

**Vancouver, BC**

**April 26, 2012**

**(PROCEEDINGS RECONVENED AT 9:30 A.M.)**

THE REGISTRAR: Order. The hearing is now resumed.

**GERAMY POWELL: Resumed**

**FRED BIDDLECOMBE: Resumed**

**DAN DUREAU: Resumed**

THE COMMISSIONER: Mr. Crossin.

MR. CROSSIN: Yes, sir. Thank you. Crossin, appearing for the  
Vancouver Police Union.

THE REGISTRAR: Thank you, sir.

**CROSS-EXAMINATION BY MR. CROSSIN:**

Q Ms. Powell, I just want to cover a couple of  
areas, and I'll just give you a general outline of  
it. One is the time frame in early 2001, which  
was the commencement, essentially, of the efforts  
of the JFO, and the other area I want to cover is  
an area concerning your request for resources. So  
I want to begin then with the issue of the time  
frame of 2001, and it is so, is it not, in terms  
of the evidence we've heard that that was the time  
frame that was commencing with the JFO, and Mr.  
Adams was taking the lead role in that effort, is  
that so?

MS. POWELL: That's correct.

1           Q   And in that early stage Detectives Little and  
2                   McKnight were assigned to the JFO team, if I could  
3                   call it that?

4   MS. POWELL: Yes.

5           Q   And Little and McKnight were seasoned Vancouver  
6                   Police detectives?

7   MS. POWELL: Yes.

8           Q   And they came on board, I think the evidence  
9                   indicates, in February of '01?

10   MS. POWELL: That's right.

11          Q   And, of course, we know that by then Lori Shenher  
12                   had left?

13   MS. POWELL: Yes.

14          Q   And I think the evidence indicates that at that  
15                   point is it Constable Dickhout that is essentially  
16                   taking the lead on the Missing Persons Team from  
17                   the VPD point of view?

18   MS. POWELL: Yes, Detective Dickhout and -- or Constable  
19                   Dickhout, I believe it is, and Constable Leggett.

20          Q   Okay. And what I want to just ask you to comment  
21                   on is how the operational issues evolved in that  
22                   regard in terms of the communication as between  
23                   Adams, Little and McKnight, Dickhout et al on the  
24                   Missing Women's Team and in that context what your  
25                   role was and how, if at all, it shifted or

1 changed.

2 MS. POWELL: It was -- I would look upon it as a transition  
3 period where we were meeting together at different  
4 times. The responsibility for the new missing  
5 women's -- or new missing reports were still being  
6 taken by the Vancouver Police Department and being  
7 handled by them, which would have been Constable  
8 Dickhout and Leggett. Slowly that -- they  
9 began -- as I drew back and Constable -- or  
10 Detectives Little and McKnight took over the  
11 information went from them -- instead of to me it  
12 would go directly to Little and McKnight, and as  
13 time progressed instead of them reporting to me,  
14 which was just in the very early stages, as soon  
15 as it was identified that they would be dealing  
16 with Don Adam they began dealing directly with  
17 him.

18 Q You've said "they" a few times, so --

19 MS. POWELL: Sorry, Detective Little and McKnight.

20 Q Began dealing with Adam directly --

21 MS. POWELL: Yes.

22 Q -- concerning the issues associated with the JFO?

23 MS. POWELL: Yes.

24 Q And you started to withdraw from that role  
25 somewhat, did you?

1 MS. POWELL: Yes.

2 Q And Dickhout et al would, on their efforts in  
3 terms of missings or new missings, would be  
4 reporting to Little and McKnight?

5 MS. POWELL: Initially it was me, I would say, through the  
6 January, early February time period, and then it  
7 transitioned to Detective Little and McKnight.

8 Q All right. Well, that transition presumably would  
9 have taken place at around February and thereafter  
10 because that's when Little and McKnight formally  
11 came on board?

12 MS. POWELL: That's right.

13 Q All right. And so as you transitioned out of that  
14 reporting role or conduit role what did you begin  
15 to do?

16 MS. POWELL: It was more the administrative things. There were  
17 still some people that I had been dealing with,  
18 and as I look in my log, I was still following up  
19 on certain things.

20 Q Yes.

21 MS. POWELL: I would let Don Adam know of those things. If I  
22 had been advised of any new missings, which we  
23 were, I brought that to the attention of the  
24 members of sort of the joint team.

25 Q Yes.

1 MS. POWELL: And eventually my responsibilities were dropped  
2 off and they were picked up by Detective Little  
3 and McKnight, and so it was probably just getting  
4 the file again, trying to get it in some kind of  
5 semblance of order that it could be taken out, and  
6 I believe Detectives Little and McKnight  
7 eventually -- they helped from the Vancouver  
8 perspective at the Vancouver site, and once a site  
9 was identified, sorry, in Surrey they transitioned  
10 and everything physically went out to Surrey.

