Port Coquitlam pig farmer named Pickton may be
8 responsible for the disappearance and murder of
9 Sarah de Vries and the other missing sex trade
10 workers from the Downtown Eastside; right?

11 A I can't attest to that specific information but
12 the general nature of it, yes.

13 Q I haven't been able to find a note that you made
14 about Lori Shenher following the Hiscox tip and
15 information and reporting to you?

16 A No, I hadn't made any notes on that. As I said,
17 it was a comment she passed to me. We were going
18 in different directions and I was probably
19 working on another file at the time and I was
20 doing a transition to -- eventually I went to the
21 other project.

22 Q In August and September according to the evidence
23 we've heard and read, Ms. Shenher is following up
24 the Hiscox information by physically going to
25 Coquitlam, Port Coquitlam, she goes out to the

1 Burnaby Centre For Women in August and meets with
2 the victim. She must have told you about those
3 efforts; right?

4 A Not specifically, and I was away during that time
5 period. I was away mid August to mid September.
6 It wasn't until I came back that she told me
7 about that.

8 Q So after your return from a month off in mid
9 September you learned that Ms. Shenher has gone
10 out and interviewed the victim Anderson and the
11 man who almost murdered her is the same man that
12 Hiscox has advised is probably responsible for
13 the disappearances of the sex trade workers?

14 A I can't recall whether it was then or whether it
15 was when I came back in March.

16 Q I'm sorry?

17 A I can't recall if she told me those pieces of
18 information together about interviewing Ms.
19 Anderson and the tip from Hiscox. All I can
20 recall at this point is the tip from Hiscox.

21 Q You said when you came back --

22 A I learned about it when I came back in March.

23 Q So you're away mid August to mid September?

24 A Then I went to another project right after that,
25 mid September, and I was away for six months.

1 Q All right. Let me try it this way. At the
2 earliest mid September, at the latest March of
3 1999, you learn that Anderson's attacker is the
4 same individual that Lori Shenher is focusing on
5 as a result of the Hiscox tip as the likely
6 perpetrator of the murders of the missing women?

7 A Yes.

8 Q Did you also learn, whether it was September or
9 March, that the attempted murder and other
10 charges against Pickton resulting from his attack
11 on Anderson had been stayed by the Crown?

12 A I can't remember when I learned about that.

13 Q But you did learn of it?

14 A Yes.

15 Q Given your concerns about public safety in
16 general, safety of sex trade workers in
17 particular, concerns that the justice system work
18 effectively, concerns about catching perpetrators
19 of crime, did you ever turn your mind to whether
20 overtures should be made to the Crown to
21 reinstate or revive the attempted murder charge
22 against Pickton?

23 A I know at one point I thought of that and I don't
24 know whether I discussed it with Lori or how it
25 came out, but when I learned of that the stay had

1 already been entered and I think time had passed,
2 but at any rate, it would have been up to
3 Coquitlam to determine that and I would have left
4 that decision in their hands. I personally would
5 not have made that -- taken that step.

6 Q But you could have suggested to Coquitlam if you
7 were concerned about the status of the
8 complainant, the Vancouver citizen who had been
9 nearly murdered, coupled with the knowledge that
10 it was coming in that the same man who had
11 attacked her might be the perpetrator of other
12 homicides, you could have suggested to Coquitlam
13 that those charges be reinstated; right?

14 A I think if I could have -- there was a
15 possibility that would probably have been made
16 but I think the time had elapsed for that to
17 occur.

18 Q You think so?

19 A I think so.

20 Q You have no notes?

21 A No.

22 Q But you would agree as a 20-year veteran of the
23 VPD and the only female sergeant, you knew that
24 charges can be reinstated within a year of the
25 stay date; right?

1 A Yes.

2 Q So by March of 1999 I suggest the disappearances
3 of the women, mostly involved in the sex trade
4 from the streets of the Downtown Eastside just
5 outside your office, has become the subject of
6 media concern; right?

7 A Yes.

8 Q When is it that you feel in your own mind that
9 the disappearances are likely the work of a
10 serial murder?

11 A I think when I came back in March and discussed
12 it at times with Lori and we had had the initial
13 report from Kim Rossmo and when we looked more
14 closely at the numbers and what had happened and
15 that she wasn't able to locate anybody, that it
16 was the result of one or more people, men,
17 preying on the women on the Downtown Eastside.
18 So in the March/April time period.

19 Q Now, in May of 1999 a brainstorming session is
20 convened at 312 Main Street in the boardroom to
21 focus on the missing women case; right?

22 A That's right.

23 Q I'd ask you to be directed please to Exhibit 83,
24 tab 1.

25 A Yes.

1 Q Have you seen this document before?

2 A Yes.

3 Q It appears as though it was created on May 19th,
4 1999 in respect of a meeting that was held May
5 13th of that year; right?

6 A That's right.

7 Q What is this record and how was it created; do
8 you know?

9 A It's a typed record and I believe I have a rough
10 copy somewhere in the documents. I made the
11 notes.

12 Q So it's a typed version of your notes?

13 A Yes, which included I imagine a sign-up sheet
14 that went around the room to get everybody's
15 names and telephone numbers.

16 Q Was it your habit then to make note of the
17 content of meetings like this?

18 A I would try to, yes.

19 Q I'll just leave this request out there because I
20 haven't been able to identify it, and I'm not
21 suggesting the note isn't in existence but I'd
22 like the Concordance number for the witness's
23 handwritten note of this meeting.

24 Ms. Powell, Lori Shenher testified that
25 Pickton as a possible suspect in the

1 disappearance was discussed in general terms at
2 length at this meeting and we have a document
3 indicating that Bev Zaporozan of the Burnaby RCMP
4 later conveyed to the Coquitlam RCMP the fact
5 that Pickton as a suspect had come up at this
6 brainstorming session. What is your recollection
7 of the discussion centred on this man named
8 Pickton who had attacked Anderson in '97 and was
9 the subject of the Hiscox information that you
10 had received by March? What was your
11 recollection of how the discussion unfolded about
12 Pickton in this brainstorming session?

13 A I can't recall -- obviously I thought about it --
14 I can't recall Pickton being talked about
15 specifically. I'm not saying he wasn't
16 discussed. He could have been discussed in the
17 context of a number of other suspects we were
18 looking at at the same time.

19 Q You see the bottom of the page there, the list
20 there, Doug LePard was there?

21 A Yes.

22 Q He's now Deputy Chief LePard?

23 A Yes.

24 Q He was one of, I think, two members with major
25 case management training?

1 A That's right.

2 Q After May 13, 1999, right up until February 5,
3 2002, what, if anything, did Doug LePard do to
4 assist the investigation of the disappearances of
5 the missing women?

6 A Nothing that I am aware of.

7 Q Now I'd like to turn to your handwritten notes
8 that I've shown you. You've now had an
9 opportunity to read those?

10 A Yup.

11 Q The first one I want to draw your attention to is
12 for July 29, 1999. By this date I suggest you
13 and Ms. Shenher, Detective Constable Shenher, are
14 aware of information from three other independent
15 unrelated informants suggesting that the man
16 responsible for the murders of the women is
17 Robert William Pickton; correct?

18 A Well, I can think of two. I can think of the
19 Hiscox information, the --

20 Q Caldwell?

21 A Oh, yes, Caldwell and Anderson, yes.

22 Q And Best? Do you have Best by then?

23 A Not that I am aware of, no.

24 Q If I may, keeping this note handy, I'd like to
25 ask you to turn your attention to page 133 of

1 Exhibit BB, Ms. Shenher's book.

2 A Did you say 133?

3 Q Yes, of Exhibit BB.

4 MR. CROSSIN: Mr. Commissioner, I have a --

5 THE REGISTRAR: Who are you, sir?

6 MR. CROSSIN: That's a good question. Crossin.

7 THE REGISTRAR: Thank you.

8 MR. CROSSIN: My friend Mr. Ward has been referencing the
9 manuscript that is not in evidence and he ought
10 not to be reading in portions of that document
11 that are not in evidence. If portions of the
12 document have been adopted by Ms. Shenher,
13 usually it's not appropriate to cross-examine a
14 witness by saying X witness says this, what do
15 you have to say about that. If there's a
16 proposition simply put the proposition. So
17 there's a number of issues I have with the way my
18 friend is utilizing this document and so I'd ask
19 that he not use this document improperly and put
20 to these witnesses matters that are not in
21 evidence.

22 THE COMMISSIONER: He doesn't have to -- the document doesn't
23 have to be in evidence in order for him to
24 cross-examine on it. He can put certain
25 propositions of fact to the witness that are

1 contained in the document and ask whether or not
2 the witness agrees with them.

3 MR. CROSSIN: He can put propositions to witnesses that he has
4 gleaned from the document. What he cannot do in
5 my respectful view is read from the document. It
6 is getting through the back door what is not in
7 through the front door; that is, portions of that
8 manuscript that are not in evidence, have not
9 been put to Shenher, she has not been given an
10 opportunity to explain it, she has not been given
11 an opportunity to expand or amplify, so in my
12 respectful view this is a critical issue and my
13 friend should take care how he uses that
14 document.

15 THE COMMISSIONER: I understand that. I understand the
16 drawbacks of putting that to the witness but it's
17 cross-examination and I'm going to allow that
18 cross-examination with the caveat or caveats that
19 you have suggested to me.

20 MR. CROSSIN: All right.

21 THE COMMISSIONER: Go ahead, Mr. Ward.

22 MR. WARD: Thank you. In my respectful submission the
23 objection was entirely inappropriate and cuts
24 into my precious time.

25 THE COMMISSIONER: Just get on with it.

1 MR. WARD:

2 Q I would like to read to you, and I was only
3 showing it to you to be fair, read to you what I
4 understand to be Lori Shenher's first person
5 written account made back in 2002, 2003 of the
6 meeting you've noted to determine if you agree
7 with the summary of it. Page 133 of her
8 manuscript, last full paragraph, she says this --
9 you can go back in the manuscript, I don't think
10 this is objectionable in any way, to confirm on
11 the preceding page that the date in question is
12 July 29th, 1999, the day after the 28th referred
13 to earlier on that page. In you go back to the
14 last paragraph on page 32, starting with the
15 words, "Source B," do you see that paragraph?

16 A Yes.

17 Q What she's writing there about is VPD officers
18 Lepine and Chernoff's dealings with Caldwell,
19 Informant B or 2; right?

20 A Right.

21 Q She refers to the time period of July 19th to
22 28th and after discussing what happened on the
23 28th she puts it this way: "Biddlecombe,
24 Geramy," that's yourself, "Mark, Ron and I met to
25 discuss the Pickton situation and plan our next

1 move." Do you see that?

2 A Yes.

3 Q Do you have a recollection of meeting with Mr.
4 Biddlecombe, Chernoff and Lepine and Shenher to
5 discuss Pickton and plan your next move on the
6 28th of July, on or about that day?

7 A It's quite possible. She's named the date and
8 she's named as being there so I'm assuming it
9 happened.

10 Q Then she says, if it helps, she says she was
11 going to be flying to Washington, DC at the end
12 of the week for the *America's Most Wanted* segment
13 about the missing women; do you see that?

14 A Yes.

15 Q Just stopping there, this case is garnering
16 extraordinary international media interest?

17 A Yes.

18 Q It's on *Dateline NBC*, broadcast throughout the
19 United States of America, and it's on *America's*
20 *Most Wanted*. It's a big deal; right?

21 A I don't recall *Dateline NBC* but I remember
22 *America's Most Wanted*.

23 Q It's later that *Dateline NBC* did a piece on it?

24 A Yes.

25 Q But you recall *America's Most Wanted* focusing

1 their attention on the case?

2 A Yes.

3 Q Shenher has written this about July 29th, and
4 I'll take you to your note: "We met in Coquitlam
5 their members including Inspector Moulton,
6 Sergeant Pollock, Sergeant Robertson, and Mike
7 Connor, Corporal Justason of the Provincial
8 Unsolved Homicide Unit, Mark and Ron rounded out
9 the group." That's Chernoff and Lepine, right?

10 A Yes.

11 Q "They discussed the new information, confirmed we
12 now had two separate females and two distinct
13 males coming forward with very similar
14 information about Robert Pickton." Do you see
15 that?

16 A Yes.

17 Q And does that accord with your recollection in a
18 general way of the tenor and focus of that
19 meeting in Coquitlam?

20 A I can't talk about the tenor of that meeting
21 because I wasn't at that meeting.

22 Q You weren't there. I understood the "we" to
23 refer to you?

24 A No.

25 Q You met at 10:00 in the morning on that day with

1 a number of people?

2 A On the 29th you mean?

3 Q On the 29th, yes.

4 A Yes.

5 Q I'm just trying to get this straight. Let's turn
6 to your note, please, the first page of the
7 package I gave you.

8 A Yes.

9 Q July 29, 1999, 10:00 a.m. MPRT meeting, Missing
10 Person Review Team?

11 A Yes.

12 Q "Fred, Mark, Ron L., Lori, Alex, Geramy, Dot,
13 Doug and Mark W. meet."

14 A Yes.

15 Q Was that in Vancouver then?

16 A Yes, in our office.

17 Q Can you give us the surnames of the attendees?

18 A Fred Biddlecombe, Mark Chernoff, Ron Lepine, Lori
19 Shenher, Alex Clarke, Geramy Field, Dot --
20 Dorothy Alford, Doug Fell and Mark Wolthers.

21 Q Who is Dorothy Alford?

22 A She was a civilian employee assisting with our
23 data entry.

24 Q You turn over the page to page 2, there's a
25 reference to Pickton being discussed at the

1 meeting?

2 A Yes.

3 Q Right in the middle, it says: "Mark and Ron left
4 for a meeting." Now, trying to piece this
5 together, it looks like Lepine and Chernoff and
6 perhaps Shenher went out to Coquitlam after you
7 met in downtown Vancouver?

8 A Possibly, yes.

9 Q You don't have a recollection?

10 A No.

11 Q In any event, the identity of Pickton as a
12 suspect was discussed at the meeting with all
13 those people including a civilian employee?

14 A Yes.

15 Q The next note if we go a couple more pages is for
16 August 3rd.

17 A Yes.

18 Q You have that, the last four digits in the upper
19 right are 2513?

20 A Yes.

21 Q It's your note?

22 A Yes.

23 Q It's described as a Meeting Re Pickton on that
24 date at 8:50 in the morning?

25 A Yes.

1 Q So this was a meeting I take it from that note
2 that was called for the express purpose of
3 discussing Pickton's role as a possible suspect
4 in the serial murders of women from the Downtown
5 Eastside; right?

6 A Yes.

7 Q "Meeting I/C, Corporal Connor and other RCMP."
8 Do you see that?

9 A Yes.

10 Q I/C means in company of?

11 A Yes.

12 Q Then there are a bunch of names there. Can you
13 give the full names and identify where they're
14 from.

15 A Another unsolved homicide unit, that would be the
16 Provincial Unsolved Homicide Unit, Nels Justason,
17 Doug Henderson, Don Rinn, Cathy Robertson, Earl
18 Moulton, Mike Connor, Mark Chernoff, Ron Lepine,
19 Fred Biddlecombe and Lori Shenher.

20 Q An then it appears as though, if I interpret your
21 short notes correctly, there's some discussion
22 about "O" surveillance operation; is that
23 correct?

24 A SF refers to Strike Force and I think 5 means
25 five hours overtime. I'm not sure.

1 Q Surveillance camera?

2 A No. The next one is Crown and it's initials P
3 and G. I don't know if somebody was going to
4 deal with that. Connor. "O" refers to Special
5 "O". "UC" refers to perhaps an undercover
6 approach and background check. Bob Stewart was
7 involved with Strike Force so his name is put
8 down there possibly as a trigger to call Bob
9 Stewart. Part 6, Connor was looking at that, and
10 VPD was going to provide two members to Strike
11 Force.

12 Q Bob Stewart, who is that?

13 A He was a sergeant I believe at the time in charge
14 of Strike Force.

15 Q In Vancouver?

16 A Yes.

17 Q And the last couple of entries?

18 A Part 6, Connor, VPD two members and Strike Force.

19 Q August 3, 1999, 10 people from the VPD -- 10
20 police officers from the VPD and the Coquitlam
21 RCMP meet in the morning to focus solely on
22 Robert William Pickton as a suspect in the serial
23 murders of the women who have gone missing from
24 the Downtown Eastside and you discuss the various
25 investigative options open to you at that stage;

1 right?

2 A Just to clarify, there weren't 10 Vancouver
3 members there.

4 Q 10 in total?

5 A Yes.

6 Q So that's correct?

7 A Yes.

8 Q And because time is limited, let me get right to
9 one of the main points my clients are seeking
10 answers to. From your perspective, Ms. Powell,
11 in the years that elapse between August 3rd, 1999
12 and February 5th, 2002, when Pickton's farm is
13 searched and the remains of my clients' loved
14 ones are found there, why wasn't this man brought
15 to justice from your perspective? What's your
16 explanation?

17 A With all due respect, that's why we're here, to
18 examine all those reasons why, which are many.

19 Q Well, let's hear those from your point of view.
20 The VPD or the RCMP dropped the ball, right, or
21 both?

22 A No, it's not that simple.

23 Q It's not that simple?

24 A I think that everybody that was -- that I worked
25 personally with worked as hard as they could

1 towards what they thought was the right direction
2 and Pickton was not our only suspect.

3 Q He was the only suspect the 10 of you met to
4 discuss this day; correct?

5 A Because it was very current, active information.

6 Q Let me stop you there.

7 THE COMMISSIONER: Let her finish.

8 MR. WARD: Go ahead.

9 A Unfortunately I think we did a very good job in
10 getting to the point where we were interviewing
11 those very key witnesses who became very
12 problematic in some respects. I wish that it had
13 turned out differently, believe me. From a
14 personal point of view, I've lived with this and
15 the failure of this to go forward since that
16 summer myself. I think we need to progress
17 through this and find out why it failed, why
18 there were perhaps some systemic errors. I think
19 communication was huge, communication probably
20 that flowed between the Vancouver Police
21 Department, Provincial Unsolved Homicide Unit,
22 the RCMP, Coquitlam RCMP, the profilers that we
23 discussed during JFOs and the lack of manpower
24 and resources to do that job. That's in a
25 general sense.

1 Q Thank you. August 3rd, 1999, who was your
2 supervisor?

3 A It would have either been Fred Biddlecombe or Dan
4 Dureau.

5 Q The two gentlemen sitting next to you?

6 A Yes.

7 Q And of course on a matter of this importance
8 where you travelled to Coquitlam to meet with
9 members of another police force and the 10 of you
10 turned your attention to investigative techniques
11 you could use to pursue Pickton as the suspect in
12 the serial murders, you informed one or both of
13 your supervisors of what you were doing; right?

14 A Yes.

15 Q Lori Shenher in her book -- it's a recurring
16 theme in her book and I'll summarize it, despite
17 Mr. Crossin's exhortations behind me -- she said
18 you and she shouted loudly at every opportunity
19 to try to get your supervisors to assist your
20 work on the investigation of the missing women
21 files. Do you concur with that expression of her
22 belief?

23 A That's very close. I don't know about shouting
24 but I think when you asked me what happened, why
25 it didn't proceed the way it should have, I think

1 that because of Fred's absence due to his
2 illness, because of the interspersing of other
3 supervisors, the lack of current consistent upper
4 management to deal with this on this issue, the
5 information and the transfer of that information
6 between the important parties, which would have
7 been Coquitlam, ourselves, "E" Division, it broke
8 down and it didn't get the impact that it needed
9 and the impetus to keep it going forward the way
10 it should have.

11 Q Lack of consistent management is one thing you
12 mentioned. Let's focus on management's role in
13 this for a moment from your perspective.

14 A In an ideal circumstance, you have a manager that
15 is there; Fred when he was there was at the
16 meetings; Dan when he was there would attend our
17 meetings; Rob Giles was also a manager of sorts
18 and was at our meetings, but it was always broken
19 up.

20 Q Let's zero in on -- here's a question for you.
21 The end of July 1999, 10 of you are meeting,
22 you're focusing on Pickton as a suspect you've
23 identified in the serial murders of the women who
24 have gone missing from the Downtown Eastside;
25 right?

1 A Yes.

2 Q At the same time Lori Shenher is jetting off to
3 New York City a couple days later to film
4 *America's Most Wanted*, this matter you agree has
5 become the subject of intense local and
6 international media scrutiny?

7 A Yes.

8 Q You are trying your very best as a sergeant
9 working on this tough investigation, this high
10 profile matter, to let your superiors know that
11 you've got a prime suspect and you need more
12 resources to bring him to heel; right?

13 A Yes.

14 Q You are doing that?

15 A I'm trying my best.

16 Q You go and meet with Doug LePard in November of
17 2002?

18 A Yes.

19 Q He tells you that he's working on a defence of
20 the department for the likely civil litigation
21 that will arise or the civil litigation flowing
22 from the families' claims that the police were
23 negligent; right?

24 A Yes.

25 Q I want to take you to his notes of your interview

1 which are in evidence, statements of yours made
2 in 2002 and 2003 which have been reduced to
3 writing. Mr. Registrar, Mr. Commissioner,
4 Exhibit 45B, volume 3, tab 18.

5 Before I turn to these records I put it to
6 you that to your knowledge based on your
7 interviews and your dealings with LePard, his
8 defence theory formulated in 2002, 2003 was that
9 management didn't know about Pickton?

10 MR. HERN: I object to that question. Mr. Ward well knows
11 that's privileged, the question as to whether --

12 THE COMMISSIONER: Sorry?

13 MR. HERN: That's a privileged issue. Mr. Ward knows that
14 Deputy Chief LePard was doing two things when he
15 was interviewing all of his witnesses. The
16 primary thing he was doing was working on his
17 internal management review which crystallized
18 into his report, and efforts to pry into defence
19 theories or any other issue that would be covered
20 by solicitor-client privilege in respect of civil
21 litigation have not been waived and should not be
22 subject of my friend's questions.

23 THE COMMISSIONER: Where is the solicitor-client privilege
24 here?

25 MR. HERN: Part of the work is an investigation on behalf of

1 the department in preparation for civil
2 litigation, and so what my friend has asked is
3 whether Deputy Chief LePard communicated some
4 kind of defence theory to Sergeant Field and that
5 line of questioning in my submission is
6 inappropriate and has not been waived.

7 THE COMMISSIONER: I'm not sure it's the defence theory so
8 much. Essentially what we're getting into is
9 what LePard has for the most part told us.

10 MR. HERN: I understand that, sir. What my friend's question
11 stated, did LePard communicate a defence theory
12 to this witness, and that language is not
13 appropriate. Whether Deputy Chief LePard asked
14 questions and whether this witness gave answers,
15 that's entirely appropriate. There are parallel
16 processes going on here and I've tried not to be
17 artificial about denying that there were two
18 things happening but I expect that counsel will
19 respect not to probe into a civil litigation
20 issue which is still outstanding. It's the
21 shaping of my question. I have no issue with
22 where he's going in respect of the interview or
23 anything that occurred but that kind of question
24 is inappropriate.

25 THE COMMISSIONER: Mr. Ward, if you can stay clear of any

1 implications as far as the civil litigation is
2 concerned, I think the balance of the
3 cross-examination is fair.

4 MR. WARD: Thank you. I'll rephrase the question. I
5 appreciate that.

6 Q You had two interviews with Doug LePard. The
7 first was November 15th, 2002, the next was April
8 21st, 2004?

9 A Yes.

10 Q And did you come away from the discussions you
11 had with him with the sense that he would be
12 reporting that management did not know of Pickton
13 and was disengaged from all the work you were
14 doing with Lori Shenher in pursuing Pickton?

15 A I can't say that he is going to say they didn't
16 know, I think he's got the belief that --
17 "disengage" is probably one term but, again, that
18 would be in his mind, not mine.

19 Q You yourself know that senior management were
20 aware of Pickton and your pursuits of him as a
21 suspect; right?

22 A The document that I read indicates that yes, they
23 did.

24 Q Let's name names, please. Which senior managers
25 were aware from what you've reviewed of your

1 pursuit of Pickton as a suspect?

2 A I believe Inspector Biddlecombe knew, Inspector
3 Dureau knew, Inspector Spencer knew, Deputy Chief
4 Unger and Deputy Chief McGuinness.

5 Q Just to put a timeframe on that, would you agree
6 that they knew by mid 1999 or certainly by the
7 end of 1999?

8 THE COMMISSIONER: Just a minute. Don't answer that.

9 MR. DELBIGIO: DelBigio for McGuinness. The problem with the
10 question is whether -- it's the ambiguity of the
11 questions -- is the witness in this instance
12 giving information that she knows or information
13 that --

14 THE COMMISSIONER: An objection in a technical sense you're
15 quite right but that really isn't what Mr. Ward
16 is getting at. He's asking whether it was common
17 knowledge either through her or someone else
18 whether a particular state of facts existed at
19 that time. That's really what he's asking.

20 MR. DELBIGIO: He elicited specific names and he was pursuing
21 that further and it's quite impossible for this
22 witness, unless she has engaged in a conversation
23 with an individual in relation a specific topic,
24 to otherwise ask this witness to simply guess.

25 THE COMMISSIONER: Perhaps you can lay some more foundation.

1 MR. WARD: I will, I appreciate it, although it cuts into my
2 time.

3 Q You agree that you and Ms. Shenher working hard
4 on the file, pursuing Pickton as a suspect in
5 '99, going to the meetings we've identified,
6 implored management to give you the tools and the
7 resources you needed to follow through; right?

8 A Yes.

9 Q Can you tell us, based on your own personal
10 knowledge, of who you conveyed that message to,
11 that we've got a suspect out in Port Coquitlam
12 that we're working on, Pickton, and we need help?

13 A I can only bring personal knowledge based on the
14 reports that I wrote and the signatures I've seen
15 on the various documents already on the record
16 that indicate that, as I said before, Inspector
17 Biddlecombe, Inspector Dureau, Inspector Spencer,
18 Deputy Chief Unger, Deputy Chief McGuinness,
19 perhaps Chief Chambers at the time -- I'm not too
20 sure how much he was aware. I know he was aware
21 of the situation, he was present when the reward
22 was being discussed. I don't know how they
23 couldn't know if we've got a reward, a \$100,000
24 reward out for something like this, that they
25 would not know the gravity of the situation.

1 Q Speaking of the gravity, you've referred to the
2 documents but you're operating in the real world.
3 You're seeing people in the halls, you're talking
4 to them at lunch, around the water cooler, there
5 are communications being made that are not
6 reduced to writing, and based on all of that in
7 this mid 1999 period, I suggest you were
8 confident that you were saying as clearly and as
9 loudly as you could to management personnel that
10 you had a strong suspect, this man Pickton, and
11 that you needed help on the investigation; right?

12 A I would say yes to that but also we had other
13 strong suspects as well that had to be
14 investigated, we had other theories presented to
15 us that had to be investigated.

16 Q Fair enough. But help didn't come, did it, not
17 sufficient help?

18 A No.

19 Q You know from working with Lepine and Chernoff,
20 Mark Chernoff and Ron Lepine, that they strongly
21 believed that Pickton was the man?

22 A Yes.

23 Q They're VPD constables, colleagues of yours?

24 A Detectives, yes.

25 Q They too to your knowledge were imploring their

1 colleagues in positions of influence to help them
2 get this guy Pickton, weren't they?

3 A Yes.

4 Q So management right up to the very top to the
5 level of chief were well aware of your efforts in
6 pursuing Pickton but didn't come in to assist the
7 investigation with further resources to bring him
8 or perhaps other suspects to justice; right?

9 A Again, you would probably have to ask those
10 individuals that specific question but that was
11 the feeling, that we weren't getting the support,
12 which is -- when we met about Coquitlam, there
13 was some very early on discussions of joint
14 forces operation because they have a lot more
15 tools at their hand to help with the
16 investigation of this nature.

17 Q It must have seemed to you, toiling away with
18 Lori Shenher, that the older men who made up the
19 VPD management didn't really care about
20 investigating the disappearances of these
21 aboriginal sex trade working women from the
22 Downtown Eastside; right?

23 A I don't know that they were much older than me
24 and I don't believe that.

25 Q Whatever they may have thought, they didn't come

1 through with adequate resources to pursue an
2 investigation into the serial murders?

3 A No.

4 Q But they did come through with lots and lots of
5 resources for Doug LePard's garage robbery, break
6 and enter or home invasion team, whatever you
7 want to call it?

8 A I think in respect of that investigation it was
9 already ongoing. You refer to it as garage
10 robberies, I remember it as a home invasion task
11 force where they were breaking into elderly
12 people's home and actually physically and
13 sexually harming some of them on the spot with
14 suspects and it was occurring at the moment. He
15 had a much bigger task force. I don't know what
16 it entailed.

17 Q The so-called home invasions were not the subject
18 of any *America's Most Wanted* episodes; right?

19 A No.

20 Q They weren't the subject of ongoing front page
21 and other coverage in local newspapers, the
22 *Vancouver Sun* and *Vancouver Province*?

23 A I believe they were probably on the front pages,
24 yes.

25 Q Coming back to your notes please, the next page,

1 it says September 29, and as best I can tell this
2 is the same year, 1999. Do you have it?

3 A Yes.

4 Q Can you confirm that it's 1999?

5 A I think you're right, yes.

6 Q Can you just go through the list of people that
7 you've identified at this meeting?

8 A Lori Shenher, Dorothy Alford, Alex Clarke, Ron
9 Lepine, Mark Chernoff, Doug Fell, Mark Wolthers
10 and myself.

11 Q All VPD members?

12 A Yes.

13 Q And do you agree that -- I'm sorry if I asked you
14 this already -- you agree this is probably 1999?

15 A Yes.

16 Q If you turn over the page it appears as though
17 you're receiving a report from Ron and Mark at
18 this meeting?

19 A Yes.

20 Q Chernoff and Lepine, about the Pickton matter,
21 Pickton investigation?

22 A Yes.

23 Q So by September 1999 you at the VPD, working on
24 this case, are still focused on Pickton as a
25 suspect?

1 A Yes, amongst others.

2 Q And then if you turn please to the next note,
3 next date, October 5th.

4 A Yes.

5 Q And, again, that's 1999?

6 A Yes.

7 Q And it looks like -- well, to save time if you
8 could just give the surnames of the attendees
9 please.

10 A Lori Shenher, Alex Clarke, Dorothy Alford, Dan
11 Dickhout, myself, Brock Giles, Ron Lepine, Mark
12 Chernoff, Mark Wolthers and Doug Fell, and Dave
13 refers to Dave Dickson who was not there at that
14 meeting.

15 Q Various people make statements and half way down
16 the page Mark Chernoff reports in on Pickton?

17 A Yes.

18 Q So you're still actively discussing Pickton's
19 role as a possible suspect in the serial murders?

20 A Yes, and he's mentioned with some others there as
21 well.

22 Q I want to ask you to turn please to the
23 statements of yours contained in Exhibit 45B,
24 volume 3, tabs 18 and 19, and I want to ask you
25 about some of them. If you could turn to tab 18,

1 please. You should have the binder before you.

2 MR. CROSSIN: This is LePard's statement?

3 MR. WARD:

4 Q I understand this document to be a record of
5 Geramy Field's statement made to Doug LePard,
6 George Macintosh and Sean Hern on or about
7 November 15, 2002, at Farris's office. Do you
8 have that?

9 A Tab 18, it looks like Lori Shenher.

10 Q Could you look at the index please for a moment.
11 I'm operating from a different book. 14 and 15.
12 I'm sorry. 14 and 15. It's my error. Tab 14,
13 your statement reduced to writing in the company
14 of LePard, Macintosh and Hern. Do you have that?

15 A Yes.

16 Q I just want to quickly take you to some
17 statements and ask you some questions about them.
18 Page 8, please. This statement is attributed to
19 you and the last full paragraph, last sentence --
20 two sentences, you say: "There was also a
21 concern with Sandy Cameron because she would
22 phone CKNW with her opinion on things. They,
23 management, didn't trust her and didn't want her
24 or anyone else to talk to the media." Did you
25 say that?

1 A Yes.

2 Q Was it your view then in the operation of missing
3 person unit that management didn't trust Sandy
4 Cameron?

5 A I made that comment with respect to the
6 investigation that had gone on just prior to me
7 arriving in Homicide and I made that allegation.

8 Q I'd like to take you to page 10 please and I'm
9 asking you about this passage because I couldn't
10 find your handwritten note on this -- perhaps you
11 didn't make one. The last paragraph on page 10.

12 A Yes.

13 Q It says: "We met in New West on April 21, 1999.
14 We met with investigators to talk about Pickton.
15 New West Police were there," and so on. Do you
16 see that?

17 A Yes.

18 Q Then you say: "I recall that Giles was there."
19 That's Brock Giles?

20 A Yes.

21 Q "Lori Shenher, Burnaby RCMP, Coquitlam RCMP."

22 A Yes.

23 Q Am I correct you didn't have a handwritten note
24 of that meeting?

25 A No, I don't.

1 Q That's another meeting in 1999 that you attended
2 specifically to address Pickton's possible role
3 as a suspect in the disappearances of the sex
4 trade workers?

5 A Yes.

6 Q In this instance multiple police jurisdictions
7 were involved: New West, Burnaby, Coquitlam RCMP?

8 A Yes.

9 Q As well as Vancouver?

10 A Yes.

11 Q Turning over the page, page 11, last paragraph,
12 this statement is attributed to you: "The RCMP
13 never mentioned in our discussions about the
14 parties Pickton was having out there because that
15 would have been a topic for discussion about
16 sending an undercover operator out there but
17 still that would have been something Coquitlam
18 would work on and I'm sure Connor would have
19 wanted to. We knew Pickton had cock fights there
20 but apparently it was very difficult to get
21 there. The RCMP had been on the property because
22 of the Anderson file and a file from the '80s
23 where he was burying stolen cars. We talked
24 about how to get on the property, airplane
25 surveillance, that kind of thing." This appears

1 to be a statement you made about the state of
2 your investigation in 1999; is that right?

3 A Yes.

4 Q Is that accurate?

5 A Yes.

6 Q And you understood from your meetings with the
7 Coquitlam RCMP that they were aware about
8 unlawful activities occurring at the Pickton
9 property and parties that the Picktons had been
10 having?

11 A I've obviously gleaned that information from
12 probably somebody in Coquitlam or perhaps it was
13 from the previous meeting in April, I'm not too
14 sure, but yes, I was given that information
15 somewhere.

16 Q This passage, "We talked about how to get on the
17 property."

18 A Yes.

19 Q "We" means the law enforcement officers from both
20 jurisdictions, Vancouver and Coquitlam RCMP?

21 A If it's referring to the same meeting in April,
22 it looks like Burnaby and New Westminster.

23 Q So obviously, I suggest, Pickton's role as the
24 possible perpetrator of the serial murders of
25 these women is prominently in the investigator's

1 mind in April of 1999 and you're looking for ways
2 to get on to his property, get more evidence to
3 get him; right?

4 A Yes.

5 Q Correct?

6 A Yes.

7 Q Did any of you law enforcement personnel say in
8 this meeting or another one: If we can gather
9 evidence that he's conducting illegal cock fights
10 there that may give us an avenue to conduct a
11 search and to arrest him and to question him?

12 A I'm not too sure whether the specifics of that
13 came up. This meeting was more I think of an
14 information meeting. Again, sort of a
15 brainstorming session, and anything that would
16 occur on the Coquitlam property of that nature
17 would probably come from the Coquitlam RCMP in
18 terms of a specific operation.

19 Q Let me ask you about this sentence: "We knew
20 Pickton had cock fights there but apparently it
21 was very difficult to get there." Do you see
22 that?

23 A Yes.

24 Q Those are your words?

25 A Yes.

1 Q I appreciate you uttered those words back in
2 2002, but it wasn't difficult to get to Pickton's
3 property, was it? You just go down Dominion
4 Avenue and turn left.

5 A From what I know of the property it was a huge
6 junkyard and I think it would be difficult to get
7 on the property. It was surrounded by a
8 chain-link fence and I believe there was all
9 kinds of rural types of vegetation and stuff
10 around it as well. So I think if you were going
11 to conduct an operation to get in there you're
12 going to have to have probably some kind of
13 inside knowledge or source or -- wherever this
14 information about the cock fights came from would
15 have to backtrack to that and work on that.

16 Q I'd like to direct you to page 13, please. Your
17 statement says, the middle paragraph: "In July
18 of '99 I got a call in the office from a Jim
19 Brown, I think a corporal from Coquitlam RCMP,
20 who said he knew someone with source info," et
21 cetera.

22 A Yes.

23 Q You say: "He meets the source different from
24 before and it's more info about Pickton about
25 disposing of bodies, prostitutes, et cetera, they

1 begin to work actively on it again." Do you see
2 that?

3 A Yes.

4 Q Did you meet Jim Brown at all?

5 A No.

6 Q Do you know him?

7 A Yes.

8 Q That's a reference to Caldwell; right?

9 A Yes.

10 Q Source 2. Because of time I have to move
11 quickly. Page 14, bottom paragraph: "But in
12 June of 1999 I know that Davidson was going to
13 Staff Sergeant Henderson and Biddlecombe was
14 going to Bass to get more help from the RCMP."
15 Do you see that?

16 A Yes.

17 Q So June of '99, you're focused on Pickton, you're
18 having these meetings with law enforcement
19 personnel from various jurisdictions, all
20 addressing how to get Pickton; right?

21 A Yes.

22 Q To your knowledge, June of '99, Davidson of the
23 RCMP is going to -- Staff Sergeant Henderson and
24 your boss, Biddlecombe, is going to Gary Bass?

25 A Yes.

1 Q Can you help me with this, why did those efforts
2 draw a blank, do you know?

3 A I think that Pickton information began to develop
4 with Caldwell after that and I think the fact
5 that perhaps Inspector Biddlecombe, I don't know
6 whether he ended up communicating with Bass or
7 not but the information at some point I received
8 was that Inspector Bass was willing to help,
9 wanted to supply resources but they were
10 strapped, they were in some other operation and
11 were unable to assist in terms of a JFO at that
12 point but would in the future.

13 Q I'll ask you to turn to page 18 to just confirm
14 that you said this in 2002, by way of an
15 expression of, I think, regret. Page 18, four
16 lines down you say: "Maybe I could have screamed
17 louder but Chernoff and Lepine were pretty loud."
18 Do you see that?

19 A Where is that?

20 Q Fifth line down: "Maybe I could have screamed
21 louder but Chernoff and Lepine were pretty loud."
22 You said that in 2002?

23 A Yes.

24 Q Your take was that both of you and Lori Shenher
25 working on this investigation had been screaming

1 for help and that Mark Chernoff and Ron Lepine
2 also had been screaming, as you put it, pretty
3 loud; right?

4 A And they were screaming louder -- their focus was
5 on Pickton.

6 Q They were going to whoever they could think of
7 within the VPD who could assist them in providing
8 resources to the Pickton investigation for help
9 as far as you know?

10 A Well, I think what they're referring to there is
11 the breakdown in the interviews that occurred out
12 in Coquitlam between the two sources of
13 information, being Caldwell and Lynn Ellingsen.

14 Q Would those two, Chernoff and Lepine, be in the
15 best position to speak about the reason why the
16 Coquitlam RCMP investigation apparently stalled?

17 A They could perhaps offer some insight but I think
18 that would have to come from Coquitlam RCMP.

19 Q From a VPD perspective Chernoff and Lepine would
20 be in the best position?

21 A They could relate the best information that
22 occurred in that August time period, when those
23 important dealings with those two sources were
24 going on, yes.

25 Q Did they convey to you, Chernoff and Lepine, that

1 they just couldn't understand why the Coquitlam
2 RCMP wasn't pursuing this suspect more
3 vigourously?

4 A No. I don't think that they felt that Coquitlam
5 weren't per se. Corporal Connor was very adamant
6 he believed that Pickton was also involved, but
7 when they brought in the Provincial Unsolved
8 Homicide Unit there was a huge disagreement on
9 the veracity of the reliability of the two
10 witnesses. And that obviously -- well, it
11 clouded the situation. It created a division in
12 the belief of the information that was being
13 provided and based on that belief would have led
14 to the acquisition of additional resources. When
15 I say that, if the members there that interviewed
16 the witnesses believed the sources of the
17 information, then perhaps we would have got
18 support at that time for a joint forces operation
19 from the Unsolved Homicide Unit or through them,
20 but because it was in Coquitlam's jurisdiction I
21 think Mike Connor vowed that he was going to
22 carry on with this and ensure that Pickton was
23 followed up, that it was not going to be left.

24 Q Then Mike Connor to your knowledge got
25 transferred off the file?

1 A I didn't find that out until some time later,
2 yes.

3 Q And the man responsible was Darryl Pollock?

4 A Yes.

5 Q Did either Connor, Chernoff or Lepine convey to
6 you their views on why Pollock transferred Connor
7 away?

8 A I don't know that Pollock transferred Connor. I
9 thought Pollock was maybe the person that took
10 over for him but I could be wrong in that.

11 Q Pollock from the RCMP would be in a position to
12 say why Pickton wasn't pursued with more vigour
13 after 1999?

14 A Whoever was given the file after Connor would be.
15 THE REGISTRAR: You've finished your time, Mr. Ward, thank
16 you.

17 MR. WARD: I'm told I've reached my time.

18 THE COMMISSIONER: Yes.

19 MR. HERN: Listening to the evidence this morning I'm going to
20 be I think half an hour, 40 minutes at most, so
21 if Mr. Ward wants 20 minutes of my time when he
22 comes back on reflection that's fine with me.

23 I had one thing before we break that has
24 been coming up that I wanted to just address and
25 I didn't want to interrupt Mr. Ward in his

1 cross-examination, but repeatedly over numerous
2 witnesses he continually refers to the Home
3 Invasion Task Force as either the "garage squad"
4 or "B & E team" or some belittling term like
5 that, and every witness we've heard from has said
6 that was a serious investigation and the
7 department has acknowledged that of course that
8 was the kind of investigation that needed to be
9 applied to the missing women team, but out of
10 respect for the men and women who worked on that
11 case and did an excellent job and completed that
12 file, I'd ask that Mr. Ward just speak to it as
13 the Home Invasion Task Force because he knows the
14 name of it.

15 THE COMMISSIONER: I think that's something you can address in
16 argument. It may be counsel's position that the
17 VPD ought to have been dedicating more resources
18 to missing women as opposed to the garage
19 robberies and the home invasions, but this is
20 something that you can argue.

21 MR. HERN: No. All I'm asking is that Mr. Ward in his
22 questioning of subsequent witnesses call it what
23 it is and what he knows it is, the Home Invasion
24 Task Force, not the B & E squad or some other
25 demeaning term like that.

1 MR. WARD: I'm fine with that. Mr. Commissioner, just one
2 housekeeping matter before we break for lunch.
3 I've now gone through the witness's notes with
4 her, I've asked her questions about them and I
5 would seek to have the document marked as the
6 next exhibit.

7 THE COMMISSIONER: Does anybody have any problem with that? I
8 know it's unusual to mark police officers' notes
9 but I don't have concerns if no one else does.

10 MR. HERN: I don't have a concern except when I was looking at
11 it this morning there are a couple of names that
12 aren't redacted.

13 THE COMMISSIONER: You can take care of that.

14 MR. NEVE: I just rise just on a matter of procedure,
15 something has come to my attention that I wish to
16 speak to my client about. It's not about his
17 evidence per se, and I would like during the
18 break to be relieved of the normal rule that I'm
19 precluded from speaking during cross-examination.

20 THE COMMISSIONER: Does anybody have any problems with that?

21 MR. VERTLIEB: No.

22 THE REGISTRAR: Mr. Ward's document will be marked as Exhibit
23 152NR. This hearing is now adjourned until 1:45.
24 **(EXHIBIT 152NR: Document entitled Bundle of**
25 **handwritten notes (VPD-006-002510 to**

1 **VPD-006-002513; VPD-006-002521 to VPD-006-002523**
2 **and VPD-006-002525)**

3 (PROCEEDINGS ADJOURNED AT 12:35 P.M.)

4 (PROCEEDINGS RESUMED AT 2:48 P.M.)

5 THE REGISTRAR: Order. This hearing is now resumed.

6 MR. WARD: Mr. Commissioner, Cameron Ward counsel for 25 of
7 the missing and murdered women. With your leave
8 I will take Mr. Hern up on his magnanimous offer
9 and use 20 more minutes.

10 THE COMMISSIONER: Yes.

11 MR. WARD:

12 Q Ms. Powell, I'd like to spend a moment on the
13 issue that Mr. Hern identified just before the
14 lunch break about the resource allocation as
15 between the Home Invasion Task Force and the
16 missing persons files you were working on. You
17 do appreciate as a long-time police officer that
18 there's no Criminal Code offence of home
19 invasion; correct?

20 MS. POWELL:

21 A Not by that term, no.

22 Q Really one would be referring to break and enters
23 or perhaps robberies depending on the nature of
24 the offence?