11 Q Okay. Do you know, when did that happen? Well, I  
12 guess it happened over a period of time?

13 MS. POWELL: Yes, over a period of a few months.

14 Q All right. But, in any event, as you transitioned  
15 out then in the early portion of '01, you then  
16 left that investigation completely I think in May  
17 of '01?

18 MS. POWELL: Yes.

19 Q All right. Now, the second area I want to talk  
20 about is just two features to the efforts  
21 concerning your seeking resources from time to  
22 time throughout the relevant period, and we've  
23 heard evidence about that, but just to set the  
24 context, you came back from CLEU in March of  
25 1999 --

1 MS. POWELL: Yes.

2 Q -- to resume your duties with the Homicide and  
3 supervising the Missing Women?

4 MS. POWELL: Yes.

5 Q All right. And we began the other day by Mr.  
6 Vertlieb asking you some questions, and he took  
7 you in particular to the fall of '99 and was  
8 asking you questions about your efforts I think in  
9 October of '99 to seek a full-time sergeant.

10 MS. POWELL: That's correct.

11 Q Do you recall that?

12 MS. POWELL: Yes.

13 Q All right. And what I want to ask you is if you  
14 recall earlier efforts, earlier than October of  
15 '99, not only in terms of seeking -- generally  
16 seeking resources, but, in particular, seeking a  
17 full-time sergeant for the Missing Persons Unit?

18 MS. POWELL: Earlier on I believe I had requested a particular  
19 sergeant who I was aware had, I think, been  
20 recently promoted, Sergeant Bill Emerslund, and I  
21 knew he had taken a course that I had also taken,  
22 and I thought he was perhaps available to come in  
23 and fill that position as a full-time sergeant.

24 Q All right. Now, if I could, Mr. Commissioner, I  
25 want to take you and the witness, please, if I

1                   may, to Exhibit 83NR. Do you have that?

2       MS. POWELL: Yes.

3                   Q    Tab 5 is where I want to take you.

4       MS. POWELL: Yes.

5                   Q    And that should be a memo dated May 18, 1999?

6       MS. POWELL: That's correct.

7                   Q    And it's from you to Inspector Biddlecombe?

8       MS. POWELL: Yes.

9                   Q    All right. And I'm not going to read it. It's in  
10                   evidence. But essentially it is seeking  
11                   resources, isn't that so?

12       MS. POWELL: Yes, it is.

13                   Q    And if you look at the third full paragraph down  
14                   the page and the last three or four lines of that  
15                   paragraph, that's where you raise the notion that  
16                   we've been talking about of a killer or killers  
17                   being out there and that's something that ought to  
18                   be on everyone's radar?

19       MS. POWELL: Yes.

20                   Q    All right. And the last paragraph, which goes  
21                   over the page, raises the issue of a suspect-based  
22                   investigation?

23       MS. POWELL: Yes.

24                   Q    And if you go over the page to page 2 to that  
25                   large paragraph beginning with "Detective

1 Constable Shenher" in the middle of the page --

2 MS. POWELL: Yes.

3 Q -- she had put in a request for assistance, and  
4 this paragraph supports that and urges that; isn't  
5 that right?

6 MS. POWELL: Yes.

7 Q And then in the middle of the page, is that the  
8 reference that you're discussing in terms of  
9 Sergeant Bill Emerslund?

10 MS. POWELL: That's correct.

11 Q Okay. And were there any discussions? What can  
12 you tell us about that request and where it went?

13 MS. POWELL: I'm just looking at some notation here. It went  
14 up the chain of command, and the writing there I  
15 believe is Staff Sergeant Giles where he  
16 recommends in principle the attached report.  
17 "...however some discussion should be had," and I  
18 can't really read the rest of it.

19 Q No, it's cut off, isn't it?

20 MS. POWELL: Yes.

21 Q Yes.

22 MS. POWELL: Yes. But as I recall, there was a request for  
23 Bill Emerslund, or Sergeant Emerslund, and I was  
24 verbally told that was denied.

25 Q All right. And this was your early efforts within



1 a couple of months of returning, I gather,  
2 recognizing that really that's what was going to  
3 be required?