25 A Yes.

1 Q And it was the case that Doug LePard's Home
2 Invasion Task Force that was looking into these
3 break and enters, robberies, that were occurring
4 in more affluent areas of the city than the
5 Downtown Eastside had many, many more resources
6 than you and Constable Shenher had to try to
7 solve the missing persons issue; right?

8 A Yes.

9 Q You believed, certainly if I understood your
10 evidence correctly, you believed by early 1999
11 that one or more serial killers were responsible
12 for the disappearances; right?

13 A Yes.

14 Q As a seasoned veteran of the Vancouver Police
15 Department, a sergeant with over 20 years
16 experience by then, what would you need in terms
17 of resources to pursue one or more serial
18 killers?

19 A Well, nowadays hopefully they would follow the
20 major case management model which begins with a
21 triangle of command with a team commander, a
22 dedicated file coordinator and a dedicated
23 investigator and from there all the other
24 resources flow, which would be several more
25 investigators, a proper proven analytical

1 computer system that could handle the volume of
2 that information that was coming in.

3 Q All right. In fact, Doug LePard had that major
4 case management training as of '98, '99 and
5 that's the way he was running the Home Invasion
6 Task Force?

7 A I believe that's correct.

8 Q You yourself I understand took the major case
9 management training subsequently, I believe in
10 the year 2000?

11 A That's right.

12 Q By the time the second of the informants,
13 Caldwell, came forward with information
14 supporting the Hiscox tips, you appreciated that
15 the information you were receiving was to the
16 effect that this man, Pickton, with his farm, pig
17 farm in Port Coquitlam had the means to dispose
18 of the bodies without leaving a trace; right?

19 A Yes.

20 Q You had some information to the effect that he
21 could grind up meat or other things on his
22 property?

23 A That was the information, yes.

24 Q Were you then in mid '99 one of the proponents of
25 the theory that if there was no -- if there were

1 no bodies there was no one to investigate, no
2 homicide to investigate?

3 A No. I mean, by then we realized whether there's
4 a body or not there's a very serious situation
5 that has to be investigated.

6 Q So you thought that the information you were
7 receiving from Hiscox and Caldwell was reliable
8 that Pickton may be murdering and disposing of
9 the womens' bodies out there on that property?

10 A Yes. When you say reliable, it still had to be
11 fully investigated, but yes.

12 Q To your knowledge were there people in positions
13 more senior to yours who were reluctant to
14 provide resources because of the absence of
15 bodies?

16 A I'd seen that comment in some of the
17 correspondence, I believe. Off the top of my
18 head I can't attribute it to an individual.

19 Q So I take it based on those answers, that by the
20 summer of 1999, the end of July, you believe one
21 or more serial killers were at work despite the
22 lack of bodies and that the investigation should
23 receive the resources that such a serial homicide
24 case warranted?

25 A Yes.

1 Q And you impressed that view on whoever might be
2 in a position to make the appropriate decisions?

3 A I believe I tried to, yes.

4 Q People like the two gentlemen sitting next to
5 you, Biddlecombe and Dureau?

6 A Yes.

7 Q You did?

8 A Yes.

9 Q I'd like to return in the time I have left to the
10 second of your statements to Doug LePard, it's
11 found at Exhibit 45, volume 3, tab 15 and I have
12 questions concerning some of the contents. Do
13 you have that binder before you? 45B, volume 3,
14 tab 15. Sorry, Mr. Registrar.

15 A Which tab?

16 Q It should be tab 15. My copy is described as an
17 Interview Form dated April 21, 2004 with your
18 name at the top.

19 A That's right.

20 Q Do you recall attending an interview with Doug
21 LePard and Sean Hern on or about that day in
22 2004?

23 A Yes.

24 Q And making statements here that were reduced to
25 writing in this report?

1 A Yes.

2 Q If I can ask you to turn to page 3, and I'm going
3 to go quickly through these if I can, second full
4 paragraph, these words are attributed to you and
5 the time period is end of 1999. The middle of
6 that paragraph: "I heard Cater said later he
7 took the file and copied it and wasn't going to
8 let it go and that he's getting credit for
9 staying with the investigation but I've never
10 heard of him doing anything." Cater, who is
11 that?

12 A That was John Cater.

13 Q RCMP?

14 A Yes.

15 Q So you understood that he actually made a copy of
16 the file and --

17 A No. I think that -- when I say took the file, he
18 had the file in Coquitlam -- just a term "he took
19 it" -- and I may be incorrect in whether he did
20 or not. It's something I heard from somebody.

21 Q If I could ask you to turn to page 4, please, the
22 second full paragraph, I'll read the quote. You
23 said: "Why our belief that there was a serial
24 killer didn't go to a higher level I don't know."
25 Let me just stop there. Was that your --

1 A I can't find that.

2 Q Page 4, the second full paragraph, a third of the
3 way down the page. Shall I read it again?

4 A Yes.

5 Q "Why our belief there was a serial killer didn't
6 go to a higher level I don't know." The "our"
7 there refers to yourself and Ms. Shenher?

8 A Yes, and the other members of the team.

9 Q Who would they be?

10 A Doug Fell, Mark Wolthers, Ron Lepine and Mark
11 Chernoff, Alex Clarke, probably Dave Dickson.

12 Q So your belief is that all eight of those
13 individuals you've identified, members of your
14 team, believed that there was a serial killer, or
15 perhaps more than one, at work causing the
16 disappearances of these women; right?

17 A Yes.

18 Q In 2004 you said you didn't know why your belief
19 didn't go higher; that was true then?

20 A Yes.

21 Q Do you know now why it didn't go higher?

22 A Well, when I look at the flow of information, the
23 lack of consistent leadership in the Major Crime
24 office -- and when I say "consistent," the same
25 individual would be able to take that

1 information, manage it, understand it, be there
2 more often, and I'd just like to reiterate that
3 even though this was my file I was still doing
4 all the other files, or managing them, of the
5 other members of my homicide team as well, which
6 is what other managers were doing, doing too many
7 things, so having a consistent leader I believe
8 would have helped, would have helped that
9 information flow.

10 Q You said in the last sentence of that same
11 paragraph: "Lori was the loudest and I was the
12 next loudest but as it went up the information
13 got watered down I think." Again, that's a
14 reference to you and Lori Shenher saying there's
15 a serial killer, perhaps more than one, we need
16 resources?

17 A Yes.

18 Q The next sentence: "I don't think Fred ever
19 bought that there was a serial killer." You're
20 referring there to former Inspector Biddlecombe;
21 is that right?

22 A Yes.

23 Q So despite the views of the eight members of your
24 team, experienced police officers all, your
25 superior Biddlecombe had a completely different

1 view, didn't accept that there was a serial
2 killer responsible for the disappearances of
3 those women?

4 A That was my thought, and you can ask Inspector
5 Biddlecombe yourself, but I think now when I look
6 at the pattern of how often he was there, he was
7 probably not getting the full impact of the
8 information.

9 Q You reference in that same paragraph I think
10 Brock Giles; is that right?

11 A Yes.

12 Q What rank was he then?

13 A He was my staff sergeant.

14 Q So this Staff Sergeant Giles was hardly ever
15 there, he was on sick leave?

16 A Yes.

17 Q Inspector Biddlecombe was sort of in and out, was
18 he?

19 A Yes.

20 Q Continuing over to page 5, you said this at the
21 top, and I'll just quote it: "Lori and I were
22 unable to convince anyone above us that this
23 needed to be pursued with a properly staffed team
24 of investigators. So when you're told no so many
25 times what do you do you do?" You were clearly

1 frustrated in 2004 when you said this to Doug
2 LePard, right?

3 A Yes. I think my choices were very limited. I
4 could pack up and go or I could stay with it but
5 that was what we were left with.

6 Q Turning over to page 6 please, the second full
7 paragraph beginning with the words, "The
8 management," I'm going to read this paragraph to
9 you and then ask you a couple questions about it.
10 "The management mentality was that this was to
11 determine the scope of it, that though there was
12 a huge body of circumstantial evidence they
13 didn't want to accept it, and maybe that was my
14 failing that I just didn't do that well enough
15 but I sure tried a number of times. I was doing
16 this in Kelowna with a whole room of
17 investigators and they were, like, of course you
18 have a serial killer, you've got to get a task
19 force on this thing. I had presented the same
20 information to our managers. When you sit and
21 look at all the information what else can it be?
22 At the major case management course at the JI
23 that was the same thing. Spencer agreed with me
24 and believed that it had to go to the RCMP to a
25 task force to take it over." You made those

1 statements to Doug LePard in 2004?

2 A Yes.

3 Q They were true?

4 A Yes.

5 Q When was the Kelowna conference, do you recall
6 roughly?

7 A The spring of 2000.

8 Q And by that time you say in this passage I just
9 read that you'd presented that same information,
10 that the police officers at the Kelowna
11 conference made it clear there was a serial
12 killer operating to your managers and they just
13 didn't accept it?

14 A The presentation to the managers after Kelowna.

15 Q I see. Which managers were they?

16 A I couldn't tell you. There was quite a large
17 room of them.

18 Q A large room of VPD managers?

19 A Yes.

20 Q Approximately when?

21 A In 2000, after this conference.

22 Q Did you make a note of that?

23 A It would be in the log.

24 Q You don't recall as you sit here today which
25 managers were there?

1 A No.

2 Q A large room of VPD managers?

3 A Yes, it was a management presentation. I think
4 at that time Spencer was -- had been selected to
5 be the inspector in charge of Major Crime as a
6 permanent inspector, so we finally had an
7 inspector who was going to stay there for a
8 period of time and was engaging in the issues
9 that we were dealing with and able to deal with
10 what we needed.

11 Q I want to move to page 9 and ask you about your
12 experience after Evenhanded started up and you
13 refer to that in the third full paragraph,
14 starting with the words, "When Evenhanded
15 started". Do you see that?

16 A Yes.

17 Q You said to LePard in 2004: "I was burned out
18 and I'd made a decision to make a career change."
19 If I can just skip down because I want to make
20 sure I'm interpreting this correctly, to the last
21 three lines of this paragraph, I'll read the
22 quote: "I was shocked when I found out they
23 weren't looking at Pickton. I had faith in Don
24 Adam's ability and their organization, less now.
25 Wait until Evenhanded goes to court." You said

1 that in 2004?

2 A Yes.

3 Q Prior to the Pickton criminal trial?

4 A Yes.

5 Q Do I understand that correctly that prior to the
6 search of the Pickton property in February of
7 2002, after -- let me start again. Between May
8 of 2001 when Evenhanded started up and prior to
9 the search of the Pickton farm conducted by
10 Nathan Wells of the RCMP, that is when you were
11 shocked about Evenhanded's inattention to
12 Pickton; is that right?

13 A I think it was possibly a meeting that I went out
14 to -- I'm not sure of this -- but I think it was
15 in discussion with Lori Shenher and I think she
16 probably was the one that told me that.

17 Q But do I have the timeframe right, this is after
18 Evenhanded starts up in May of '01?

19 A I can't be sure of that. It would be after 2001,
20 yes.

21 Q And before the search?

22 A I don't know that for sure.

23 Q Okay. You refer in the next -- you refer in the
24 next paragraph: "When Pickton was arrested and I
25 went there for the first month and I was trying

1 to find some stuff there was a huge mess, they
2 had stuff all over. Don carried out the
3 deployment meeting with ViCLAS and the profilers
4 and looking at the big picture and no one went
5 after Pickton." I'm just trying to interpret
6 that. It sounds as though you're referring to
7 the Evenhanded work as being in a huge mess; is
8 that right?

9 A Uhm, yes. It was the material that we had sent
10 out there.

11 Q That's what you're referring to?

12 A Yes.

13 Q So your files --

14 A Yes.

15 Q -- that had gone to Evenhanded were in a state of
16 disarray or mess?

17 A It appeared that way, yes. They were having
18 trouble with the same thing we had trouble with
19 with the SIUSS system and trying to extract that
20 data, make some sense of it, and then I think
21 they decided to convert it over to E & R and I'm
22 not too sure when that all occurred, but it was
23 difficult to work with the computer part of the
24 system.

25 Q Page 10, Ms. Powell, this statement is attributed

1 to you, and I'm going to quote it, second full
2 paragraph, after you say, "I really don't think
3 Brock and Fred bought it," you said this: "I
4 think Lori and I were pawns in a
5 keep-the-public-happy scheme because if they
6 believed it they would have someone in there full
7 time in a proper task force." You said that to
8 LePard in 2004?

9 A I did.

10 Q You felt back then that you and Lori Shenher were
11 being used to put a face out, an appearance out
12 to the public that something was being done on
13 the cases when in fact it was woefully and
14 inadequately being handled; right?

15 A I think that in 2004 I was still feeling the
16 frustration from the effects of our investigation
17 and then the results obviously with Pickton being
18 arrested and when I read the documentation now
19 that I've read over the last couple of months, I
20 don't think it was so much a keep happy scheme.
21 It was they were probably just trying to keep
22 things going, given the resource problem that was
23 going on throughout the department. That was
24 probably the basis of it.

25 Q I'm cognizant of the time. I have just one last

1 thing given the time I have to ask you about and
2 that's this: Ms. Powell, you joined the
3 investigation efforts after Pickton's farm was
4 searched as a result of the Nathan Wells search
5 warrant; correct?

6 A Yes.

7 Q And when you joined that investigation the
8 enormity of the tragedy hit you, the fact that
9 you and your team had Pickton in your sights back
10 in 1998 and 1999 and that despite your best
11 efforts nothing had been done in the interim to
12 apprehend him so that he killed dozens of women
13 by February of 2002 and that really upset you;
14 correct?

15 A Yes, it did.

16 Q It made you nearly sick?

17 A Yes. I spent quite a bit of time crying over
18 that.

19 Q And Lori Shenher based on your observation had a
20 similar reaction?

21 A Yes.

22 Q Lori Shenher describes in her book how, as she
23 put it, members of the VPD who wouldn't have
24 pissed on these women if they were on fire were
25 clamoring to get on board the investigation. Did

1 you have that sensation as well?

2 A No.

3 Q Did you observe any male members, particularly
4 those in management roles, after the enormity of
5 the tragedy was becoming clear, have a visible
6 emotional reaction of shock to what was
7 happening?

8 A I wasn't around any managers at that point. I
9 was working out of the Mounted Squad down in
10 Stanley Park. I was quite removed from
11 headquarters.

12 Q I'm referring to senior people involved in the
13 post-February 5, 2002 work out in Coquitlam,
14 males.

15 A Really -- the only person I really discussed this
16 with because it was very difficult to deal with,
17 I discussed it with Lori, and one of the details
18 I was tasked with was looking after the emotional
19 needs of our members that were on site out there
20 and human resources was trying to do something
21 for them. That's about all I could say on that.

22 Q Did you hear after the farm was being searched --
23 well, let me put it another way. Lori Shenher
24 describes in her first person account, Exhibit
25 BB, being extremely sickened by the pig jokes

1 that male members were making in the aftermath of
2 the search. Did you hear male members of VPD
3 make jokes about hookers and pigs, that sort of
4 thing?

5 A Never.

6 Q I suggest that based on all your experience on
7 this file, one overarching reason for the VPD's
8 failure as an institution to provide the
9 resources needed to conduct a proper
10 investigation into the disappearances was a
11 cultural attitude within the older male
12 management level members of the VPD that these
13 were only hookers, why waste money on them, why
14 should we bother. It's more important to get the
15 culprits involved in these break and enters on
16 the west side. That's really what the problem
17 was, wasn't it?

18 A I don't agree.

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

20 THE COMMISSIONER: In your statement on page 9 you say that
21 the day he was arrested was the best day and the
22 worst day. I think I know what you mean but you
23 explain it in the next statement as, "a killer
24 had been caught but that all those women that
25 were killed after he was identified, I almost got

1 sick." Did you mean by that that the reason it
2 was the worst day is because he could have been
3 caught a lot earlier? Is that what you mean?

4 A Yes, and all those women died in between.

5 THE COMMISSIONER: All right. Ms. Narbonne.

6 **CROSS-EXAMINATION BY MS. NARBONNE:**

7 Q I'm Suzette Narbonne. I'm counsel for the
8 aboriginal interest. I'm not sure what exhibits
9 you have in front of you so we'll see as we go
10 along. I just want to get a general sense of the
11 structure, I know you've all talked about it, but
12 I take it the missing persons unit was directly
13 taken care of by the Homicide Division; is that
14 right.

15 MS. POWELL: Yes, it was.

16 Q Ms. Powell, since you've answer the first
17 question the next one is tell me when you
18 supervised that unit, from when to when?

19 MS. POWELL: It wasn't a when to when, it was just something I
20 took care of. It was under my umbrella of
21 management. They were down the hall from where I
22 actually worked physically. I would check in
23 with them daily. If any issues arose they were
24 to bring them to me, that kind of thing.

25 Q Over what timeframe was that, what year did you

1 start?

2 MS. POWELL: I started there in 1998, June.

3 Q So through the time of this investigation you
4 always were in that role; is that right?

5 MS. POWELL: Yes.

6 Q You've also told us that -- at some point you
7 told us that you had a lot of other duties;
8 right?

9 MS. POWELL: Yes.

10 Q I think you said you gave about 10 percent of
11 your time -- I appreciate that's just a number --
12 about 10 percent of your time to the missing
13 persons unit?

14 MS. POWELL: Yes.

15 Q Was that the same when there was that task --
16 review team in place, was it still about 10
17 percent?

18 MS. POWELL: No. It was quite a more then, quite a bit more
19 at different times. I think at one point Fred,
20 Inspector Biddlecombe, had said I could work
21 primarily on that and then carried on with the
22 rest of my duties part time, but as things
23 evolved other homicides would creep in and take
24 over and I'd be called out again, so it wavered.

25 Q With respect to the Missing Persons Unit itself,

1 from all the documents I've looked at it appears
2 there had been some complaints that resulted in a
3 policy meeting in 2000?

4 MS. POWELL: Yes.

5 Q You were involved in that?

6 MS. POWELL: Yes.

7 Q Mr. Biddlecombe, were you involved in that in any
8 way?

9 MR. BIDDLECOMBE: No. I had left the department by that time.

10 Q So what was the problem?

11 MS. POWELL: I'd have to go back and look at the notes but I
12 think it had to do with the way it was being
13 reported. It was probably too strict a policy
14 with E-Comm in where the person was residing,
15 where they were last seen, and we were trying to
16 make it more flexible so that even though
17 somebody didn't have an address in the City of
18 Vancouver if they were most likely seen in the
19 City of Vancouver, there was evidence to that, we
20 would take the report but we'd encourage them if
21 they lived in Burnaby to file with Burnaby as
22 well.

23 Q E-Comm, was that supervised by the Missing
24 Persons Unit?

25 MS. POWELL: No, totally separate.

1 Q These are two totally separate entities?

2 MS. POWELL: Yes.

3 Q The Missing Persons Unit itself would take
4 missing persons complaints to them?

5 MS. POWELL: Not generally, no. The reason it would go
6 through E-Comm is you needed a case number that
7 would generate everything from there. They would
8 take the brief bits of information to file a very
9 brief report and then it would come up to Missing
10 Persons.

11 Q Missing Persons could also take reports if they
12 wanted to, could they not?

13 MS. POWELL: On that I'm not clear right now because I've
14 heard so much in between. I don't see why
15 somebody couldn't come down to the front counter
16 and take a report and get a case number on the
17 phone at the time.

18 Q The meeting in 2000, and I can put the -- I will
19 put the memo to you because it will probably
20 assist. Do you have Exhibit 147 there?

21 MS. POWELL: No, I don't.

22 Q I'm hoping I'm at the right tab. Can you flip to
23 tab 10.

24 MS. POWELL: Uh-huh.

25 Q Tell me if that tab begins with an e-mail from

1 Lori Shenher.

2 MS. POWELL: Yes.

3 Q And that relates to some problems that VPD --
4 with the VPD policy for taking missing person
5 reports, right?

6 MS. POWELL: I'm going to have to read it; I haven't read
7 this.

8 Q Take a look. You are cc'd on that?

9 MS. POWELL: Yes. Well --

10 Q It was sent to you, sorry.

11 MS. POWELL: Yes.

12 Q There appeared to be a problem with the policy
13 for taking missing persons reports?

14 MS. POWELL: Yes.

15 Q In that e-mail Ms. Shenher speaks to you about
16 holding off asking Sandy for the policy because
17 she doesn't want to get her back up. Do you know
18 what she's talking about there?

19 MS. POWELL: I can only assume what that might mean.

20 Q Were there discussions you had had with Constable
21 Shenher respecting Cameron?

22 MS. POWELL: Just about her attitude.

23 Q What does that mean?

24 MS. POWELL: Sometimes she could be short with people on the
25 phone.

1 Q I appreciate you're not Ms. Shenher, you didn't
2 write the e-mail and it's coming from someone
3 else, but in the e-mail that's what is talked
4 about.

5 MS. POWELL: I think that perhaps Sandy Cameron had the most
6 knowledge. She'd been in the Missing Persons the
7 longest time, had the most knowledge of all the
8 reporting procedures and what had gone on. She
9 was considered the expert. I know later on when
10 we had a meeting to discuss the policy was Sandy
11 was present at that meeting.

12 Q I was going to ask you about that. You were
13 present at that meeting as well?

14 MS. POWELL: Yes.

15 Q It's in the tab and unfortunately the pages
16 aren't numbered, but I'm going to suggest to you
17 it was September 19, 2000. Does that sound about
18 right to you?

19 MS. POWELL: Yes.

20 Q There's nothing much that turns on that so I
21 won't take you to it. E-Comm was also at that
22 meeting; do you recall that?

23 MS. POWELL: Yes.

24 Q What was the whole point of that?

25 MS. POWELL: It was to try and smooth the policy so that just

1 because somebody didn't live in the city didn't
2 mean we couldn't take a report from them, so if
3 they were last seen in the city we should take a
4 report.

5 Q Sandy Cameron wasn't as a rule taking reports,
6 right?

7 MS. POWELL: No.

8 Q Why is she at this meeting?

9 MS. POWELL: Because she handles all the rest of the Missing
10 Persons duties and she has had contact with other
11 missing persons agencies, Child Find and all
12 those kinds of contacts, she deals with all the
13 runaways, group homes, so she had pretty good
14 contact with all the agencies that would also
15 deal with missing persons.

16 Q Something we've heard consistently throughout the
17 evidence is that people actually had trouble
18 reporting their loved ones missing before 2000
19 and after 2000. Were you aware of that?

20 MS. POWELL: Not during the time I was there. I wasn't aware
21 of any problems of people reporting them missing.
22 I didn't realize that was an issue until I read
23 it in some of the documents afterwards.

24 Q So as far you knew the meeting in 2000 was useful
25 and it solved one problem?

1 MS. POWELL: Yes.

2 Q Mr. Dureau, at one point in the interview that
3 you gave you talked about everyone knowing that
4 Sandy was a loose cannon. I don't even know if
5 you recall saying that.

6 MR. DUREAU: I've read it.

7 Q Okay. What did that mean?

8 MR. DUREAU: It was, as has already been said here, she was a
9 very emotional person and she could be short with
10 people, she could be emotional with people.

11 Q Who was responsible for ensuring training for
12 someone in Sandy Cameron's position and whoever
13 subsequently took her position?

14 MR. DUREAU: Her supervisor.

15 Q Who was her supervisor?

16 MR. DUREAU: The sergeant in Homicide who was assigned to
17 Missing Persons.

18 Q Would that have been you?

19 MR. DUREAU: At a time it was, yes.

20 Q Was there anything in place for regular training?

21 MS. POWELL: There was a training session that I know Sandy
22 had applied to go to and I believe it was
23 approved for her to go. I can't remember if she
24 went to it or not but if there was training or
25 conferences that would come up I know that she

1 would go to those, but all of her training
2 occurred prior to me getting there. I want to
3 clarify something about being a supervisor for
4 Ms. Cameron. I believe Cheryl Beach was her
5 supervisor in that she was a civilian employee.
6 I oversaw that office and she was one of the
7 people that worked in that office.

8 Q That's what I want to explore just a little bit.
9 Would it be fair to say Ms. Cameron was viewed as
10 being very good at her job but sometimes abrupt
11 and short with people?

12 MS. POWELL: She could be abrupt and short and she could be
13 extremely accommodating.

14 Q Was there ever -- firstly, could you have sent
15 her for some "people skills" training? Was that
16 something you were even allowed to do?

17 MS. POWELL: That hadn't really occurred to me but I don't
18 think that would have been my prerogative. I
19 think that probably would have come from the
20 civilian side of things. Perhaps someone else
21 can answer that question.

22 Q Can someone else answer that?

23 MR. BIDDLECOMBE: From my perspective as the inspector, it
24 would have come from the civilian side but we
25 could have made recommendations to them for

1 training.

2 Q That was a fairly front line role she had in the
3 sense she answered the phones, and I have masses
4 of material here, but I think, Mr. Biddlecombe,
5 at some point in your materials you talked about
6 a review of her role just because she was taking
7 on potentially too many investigative positions
8 -- I don't know how you'd say it -- but she was
9 investigating when you thought she maybe
10 shouldn't be or you were worried she might be
11 doing that?

12 MR. BIDDLECOMBE: Yes. What I was asking was to explore what
13 duties she had taken on within the past 20 years.
14 If any were police-related duties we wanted to
15 claw those back from her and give those to the
16 appropriate sworn members.

17 Q In that same statement you talked about her
18 wanting a four-day work week instead of a five-
19 day work week?

20 MR. BIDDLECOMBE: Yes.

21 Q And it was important that she be there for the
22 five days because she was the face to the public,
23 she answered the phones, she knew the job?

24 MR. BIDDLECOMBE: Her role was customer service.

25 Q Those were the words you used in your statement.

1 But if I have it right, the best any of you could
2 have done is recommend she get some updates in
3 customer service politeness but you could never
4 have forced it?

5 MR. BIDDLECOMBE: Basically, yes, we could make the
6 recommendation but we could not force it. At the
7 same time from my recollection I never received
8 any formal complaint about Ms. Cameron's actions.

9 Q But we know from Ms. Powell's evidence that she
10 was at least aware of formal complaints?

11 MR. BIDDLECOMBE: Yes.

12 Q So as far as you know, no one ever made any
13 recommendations that she ever get any kind of
14 extra training?

15 MR. BIDDLECOMBE: Not in the 19 months I was there.

16 Q In that regard was there ever any cultural
17 sensitivity training as far as you knew that was
18 provided to people in the Missing Persons Unit?

19 MR. BIDDLECOMBE:

20 A I don't recall whether there was.

21 Q Does anyone else know? Everyone is take shaking
22 their heads no?

23 MS. POWELL: No.

24 MR. DUREAU: No.

25 Q What about for the members of the VPD, the

1 police, did they get sensitivity training?

2 MR. DUREAU: Yes. Over the years there was a number of
3 different sensitivity training courses that were
4 brought about and given to members.

5 Q Were they mandatory?

6 MR. DUREAU: Yes.

7 Q Do you have any idea what that looked like? Once
8 every year? Once every five years? Do you have
9 any idea?

10 MR. DUREAU: I don't even think it was scheduled in that
11 format. I'm thinking of at least two or three
12 different sessions I had as a matter of course as
13 a patrol member.

14 Q Representing the aboriginal interests, I'm sure
15 you'd agree with me that you dealt with a lot of
16 aboriginal clients in the course of your duties;
17 is that fair to say?

18 MR. DUREAU: Yes.

19 Q Was there any training specific to dealing with
20 aboriginal people?

21 MR. DUREAU: I have had training in the courses that I
22 suggested that had an aboriginal side to it.

23 Q Did all of you?

24 MR. BIDDLECOMBE: I don't recall having taken any training,
25 no.

1 MS. POWELL: I don't recall anything specific to aboriginal
2 people either.

3 Q And I take it human resources is there to help
4 with things like burn out?

5 MS. POWELL: Yes.

6 Q This is a high stress job that all of you did,
7 right?

8 MS. POWELL: Yes.

9 Q It sounds like Constable Shenher was largely
10 allowed to work and from the evidence I've heard
11 if she had a problem she knew she could come to
12 someone; is that fair to say?

13 MS. POWELL: Yes.

14 Q At some point -- early on she gets a tip, right?
15 I know, Ms. Powell, you knew about that. Mr.
16 Dureau, did you know about that tip that she had
17 received?

18 MR. DUREAU: No.

19 Q Mr. Biddlecombe, did you know about it?

20 MR. BIDDLECOMBE: No, I did not.

21 Q How could they have known about it? Is there
22 some record keeping system where you would know
23 what's happening with this investigation or does
24 Ms. Powell advise you? What happens?

25 MS. POWELL: Well, in this circumstance it occurred just at

1 the wrong time, when I left. That's when it came
2 in. Had I stayed there and worked side by side
3 with Lori, in that room with Lori as the leader
4 of that team probably should have been,
5 definitely it would have been disseminated. Now,
6 I don't know whether she told Staff Sergeant
7 Giles but she was working with Staff Sergeant
8 Giles on that information so I assume she told
9 him.

10 Q When did you find out about it?

11 A I found out about it just prior to leaving for my
12 six-month secondment.

13 MR. BIDDLECOMBE: I should also add to that, when Geramy was
14 gone Sergeant Boyd took over her responsibilities
15 for the two Homicide teams and the Missing
16 Persons role, so there was always a supervisor
17 there for Lori to go to, whether it was Boyd or
18 Giles.

19 Q But it would be a case where it sounds like
20 people cover other people's jobs rather than you
21 bringing in new people; am I right? Was Boyd
22 then doing a dual role?

23 MR. BIDDLECOMBE: Boyd was one of the homicide sergeants.
24 There was two Homicide sergeants, two Homicide
25 teams. When Geramy left her team Boyd would have

1 simply absorbed the other team as part of his
2 responsibility.

3 Q Took on more responsibility?

4 MR. BIDDLECOMBE: Yes.

5 MR. DUREAU: It was the same dynamic whenever I was called
6 across to act as the inspector. My job didn't
7 disappear. I might put somebody in an active
8 capacity there but their job didn't disappear and
9 on down the lines.

10 Q That's I think what you've all testified to, the
11 number of bodies didn't seem to increase in the
12 office, you just had to do a whole lot of work
13 with the people you had, right? Is that fair to
14 say?

15 MS. POWELL: Yes.

16 MR. BIDDLECOMBE: Yes.

17 MR. DUREAU: To add to that, the departmental responsibilities
18 outside of the section that were thrust on
19 everybody in the department at the time because
20 of a lack of resources, Fred has mentioned
21 covering Car 10 duties which is a Patrol
22 inspector's function which he and I were both
23 drawn out of the section to do. I was involved
24 in at least three promotional and/or positional
25 interview boards over the time while I was there

1 that drew me out of the section. I'm not unique
2 in that capacity. Everybody was called on to do
3 extra duties outside their regular duties.

4 MR. BIDDLECOMBE: I should probably add, I'm quite certain
5 prior to my going to Major Crime in January of
6 '98 that what we call the other side of the
7 house, where the Sexual Offence Squad was, had
8 their own inspector and due to a decrease of
9 inspectors under the reorganization plan, I
10 believe we had 30 and we went down to 18 and
11 those 18 had to absorb the work being done by 30.
12 My job which was done by one inspector which was
13 Homicide and Robbery now encompassed also the
14 Sexual Offence Squad, the Domestic Violence Unit
15 and polygraph and what have you. Most of us had
16 our jobs double overnight.

17 Q Was crime going down?

18 MR. BIDDLECOMBE: No.

19 Q The department was certainly aware that your
20 numbers were going down but crime was certainly
21 not, right?

22 MR. BIDDLECOMBE: From my brief understanding of why Chief
23 Chambers took that move, he was trying to obtain
24 funding to put more uniform on the beat, front-
25 line police officers, at the expense of follow-up

1 investigators.

2 Q By the time all of you -- which was the last of
3 you to leave VPD?

4 MR. DUREAU: I think I was in 2005.

5 Q Had things changed in terms of people resources
6 there?

7 MR. DUREAU: They were starting to improve, yes. I certainly
8 until the end -- until the last day of my career
9 was fighting for more resources. I went away in
10 April of 2000 from that section, got promoted and
11 went to Patrol and then I came back as the
12 inspector in charge of the other side of the
13 house that I used to be the staff sergeant of, so
14 my last three years were in that capacity where I
15 was continually fighting for resources for that
16 section. And, again, I wasn't unique; everybody
17 in the department was doing the same. It did get
18 a little better as time went on.

19 Q Is it your opinion that lack of resources played
20 a role in this investigation that we're all here
21 talking about?

22 MR. DUREAU: Yes.

23 Q To the detriment of the investigation?

24 MR. DUREAU: Yes.

25 Q Does anyone disagree with that?

1 (No audible response)

2 Q One area I just want to touch on with you,
3 Ms. Field, and I'm going to take you to that
4 transcript, Exhibit 45B, tab 15. Do you still
5 have that?

6 MS. POWELL: Which binder?

7 Q 45B, tab 15. That was a statement of April 21,
8 2004, that you gave to Doug LePard?

9 MS. POWELL: Yes.

10 Q Just following up on a question Mr. Gratl I think
11 had asked you -- I could be wrong about who asked
12 you that -- page 8 in that statement, the fourth
13 paragraph down, you're talking about Fell and
14 Wolthers?

15 MS. POWELL: Yes.

16 Q You'd been asked about whether there were
17 inappropriate homophobic-type comments, racist
18 comments, and I'm going to ask you to read that
19 paragraph and then we can see if that refreshes
20 your memory.

21 MS. POWELL: Oh, yes, I had forgotten.

22 Q You had forgotten?

23 MS. POWELL: Uh-huh. The context of that.

24 Q Because no one else is reading this, tell us
25 about the homophobic and racist comments.

1 MS. POWELL: "Alex and Dorothy came to me once about their
2 homophobia and that they were calling the STWs
3 whores and they thought that just wasn't right."

4 Q Who is Alex and Dorothy?

5 MS. POWELL: Alex is Alex Clarke, she's a constable, and
6 Dorothy is Dorothy Alford, she was the civilian
7 data entry clerk that we had.

8 Q And they were calling the sex trade workers --

9 MS. POWELL: The "they" is referring to Doug Fell and Mark
10 Wolthers.

11 Q Those are those two officers?

12 MS. POWELL: Yes.

13 Q So you bring Fell and Wolthers in to have a talk
14 with them about this?

15 MS. POWELL: Yes.

16 Q I take it you took it seriously?

17 MS. POWELL: Yes. I spoke to them about it.

18 Q How did that go?

19 MS. POWELL: They realized that they probably shouldn't use
20 those terms and that they would make an effort to
21 become team players and be more respectful in the
22 room.

23 Q At the same time did they not have a discussion
24 -- tell you a story during that same interview
25 about a Chinese person?

1 MS. POWELL: Sorry. When I was talking about the interview I
2 was talking about the one with Fell and Wolthers.

3 Q Then who --

4 MS. POWELL: "They decided to tell me a story," I guess "they"
5 is Alex and Dorothy.

6 Q Let me read this to you -- I'll read you the
7 paragraph because I think you're mixing it up.
8 "Alex and Dorothy came to me once about their,"
9 being Fell and Wolthers, "homophobia and that
10 they were calling the sex trade workers whores
11 and that they thought it wasn't right. I talked
12 to them about their attitude." I take it that's
13 Fell and Wolthers?

14 A Yes.

15 Q "And about being team players and the importance
16 of being professional. They then decided to tell
17 me a story about how they had almost ran over a
18 Chinese person that morning and were making
19 racist comments and it just lowered my opinion of
20 them but they did make a case for their hard work
21 but I did remind them a number of times they had
22 to share what they were doing with Lori." So
23 that's actually Fell and Wolthers who told you --

24 MS. POWELL: Okay.

25 Q It's actually Fell and Wolthers told you a story

1 about the Chinese person?

2 MS. POWELL: I think it probably had been brought to my
3 attention by Dorothy and Alex and the "they" and
4 "their" got mixed up.

5 Q So in fact, not only did you hear about racist
6 comments from Fell and Wolthers, you actually
7 heard racist comments from them first hand?

8 MS. POWELL: Yes.

9 Q What could you do with something like that?

10 MS. POWELL: Again, I -- because somebody makes comments like
11 that, I know it's wrong and my approach to this
12 kind of thing is to start out at a lower level
13 and encourage somebody to change their behaviour
14 and understand the environment they're working in
15 and that they shouldn't be making those kinds of
16 comments and hopefully that will change the
17 behaviour, and it seemed to.

18 Q As far as you saw they didn't --

19 MS. POWELL: I never heard them make outward remarks at all.

20 Q So we're clear, they've been brought in to see
21 you because you've heard they're making
22 inappropriate comments?

23 MS. POWELL: Yes.

24 Q And in that same meeting they make racist
25 comments?

1 MS. POWELL: They told me the story that brought them in, the
2 same comment.

3 Q Which is racist?

4 MS. POWELL: Yes.

5 Q A story about almost running over a Chinese
6 person doesn't have to be a racist story, does
7 it?

8 MS. POWELL: No. It's a childish, stupid thing. Immaturity
9 is what I was talking about earlier.

10 Q These two guys weren't entirely team players,
11 were they?

12 MS. POWELL: No. That was my biggest issue with them.

13 Q Okay. What -- you must have thought a lot about
14 what could have been different, what ifs, things
15 like that. I'm not going to ask you to question
16 what you did, but going forward, what do you
17 think -- the three of you have given up a lot of
18 your time here -- what can you recommend that
19 might be helpful going forward, helpful to the
20 commission?

21 MS. POWELL: I think a lot of the things that happened in
22 those days don't happen now. Things have changed
23 very much in the police department. I think,
24 again, whenever there's been a failure in a major
25 -- well, even minor investigations -- it's

1 communication, that breakdown, the message
2 doesn't get through properly, whether it's a
3 short one on a radio or it's a major message like
4 we've heard through this file. If
5 regionalization of policing doesn't make all come
6 together then a communications system and a
7 information sharing system has to be either
8 mandated or implemented at least throughout the
9 Lower Mainland so we can share the information
10 that we have about our criminals and our bad
11 guys.

12 When I first went into the Sex Offence
13 Squad, every sex offence section in the whole
14 Lower Mainland was operating individually.
15 Nobody was talking to each other. These guys
16 don't stay in one spot; they move throughout the
17 Lower Mainland. So I implemented a series of
18 meetings so we would meet at least once a month
19 between the different groups, that's physically
20 getting together, but we should have an
21 electronic-based intelligence communications
22 system throughout the Lower Mainland at the very
23 minimum to share this kind of information if we
24 don't have regionalization, which has been talked
25 about ever since I joined the police department.

1 Q When you've talked about regionalization what
2 does that mean? Does that mean RCMP-VPD?

3 MS. POWELL: In an ideal world, yes.

4 Q Does anybody actually talk about that when
5 they're talking about regionalization?

6 MS. POWELL: Yes. When I went through one of my promotional
7 systems that was one of the questions, they asked
8 us all to prepare documents on what
9 regionalization is. There's massive amounts of
10 information on it and the benefits of it but it
11 just doesn't ever happen. I think Justice Archie
12 Campbell talked about a lot of that in his report
13 and not too much has happened in the Lower
14 Mainland.

15 Q Does anyone else want to chime in?

16 MR. BIDDLECOMBE: I think I would agree with everything Geramy
17 said but I would add building up to regionalizing
18 policing could be something where we integrate
19 more of our squads. I know we do have some
20 integrated homicide units and ERTs but I think we
21 could look beyond that and integrate more of the
22 higher profile investigative units throughout the
23 GVRD.

24 Q You're going to have to explain to me what you
25 mean.

1 MR. BIDDLECOMBE: In Vancouver we're running a Homicide Squad,
2 Coquitlam is running a Homicide Squad, Port
3 Coquitlam, Surrey, Richmond, North Van RCMP, West
4 Van PD, we're all running homicide squads that
5 could all be integrated under one house. It's a
6 form of regional policing but it's regional
7 policing within one unit. We could look at dog
8 squads. There's a number of areas where we are
9 duplicating service and it would probably be much
10 cheaper to bring it into one house and run it
11 prior to going full regional.

12 Q Mr. Dureau?

13 MR. DUREAU: I agree with what has been said. I think it's a
14 no-brainer as Geramy said. My first day in a
15 police car I was told we were going regional any
16 month now and that was 1975. The other thing
17 that strikes me about this, and I will say I know
18 the Vancouver Police Department has changed a lot
19 since this day, systems have changed. There were
20 system failures, there were lack of resources,
21 lack of training, and a lot of that has changed
22 since that time and it will continue to he
23 evolve. However, in any crime you're trying to
24 prevent -- one of the simplest and basic tenets
25 of crime prevention is you have to harden the

1 target and we've done nothing as a society to
2 harden the target.

3 Q What do you mean?

4 MR. DUREAU: We have vulnerable women out there who every day
5 do things that put themselves at risk and that
6 has not changed.

7 MS. POWELL: I would like to add one more thing. We have had
8 sensitivity training, and I don't know what goes
9 on in the police department now, but just from
10 what I've read, heard come out of this
11 commission, the witnesses, the families and the
12 reconciliation hearings going on in Victoria over
13 the residential school situation, I think that
14 should be a huge component of any Justice
15 Institute training to bring some of those victims
16 into those classes and speak directly of their
17 experience. I thought -- I grew up in North
18 Vancouver with several members of the Capilano
19 Reserve, they were my friends, and I thought I
20 knew the native culture that way but that's not
21 the way it is for most of them. I think we need
22 to bring that to everybody, whether you work in
23 the Downtown Eastside or not, and although it may
24 seem like a small cultural issue it impacts
25 hugely on how we police and how we react to

1 policing. I think it would be a valuable
2 component.

3 THE COMMISSIONER: You recommend that police training at the
4 Justice Institute should have victims of the
5 residential schools?

6 MS. POWELL: Yes, I do. The victims and their families all
7 through the north and it's all filtered down to
8 the Lower Mainland, they end up down here on the
9 Downtown Eastside and we are dealing with the
10 fall-out and that fall-out will continue for many
11 more generations before it's resolved.

12 MS. NARBONNE:

13 Q Any other suggestions? I'm going to ask one
14 question just because I'm a lawyer, not a police
15 officer. What does "harden the target" mean?

16 MR. DUREAU: Hardening the target, it doesn't matter what the
17 crime is -- let's call it a break and enter, if
18 you don't lock your doors you're a soft target;
19 if you don't lock your car that's a soft target.
20 If you put an alarm system in, if you put a
21 security guard outside you're hardening the
22 target. These women are prime victims for
23 predators because they're out late at night,
24 they're addicted to drugs, they have mental
25 health issues, and as a society we haven't -- we

1 don't seem to have recognized the fact that if we
2 allow them to do that they will be preyed on. We
3 as the police will pick up the pieces afterwards
4 and try to catch the guys and put them in jail,
5 but they will have already killed or sexually
6 assaulted or assaulted the target, the victim.

7 As a society the mental health issues out
8 there, the treatment is not available for drug
9 addicts, even so far as I've heard it said here
10 before, the forced treatment of drug addicts
11 because it's a health issue and they're not able
12 to take care of themselves, any of those things
13 haven't come to pass and until they do those
14 victims will be ripe for the picking by
15 predators.

16 Q That's something you actually talk about in your
17 statement?

18 MR. DUREAU: I believe so.

19 MS. NARBONNE: Thank you. Those are my questions.

20 MR. ROBERTS: Mr. Commissioner, Darrell Roberts for Marion
21 Bryce. I have a document which I haven't seen
22 before and I'm asking for leave to ask a couple
23 of questions on it. I know I probably should
24 have, it's a disclosed document. I believe it's
25 Sergeant Field, Ms. Powell's notes in a file

1 status report, and there's a couple of areas I'd
2 like your leave to ask questions on.

3 THE COMMISSIONER: Go ahead.

4 MR. CROSSIN: Ms. Powell has referenced her log notes, her
5 contemporaneous notes that she made in the course
6 of her duties and I was -- when I got up one of
7 the few things I was going to do is just have
8 them marked as an exhibit. I gave it to my
9 friend and I don't have any objection to him --
10 he can put the exhibit in now.

11 THE COMMISSIONER: That was one of the few things you were
12 going to do?

13 MR. CROSSIN: One of the very few things.

14 THE REGISTRAR: Thank you, Mr. Crossin.

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

16 Q Could you have a copy in front of you? I don't
17 mind if my learned friend Mr. Crossin would
18 distribute it so Mr. Commissioner has a copy of
19 that, too. If he wants to put it in now I'm
20 quite content with that. I'll try to be very
21 brief.