4 MS. POWELL: That's correct.

5 Q And the last area on the issue of resources is as  
6 follows. You might recall, I think it was  
7 yesterday and I think it was Mr. Gratl asking you  
8 questions about the spring of 2000 --

9 MS. POWELL: Yes.

10 Q -- and the event of Fell and Wolthers being  
11 removed from the team?

12 MS. POWELL: Yes.

13 Q And I think that was around May of 2000?

14 MS. POWELL: Yes.

15 Q And as a result of that the Missing Women's Team  
16 was somewhat barebones?

17 MS. POWELL: Yes.

18 Q And you were asked, I think by Mr. Gratl, after  
19 Fell and Wolthers were -- left the team, if I can  
20 put it that way, whether you continued your  
21 efforts to seek resources.

22 MS. POWELL: Yes.

23 Q And your recollection, I think, was that you  
24 didn't, and you were asked why, and you gave some  
25 evidence on that. I won't repeat it, but you were

1 moving towards a JFO.

2 MS. POWELL: Yes.

3 Q And you recall that evidence. Now, if I could  
4 just pause there on the JFO. Your early efforts  
5 regarding that were with Davidson and Filer, were  
6 they?

7 MS. POWELL: Yes.

8 Q And when did they begin?

9 MS. POWELL: They began in 1999.

10 Q And did they continue throughout 2000?

11 MS. POWELL: They were sporadic. I think in January 2000 we  
12 met again and discussed the possibility, and I  
13 believe Inspector Davidson was going to go and  
14 speak with, I believe it was Superintendent Bass  
15 at the time and try and get that going again from  
16 their end.

17 Q And Inspector Davidson, he's with "E" Division, is  
18 he?

19 MS. POWELL: That's right.

20 Q He's not with Coquitlam?

21 MS. POWELL: No.

22 Q All right. So your expectation was that there was  
23 going to be communication and urging concerning  
24 that in "E" Division?

25 MS. POWELL: That's correct. And as I had said earlier, there

1 had been discussions I believe with respect to  
2 Biddlecombe to speak with Superintendent Bass, and  
3 I don't know whether it was at that time or this  
4 time, but I was advised that Inspector -- or  
5 Superintendent Bass was keen to help but was  
6 unable to because of their resourcing issues at  
7 the time.

8 Q All right.

9 MS. POWELL: So I can't recall whether -- I never did get  
10 anything in writing to say that.

11 MR. CROSSIN: All right. But, in any event, on the issue of  
12 the time frame of Fell and Wolthers leaving --

13 MS. POWELL: Yes.

14 MR. CROSSIN: -- and the issue of resources, I'm wondering if  
15 I -- could I have leave, Mr. Commissioner, to  
16 refer to and refresh the witness's memory from her  
17 notes?

18 THE COMMISSIONER: Yes.

19 MR. CROSSIN:

20 Q All right. And it's Exhibit 153. Do you have  
21 that in front of you?

22 MS. POWELL: Yes.

23 Q The pages run sort of backwards, so if I could  
24 take you firstly to 800, which is at the top  
25 right-hand corner.

1 MS. POWELL: Yes.

2 Q And I won't have -- these were notes that were  
3 made -- they're accurate and were made  
4 contemporaneously?

5 MS. POWELL: Yes, they were.

6 Q And beginning May 3rd, just to set the context, it  
7 outlines your discussions and the problems  
8 concerning Fell and Wolthers, is that so? You can  
9 see that?

10 MS. POWELL: Yes.

11 Q And Gord that is also involved in these  
12 discussions is?

13 MS. POWELL: Inspector Spencer.

14 Q Spencer. All right. And then ultimately they  
15 left the team as a result of these discussions?

16 MS. POWELL: Yes.

17 Q Okay. And so if I could then take you to 798,  
18 which is June the 29th. Do you see that?

19 MS. POWELL: Yes.

20 Q And, of course, this is after Fell and Wolthers  
21 have left?

22 MS. POWELL: Yes.

23 Q Could you read your note at June 29, please?

24 MS. POWELL:

25 Morning meeting advised DCC need more bodies

1 to help. May have to wait until September.

2 Q Okay. You can stop there for my purposes. So who  
3 is DCC?

4 MS. POWELL: I believe that was probably Deputy Chief  
5 McGuinness.

6 Q All right. And does that refresh your memory as  
7 to whether you continued to seek resources after  
8 Fell and Wolthers left?

9 MS. POWELL: Yes, it does.

10 Q All right. And come September did you get those  
11 resources?

12 MS. POWELL: No. I think it was hinging on the JFO picking up.

13 MR. CROSSIN: All right. Thank you. Those are my questions.

14 THE COMMISSIONER: All right. Thank you, Mr. Crossin.

15 MR. BIDDLECOMBE: Mr. Crossin.

16 MR. CROSSIN: Yes.

17 MR. BIDDLECOMBE: Can I just back up to one of the questions  
18 you asked Mrs. Powell?

19 MR. CROSSIN: Sure.

20 MR. BIDDLECOMBE: The one with respect to Sergeant Emerslund.

21 MR. CROSSIN: Yes.

22 MR. BIDDLECOMBE: Which came forward to me. I just wish to put  
23 it on record that I took that forward to the  
24 deputy, and it was the deputy chief who declined  
25 that request.