22 Ms. Powell, these are your notes, your log?

23 MS. POWELL: Yes.

24 Q A couple of matters that caught my eye on the
25 first page, about two-thirds of the way down the

1 page, 99 04 21 at two o'clock: Meet with Deputy
2 Chief, Chief Blythe and others, Chief Chambers --
3 I guess he'd be Deputy Chief Blythe -- and some
4 others. That was for purposes of the report
5 which you write for the police board meeting
6 which eventually was held on the 28th?

7 A Yes.

8 Q Turn the page please to page 809 at the top
9 right-hand corner.

10 A Yes.

11 Q June 1. "Poster wording being worked on by
12 myself and John Nelson." John Nelson is who?

13 A A city lawyer.

14 Q A lawyer for the City of Vancouver?

15 A Yes.

16 Q The poster you're talking about is the reward
17 poster?

18 A That's right.

19 Q Were you in charge of the working -- on behalf of
20 the VPD, Vancouver Police Department, were you
21 assigned responsibility to work on the wording
22 for that poster?

23 A I was assigned to work on it but it went back and
24 forth I don't know how many times between the
25 city and myself and even the attorney general.

1 Q But within the Vancouver Police Department, that
2 was your assignment?

3 A Yes.

4 Q I see. I am assuming of course you consulted
5 with others and kept the deputy chief and the
6 chief informed?

7 A Others informed, yes.

8 Q So the language of to try and capture Vancouver's
9 crimes, unlawful confinement, kidnapping and
10 murder is language which you worked on?

11 A Yes.

12 Q You did so in consultation with your deputy
13 chief, Deputy Chief McGuinness?

14 A I don't know that Deputy McGuinness would have
15 had direct -- he would have approved it.

16 Q Whoever was deputy chief at the time?

17 A Yes.

18 Q I don't believe Mr. Blythe became chief until --
19 he was acting chief for a while when he signed
20 the poster?

21 A That's correct.

22 Q The actual language then that I've been
23 interested in that captures Vancouver crimes is
24 in part at least your work?

25 A Yes.

1 Q Thank you. Did you attend a brainstorming
2 session about that or was that necessary?

3 A It just evolved.

4 Q Just evolved. All right. Could you go over to
5 page 807 in the top right-hand corner, down to
6 the date July 14?

7 A Yes.

8 Q Do you have that at 13:00 hours?

9 A Yes.

10 Q "Called back on poster". Is that reading it
11 correctly?

12 A Yes.

13 Q "MAG will probably pay for poster costs." Who is
14 MAG?

15 A Ministry of Attorney General.

16 Q Of course. Can you read the next phrase,
17 something about -- sorry, "include the Attorney
18 General logo"?

19 A Yes.

20 Q You write "okay" above that?

21 A "Leave message for John Nelson."

22 Q That's the lawyer at the City of Vancouver?

23 A Yes.

24 Q In brackets?

25 A "Mark Chernoff is sick".

1 Q The next line?

2 A "Dot and Alex working on wording".

3 Q Who is --

4 A Dorothy Alford was the civilian clerk and Alex
5 Clarke was a constable in our section.

6 Q Can you do that again please, they are who?

7 A Dorothy Alford was a clerk/data entry person that
8 was assisting and Alex Clarke was a constable
9 assisting us.

10 Q I see. They would be writing what you had
11 already settled upon with Mr. Nelson?

12 A I think it was physical wording -- physically
13 working on it, the layout and stuff.

14 Q One or two more references: "July 15. The
15 poster wording is in place". That same person is
16 dealing with the city hall?

17 A Yes.

18 Q And then it reads July 16 at I think it's 16:30
19 hours, 4:30 in the afternoon?

20 A I think that's 10:30 probably.

21 Q Yes. Thank you. "Consult with Lynn"?

22 A Kimmin.

23 Q That's an assistant to the chief constable?

24 A Somebody in the chief's office, probably his
25 secretary.

1 Q In the chief's office?

2 A Yes.

3 Q "Re poster wording". So that was keeping the
4 chief constable apprised?

5 A It looks like poster wording changes so there was
6 some changes made and they had to be advised of
7 them.

8 Q But you made sure that all those responsible
9 within the Vancouver Police Department were
10 apprised of your work?

11 A Yes.

12 Q And in the wording of the poster?

13 A Yes.

14 Q Including the deputy chief in the Investigations
15 Division and the chief constable?

16 A They should have been, yes.

17 MR. ROBERTS: Thank you very much. This is given what
18 exhibit, Mr. Commissioner, can we give this?

19 THE REGISTRAR: The document that you've just handed up,
20 that's an NR document and it will be 153NR.

21 **(EXHIBIT 153NR: Document entitled Bundle of VPD**
22 **handwritten notes on forms File Status Report (12**
23 **pages) and Case Investigation Log (10 pages)**

24 MR. ROBERTS: Thank you, and thank you for the extra time.

25 THE COMMISSIONER: I think we'll take the break.

1 THE REGISTRAR: The hearing will now recess for 10 minutes.

2 (PROCEEDINGS ADJOURNED AT 2:59 P.M.)

3 (PROCEEDINGS RECONVENED AT 3:18 P.M.)

4 THE REGISTRAR: Order. This hearing is now resumed.

5 MR. WOODALL: My name is Kevin Woodall, counsel for Constable
6 Fell and for Inspector Dureau.

7 **CROSS-EXAMINATION BY MR. WOODALL:**

8 Q I'd like to begin, Constable Dureau, with a
9 couple of questions to you on the personal side.
10 You have been a foster parent; is that correct?

11 MR. DUREAU: That's correct.

12 Q In your experience as a foster parent did you
13 have experience dealing with children who were at
14 risk of falling into the survival sex trade
15 lifestyle?

16 MR. DUREAU: Yes.

17 Q Could you tell the commissioner a little bit
18 about that?

19 MR. DUREAU: It goes in conjunction with what I said before
20 the break. My wife and I have been foster
21 parents for 15 years. Over that time we've had
22 an opportunity to invite upwards of 16 to 18
23 children into our home for varying lengths of
24 time and they've come from varying backgrounds,
25 many of which were First Nations, and they've

1 come from homes where it was unsafe for them to
2 be and they weren't getting the necessities of
3 life, and as such, we've had them in our home.
4 We had anywhere from four days to 12 years in our
5 home, for that length of time. So we've had an
6 opportunity to help in their development and
7 assessment in regards to their mental health and
8 their different dependencies. What we found was
9 that there are no -- there are services but there
10 aren't enough services. There certainly aren't
11 enough protections for children, let alone
12 adults, in the society in which we live today.

13 I can tell you that yesterday while I was
14 here my wife got a phone call from two girls we
15 had in our care for many years who are no longer
16 in our care. One is in a specialized group home
17 that is to have specialized treatment for her and
18 the other is on the street. They're both 16
19 years old. They were at a truck stop on the
20 highway heading for Edmonton and the lucky, or
21 the positive part of this, is the fact that they
22 still consider us a resource in their life so
23 they do keep in contact with us. The sad part is
24 they're 16 years old, they both have diagnosed
25 mental health issues, neurological development

1 disorders, as almost all of the children in our
2 care do, and they're out and about participating
3 in very risky behaviour and putting themselves at
4 risk. We've had numerous and uncountable talks
5 with the various caregivers that exist within the
6 systems that we have, lots of great people who
7 try very hard to do a good job but have no
8 resources. Story after story, and it doesn't
9 matter, the point is there aren't the proper
10 resources out there to take care of these people
11 and try to ensure they don't fall prey to people
12 like Pickton.

13 Q Thank you. I'd like to turn to a slightly
14 different topic. Mr. Registrar, could you please
15 give the witness and the commissioner two of the
16 documents I gave you during the break. One is
17 the police structure, a big 5 in the corner, the
18 second an org. chart, it has Major Crime Section
19 at the top, these two documents. Thank you.

20 Now, the document with the red 5 was taken
21 from the Evans' report. Were you interviewed by
22 Deputy Chief Evans?

23 MR. DUREAU: Yes, I was.

24 Q You explained to her where you fit within the
25 organizational chart in September of 1998?

1 MR. DUREAU: I did.

2 Q Does this chart represent what you told her?

3 MR. DUREAU: The chart with the 5 on it doesn't.

4 Q And you prepared the second chart which has no
5 number on it; is that correct?

6 MR. DUREAU: That's correct.

7 Q Does that accurately represent the organizational
8 chart of the Major Crimes Section in September of
9 1998?

10 MR. DUREAU: I believe it does.

11 Q Inspector Biddlecombe, do you have any comment?

12 MR. BIDDLECOMBE: I would agree with what you've just been
13 told. The one with the 5 on it is not accurate
14 and the plain one is far more accurate.

15 Q Ms. Powell?

16 MS. POWELL: Yes, I agree.

17 Q You have described, Inspector Dureau, how you had
18 two sorts of assignments when you were the acting
19 inspector. Is one of them when you moved
20 notionally from your spot at the top of the right
21 column during periods when Fred Biddlecombe was
22 away?

23 MR. DUREAU: That's correct. It can be termed as
24 indeterminate, short-term relief if you will.

25 Q During that period of time was it within your

1 authority to make major changes to assignments or
2 personnel allocations or to start up something
3 like a major investigation like the missing women
4 problem?

5 MR. DUREAU: Unless there was a very real change in
6 information that came to light on the day I was
7 sitting in that chair, no. If it was an ongoing
8 project of any kind that was developing or
9 changing in its normal course, would I have input
10 into what was going on? Yes, and depending on
11 how long the inspector was going to be away would
12 I hold off and report that to him for his
13 decision? Yes, I would.

14 Q During the periods when Inspector Biddlecombe was
15 out of the office on brief periods of leave, I
16 take it that it would have been -- correct me if
17 I'm wrong -- was it within Inspector
18 Biddlecombe's purview to make major changes to
19 the assignments as I've just described?

20 MR. DUREAU: Inspector Biddlecombe was the inspector in charge
21 of that section and certainly with the acceptance
22 and agreement of the deputy chief to make those
23 decisions. However, neither of us nor any of us
24 had access to resources ad infinitum, you had
25 what was at hand.

1 Q Perhaps the question should be better posed,
2 would it have been Inspector Biddlecombe who
3 would have made the request for further
4 resources?

5 MR. DUREAU: If I was acting temporarily -- well, I didn't and
6 I can't think of a situation where I would be
7 making staffing requests, knowing he was coming
8 back in a short time.

9 Q Then Inspector Biddlecombe went off on a more
10 permanent basis and you then notionally on this
11 chart moved into the chair that's indicated for
12 Inspector Biddlecombe at the top of the chart; is
13 that correct?

14 MR. DUREAU: That's correct. Shortly before -- I think it was
15 two days before he left and we knew he was
16 leaving and not coming back, Deputy Chief
17 McGuinness told me that I would be acting steady
18 full time until such time as the current
19 inspectors' competition was over which was going
20 to be four to six months hence and then another
21 inspector would be named to come in and take the
22 position, so for those months I would be in
23 charge.

24 Q Was that between the 7th of October, 1999 and the
25 5th of April, 2000?

1 MR. DUREAU: Correct.

2 Q During that period what was your understanding of
3 what was happening with efforts to address the
4 missing women problem?

5 MR. DUREAU: So, when I took over that chair full time I met
6 with each of the different projects and teams
7 under my command, including Geramy and her folks
8 in MPRT. There is a report somewhere in the
9 files here, October -- I believe it's October
10 22nd -- that summarizes and speaks to what we
11 discussed in that meeting and it talks about a
12 number of suspects that were there on their
13 plate, it talks about what has happened in the
14 past and where they're going, it talks about the
15 need for more resources, but we also spoke about
16 the fact and prior to Inspector Biddlecombe
17 leaving there had been move afoot to start a JFO
18 and talk to the Provincial Unsolved Homicide Unit
19 as well as the RCMP to have a JFO started in
20 relation to this investigation.

21 Q Now, given the movements that you've just
22 described towards forming a JFO, did you see that
23 you yourself had anything further to do in terms
24 of enhancing the investigation of the missing
25 women problem?

1 MR. DUREAU: Yes. Day to day it was still my responsibility
2 in that section to ensure that what was being
3 done was proper and I believe I did that. One
4 piece of information that I was given was the
5 fact that we didn't have anymore missings as of
6 January of the year so we were now almost a year
7 into not having anymore missing persons. That
8 information weighed greatly on what was happening
9 in my mind around waiting for a JFO to get
10 started. I never for a minute thought that this
11 investigation was done or this investigation was
12 waning. I thought this investigation was about
13 to take the next step, which was a larger JFO.
14 We've heard about the problems with SIUSS, we've
15 heard about the problems with resources and
16 trained major course managers. I thought the JFO
17 was the way to solve those problems.

18 Q Now, some questions for Ms. Powell.

19 As I understand your evidence to this point
20 -- and correct me if I'm wrong -- your major
21 concern with Constables Fell and Wolthers is you
22 at some point came to perceive they were not team
23 players and they were not doing the tips they had
24 been assigned on the Pickton investigation. Is
25 that a fair summary?

1 MS. POWELL: Yes.

2 Q Those are really two sides of another coin which
3 is that they were perceived as being focused too
4 much on their person of interest and were not --
5 were focused too much on that person of interest
6 and insufficiently focused on Pickton; is that
7 correct?

8 MS. POWELL: Not just on Pickton but the other tips they had
9 been assigned.

10 Q So they were too focused on their subject and not
11 focused on the missing women investigation
12 generally, to the extent it existed apart from
13 their suspect?

14 MS. POWELL: Yes. My understanding was they were going to
15 work on their suspect who was a good suspect and
16 they were given other tips and they were assuring
17 Lori and myself that they were following them up.
18 It wasn't until Lori brought it to my attention
19 that they weren't doing follow-up on any of the
20 other tips at all.

21 Q Mr. Giles, could you please give Inspector Dureau
22 the March 5, 2000 document I handed up during the
23 break. Sorry, this is the wrong -- I meant --
24 sorry, Mr. Registrar, I meant to pass up the June
25 30, 1999 memo. I'll be referring to this one

1 very shortly so they can hold on to this as well.

2 Take a moment to read that, inspector.

3 MR. DUREAU: Yes.

4 Q This is a memo dated the 30th of June 1999 from
5 Staff Sergeant Giles to Deputy Chief Brian
6 McGuinness concerning Fell and Wolthers?

7 MR. DUREAU: That's correct.

8 Q It describes a meeting and says that you attended
9 a meeting?

10 MR. DUREAU: Correct.

11 Q From reading this memo do you recall attending
12 such a meeting?

13 MR. DUREAU: I do.

14 Q I'll read you three paragraphs and ask you a
15 couple of questions about them. It begins as
16 follows: "On Wednesday the 30th of June acting
17 Inspector D. Dureau and myself met with Constable
18 Fell and Wolthers regarding some information they
19 had that may assist with the missing women
20 investigation. It was very evident that these
21 two members were very enthused to become part of
22 the investigation and work group if at all
23 possible." Does that second paragraph describing
24 their -- the members' enthusiasm accord with your
25 recollection of what their approach was when they

1 went into this investigation?

2 MR. DUREAU: Yes.

3 Q The next paragraph says this: "Their information
4 was good and has to be followed up. It was
5 explained that if we were fortunate enough to
6 acquire their assistance that the tenure in this
7 work group would be of long term of which they
8 voiced no problem. It was also explained that
9 they would be used for a number of investigative
10 functions not strictly dealing with their own
11 issues or information and again this appeared to
12 be no problem." Is that the general tenor of the
13 expectations of Fell and Wolthers when they
14 joined the group?

15 MR. DUREAU: Yes.

16 Q As I read that third paragraph, the one I just
17 read, it appears that it was expected that they
18 were going to be focused primarily on their
19 suspect and secondarily on other issues relating
20 to the missing persons investigation; is that
21 fair?

22 MR. DUREAU: That's fair. But I would add obviously in any
23 police situation they would be under the
24 supervision of a senior officer who could change
25 that at any time.

1 Q And, Ms. Powell, does that also accord with your
2 recollection of the expectations of Fell and
3 Wolthers when they joined the Missing Women
4 Review Team?

5 MS. POWELL: When they joined the team I was away and when I
6 arrived which was a week or so afterwards I
7 believe that Inspector Biddlecombe had spoken to
8 them about their duties, and my impression was
9 that they had this very good suspect but they
10 were to do all the other tasks that were assigned
11 to them.

12 Q This other suspect is the one that -- sorry, the
13 work on this other suspect was the one that
14 resulted in a number of very significant charges
15 of sexual assault that resulted in conviction; is
16 that correct?

17 MS. POWELL: That's correct.

18 Q Do you have before you, Ms. Powell, your memo
19 dated March 1, 2000, the one that Mr. Registrar
20 may have handed out a moment ago?

21 MS. POWELL: I have a copy, yes.

22 Q This is a memo that you wrote to acting Inspector
23 Dureau on about the date shown, March 1, 2000?

24 MS. POWELL: Yes.

25 Q I'm going to read this and then ask you some

1 questions about it. It's entitled Proposed
2 Charges Person of Interest 390. Person of
3 Interest 390 is the same person they had been
4 interested in and was referred to in the January
5 30, 1999 memo; is that fair to say?

6 MS. POWELL: Yes.

7 Q And what you wrote is this: "The attached front
8 page and overview relate to numerous charges
9 against Person of Interest 390 that have been put
10 together by Detective Constable Doug Fell and
11 Detective Constable Mark Wolthers during their
12 assignment to the Missing Persons Review Team.
13 They are being walked through Crown counsel
14 liaison and taken over charge approval today."
15 So this was a memo that accompanied a draft Crown
16 counsel report; is that fair to say?

17 MS. POWELL: I'm not sure whether the Crown counsel report was
18 attached to this or not.

19 Q But in any event, it's prepared in connection
20 with the Crown counsel report being delivered to
21 Crown counsel?

22 MS. POWELL: Yes.

23 Q Then you said this: "This file is the
24 culmination of a tremendous amount of work and
25 perseverance by these two officers. During their

1 investigation they reviewed several outstanding
2 files from Vancouver 1995 - 1999, Calgary and
3 Lethbridge, interviewed numerous street trade
4 workers, liaised with the RCMP and worked in
5 conjunction with Lethbridge City Police to
6 surreptitiously obtain a suitable DNA sample from
7 Person of Interest 390. Their efforts in this
8 investigation are to be commended." Were those
9 statements true statements?

10 MS. POWELL: Yes.

11 Q In particular, it was evident that they had done
12 a tremendous amount of work that resulted in the
13 charges that were laid?

14 MS. POWELL: Yes.

15 Q And by perseverance I take it you mean that they
16 had to work against obstacles among which was
17 other people were not as focused on these -- as
18 this person, Person of Interest 390 as they were?

19 MS. POWELL: I don't know whether that was the perseverance
20 part of it. I would take the perseverance as
21 doing their interviewing and gathering the
22 evidence they had to get to support the charges.

23 Q But in any event, they are the ones who were
24 responsible for bringing this very dangerous
25 person to justice?

1 MS. POWELL: That's right.

2 Q And you finish that paragraph off by saying:
3 "Their efforts in this investigation are to be
4 commended."

5 MS. POWELL: Yes.

6 Q It's not routine to provide a memo of
7 commendation every time a report to Crown counsel
8 is submitted, I would suggest?

9 MS. POWELL: No, but they had done a lot of work and they had
10 put enough together to get some charges on this
11 guy and a very dangerous person was taken off the
12 streets.

13 Q Their work was suitable of commendation?

14 MS. POWELL: Not of a commendation but I was commending them.
15 When you say "commendation" that's something
16 formal.

17 Q I don't want to get stuck on a single pronoun but
18 it was suitable for commendation and you were in
19 fact commending them?

20 MS. POWELL: Yes.

21 Q There's no -- nothing in any of the materials
22 I've seen to suggest that they were wasting their
23 time on any of the particular tasks they did
24 pursuing the investigation? Have you seen
25 anything that suggested they were wasting their

1 time on any particular task?

2 MS. POWELL: I can't say wasting their time. I just know that
3 a lot of tasks that were assigned to them by Lori
4 eventually were brought to my attention that
5 weren't being done. They assured me they would
6 get done and I felt they would be finished and
7 then later on I found out that they still hadn't
8 been done. If everybody, the other detectives,
9 had done the same thing with a particular suspect
10 we would have been even further behind. That was
11 my point.

12 Q Except the fact that what the other detectives
13 did did not result in conviction of anyone other
14 than conviction of Robert Pickton whereas the
15 work that these officers did did result in
16 conviction; correct?

17 A You're correct.

18 Q The question you answered was slightly different
19 than the one I asked. The one I asked wasn't
20 focusing on the work they were said to have
21 neglected on the Pickton side. The question I
22 asked was there was no evidence that the work
23 they did on Neidermayer was unnecessary or
24 stretched things out beyond what it ought to have
25 taken?

1 MS. POWELL: I think in hindsight I would have preferred to
2 maybe get somebody from the Sex Offence Squad to
3 work on that, although they had done so much work
4 that it was good for them to carry on with it.
5 If I had the luxury of transferring that file to
6 the Sex Offence Squad that would have been great
7 and then they could have worked on other tips.

8 Q What I'm getting at here is there's two separate
9 issues. One is, are they doing enough work and
10 is it productive work on the Neidermayer case?

11 MS. POWELL: It turns out it was, yes.

12 Q Sorry, the case involving a person of interest?

13 MS. POWELL:

14 A Yes.

15 Q Secondly, did they have enough time left over
16 from doing that to do the work it was hoped they
17 would do on the Pickton case? Those are two
18 separate cases.

19 MS. POWELL: You keep saying the Pickton case. It's the
20 Missing Women Review Team. There was lots of
21 other suspects as well. They did some other
22 things, yes. I know they did some tasks and
23 completed them but I know there were some others
24 they had said were done that weren't done.

25 Q You don't know of any one task that they did on

1 the person of interest case that they should not
2 have done?

3 MS. POWELL: No.

4 Q You don't know of any task they did on the person
5 of interest case that they took too much time on?

6 MS. POWELL: No.

7 Q You don't know of any task that they did on the
8 person of interest case that was irrelevant to
9 that case?

10 MS. POWELL: No.

11 Q And they were spending as much time working as
12 they were expected to work; correct?

13 MS. POWELL: Yes.

14 Q They weren't taking days off or showing up late
15 for work for anything of that nature?

16 MS. POWELL: No.

17 Q It seems to follow that the time that they spent
18 on the person of interest case was time well
19 spent; would you agree with that?

20 MS. POWELL: Yes.

21 Q The real complaint was that there wasn't much
22 time left over from that time well spent to work
23 on the rest of the missing women issues?

24 MS. POWELL: Yes.

25 Q That I suggest was not so much the fault of Fell

1 and Wolthers as the fact unavoidable for you that
2 there was just a resource crunch everywhere in
3 the department at that time?

4 MS. POWELL: Yes.

5 Q So one way of looking at it was that there wasn't
6 enough time left over for Fell and Wolthers to
7 put in more effort on the missing women case but
8 another way of looking at it was someone else
9 should have been added to the team to do the
10 tasks that Fell and Wolthers couldn't get to
11 because they were working on the person of
12 interest case?

13 MS. POWELL: That's one way of looking at it, yes.

14 Q Can you please put before the witness, Mr.
15 Registrar, Exhibit 151NR, group of documents Mr.
16 Gratl referred to this morning. If you could
17 turn to page 7 please, Ms. Powell. This is a
18 summary of a meeting you had with Detective
19 Constables Fell and Wolthers on the 5th of May,
20 2000?

21 MS. POWELL: Yes.

22 Q That was in connection with their leaving the
23 team and there was a bit of tension between them
24 and other team members at this point?

25 MS. POWELL: That's correct.

1 Q What had happened is they had written a memo to
2 the deputy chief raising certain complaints and
3 some members of the team, I think Ms. Shenher,
4 wrote a reply; is that fair to say?

5 MS. POWELL: Yes.

6 Q And this is in -- I don't know how this date fits
7 in with the exchange of documents but it's around
8 the same time and in connection with the same
9 issue?

10 MS. POWELL: Yes. I think it was prior to them writing their
11 letter to the chief.

12 Q I'm going to read you a couple of paragraphs and
13 ask you some questions. About half way down the
14 page you see the words, "Discussed personality
15 issues"?

16 MS. POWELL: Yes.

17 Q What you wrote was this: "Discussed personality
18 issues. They have a problem with Lori not
19 telling them what is going on and went on to
20 criticize the file and what hasn't been done.
21 They say there's a whole lot of people to follow
22 up on the existing files." Those are issues that
23 they raised with you; is that correct?

24 MS. POWELL: They raised them at that meeting, yes.

25 Q The essence of their complaint was they had been

1 kept out of the loop about what was going on with
2 respect to Pickton and other suspects?

3 MS. POWELL: Yes.

4 Q They also said there was a lot of work to be done
5 on other people who were in existing files.
6 That's tip files, right?

7 MS. POWELL: Yes.

8 Q And then it continues on: "Discussed how that
9 progressed and changed," and then you say this:
10 "I was always told in the team meetings that the
11 old files had been completed and surprised now to
12 hear that they weren't. It was their job to do
13 that. They countered with the fact that other
14 things came up and they were put on to those
15 things." So in that passage there you're
16 recording the fact that you had recently been
17 told that they weren't doing all of the tip files
18 that they were supposed to be doing on the
19 missing women investigation; is that correct?

20 MS. POWELL: What I was saying here was that they were telling
21 me that their tips had been completed and then I
22 was surprised to hear from Lori that they hadn't
23 been completed and they countered with the fact
24 that other things had come up and they were put
25 on to those things. That's not the kind of

1 information that I got from Constable Shenher so
2 it's different people saying different things.

3 Q You had been at several team meetings where in
4 fact Constable Shenher was also saying the work
5 is getting done; correct?

6 MS. POWELL: Which work?

7 Q Fell and Wolthers' work.

8 MS. POWELL: I don't know whether I was saying their work was
9 getting done. They were working on things, yes.

10 Q What I'm getting at is nobody told you, including
11 Lori Shenher, prior to the complaint that these
12 officers made to the chief constable that they
13 weren't getting their work done; correct?

14 MS. POWELL: No, she had mentioned to me earlier and which is
15 why I told them they had to check with Lori and
16 make sure that they were doing their follow-ups.

17 Q You say here: "I was always told at the team
18 meetings that the files had been completed."

19 MS. POWELL: At the team meetings, yes.

20 Q "And surprised now to hear they weren't."

21 MS. POWELL: Yes.

22 Q So you're saying you've recently been told they
23 weren't doing the work they were expected to do?

24 MS. POWELL: Yes.

25 Q That came from Lori Shenher?

1 MS. POWELL: Yes.

2 Q She never told you that prior to Fell and
3 Wolthers sending the memo to the chief?

4 MS. POWELL: She had. I said that she had brought it to my
5 attention that they were making out that they had
6 done these tips when in fact they hadn't, they
7 were still in a basket or something. They hadn't
8 completed them.

9 Q She told you that recently; that's why you were
10 surprised?

11 MS. POWELL: No, no, she told me earlier as well.

12 Q Why were you telling them that you were surprised
13 to be learning that now?

14 MS. POWELL: Because eventually -- they were telling me that
15 they had doing them so I believed they had been
16 done.

17 Q There is not a single contemporaneous document
18 where Shenher complained that they weren't doing
19 the work assigned to them; correct?

20 MS. POWELL: That's correct.

21 Q Not a single contemporaneous document where you
22 have recorded information being received that
23 they weren't doing the work that was assigned to
24 them?

25 MS. POWELL: That's correct.

1 Q The first time that you told them that they
2 weren't doing the work assigned to them is after
3 they made the complaint to the chief constable?

4 MS. POWELL: No. I spoke to them about their duties earlier
5 on and there's a notation. I know I have the
6 wrong date on there but in regards to that.

7 Q You're referring to exhibit number -- this is the
8 one just marked a moment ago, the investigative
9 log, Mr. Registrar?

10 THE REGISTRAR: 153NR, is that the one you're referring to
11 filed by Mr. Roberts?

12 MR. WOODALL: Yes. I have a different number here. I think
13 it's page 803, the date for the 11th of December,
14 1999. This is the one that Mr. Robert's --

15 MS. POWELL: I have that one.

16 THE REGISTRAR: You have 153?

17 MS. POWELL: 151NR.

18 THE REGISTRAR: You should have 153 somewhere.

19 MS. POWELL: I don't have that anymore.

20 MR. REGISTRAR: I'm too efficient; I already had it filed.

21 MR. WOODALL:

22 Q You're referring to a meeting that you had with
23 them in December '99?

24 MS. POWELL: Yes.

25 Q I believe that's page 803?

1 MS. POWELL: That's right.

2 Q And that is the only notation in all of your
3 documents referring to a discussion with them
4 about any complaint about their work demeanour or
5 any other dissatisfaction of their duties?

6 MS. POWELL: That's correct, yes.

7 Q Can you read the notation that's stated to be 11
8 December 1999?

9 MS. POWELL: "Meet with Doug and mark re duties and tenure."

10 Q Now that -- the day for that as you now
11 acknowledge is in error?

12 MS. POWELL: Yes.

13 Q It was actually the 9th of December?

14 MS. POWELL: Yes.

15 Q Was that because you did this chronology close to
16 the events but not on the day of the events?

17 MS. POWELL: I can't explain that because this is sort of my
18 running log so I don't know how I made that
19 error.

20 Q If you skip down two entries to 99/12 and there's
21 no date, do you see that?

22 MS. POWELL: Yes.

23 Q It says: "Advised Doug and Mark will remain on
24 team."

25 MS. POWELL: Yes.

1 Q So one of the discussions that you recorded is
2 whether they would or would not be remaining on
3 the team at that point; that's what the tenure
4 refers to?

5 MS. POWELL: Yes.

6 Q The issue was there was some talk about winding
7 down the team and transferring it to the JFO at
8 that point?

9 MS. POWELL: No, I don't think so. Not that early, no. I may
10 have had some discussion with perhaps Inspector
11 Dureau, whoever was in the office, but
12 unfortunately I didn't finish off the date
13 because I was advised that Doug and Mark would
14 remain on the team. I had some discussion with
15 somebody else about that.

16 Q So the only entry there that suggests that you
17 talked to them about their work is "re duties"?

18 MS. POWELL: Yes.

19 Q I'm advised that what occurred at that meeting
20 was a discussion about using missing women to run
21 an undercover scenario on the Downtown Eastside
22 and other possible investigative avenues. Can
23 you disagree with that?

24 MS. POWELL: I don't recall that at all. They might have
25 discussed that with me. I can't say whether it

1 occurred at that meeting or not.

2 Q In any event, you would agree that, "met with
3 Mark re duties" is not in any sense disciplinary
4 in nature?

5 MS. POWELL: Not at all.

6 Q There's no other entry anywhere else in your
7 notes about having to follow up with them on
8 their duties?

9 MS. POWELL: No.

10 Q So the lesson that I would take from that is
11 whatever that discussion was about, they learned
12 the lesson that was given to them because you
13 didn't have to talk to them about it again?

14 MS. POWELL: It would indicate that, yes.

15 Q And I can't understand in light -- if you're
16 saying that this meeting was a complaint about
17 them not doing their task why you would be
18 telling them in May that you were surprised to
19 learn that six months later?

20 MS. POWELL: I guess eventually after Lori wrote her memo I
21 became aware of it then.

22 Q So --

23 MS. POWELL: But it hadn't been brought to my attention in
24 between that time.

25 Q I'm going to suggest to you that your

1 recollection is in error regarding the discussion
2 on that date because it wouldn't make sense that
3 if you talked to them six months earlier in
4 December that you'd be surprised to be learning
5 about the complaint about their work?

6 MS. POWELL: No. I was surprised it continued on. Lori felt
7 -- Lori wrote the memo after that.

8 Q You certainly didn't tell them that in your
9 meeting of March -- sorry May 5th?

10 MS. POWELL: Well, my note says that anyway.

11 Q Your note says: "I was surprised now to hear
12 that they weren't." That implies --

13 MS. POWELL: I thought they had stopped, that they were doing
14 what they were supposed to do and in between that
15 time they had not done some of the follow-ups the
16 way they were supposed to do.

17 Q Today you can't identify even one task they were
18 supposed to do but didn't do; correct?

19 MS. POWELL: That's correct.

20 Q Therefore, you can't identify even one task that
21 they were supposed to do but didn't do that had
22 any impact whatever on the missing women
23 investigation?

24 MS. POWELL: Specifically, no.

25 Q Now I want to turn to the topic that several

1 counsel have raised concerning sexist, homophobic
2 and racist comments. As I understand your
3 evidence you didn't hear any such comments
4 yourself from either Fell or Wolthers?

5 MS. POWELL: No, I didn't, other than the information that was
6 presented to me from my statement to Inspector
7 LePard and I still find that hard to interpret
8 that they told me that. I think that somehow I
9 misspoke. I think the actual incident was
10 related to me by Dorothy and Alex, not by them.

11 Q I'm going to ask you to search your recollection
12 and I'm going to suggest to you that you were in
13 error in saying that Dorothy Alford was one of
14 the people who brought that complaint to your
15 attention. I'm going to suggest she never made
16 any such complaint of that nature.

17 MS. POWELL: I mean, I wrote that at the time -- sorry, that
18 was in my interview to Inspector LePard. I know
19 Alex did and perhaps I could be wrong on Dorothy.

20 THE REGISTRAR: Mr. Woodall, you have exceeded your time.

21 MR. WOODALL: May I have two minutes?

22 THE COMMISSIONER: Go ahead.

23 MR. WOODALL:

24 Q You've already testified that you took no steps
25 regarding discipline regarding those alleged

1 comments?

2 MS. POWELL: That's correct.

3 Q And if you had they information to the effect
4 they were making comments of that nature in
5 violation of VPD policy you would have been under
6 a duty to report it to Inspector Dureau and
7 perhaps further up the line?

8 MS. POWELL: Yes. The first level of any kind of discipline
9 is to talk to somebody and if it corrects itself
10 then it doesn't need to go any further.

11 Q That's for minor breaches?

12 MS. POWELL: Yes.

13 Q You didn't record any discussion with them about
14 those issues?

15 MS. POWELL: No.

16 Q I know it's difficult for you to think back that
17 far, but wouldn't the fair inference be that you
18 concluded on the basis of what you were told that
19 if there was an incident of some nature it was
20 not significant enough to even justify a written
21 record of receiving it?

22 MS. POWELL: Yes. Perhaps I should have made a written record
23 of that.

24 Q Because under the VPD policy if somebody is going
25 to be held accountable for anything above the

1 most minor breach they have to be confronted with
2 it in writing and be given an opportunity to
3 respond in writing?

4 MS. POWELL: That's correct.

5 Q Since they were never given -- they were never
6 confronted with those allegations in writing at
7 the time they were not given an opportunity to
8 respond at the time?

9 MS. POWELL: That's correct.

10 Q Under VPD policy it would be unfair to hold
11 someone accountable for something they may have
12 said 14 or 15 years ago if it was never brought
13 to their attention at the time in circumstances
14 where they could address it at the time?

15 MS. POWELL: I don't know what you mean by 14 or 15 years ago.

16 Q That must have been when these alleged comments
17 were made -- I'm talking about from today, 14 or
18 15 years ago.

19 MS. POWELL: I see, yes. No, it would be unfair.

20 Q Inspector Biddlecombe, as someone who was
21 responsible, you were in PSS for a period of
22 time, what is now called Professional Standards,
23 Inspector Biddlecombe?

24 MR. BIDDLECOMBE: I was in Internal Investigations for two
25 years, yes.

1 Q Again, according to VPD policy if a member is to
2 be held accountable for breach of policy or
3 something more serious, under VPD policy they
4 should be given a written accusation at the time
5 of the event and be given an opportunity to
6 respond at the time?

7 MR. BIDDLECOMBE: Correct.

8 Q Back to you, Ms. Powell, there is no such process
9 of any kind undertaken in respect of any alleged
10 comments about racism or homophobia?

11 MS. POWELL: No. I just spoke to them, as I said, on duties
12 and tenure -- in that meeting I spoke to them
13 about being team players and that is how I
14 approached most my discussions with individuals
15 where there's an issue. I start out low and go
16 up and I thought that would resolve the issue.

17 Q If you haven't recorded that informal
18 conversation the natural inference is at the time
19 you didn't receive information that seemed to you
20 there had been a serious breach of policy or
21 expectations?

22 A That's correct.

23 MR. WOODALL: Thank you.

24 MR. VERTLIEB: If it assists, Mr. Woodall, Ms. Hatcher has
25 told us they would forego their time with the

1 second panel so that Mr. Woodall had extra time,
2 so if he wants to do that we have no issue at
3 all.

4 MR. WOODALL: I'm actually done. I'd just ask that the
5 various documents I have referred to be made
6 exhibits. The two org. chart charts could be
7 made one exhibit.

8 THE REGISTRAR: Do any of these need to be redacted or are
9 they NR documents?

10 MS. WOODALL: Perhaps they can be NR documents now and Mr.
11 Hern can advise if there's any issue. I have
12 with my Bic opinion redacted one.

13 THE REGISTRAR: I see that.

14 MR. WOODALL: To save time -- I don't know if we can do this
15 after court.

16 THE REGISTRAR: I'll take a second here to do it right now if
17 they're not to be redacted. The first two
18 documents will be marked as 154, the memo dated
19 March 1, 2000 will be 155 and the memo dated June
20 30, 1999 will be 156.

21 **(EXHIBIT 154: Document entitled Police**
22 **Structure)**

23 **(EXHIBIT 155: Document entitled VCP Memorandum**
24 **to A/Insp. DUREAU from A/S/Sgt. POWELL dated**
25 **March 1, 2000. (VPD-006-002568)**

1 **(EXHIBIT 156: Document entitled VCP Memorandum**
2 **to D/CC McGUINNESS from S/Sgt. GILES dated June**
3 **30, 1999)**

4 MR. GRATL: I just rise to record for the record that I do not
5 object to the admission of this hearsay evidence.

6 THE COMMISSIONER: I assumed nobody was.

7 MR. WOODALL: I'm not objecting either.

8 MR. HERN: Mr. Registrar, could you put in front of Sergeant
9 Powell Exhibit 83 and Exhibit 1, please.

10 **CROSS-EXAMINATION BY MR. HERN:**

11 Q Sergeant Powell, I have three areas I want to ask
12 you some questions about.

13 The first is just to correct or to return
14 you to some evidence that you gave to Mr. Ward
15 this afternoon in relation to what I heard you
16 say was a spring 2000 meeting or conference in
17 Kelowna at which you made a presentation about
18 the missing women case and then followed that up
19 with a presentation to your internal managers.
20 Do you recall giving that evidence?

21 MS. POWELL: I do. I believe now it was November.

22 Q Since we have it in front of you, if you have
23 Exhibit 83 the binder and if you turn to tab 87.
24 Do you recognize that report as being the report
25 you wrote following your attendance in Kelowna?

1 A Yes, it is.

2 Q And that this report was then the basis for your
3 presentation to your internal group of managers?

4 A It was.

5 Q And I'll just note that that -- the reason I'm
6 sensitive about these things is when we get a
7 date wrong like that the immediate inference is
8 that there are documents that have not been
9 produced relating to that particular event and
10 that event is related in Exhibit 1 which is the
11 LePard report at page 162, if you can just flip
12 to that. Page 162 references your Kelowna
13 conference and then states that: "Sergeant Field
14 then presented the investigation into the 24 sex
15 trade workers who had gone missing," and that
16 presentation is in reference to the internal
17 group of managers, right? The bottom corner of
18 page 162 of the LePard report.

19 A That's right.

20 Q And it's at that stage that it is crystallized
21 this is indeed moving to a JFO?

22 A That's correct.

23 Q So you can put those aside. The second thing I
24 wanted to ask you about was some evidence you
25 also gave to Mr. Ward in which I heard you

1 indicate that you recall conveying to a list of
2 your superiors about Mr. Pickton as a suspect.
3 Do you recall giving that evidence?

4 A Yes.

5 Q And your list as I heard it was Deputy Chief
6 McGuinness, Deputy Chief Unger, Inspector
7 Biddlecombe, Acting Inspector Dureau, Inspector
8 Spencer and you perhaps said Chief Constable
9 Chambers?

10 A Yes. I should have included Staff Sergeant Giles
11 as well.

12 Q With respect to Chief Constable Chambers he
13 doesn't have separate counsel here so I'll just
14 ask a couple of questions on his behalf.

15 With respect to Chief Constable Chambers he
16 left the department and was replaced by Chief
17 Constable Terry Blythe in or about April of 1999,
18 wasn't he?

19 A I don't know the date but if you say that's when
20 it was I believe you.

21 Q If that was the case then his departure would
22 have been in advance of the receipt of the
23 Caldwell tip by Detective Constable Shenher?

24 A That's correct.

25 Q So if it were in fact that he left in April '99

1 the only information your team had on Mr. Pickton
2 was the Hiscox tip at that time and reference to
3 the Anderson incident?

4 A That's right.

5 Q Are you suggesting that the Hiscox information or
6 the Anderson information made it up to Chief
7 Constable Chambers?

8 A No, I'm not. Now that you've given me those
9 dates that wouldn't make any sense. I remember
10 speaking with Chief Chambers in April and I think
11 it was discussing just the media release and I
12 think that Mr. Hardie was also present and
13 perhaps some other managers.

14 Q Who is Mr. Hardie?

15 A Ken Hardie, he was the privately hired media
16 expert for the department.

17 Q So in reference to those dates, you have no
18 information about Chief Constable Chambers
19 receiving any information about Pickton?

20 A No, I don't.

21 Q Was it communicated to you or anybody above you
22 that the appointment of Detective Constable
23 Shenher was to conduct a missing persons
24 investigation only and that if she received
25 information about a suspect that that

1 investigation was expected to run back up the
2 chain of command so that Homicide or a Serious
3 Crime team could look into it?

4 A No.

5 Q The third area I want to ask you about is in
6 relation to allegations of bias and racism and
7 you've given some evidence on this already. I
8 want to ask the questions in a slightly different
9 way of you. Just for background, you joined in
10 1975 and left the department in November 2003?

11 A That's correct.

12 Q During that course you worked in the Dog Squad,
13 Sexual Offence Squad, Homicide, and a variety of
14 other departments?

15 A Yes, I did.

16 Q So it's fair to say you had a great deal of
17 exposure to the department as a whole?

18 A Yes. I worked in Internal Investigations and the
19 jail and the Drug Squad.

20 Q You also would have served a period of time in
21 your more junior years on the Patrol Squad?

22 A That's correct.

23 Q Did you ever meet a communications centre
24 operator named Rae-Lynne Dicks?

25 A No.

1 Q She would have worked in the communications
2 centre for about three and a half years starting
3 in November 1995?

4 A I never worked in the communications centre.

5 Q Have you ever heard of her?

6 A No.

7 Q From her vantage point in the communications
8 centre and drawing upon her three and a half
9 years with the force she was permitted to give
10 her opinion, or her impressions I think it is
11 more accurately, on systemic racism and bias in
12 the department as a whole, so given your just
13 under three decades with the department in a
14 variety of different areas, I want to ask you
15 some questions about things she has said. As I
16 noted it and numerous media outlets have reported
17 it, she said that sergeants in the communications
18 centre said things like, "It's just another
19 hooker," in response to her wanting to take a
20 missing person report for a woman with no fixed
21 address and that sergeants further said, "When
22 scum of the earth go missing we're not going to
23 spend valuable time and money looking for them."
24 Have you heard things like that being said by
25 sergeants?

1 A No, I haven't.

2 Q Or anyone else within the department?

3 A No.

4 Q We haven't heard from the officers said to make
5 those comments but we will. From those comments
6 Ms. Dix said this kind of attitude about sex
7 trade workers was pervasive and systemic in the
8 VPD and that all sergeants held this view as far
9 as she could tell and that it extended from the
10 top of the police force to the bottom. Do you
11 have any comment about that?

12 A No. Wherever I've worked I've never heard those
13 comments made.

14 Q With respect to her allegation that this was the
15 attitude, is there anything else that has caused
16 you to think this was the attitude of other
17 sergeants or personnel around you?

18 A No. Whenever I've been around any of my fellow
19 officers that have had any dealings with
20 prostitutes that have been harmed or sexually
21 assaulted or anything it's always been completely
22 professional.

23 Q You were involved in investigating violence
24 against sex trade workers from time to time in
25 the Sexual Offence Squad?

1 A Yes.

2 Q You were also a sergeant in homicide and is it
3 correct that your team would have investigated
4 cases in which sometimes the victim was a sex
5 worker?

6 A Yes.

7 Q And street sex workers place themselves in
8 situations where violence can often occur at the
9 hands of strangers; right?

10 A That's right.

11 Q And street sex trade workers are often addicted
12 to drugs and marginalized?

13 A Yes.

14 Q And sometimes homeless?

15 A Yes.

16 Q Is it fair to say that investigations of violence
17 against sex trade workers often present
18 particular challenges in respect of investigating
19 the reports of violence against them?