1 MR. CROSSIN: And that was?

2 MR. BIDDLECOMBE: Deputy McGuinness.

3 MR. CROSSIN: All right. I see. Thank you very much for that.

4 MS. CHRISTIE: Good morning, Mr. Commissioner. It's Vanessa  
5 Christie on behalf of two former Vancouver Police  
6 Department members, specifically former Chief  
7 Blythe and former Deputy Chief Unger. And don't  
8 be afraid by the binders there. I'm not going to  
9 go through all of those. I'll use them for the  
10 next panel as well, Mr. Commissioner, but I'll  
11 hand it up now because there's a couple things I  
12 want to cover, and I'll be very brief.

13 **CROSS-EXAMINATION BY MS. CHRISTIE:**

14 Q Ms. Powell, I just wanted to ask you about the  
15 matter that took you away from your position  
16 initially. I think you went over to CLEU for a  
17 period of a few months, you had said, right?

18 MS. POWELL: Yes, six months.

19 Q And generally, you don't need to tell us the  
20 specifics of the investigation, but what was it  
21 that took you away? What were you working on?

22 MS. POWELL: It was a series of homicides in the Lower Mainland  
23 involving Indo-Canadian gangs.

24 Q Okay. So I take it a fairly serious investigation  
25 that was going on that took you away; fair to say?

1 MS. POWELL: Yes.

2 Q And when you're taken away, at that time at least,  
3 specifically that occasion, is that -- like, can  
4 you refuse to be taken away, or is that something  
5 you have to do?

6 MS. POWELL: The way it unfolded is Inspector Biddlecombe  
7 attended the homicide conference in Vancouver. He  
8 had been requested to seek resources to assist  
9 with the joint forces operation. He asked Staff  
10 Sergeant Giles, Sergeant Boyd if they would  
11 participate, and they didn't want to, and so I  
12 agreed to do it.

13 Q Okay. Now, I want to take you, if I can, if you  
14 can turn to tab 6 in that binder that you've been  
15 provided.

16 MS. POWELL: Yes.

17 Q And hopefully, if it's the same tab 6 I have, it's  
18 an e-mail.

19 MS. POWELL: Yes.

20 Q And looking at the e-mails, of course they work  
21 backwards, but at the bottom of the page it's an  
22 e-mail from Chris Beach Friday, September 10,  
23 1999, to you?

24 MS. POWELL: Yes.

25 Q And it says:

1                   Geramy: Can you have your folks send me an  
2                   update as to the investigation in the DES,  
3                   Downtown Eastside,  
4                   Missing Women...my DCC asked for an update  
5                   and, frankly, I'm not sure if we've located  
6                   any/some, etc.

7       MS. POWELL: Yes.

8                   Q

9                   E-mail is fine.

10                  And then you respond with an e-mail a few days  
11                  later. Do you see that in the middle of the page?

12       MS. POWELL: Yes.

13                  Q   September 14, 1999. And just looking at that, Ms.  
14                  Powell, your response is:

15                  We currently have located 2 more (bodies  
16                  only)...

17       MS. POWELL: Yes.

18                  Q   What is that referring to; do you remember? And  
19                  take -- if you need a moment to look at the  
20                  e-mail, go ahead.

21       MS. POWELL: No, I'm sorry, I can only determine that bodies  
22                  are victims.

23                  Q   Okay. And it says.

24                  ...but we are awaiting positive ID first.

25                  One will be --



1                         Sorry.

2                         One will be by DNA and the other by visual  
3                         ID. They were both non-suspicious deaths.

4       MS. POWELL:   Yes.

5                         Q

6                         I will let you know as soon as I know. We  
7                         still have a need for your car and your  
8                         manpower, but I will be submitting a proposal  
9                         for Fred to decide on the course of future  
10                        action at the end of the month.

11                        Do you see that there?

12       MS. POWELL:   Yes.

13                        Q   And you wrote this, right?

14       MS. POWELL:   Yes.

15                        Q   And what are you referring to when you say, "We  
16                         still have a need for your car and your manpower"?

17       MS. POWELL:   That was probably the initial request for  
18                         assistance from District 2 to work on the project  
19                         or on these files, the missing women's files.

20                        Q   And when you say "but I will be submitting a  
21                         proposal for Fred", I take it that's Inspector  
22                         Biddlecombe?