20 A They do. I can tell you that the officers
21 selected for the sex offence squad are well aware
22 of those challenges and would meet any of them
23 with a very compassionate attitude towards the
24 individuals.

25 Q So in your experience in the Sex Offence Squad

1 and Homicide or in any investigative capacity,
2 did those challenges that sex worker crimes
3 present or anything else cause you or your
4 colleagues to investigate those cases any less
5 seriously or strenuously?

6 A No. I can think of many times they would come up
7 -- we developed a soft interview room and most of
8 them -- there were female sex offence
9 investigators as well -- but they would take
10 great time to try and make them comfortable, get
11 them coffee, get them calmed down and whatever
12 else would need to be done.

13 Q That is in respect of being compassionate to the
14 victim. What about the vigorousness that your
15 teams or other teams you observed around you
16 would work on those cases? Was it any less than
17 any other years?

18 A None. In fact, when I was in Homicide two of the
19 cases I was called out for, one on Christmas day,
20 was a street trade worker whose body was found in
21 a bag next to a dumpster and had that bag made it
22 into the dumpster it probably would have made it
23 onto the list we were looking at because it would
24 have been a missing person at that point but it
25 was a homicide investigation at that point and

1 that went right to the end when charges were
2 laid.

3 Another one was a body that was found in a
4 bag at a construction site and it was exactly the
5 same, there was a full, complete investigation
6 right to the end and charges were laid.

7 Q So when it was crystallized in the minds of you
8 or your fellow officers that a murder had been
9 committed, you saw no diminution in the strength
10 of the investigation based on the identity or the
11 fact that the victim was a sex trade worker?

12 A Not at all. Inspector Biddlecombe spoke to that
13 in his report of the number of sex trade worker
14 cases that were brought to their attention prior
15 to my arrival that were solved and it was quite
16 high.

17 Q When you look back on the missing women
18 investigation, do you ascribe a significant
19 weight to the problem of identifying that a crime
20 had in fact occurred, that homicides had in fact
21 occurred in the case of the missing women?

22 A It was a hurdle to get over, yes.

23 Q Now, there have been allegations made by some
24 that there was a systemic or institutional
25 culture in the VPD that tolerated under-

1 enforcement and under-investigation of violence
2 against women in the sex trade, and reflecting on
3 your experience would you agree with that?

4 A No. By the time I would receive a report or it
5 would come to our office it already would have
6 been investigated by Patrol Division, so some of
7 those comments may be directed more at the Patrol
8 Division level. Whatever reached our level of
9 investigation was fully investigated.

10 Q Do you have knowledge that there was an
11 institutional tolerance for under-investigating
12 sex trade worker crimes at a patrol level?

13 A No.

14 Q You're just saying that all you really know is
15 the investigative level and you haven't seen that
16 in your career --

17 A No.

18 Q -- at the VPD?

19 A No.

20 Q And focusing for a moment on aboriginal sex
21 workers in particular, there's been allegations
22 made here that there was a systemic or
23 institutional bias in the VPD against aboriginal
24 sex workers and is that something that you have
25 observed or experienced?

1 A No. I think that there's -- the women that work
2 the streets, it's not whether they're aboriginal
3 or Caucasian or Oriental, they're in a horrible
4 situation regardless of what their race is.

5 Q Turning now to Ms. Dix, I just want to refer now
6 to some racism allegations she made. Ms. Dix
7 also said that sergeants in the communications
8 centre were racist and told racist jokes and made
9 racist comments and although she was only
10 familiar with a handful of the 125 some odd
11 sergeants that worked at the VPD, she opined that
12 all sergeants in the VPD had the same attitude --
13 I should qualify that -- except for what she said
14 was "that Asian guy" who I think she was
15 referring to who is now Chief Constable Jim Chu
16 of the department, that she says was and remains
17 so pervasively racist. Can you comment on
18 whether from your nearly three decades of service
19 in the force in the department whether Ms. Dix's
20 impressions of systemic or pervasive racism are
21 accurate?

22 A No, they're not.

23 Q The word "hooker" is a word that you used in some
24 of your reports and notes?

25 A Yes.

1 Q Did you intend the use of that word to be
2 derogatory of sex trade workers?

3 A No, I didn't, and I don't ever mean to demean
4 them by calling them any kind of name.
5 Unfortunately we all get tagged with names. We
6 get called cops. I think there's a different
7 level -- cops is sort of equivalent to hooker,
8 whereas if you want to go down to another level
9 we get called pigs, we don't like that, and
10 prostitutes don't like to be called whores. I
11 think hooker was a generic, same level comment.
12 I realize now it's not professional and shouldn't
13 be used.

14 Q Reflecting back from now is it your view that
15 that word has then evolved in the sense that it
16 was more acceptable then and is not acceptable
17 now?

18 A Yes.

19 Q But when you used it you weren't intending to be
20 derogatory?

21 A No, I wasn't.

22 Q Mr. Biddlecombe and Mr. Dureau, do you have any
23 comments with respect to the issues of racism or
24 systemic bias that I've discussed with Ms. Field?
25 Do you have any disagreement on any of those

1 issues?

2 MR. BIDDLECOMBE: I don't disagree with anything Geramy said.

3 I have not experienced it in 29 years I was in
4 the department.

5 Q Mr. Dureau?

6 MR. DUREAU: I agree.

7 Q Sergeant Powell, you prepared for your testimony
8 today with Mr. Crossin?

9 MS. POWELL: Beg your pardon?

10 Q You prepared for your testimony today with Mr.
11 Crossin?

12 MS. POWELL: Yes.

13 Q You didn't know I was going to ask you these
14 questions?

15 MS. POWELL: No.

16 MR. HERN: That's all I have. Thank you.

17 MS. HOFFMAN: Judith Hoffman for the Government of Canada.

18 Mr. Commissioner, I have the unenviable position
19 of being last in a long day. I have only been
20 allotted 30 minutes and I do need to say on the
21 record, and much has been said about the
22 shortness of time and I understand the
23 difficulties that everyone is operating under,
24 but these are three very important witnesses who
25 are involved directly in the missing women

1 investigation which affected the investigation
2 that ultimately become Evenhanded and it is of
3 great interest to our clients to get certain
4 points from these witnesses.

5 MR. CROSSIN: I've been allotted 30 minutes but I'll be 10 so
6 I'm glad to give my friend some time.

7 MS. HOFFMAN: I have reviewed my questions and I believe I can
8 be done in 45 minutes.

9 THE COMMISSIONER: Go ahead.

10 **CROSS-EXAMINATION BY MS. HOFFMAN:**

11 Q Inspector Biddlecombe, my first question is for
12 you and it arises out of questions out of
13 questions my friend Mr. Roberts asked you
14 yesterday about a communication that took place
15 between Detective Shenher and Corporal Connor in
16 November of 1998 and that communication was
17 around an offer that Sergeant Giles at that time
18 was offering to commit funds to the Coquitlam
19 RCMP to advance the investigation into Mr.
20 Hiscox's information. Do you recall that
21 question from Mr. Roberts?

22 MR. BIDDLECOMBE: You're asking me?

23 Q Yes.

24 MR. BIDDLECOMBE: I don't recall that question at all from Mr.
25 Roberts.

1 Q I'll refresh your memory. If Exhibit 1 could be
2 put before the witness. This is the LePard
3 report, if you could turn to page 78, please.

4 MR. BIDDLECOMBE: Yes.

5 Q What Deputy Chief LePard writes here is the
6 record will show that November 4, 1998 Corporal
7 Connor received a voice message from Constable
8 Shenher indicating that the VPD was interested in
9 providing some resources to advance the
10 investigation into Pickton at that point and they
11 would provide some funding to advance a potential
12 UCO, witness protection, some photography and
13 whatnot. I'm just -- you had indicated to my
14 friend Mr. Roberts that you had no knowledge of
15 this?

16 MR. BIDDLECOMBE: That's correct.

17 Q My question is if this was to be advanced to the
18 Coquitlam RCMP this would be something that would
19 have to go across your desk and you would have to
20 approve it; correct?

21 MR. BIDDLECOMBE: It would have to go not only across my desk
22 but up to the deputies and quite possibly the
23 chief's desk.

24 Q So that never occurred; correct?

25 MR. BIDDLECOMBE: Not while I was there, no.

1 Q Now, this is a question for Sergeant Powell.
2 This commission has heard evidence and I think
3 it's come up today about Lori Shenher speaking to
4 Ms. Anderson in August of 1998?

5 MS. POWELL: Yes.

6 Q You were not aware of that, I understand, or
7 weren't aware of that in August of 1998?

8 MS. POWELL: No.

9 Q Did you become aware of that in March when you
10 came back '99?

11 MS. POWELL: Probably, yes.

12 Q In that interview, Ms. Anderson told Detective
13 Shenher that Pickton indicated to her that he
14 came down to the Downtown Eastside every second
15 Friday to pick up women. Were you aware of that
16 information in particular?

17 MS. POWELL: No, but I've read it since.

18 Q Do you agree that that information could have
19 provided the basis for some surveillance to be
20 conducted on the Downtown Eastside to see if
21 Pickton was coming down there?

22 MS. POWELL: Yes, and I understand some surveillance was
23 conducted.

24 Q Surveillance was conducted but I'm talking about
25 August of 1998.

1 MS. POWELL: Okay.

2 Q I'm talking about surveillance on the part of
3 Strike Force?

4 MS. POWELL: Right.

5 Q Because obviously the Downtown Eastside was an
6 area that VPD patrolled?

7 MR. POWELL: Yes.

8 Q This is a question for Inspector Biddlecombe. I
9 have a binder of documents that I've handed up to
10 file to Mr. Registrar there. I have two copies
11 of that binder for the panel.

12 THE REGISTRAR: This one is yours as well?

13 MS. HOFFMAN: Yes.

14 THE REGISTRAR: Is that different from these?

15 MS. HOFFMAN: No, it's the same.

16 Q If you could turn to tab 4 of that binder,
17 Inspector Biddlecombe.

18 MR. BIDDLECOMBE: Yes.

19 Q When you were first put in charge of the Major
20 Crime Section you conducted a review of the
21 section I understand and made a number of
22 recommendations to improve operations within that
23 section; is that correct?

24 MR. BIDDLECOMBE: That's correct.

25 Q This is one of those reports you prepared?

1 MR. BIDDLECOMBE: Yes.

2 Q You learned in your review, and it's noted on
3 page 1, that the clearance rate of the Homicide
4 Section had gone down quite dramatically in the
5 years previous to you coming on board; is that
6 correct?

7 MR. BIDDLECOMBE: That's correct.

8 Q And at the time that you wrote this memo, the
9 Homicide Unit had 52 outstanding homicides;
10 correct?

11 MR. BIDDLECOMBE: Yes.

12 Q And that obviously presented a problem for the
13 investigators in that section because when you
14 have a large number of outstanding homicides it
15 affects your ability to work on incoming -- as
16 you get incoming cases you have to work on it
17 affects your ability to work on those outstanding
18 cases?

19 MR. BIDDLECOMBE: That's true.

20 Q One particular concern that you have which is
21 dealt with on page 2 of the memo is that the
22 section was not at that point implementing major
23 case management principles?

24 MR. BIDDLECOMBE: That's correct.

25 Q That was something that had come out of Archie

1 Campbell's report in 1996?

2 MR. BIDDLECOMBE: That's correct.

3 Q You can turn to tab 5. This is another memo
4 dated February 7, 1998. From that memo it
5 provides a bit more specifics about the clearance
6 rate in the first paragraph. It went from 80 to
7 90 percent down to 60 percent by the end of '97.
8 Do you see that?

9 MR. BIDDLECOMBE: Yes.

10 Q You note on page 9 of this memo that only one of
11 the -- one NCO out of eight in the Violent Crime
12 Section, which was the name of the Major Crime
13 Section at the time, had received major case
14 training. Does that accord with your
15 recollection?

16 MR. BIDDLECOMBE: Yes.

17 Q I'd just like to move on to another topic, in
18 particular, the discussions that you had and the
19 meetings you had with the Missing Women Review
20 Team in 1999 rather. I'll have you turn to tab 9
21 of the binder. At this meeting you discussed
22 several matters and item 4 of that list you
23 discussed several targets. You'll see that we
24 have 1588, we have Pickton, a number of other
25 names that were discussed at that meeting?

1 MR. BIDDLECOMBE: Yes.

2 Q If you turn over to the next page under New
3 Business, item 4, you indicate, "Report to be
4 generated by Sergeant Field that will address the
5 need for staff resources, equipment, JFO, work
6 site, budget in order to provide all resources
7 for at least one year. This report to be
8 submitted to the DCC and the CC." That's a
9 reference to the deputy chief and chief
10 constable?

11 MR. BIDDLECOMBE: That's correct.

12 Q Your reference there to a JFO, is that a JFO with
13 the RCMP?

14 MR. BIDDLECOMBE: Yes, or other agencies.

15 Q So at that time you thought this is something
16 that had the potential to become a JFO?

17 MR. BIDDLECOMBE: Yes, based on the number of persons of
18 interest that had surfaced on the previous page
19 and the indication that that number was going to
20 increase as we got further into this
21 investigation.

22 Q I take it that the reason the report was to be
23 submitted up to the DCC and to the chief
24 constable is because if a JFO was to be
25 instituted that would be the proper chain for

1 such a request to be made over to the RCMP;

2 correct?

3 MR. BIDDLECOMBE: That's correct.

4 Q Now, if we can turn to tab 10, the next tab, you
5 had another meeting with the Missing Women Review
6 Team, on page 2, item 12 of that that memo,
7 there's a reference there to, "The Needs report
8 has been extended to September. Sergeant Field
9 assigned to complete." That is I take it the
10 same reference to the same memo we were
11 discussing in the previous document?

12 MR. BIDDLECOMBE: That's correct.

13 Q Did you ever receive that memo before you left
14 the Major Crime Section?

15 MR. BIDDLECOMBE: No, I didn't. I left very close to the end
16 of September, beginning of October, so I had not
17 received it at that time.

18 Q Now, Sergeant Powell, your notes of the meeting
19 of June 23, 1999 are at tab 8 of the binder.

20 MS. POWELL: Yes.

21 Q Again, you have reference of discussing various
22 targets and you noted at this meeting that you
23 had numerous suspects, the middle of the page,
24 "suspect list numerous"?

25 MS. POWELL: Yes.

1 Q "Only a few worked on"?

2 MS. POWELL: Yes.

3 Q Now, on the next page, the middle of the page you
4 have a reference to JFO?

5 MS. POWELL: Yes.

6 Q I understand from your interview with LePard --
7 and we can go there if you need to but perhaps
8 we'll see if you recall this -- when you spoke to
9 Doug LePard on the second occasion you indicated
10 that it was your impression from this meeting
11 that Inspector Biddlecombe was going to speak to
12 someone in the RCMP?

13 MS. POWELL: Yes.

14 Q You recall giving that in relation to Doug
15 LePard?

16 MS. POWELL: Yes. I think I have some notes I've seen in my
17 binder of notes where he was going to contact
18 Gary Bass.

19 Q Now, did you ever appropriate the Needs report
20 that Inspector Biddlecombe --

21 MS. POWELL: No, I didn't.

22 Q Now, Inspector Biddlecombe, I understand from
23 your discussion with Doug LePard that you -- I
24 can take you there as well -- that you don't
25 recall speaking to Gary Bass specifically about

1 the missing women at this point in time?

2 MR. BIDDLECOMBE: I do remember speaking to Gary but my
3 involvement was simply to ask him if he had the
4 space to house the JFO if one was put together in
5 the months to come.

6 Q That was the extent of your conversation with
7 him?

8 MR. BIDDLECOMBE: Yes, it was. It wasn't to enter into a JFO
9 conversation with him, just that he had the space
10 to house such a unit if we had to go that route.

11 Q You were obviously waiting for the report that
12 needed to come through?

13 MR. BIDDLECOMBE: That's correct.

14 Q On to another topic, Sergeant Powell, you have
15 indicated obviously that you had a lot on your
16 plate in terms of dealing with the Homicide Squad
17 that you were supervising as well as The Missing
18 Person unit and the investigation that Lori
19 Shenher was handling; correct?

20 MS. POWELL: That's correct.

21 Q As a result, 90 to 95 percent of your work was on
22 homicides in that sense?

23 MS. POWELL: No. It went back and forth and I think I
24 clarified that, that at different times I was
25 fully involved in this and then I would go back

1 to the homicides, but throughout that I was still
2 being called out to new cases.

3 Q You are aware of course of the report that DC
4 Evans prepared?

5 MS. POWELL: Yes.

6 Q Have you reviewed in that report the assessments
7 that she does at the end of her report of each of
8 the missing women investigations?

9 MS. POWELL: No.

10 Q Now, Detective Shenher was asked about some of
11 those assessments -- and I'm summarizing here and
12 I'm sure my friends will indicate if I'm being
13 unfair -- but DC Evans indicated that there are a
14 number of steps in those missing women
15 investigations that should have been taken but
16 weren't. My question to you is were you
17 supervising Ms. Shenher to the extent you would
18 be aware of all the steps she was taking on those
19 investigations and whether or not she should be
20 doing anything else in addition to that?

21 MS. POWELL: No, but I know that Lori kept a running -- in
22 each of files as to exactly what she had done.
23 It was well recorded. Unfortunately those are
24 not at our disposal so I can't comment on that.
25 From what I recall speaking to her, she had done

1 as many interviews as she could and checked as
2 many places and done all of the steps that she
3 could.

4 Q DC Evans indicated that there are a number of
5 time when friends and associates of missing
6 persons had not been interviewed?

7 MS. POWELL: Again, I can't comment. If we don't have the
8 files we don't know why those people weren't
9 contacted.

10 Q In any event, you were not supervising
11 Ms. Shenher on --

12 MS. POWELL: Not on a day-to-day-as-it-happened basis, no.

13 Q On to another topic, Sergeant Field, I'd like to
14 ask you about some of the other suspects that you
15 had in the investigation and you've made
16 reference over the last two days that it wasn't
17 just Pickton that Project Amelia was looking at,
18 you had quite a number of suspects?

19 MS. POWELL: Yes.

20 Q You told Doug LePard, and I can take you there if
21 you need to refresh your memory, that the more
22 you got into looking at the potential suspects
23 "the more weird guys came to our attention that
24 had the potential to be a suspect and could get
25 rid of the body". Do you recall saying that?

1 MS. POWELL: Yes.

2 Q That's true?

3 MS. POWELL: Yes.

4 Q One of those suspects had a house, for example,
5 on S.W. Marine Drive which backed on to the
6 Fraser River?

7 MS. POWELL: Yes.

8 Q I can take you to a document that might refresh
9 your memory on that, but do you know what I'm
10 speaking of?

11 MS. POWELL: Yes.

12 Q I believe Lori Shenher in one of her memos put a
13 summary there of the information that they had on
14 him and I suggest the reason that she included
15 the fact his house backed on to the Fraser River
16 was because that would be a means that he could
17 dispose of bodies; correct?

18 MS. POWELL: That's possible.

19 Q So I suggest to you that Pickton wasn't unique
20 amongst the suspects who could dispose of bodies?

21 MS. POWELL: He was unique in that -- I'm going to go back to
22 your comment on the Fraser River -- my first
23 thought on the Fraser River explanation was that
24 nobody can watch somebody from that side so they
25 can do what they want, it's hard to be observed

1 unless you get a boat perhaps and go down there.
2 That's a two-sided coin. I don't know what her
3 thoughts were.

4 Regarding the ability to get rid of bodies,
5 if we were to look at all of these cases in
6 total, it would have to be somebody that would
7 have a means of disposal to get rid of a lot and
8 Pickton was the only one that met that particular
9 criteria.

10 Q Certainly somebody could dispose of remains in
11 the river as well?

12 MS. POWELL: Yes.

13 Q And some of your suspects also had an association
14 with some of the missing women from the Downtown
15 Eastside; do you recall that?

16 MS. POWELL: Yes.

17 Q For instance, the person that we refer to by the
18 number 1588, he was the RCMP suspect for three
19 killings out in the Valley?

20 MS. POWELL: Yes.

21 Q And as I understand it, in July of 1995 the
22 suspect drove one of the original 27 missing
23 women, Andrea Borhaven, out to a logging road
24 near Agassiz and violently assaulted her and
25 threw her out of the vehicle and left her on the

1 side of the record?

2 MS. POWELL: I can recall that but I don't know specifics.

3 Q And then in August, September and October of that
4 same year three other sex trade workers were
5 found not far from where Andrea Borhaven was
6 left?

7 MS. POWELL: Yes.

8 Q So that made him a very strong suspect?

9 MS. POWELL: Yes, it did. It took us to an investigative
10 avenue that turned out to be incorrect but it
11 looked like a good investigative avenue.

12 Q And your team spent quite a long time working on
13 that angle?

14 MS. POWELL: Yes.

15 Q Investigators went out to meet with Constable
16 McCarl?

17 MS. POWELL: That's right.

18 Q They visited the dump sites out there?

19 MS. POWELL: Yes.

20 Q Exchanged information?

21 MS. POWELL: Yes.

22 Q And in fact, you had many meetings with the RCMP
23 about how your teams could coordinate on that
24 investigation?

25 MS. POWELL: Yes.

1 Q My friend Mr. Ward may have left the impression
2 in his cross-examination that the only suspect
3 that you met with the RCMP on was Pickton but
4 that's inaccurate?

5 MS. POWELL: I see what you mean. Yes.

6 Q Another suspect you met with the RCMP on, and I
7 can take you to a document to refresh your
8 memory, but I suggest in October of 1999 you met
9 about a suspect that Fell and Wolthers were
10 interested in, Suspect 390?

11 MS. POWELL: Yes.

12 Q You had a meeting with Gary Bass?

13 MS. POWELL: Yes.

14 Q Now, Sergeant Powell, we've heard a lot about the
15 shift that happened in May of 1999 to a
16 suspect-focused investigation. There was a memo
17 written by Lori Shenher, I believe, which
18 indicated all that could be done to move into
19 that direction and I understand that's when
20 Project Amelia really began?

21 MS. POWELL: Yes.

22 Q Now, you will agree with me that to do a truly
23 suspect-focused investigation requires a
24 tremendous amount of resources?

25 MS. POWELL: That's correct.

1 Q And I think we've covered this to some degree,
2 but in your meeting with Doug LePard you
3 indicated that you really were not given the
4 resources sufficient to do that. In fact, you
5 told him as you put it, you had ten good suspects
6 and not enough resources to do a good job on one
7 of them?