23       MS. POWELL:   That's right.

24                        Q   And then it talks about people being away. "We  
25                         have all been away on A/L..." What does that

1 mean?

2 MS. POWELL: Annual leave.

3 Q Annual leave.

4 ...and courses etc. all summer at different  
5 times, so I need some time to evaluate what  
6 we have done and what is left to do, and how  
7 long we want to go on with this.

8 Do you see that there?

9 MS. POWELL: Yes.

10 Q

11 Fred or I will keep you updated once that is  
12 completed.

13 MS. POWELL: Yes.

14 Q And you send that e-mail back to Chris Beach?

15 MS. POWELL: Yes.

16 Q And then you'll see further up if you work up the  
17 page that Chris Beach appears to then send it to  
18 John Unger, right?

19 MS. POWELL: Yes.

20 Q Is that just speaking of -- and you've talked  
21 about this a number of times in your evidence, Ms.  
22 Powell. When you're referring to reporting  
23 something to management --

24 MS. POWELL: Yes.

25 Q -- you're referring to reporting it to your

1                    inspector; is that fair?

2        MS. POWELL: Yes.

3                    Q    And I understand that that inspector position  
4                    changed from time to time. You've talked about  
5                    that. But that is your reporting chain of  
6                    command, correct?

7        MS. POWELL: That's right.

8                    Q    And so if you're talking about asking for  
9                    resources, as you've indicated here, you're  
10                   reporting that at this time to Inspector  
11                   Biddlecombe?

12       MS. POWELL: That's right.

13                   Q    And if somebody replaced Inspector Biddlecombe,  
14                   you'd talk to that person, for example, Inspector  
15                   Dureau?

16       MS. POWELL: Yes.

17                   Q    Do you ever go directly -- do you have any  
18                   examples of when you would go directly at that  
19                   time to Deputy Chief McGuinness, or would you  
20                   always work through your inspector?

21       MS. POWELL: I would pretty much always work through my  
22                   inspector. The only evidence that something went  
23                   directly was a memo that I wrote to Deputy  
24                   McGuinness back in September of 2000 or October of  
25                   2000.

1 Q Some of the documents we've looked at?

2 MS. POWELL: Yes.

3 Q If something obviously has gone to them --

4 MS. POWELL: Yes.

5 Q -- then you've gone to them, but --

6 MS. POWELL: But it still would go through the chain of  
7 command.

8 Q Right. And let me ask you this. We know that --  
9 I think the date was wrong yesterday. I believe  
10 Chief Blythe becomes the acting chief in the end  
11 of June 1999, but the date really doesn't matter.  
12 When you asked for resources, would you ever go  
13 directly to the chief constable?

14 MS. POWELL: No.

15 Q And did you ever in this -- in the missing women  
16 investigation did you ever go to the chief  
17 constable asking specifically for resources or  
18 manpower?

19 MS. POWELL: No, I didn't.

20 Q Okay. And just for you, Inspector Biddlecombe,  
21 would you ever go directly to the chief? I  
22 understand that the deputy chief is in between.  
23 Would you ever step through that chain of command  
24 and go directly to the chief?

25 MR. BIDDLECOMBE: I would, but I never had to.

1           Q    Okay. And in these cases you don't have any  
2                   memory of going directly to Chief Blythe when he  
3                   became acting chief in mid-'99?

4   MR. BIDDLECOMBE: No, I do not.

5           Q    Okay. And what about you, Inspector Dureau?

6   MR. DUREAU: No. I'd say the same thing. I never did. I  
7                   would if I thought it had been necessary, but I  
8                   would go directly to the deputy.

9           Q    To your deputy at the time?

10   MR. DUREAU: Yes.

11          Q    Thank you. And is it fair to say, and this can be  
12                   a question for all of the three of you as well,  
13                   when you're reporting it up your chain of command,  
14                   you, Ms. Powell, when you're reporting it to your  
15                   inspector and the two inspectors were reporting to  
16                   the deputy chief, obviously you're making certain  
17                   assumptions about the information going further,  
18                   if it needs to; is that right?

19   MS. POWELL: Yes.

20   MR. DUREAU: Yes.

21   MR. BIDDLECOMBE: Yes.

22          Q    Okay. You don't know, as a matter of fact,  
23                   whether things go the next step unless you see a  
24                   piece of paper or unless somebody tells you so,  
25                   right?

1 MR. DUREAU: Right.

2 MS. POWELL: That's correct. Often there might be an initial  
3 on the document that shows that they've read it  
4 and the date.