8 MS. POWELL: Yes.

9 Q You still stand by that statement?

10 MS. POWELL: Yes.

11 Q As an example I want to take you to a note that
12 Lori Shenher wrote in August of 2000. If you
13 could go to tab 21 of the binder. You'll see
14 this is a Missing Persons Review Team case
15 investigation log?

16 MS. POWELL: Yes.

17 Q The very first entry for August the 9th, it says:
18 Meeting with Field and -- I'm not sure?

19 MS. POWELL: McKie.

20 Q Who is McKie?

21 MS. POWELL: I think it was Ms. Alford's married name.

22 Q "Field advised me that we didn't need to
23 interview all persons of interest who came to us
24 as tips only enter in SIUSS because there are so
25 many," I believe is what it says.

1 MS. POWELL: Yes.

2 Q "If they come up repeatedly we'll reassess." Do
3 you see that?

4 MS. POWELL: Yes.

5 Q So at this point Lori Shenher is really on her
6 own?

7 MS. POWELL: Yes.

8 Q So she simply just doesn't have enough resources
9 to really look into any of these suspects coming
10 her way?

11 MS. POWELL: Yes.

12 Q A question for you, Inspector Biddlecombe.
13 You're of course aware that Detectives Lepine and
14 Chernoff were assigned to the investigation in
15 May of 1999 when you were in charge of Major
16 Crime?

17 MR. BIDDLECOMBE: Yes.

18 Q In July, August and September they worked closely
19 with Coquitlam in respect of the information
20 received from Ross Caldwell and you were familiar
21 with that? You were familiar with the fact they
22 were working in Coquitlam?

23 MR. BIDDLECOMBE: Sorry, could you back up? What was the name
24 of the two officers?

25 Q Lepine and Chernoff.

1 MR. BIDDLECOMBE: Yes. I was thinking Fell and Wolthers for
2 some way.

3 Q That's okay. I talk fast. When Ron Lepine was
4 interviewed by DC Evans he described that by the
5 fall of '99 he was still on Homicide and he was
6 getting dragged into other homicide cases through
7 the fall of '99. Were you aware of that?

8 MR. BIDDLECOMBE: No. I left the first week of October '99 so
9 I was not aware of that.

10 Q When you were interviewed by DC Evans you
11 expressed the view that Chernoff and Lepine
12 should have been assigned full time to the
13 Missing Women Review Team?

14 MR. BIDDLECOMBE: Yes.

15 Q Certainly that was your intent when you assigned
16 them?

17 MR. BIDDLECOMBE: Yes.

18 Q A question now for Sergeant Powell. When the
19 information came in from Caldwell, you had an
20 oversight role with respect to the work of Lepine
21 and Chernoff; correct?

22 MS. POWELL: Yes.

23 Q You did attend some meetings in Coquitlam?

24 MS. POWELL: I attended one.

25 Q Caldwell was being handled by Chernoff and

1 Lepine, that was their role in that
2 investigation?

3 MS. POWELL: Yes.

4 Q They were the main contacts with Coquitlam as
5 well?

6 MS. POWELL: That's right.

7 Q But they reported back to you on the
8 developments?

9 MS. POWELL: Yes.

10 Q Once Ellingsen had denied she had seen anything
11 in the barn and she refused to take a polygraph,
12 I suggest to you that -- I believe you told this
13 to DC Evans -- that Chernoff and Lepine never
14 came back to you to ask you to speak to your
15 superiors about following up with Coquitlam?

16 MS. POWELL: Not specifically, no, and I think the thought was
17 that they would be able to deal with that
18 themselves.

19 Q You understood yourself because you ran into
20 Constable Yurkiw at a homicide conference I
21 understand in September of '99 that Constable
22 Yurkiw was in charge of the file now?

23 MS. POWELL: Yes.

24 Q So you understood who the contact was in
25 Coquitlam?

1 MS. POWELL: Yes. I believe Mark and Doug were also at that
2 meeting that time when we spoke with Constable
3 Yurkiw.

4 Q You understood from Constable Yurkiw that they
5 were going to make attempts to interview Mr.
6 Pickton?

7 MS. POWELL: Yes.

8 Q I'd like to go to a document at tab 11 of the
9 binder I've prepared. Turn to page 4. I should
10 identify the document. That document is a memo
11 to DCC McGuinness from yourself?

12 MS. POWELL: Yes.

13 Q Dated October 22, 1999?

14 MS. POWELL: Yes.

15 Q So page 4, you indicate that you have active
16 investigations ongoing with a number of suspects?

17 MS. POWELL: Yes.

18 Q And then in the middle of the page there's a
19 paragraph, "The majority of our efforts".

20 MS. POWELL: Yes.

21 Q I'll just read it. "The majority of our efforts
22 have so far concentrated on Pickton who is being
23 looked at for a possible homicide in Port
24 Coquitlam. Coquitlam RCMP have utilized the
25 services of our Strike Force Unit, liaised with

1 the Provincial Unsolved Homicide Unit and are
2 currently working in conjunction with Detectives
3 Lepine and Chernoff to develop further plans
4 targeting Pickton." So in October you are
5 reporting to DCC McGuinness that Lepine and
6 Chernoff continue to work with Coquitlam?

7 MS. POWELL: Yes.

8 Q You thought that was appropriate at the time?

9 MS. POWELL: Yes.

10 Q Because obviously the VPD had an interest in the
11 information relating to Pickton?

12 MS. POWELL: Yes.

13 Q As a suspect for the missing women?

14 MS. POWELL: Yes.

15 Q Now, as I've described previously, at this point
16 Lepine and Chernoff are getting drawn into other
17 investigations?

18 MS. POWELL: I think they didn't get drawn into other
19 investigations until late December, there was a
20 couple homicides on Wall Street that were -- they
21 were put back on call and they were called out
22 for those.

23 Q I've seen no notes that indicate what Lepine and
24 Chernoff were doing to advance the investigation
25 or to follow up with Coquitlam in this period of

1 October, November, December before they were
2 relieved from the missing women review team. Are
3 you aware of anything that they did?

4 MS. POWELL: Not specifically, no. I think I've read in some
5 information that either Ron or Mark had that they
6 were maintaining some kind of contact with him,
7 they had had some discussions with Coquitlam,
8 albeit brief.

9 Q That's something you just read recently?

10 MS. POWELL: Yes.

11 Q If we go to tab 12, this is a report dated
12 December 9, 1998 from yourself to Inspector
13 Dureau?

14 MS. POWELL: '99, yes.

15 Q And you indicate on the second page under the
16 heading Persons of Interest, you indicate:
17 "Pickton is still being investigated by Coquitlam
18 RCMP. However, it is not a high priority with
19 them at this time."

20 MS. POWELL: Yes.

21 Q Did you speak to anyone in Coquitlam before
22 preparing this memo to see what the status of the
23 Pickton investigation was?

24 MS. POWELL: No. I would have got that from Detective Lepine
25 or Chernoff.

1 Q Did you ask them if they had spoken to anyone in
2 Coquitlam?

3 MS. POWELL: I can't recall.

4 Q This is a question for you, Inspector Dureau. I
5 take it in your career that you had occasion to
6 work on investigations involving other police
7 agencies?

8 MR. DUREAU: I can't think -- I'm trying to think if there was
9 any formal -- I never worked in CLEU or any
10 integrated unit. Had I ever liaised with or
11 worked on the street next to another police
12 officer, yes.

13 Q Certainly you've had investigations where it
14 might have been necessary to call over to someone
15 else on another --

16 MR. DUREAU: Yes.

17 Q So if you had been asked to call over to
18 Coquitlam to follow up on the Coquitlam
19 investigation, that wouldn't have been an unusual
20 request?

21 MR. DUREAU: No.

22 Q You were never asked to do so?

23 MR. DUREAU: No.

24 Q Sergeant Powell, I want to talk a little bit
25 about what could have been done with respect to

1 tracking the many suspects that you had and the
2 sense to which they were going into the Downtown
3 Eastside and what avenues you had available to
4 you to accomplish that. I take it because you
5 had no bodies to work with, obviously finding out
6 if any of these men were associated with the
7 Downtown Eastside was particularly important;
8 correct?

9 MS. POWELL: What do you mean, "bodies"?

10 Q You didn't have any crime scenes to work with?

11 MS. POWELL: Okay.

12 Q You didn't have much to go on, so connecting the
13 suspects you had to the Downtown Eastside was of
14 primary importance?

15 MS. POWELL: It was difficult, yes, and it was important but,
16 again, it was a constantly changing scenery.

17 Q But there are many different units that operated
18 in the Downtown Eastside of the Vancouver Police
19 Department?

20 MS. POWELL: Many police units you mean?

21 Q Yes. There's the District 2 patrol officers that
22 work down there?

23 MS. POWELL: Yes.

24 Q There's the Vice Squad that goes down there
25 regularly?

1 MS. POWELL: Yes, and DISC.

2 Q So there are a number of units could be used to
3 track these men potentially coming into the
4 Downtown Eastside?

5 MS. POWELL: DISC was used.

6 Q What about District 2 Patrol, were requests made
7 to them to look for suspects?

8 MS. POWELL: Most of these suspects would be on CPIC so if
9 they were checked that information would come
10 back to us. Some in fact did and were checked.

11 Q Given the resource situation and that Detective
12 Shenher was really on her own from the spring of
13 -- well, from January 2000 onwards on her own,
14 she really would have to rely on these other
15 police units to give her information about who
16 was coming in and out of the Downtown Eastside;
17 correct?

18 MS. POWELL: From when in 2000?

19 Q I understand that -- sorry, I'm misremembering.
20 It would be the spring of 2000.

21 MS. POWELL: Okay.

22 Q From that point on it would really just be here
23 and given all the work she had to do in the
24 office it would be difficult for her to get out
25 and make inquiries?

1 MS. POWELL: Constable Dickson was still in touch, he was
2 still liaising with us.

3 Q That was another resource you had?

4 MS. POWELL: Yes, limited resource, yes.

5 Q I'd like to move on to talk a bit about the DNA
6 collection you did as part of the missing women?

7 MS. POWELL: Yes.

8 Q You did collect samples both from missing women
9 and their families?

10 MS. POWELL: Yes.

11 Q You regarded that as a necessary step to advance
12 the investigation?

13 MS. POWELL: Yes, it was. Particularly if we did find a crime
14 scene.

15 Q Now, before the RCMP became involved in the
16 investigation I suggest that -- I didn't see
17 anything to indicate that the Missing Women
18 Review Team had approached the Vancouver Forensic
19 Laboratory about getting those samples profiled.
20 You collected those samples but hadn't yet gotten
21 them profiled?

22 MS. POWELL: There was attempts to do that and I don't know
23 whether it's recorded in one of these binders,
24 but I know that there was attempts to do that and
25 it wasn't viable, I think because they were

1 missing, they weren't linked to any particular
2 crime scene, so they were being held until that
3 could occur.

4 Q Do you recall if you had these discussions before
5 or after you came to the conclusion that they
6 were victims of foul play?

7 MS. POWELL: These discussions took place quite early. I
8 think in '99 when we met -- whenever we met with
9 the families, in about that timeframe.

10 Q And did you ever discuss with the lab, "We think
11 that they're potentially homicide victims"?

12 MS. POWELL: I can't say with certainty what was expressed to
13 the lab in relation to what the samples were for.
14 It would have been with regard to our missing
15 women investigation. If we didn't say, "They are
16 victims of homicide," to drive that home to the
17 lab perhaps that was a mistake. It could have
18 been done, that might have advanced it, I don't
19 know.

20 Q I take it you did not have any discussions with
21 the investigators in Coquitlam about the fact you
22 had these samples and they could be used
23 potentially to advance the Pickton investigation?
24 I've seen no record of that.

25 MS. POWELL: I didn't.

1 Q I want to move now to the spring of 2000 and,
2 Sergeant Field, you've given evidence about your
3 efforts to get a JFO and the discussions you had
4 with Inspector Spencer regarding that?

5 MS. POWELL: Yes.

6 Q He was quite supportive of that?

7 MS. POWELL: Yes.

8 Q Now I want to go to a document that's at tab 39
9 of the binder you have in front of you. This is
10 a letter from Acting Deputy Chief Spencer at that
11 point to Inspector Henderson dated August 10,
12 2000, and he indicates that he's writing in
13 regard to recent discussions surrounding the case
14 of the missing downtown prostitutes currently
15 under investigation by the VPD. He then goes on
16 to describe how the investigation has progressed
17 since July of 1998. In the second paragraph he
18 says: "I'm requesting your assistance in this
19 matter by way of complete review of all of the
20 data collected, suspects profiled and interviewed
21 and suggestions regarding any further viable
22 avenues of that could be pursued."

23 MS. POWELL: Yes.

24 Q That's a request to have the file reviewed?

25 MS. POWELL: Yes.

1 Q I suggest to you this was really the first formal
2 request for assistance that was made with respect
3 to getting the RCMP involved? There may have
4 been discussions that preceded that but this was
5 the first letter that went over to the RCMP?

6 MS. POWELL: It looks like it is the first letter, yes.

7 Q Sergeant Field, I'd like to talk a little bit
8 about the SIUSS issue which I think is connected
9 to this file review request and you've indicated
10 you had many headaches with SIUSS. I think as
11 you put it to Doug LePard, you thought it was
12 going to be a big help analyzing the data and it
13 turned out to be a big mess?

14 MS. POWELL: Yes.

15 Q You didn't get the resources to have people to
16 input information into --

17 MS. POWELL: I didn't get the resources and I didn't get the
18 adequate training of the people that were there.

19 Q I understand that there was an upgrade sometime
20 in the fall of 2000 to the SIUSS system that
21 resulted in technical problems that might have
22 even compromised the integrity of the data in
23 SIUSS?

24 MS. POWELL: I recall that, yes.

25 Q If we can go to tab 28. This is a memo from

1 yourself to Inspector Ward Spencer dated January
2 25, 2001?

3 MS. POWELL: Yes.

4 Q If we can go to the second page you write: "This
5 project has evolved" -- in the third paragraph --
6 "with many problems. Most noteworthy was the
7 lack of a full-time assigned supervisor, lack of
8 adequate staffing to follow up leads on suspects
9 and major problems with the SIUSS computer
10 program selected to track and analyze the cases.
11 Because of computer problems I cannot be
12 confident that all of the information that should
13 has been entered on suspects has been entered. I
14 cannot say that all the files have been
15 investigated fully and the important features of
16 each case have been entered. There is also a
17 vast number of outstanding tips not been followed
18 up, many of these relate to information on
19 persons of interest, violent offenders and sexual
20 assaults suspects."

21 MS. POWELL: Yes.

22 Q So that was the status of the investigation and
23 in particular the SIUSS system in January of 2001
24 when the RCMP was becoming involved in the JFO?

25 MS. POWELL: Yes.

1 Q So obviously that would impact the approach that
2 the RCMP would take?

3 MS. POWELL: Yes. I would just like to say at this point that
4 although everything went into the computer,
5 everything was still in its raw data form as
6 well.

7 Q Now, when you first met with Don Adam you would
8 have given him a background in the Project Amelia
9 investigation; correct?

10 MS. POWELL: Yes, it evolved.

11 Q I understand you first met with him around
12 December 12, 2000?

13 MS. POWELL: Yes.

14 Q One of the things that you've given evidence
15 about today and yesterday is the fact that in
16 1999 women stopped being reported missing?

17 MS. POWELL: Yes.

18 Q You spoke yesterday about the fact that you
19 thought that there was one woman who was reported
20 in early 2002, you couldn't recall her name?

21 MS. POWELL: 2000?

22 Q Early 2000. Sorry.

23 MS. POWELL: Yes.

24 Q I'm going to suggest to you her name is Jennifer
25 Ferminger. Does that ring a bell?

1 MS. POWELL: Yes.

2 Q She was last seen on Boxing Day 1999 and was
3 reported missing in March of 2000.

4 MS. POWELL: Yes.

5 Q So when you first met with Don Adam on December
6 12, I'm going to suggest to you that you told him
7 that you were under the belief that the women had
8 stopped going missing in 1999 and that there
9 hadn't been any reports in 2000 aside from that
10 one we've spoken of?

11 MS. POWELL: Yes.

12 Q In fact, your team had kind of developed an
13 investigative belief that perhaps the killer had
14 moved or been incarcerated?

15 MS. POWELL: Yes, that's correct.

16 Q Now, you've also given evidence about the fact
17 that when you met with Don Adam in January of
18 2001 you indicated that there were some new
19 reports that you had become aware of, new missing
20 women?

21 MS. POWELL: Yes.

22 Q Some were historical reports but women that you
23 hadn't previously been aware of that fit your
24 profile?

25 MS. POWELL: That's right.

1 Q In your discussions with Don Adam I suggest that
2 you agreed that as between the RCMP and the VPD
3 it would be the VPD Missing Persons Unit that
4 would continue to actively investigate any new
5 reports that came in?

6 MS. POWELL: That's correct.

7 Q That made sense because you had the
8 infrastructure, you had the connection to the
9 Downtown Eastside?

10 MS. POWELL: Yes.

11 Q Now, during these meetings that you had with Don
12 Adam, I suggest and I believe you told Deputy
13 Chief Evans this, that you never suggested to Don
14 Adam that Robert Pickton should be one suspect
15 targeted immediately?

16 MS. POWELL: I don't think I ever came out and said that, no.

17 Q You knew from the status of the Project Amelia
18 investigation and the information that was in
19 SIUSS and the fact that you had a whole long list
20 of suspects that hadn't even been interviewed or
21 looked at in any depth that one of the things
22 that the JFO would have to do would be to look at
23 all those suspects and prioritize which ones they
24 were going to target first?

25 MS. POWELL: Yes.

1 Q And you were involved with Don Adam in developing
2 that operational plan?

3 MS. POWELL: Yes. More or less developing it, although it was
4 more like he developed it and I agreed with it.

5 Q But at no time did you indicate that the plan was
6 not reasonable?

7 MS. POWELL: No.

8 Q It made sense from your perspective?

9 MS. POWELL: Yes.

10 Q Can you go to tab 3 of the binder in front of
11 you. This is a PowerPoint presentation that I
12 believe you delivered to the Vancouver Police
13 Department management in the spring of 2001,
14 after the JFO was being worked on?

15 MS. POWELL: Yes.

16 Q If you can turn to page 7.

17 MS. POWELL: Yes.

18 Q So this indicates -- it's a "Where Are You Now
19 Slide?" which indicates the status of the
20 investigation. You indicate there are a number
21 of tips to be entered into SIUSS, that there's a
22 major backlog with SIUSS and that you had
23 numerous possible suspects and you have in
24 brackets "hundreds"?

25 MS. POWELL: Yes.

1 Q That's accurate?

2 MS. POWELL: Yes.

3 Q And when you presented this plan to the
4 management it was well received?

5 MS. POWELL: Yes.

6 Q Everyone thought it was a reasonable approach?

7 MS. POWELL: I didn't hear any arguments, no.

8 Q Now, when my friend Mr. Ward was asking you
9 questions about a statement you made to Doug
10 LePard in your second interview with him you said
11 that you were shocked that Evenhanded was not
12 looking at Pickton?

13 MS. POWELL: Yes.

14 Q But Pickton was one of the suspects in Project
15 Amelia; correct?

16 MS. POWELL: Yes.

17 Q And he would have been one of the numerous
18 suspects that was reviewed by them?

19 MS. POWELL: Yes.

20 Q And Don Adam has testified that Pickton was
21 reviewed and prioritized as a priority 1 suspect
22 in the Evenhanded investigation. Are you aware
23 of that?

24 MS. POWELL: No.

25 Q Were you aware --

1 MS. POWELL: That makes sense.

2 Q Were you aware of that when you spoke to DC
3 LePard about that?

4 MS. POWELL: No.

5 MS. HOFFMAN: Thank you. Those are my questions.

6 THE REGISTRAR: Ms. Hoffman, do you wish to mark your
7 document?

8 MS. HOFFMAN: Yes, it will be an NR.

9 THE REGISTRAR: It will be 157NR.

10 **(EXHIBIT 157NR: Document entitled VPD Major**
11 **Crime Panel AGC Documents)**

12 MR. VERTLIEB: Thank you. We appreciate our colleagues asking
13 all the necessary questions and still meeting the
14 time allocations. Tomorrow we have questions
15 still from Mr. Crossin who has told you 10
16 minutes, perhaps less, Mr. DelBigio is scheduled
17 for 15 and whether or not he is going to need
18 that.

19 MR. DELBIGIO: I'll need less.

20 MR. VERTLIEB: Mr. Hira?

21 MR. HIRA: 20.

22 MR. VERTLIEB: We'll worry about that tomorrow. The schedule
23 is 15. Ms. Bateman?

24 MS. BATEMAN: Yes.

25 MR. VERTLIEB: So that's an hour and 10 minutes. So what we

1 can do obviously is be ready to start the second
2 panel as soon as this is completed.

3 Secondly, I think we should start Friday at
4 11:00 to suit convenience of a number of
5 participants, so rather than starting at the
6 usual time or even 10:00 or 10:30 as we talked
7 about, I would suggest and would prefer we start
8 at 11:00 a.m. and sit as late as we need to
9 finish it.

10 All counsel will be receiving a notice about
11 it, but the oral hearing on May 2 to deal with
12 the Dennis Murray report which we can't do in
13 this courtroom because it's not available so
14 we'll do it in the boardroom of 808 Nelson.
15 Counsel have been there on other occasions. It's
16 not ideal but it will need to work. Mr. Giles
17 has kindly agreed to be there as registrar. That
18 will be May 2 starting at 9:30 and we can deal
19 with that.

20 THE COMMISSIONER: As I understand it there's a dispute about
21 the admissibility of Dennis Murray's report; is
22 that right?

23 MR. VERTLIEB: Yes.

24 THE COMMISSIONER: What are the relative positions here? Who
25 is arguing for it? Mr. Ward obviously wants the

1 report in.

2 MR. VERTLIEB: Yes, and I believe Mr. Gratl and I believe
3 Ms. Hunt, Ms. Hunt and Ms. Narbonne. We know
4 against the proposition would be Mr. Andrews for
5 Richard Romano and Mr. Doust of course for the
6 Criminal Justice Branch and perhaps others, so
7 there is a live issue on it and we will need to
8 accommodate the request for hearing the parties.
9 It's hard to estimate the time but it might be
10 perhaps as much as a couple of hours when all is
11 said and done. Thank you.

12 THE REGISTRAR: This hearing is now adjourned for the day and
13 will resume at 9:30 tomorrow morning.

14 (PROCEEDINGS ADJOURNED AT 5:06 P.M.)
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I hereby certify the foregoing to
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EXHIBITS

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