5 Q Right. Other than that, you just assume things  
6 are done through the chain of command?

7 MS. POWELL: Yes.

8 MR. BIDDLECOMBE: That's correct.

9 MR. DUREAU: Yes.

10 Q Now, just one other brief area. I am going to  
11 suggest, Ms. Powell, and you may not remember the  
12 dates exactly, but Deputy Chief Unger becomes the  
13 deputy chief in the investigations area in April  
14 of 2000. Does that accord with your memory?

15 MS. POWELL: I couldn't tell you one way or another, but I  
16 believe that's correct if you're telling me that,  
17 yes.

18 Q Okay. And that is around the same time that you  
19 start working with Inspector Spencer?

20 MS. POWELL: That's correct.

21 Q Okay. And is it fair to say that from what you  
22 could tell -- I think you've talked about the fact  
23 you had a positive working relationship with  
24 Inspector Spencer and you appreciated the  
25 consistency of him being there?

1 MS. POWELL: Yes.

2 Q And fair to say that Inspector Spencer -- you  
3 talked about this morning that there was already  
4 some work being done, some discussions on a JFO  
5 when that change happened in 2000, right?

6 MS. POWELL: That's correct.

7 Q Those discussions started in '99 at some point?

8 MS. POWELL: Yes.

9 Q And Inspector Spencer was favourable, appeared to  
10 be, for a JFO?

11 MS. POWELL: Yes, he was.

12 Q Yes. And Deputy Chief Unger, from what you could  
13 tell, also supportive of a JFO at that point?

14 MS. POWELL: As far as I know, yes.

15 Q A couple of other tabs just briefly I want to take  
16 you to, and this is for Ms. Powell. If I could  
17 take you first to tab 21 of that same binder,  
18 please.

19 MS. POWELL: Yes.

20 Q And there's a couple of -- there's actually three  
21 documents in there, but they go together with the  
22 first document. So the date on that is November  
23 27, 2000. It's a memo to Deputy Chief Constable  
24 Unger from Inspector Spencer. Do you see that  
25 there?

1 MS. POWELL: Yes.

2 Q And then at the bottom the very last paragraph  
3 says:

4 I have attached reports from Sergeant Field  
5 and Detective Constable Shenher, for your  
6 review.

7 And you'll see if you look through the rest of  
8 that tab that those two reports are there, the  
9 first one being yours and then -- yours to Spencer  
10 on November 23rd --

11 MS. POWELL: Yes.

12 Q -- 2000. Do you see that?

13 MS. POWELL: Yes.

14 Q And then there's a few pages in -- sorry, they're  
15 not numbered throughout, but a few pages in you'll  
16 see the report from Detective Constable Shenher  
17 going to Inspector Spencer and yourself?

18 MS. POWELL: Yes.

19 Q And in that -- do you know why you were doing  
20 these reports in November 2000 or why you were  
21 doing your report, Ms. Powell?

22 MS. POWELL: Can I just have a quick look?

23 Q Of course you can.

24 MS. POWELL: I think because there was some more impetus or  
25 more backing to get that JFO that had been



1           discussed at a profiling seminar earlier, and I  
2           discussed it with Inspector Spencer, and it was  
3           further additional support, so it was put in  
4           writing to get that going, to get it moving  
5           forward.

6           Q    Right. So all towards getting this to a JFO?

7   MS. POWELL: That's right.

8           Q    Which seemed to be -- it certainly was your -- you  
9           wanted that to happen, and your department, the  
10          department you were working in, wanted that to  
11          happen, right?

12   MS. POWELL: Yes.

13          Q    So these reports are about moving in that  
14          direction; fair to say?

15   MS. POWELL: That's correct.

16          Q    And in your report you give some information about  
17          the investigation that's occurred to that point,  
18          right?

19   MS. POWELL: Yes.

20          Q    Fair to say that you don't get into all of the  
21          specifics and all of the tips and all of the --

22   MS. POWELL: No.

23          Q    -- detailed information --

24   MS. POWELL: No.

25          Q    -- is that fair?

1 MS. POWELL: That's fair.

2 Q And if you turn over to Detective Constable  
3 Shenher's report for a moment and looking -- I'll  
4 take you specifically to page 3 and 4 of her  
5 report.

6 MS. POWELL: Yes.

7 Q Do you have that there?

8 MS. POWELL: Yes.

9 Q Detective Constable Shenher in her report talks  
10 about potential suspects. Do you see that there?

11 MS. POWELL: That's right.

12 Q And there are three potential suspects at that  
13 point?

14 MS. POWELL: Yes.

15 Q And one of them is William Robert Pickton, right?

16 MS. POWELL: Yes.

17 Q And the others have been edited out for obvious  
18 reasons.

19 MS. POWELL: Yes.

20 Q Did that accord, Ms. Powell, with your  
21 understanding at that point as to suspects you  
22 were looking at?

23 MS. POWELL: Yes.

24 Q Okay.

25 MS. POWELL: Amongst others, but a list, yes.

1           Q    Right. Fair to say at that point Pickton was not  
2                   the only suspect?

3    MS. POWELL: That's right.

4           Q    Right. How many others do you think besides these  
5                   three, if you had to give us some ballpark figure  
6                   or could you now as to how many suspects were  
7                   still being looked at in November of 2000?

8    MS. POWELL: There could be literally hundreds because without  
9                   timelines and evidence to corroborate when  
10                  somebody was last seen and who was in the Downtown  
11                  Eastside and where they were, they would still  
12                  remain a suspect. There was nothing to polygraph  
13                  against or evidence against with any of the  
14                  others, so --

15          Q    All right. And just one other tab I wanted to  
16                  take you to, if I could. Tab 24. And this is the  
17                  last thing I have to ask you about, Ms. Powell.  
18                  Tab 24 should be a memo or a report that you wrote  
19                  to Acting Inspector Boyd at the time.

20    MS. POWELL: Yes.

21          Q    And this is March 6, 2001?

22    MS. POWELL: Yes.

23          Q    And if you look at -- you can have a quick look at  
24                  it if you wish, but page 2 is what I want to refer  
25                  you to and point 4 specifically. It says:

1                   The next phase will be a comprehensive review  
2                   of the suspect lists developed in the MPRT  
3                   file and the Agassiz homicides.

4                   Do you see that there?

5       MS. POWELL: Yes.

6                   Q    So in March of 2001 you're still dealing with a  
7                   whole lot of suspects, fair to say?

8       MS. POWELL: That's correct.

9                   Q    And still dealing with a number of resource  
10                  issues, I take it?

11      MS. POWELL: Yes, still trying to get things going.

12                  Q    And just one final question, Ms. Powell. With  
13                  respect to resource issues, we've talked about it  
14                  in relation to this investigation because that's  
15                  what we're looking at, obviously.

16      MS. POWELL: Yes.

17                  Q    I take it resource issues did not just apply --  
18                  difficulties, challenges in resources did not just  
19                  apply to this investigation, fair to say?

20      MS. POWELL: It was always an issue.

21                  Q    Without --

22      MS. POWELL: With everything.

23                  Q    Throughout various investigations --

24      MS. POWELL: Yes.

25                  Q    -- that were going on in the department?

1 MS. POWELL: Yes.

2 Q And, Mr. Biddlecombe, you're nodding. Was that  
3 your experience as well, that resources were a  
4 constant struggle that the department has to deal  
5 with?

6 MR. BIDDLECOMBE: Yes, I would agree that during '98 and '99  
7 most of the time the squads were operating at half  
8 strengths. I had a robbery squad that I think was  
9 authorized 12 investigators. At best I might have  
10 six available. Within the Sexual Offence Squad, I  
11 think they were down two bodies, but from what I  
12 recall with Staff Sergeant Dureau telling me, they  
13 were all carrying in excess of 24 active cases,  
14 which was an extremely heavy case load for them.  
15 Homicide had I believe it was either 14 or 16  
16 investigators at that time and were handling  
17 numerous active homicides and also carrying  
18 homicides from previous years that they were still  
19 looking at. So it was an extremely busy time for  
20 the Major Crime Section.

21 Q Right. And, Inspector Dureau, anything you can  
22 add just to that point?

23 MR. DUREAU: Well, what I would add, even though we were under  
24 a crunch then, the moment that I got promoted the  
25 department reorganized and got rid of the staff

1 sergeant rank. So, for instance, in Major Crime  
2 you now lost an experienced manager to take some  
3 of the load. The inspector now was alone in  
4 supervising the sergeants both there and over in  
5 the Sexual Offence Squad. So along with the  
6 already short staff we now got rid of a rank,  
7 which shortened the staff even more.

8 Q Right. So fair to say it was constantly a  
9 struggle from your experience as well?

10 MR. DUREAU: Absolutely.

11 MS. CHRISTIE: All right. Thank you. Those are my questions.

12 THE COMMISSIONER: All right.

13 MS. CHRISTIE: And I haven't referred to a lot of those  
14 documents at this point, Mr. Commissioner, but I  
15 would ask for that binder to be marked as an  
16 exhibit NR and then I'll go back to it for the  
17 next panel.

18 THE COMMISSIONER: Yes. All right.

19 THE REGISTRAR: That will be Exhibit No. 158NR.

20 **(EXHIBIT 158NR: Documents for VPD Major Crime**  
21 **Section Panel)**

22 MR. VERTLIEB: Mr. Skwarok has no questions at the present  
23 time. If that changes, then he's asked to be  
24 slotted back in. That brings us to Mr. DelBigio,  
25 then Mr. Hira, and then Ms. Bateman.

1 THE COMMISSIONER: All right.

2 MR. DELBIGIO: Mr. Commissioner, DelBigio for McGuinness. I'm  
3 going to be referring to Exhibit 149, and that was  
4 marked two days ago.

5 **CROSS-EXAMINATION BY MR. DELBIGIO:**

6 Q Now, Mr. Dureau, just to follow up on the  
7 questions that were just asked of the panel with  
8 respect to resources, I take it then that if the  
9 missing women investigation suffered from lack of  
10 resources it was just one of many investigations  
11 that suffered in that way; is that correct?

12 MR. DUREAU: Yes.

13 Q Thank you. Now, Ms. Powell, when Mr. Crossin was  
14 asking you questions about June 29th, an entry in  
15 your notes --

16 MS. POWELL: Yes.

17 Q -- and you had an entry that referred to DCC?

18 MS. POWELL: Yes.

19 Q And that was June 29th, 2000; is that right?

20 MS. POWELL: I'd have to look at that, my log note again, but I  
21 believe that was the time frame.

22 MR. DELBIGIO: For the sake of just efficiency, Mr.

23 Commissioner, can I just approach the witness?

24 THE COMMISSIONER: Yes.

25 MR. DELBIGIO: Thank you.

1 MS. POWELL: Thanks. Yes. Yes, it's 2000.

2 MR. DELBIGIO:

3 Q And the deputy chief at that time was Unger, not  
4 McGuinness?

5 MS. POWELL: Okay.

6 Q Is that correct?

7 MS. POWELL: I honestly can't recall.

8 Q Okay. Now, Mr. Dureau, what is an operational  
9 plan?

10 MR. DUREAU: An operational plan is just as it is titled. It's  
11 all of the things that go into meeting an  
12 objective, whatever that objective may be: what  
13 the resources you need are, what the equipment you  
14 need are, where you need to do it, how long it  
15 might last, how much it might cost.

16 Q At what stage, based upon your experience in the  
17 VPD, at what stage would it be that an operational  
18 plan would be prepared?

19 MR. DUREAU: That depended on the investigation and where you  
20 were. Many investigations were taken on  
21 immediately as they occurred. Generally an  
22 operations plan in the context of within the  
23 Investigation Division would become apparent or  
24 needed if you had to do -- had to use extra cost,  
25 extra resources in a file.



1 Q Okay.

2 MR. DUREAU: It was a way for the deputy chief to manage the  
3 investigation fund, if you will, because there was  
4 a separate pool of money for that kind of thing.

5 Q Thank you. Now, Ms. Powell, I believe when either  
6 Mr. Ward or Mr. Gratl was asking you questions  
7 there was a question about a meeting that was held  
8 in August of 1999 and with various Vancouver  
9 Police Department and RCMP personnel present. Do  
10 you recall that?

11 MS. POWELL: Yes.

12 Q And is it -- and that -- there were different  
13 investigative techniques that were discussed at  
14 that meeting, and that was a -- would it be fair  
15 to characterize that simply as a brainstorming  
16 session at that stage?

17 MS. POWELL: This is the meeting in Coquitlam that you're  
18 referring to?

19 Q I believe it was.

20 MS. POWELL: That would be one way to call it. It was -- yes,  
21 that would be a good term to put it at.

22 Q Now, you were also asked the question again by  
23 either Mr. Ward or Mr. Gratl about who did you  
24 tell that Mr. Pickton is a suspect, and you gave  
25 four names: Mr. Biddlecombe, Dureau, Unger, and

1                   my client, Mr. McGuinness.

2    MS. POWELL:   Yes.

3                   Q    Do you recall that question and answer?

4    MS. POWELL:   Yes.

5                   Q    It's fair to say that certainly Pickton was a

6                           suspect, but just one of many, many suspects,

7                           right?

8    MS. POWELL:   Yes.

9                   Q    Now, you in Exhibit 149 -- and go to tab 18,

10                           please.

11   MS. POWELL:   When I said I told those people, I'm saying that

12                           in the telling through reports that I had written.

13                   Q    I see.

14   MS. POWELL:   And they went up the chain.

15                   Q    Okay.

16   MS. POWELL:   Whether they received that, I can't confirm that.

17                   Q    I understand.

18   MS. POWELL:   Yes, tab 18.

19                   Q    And just to make sure we're on the same page, this

20                           is a document, Vancouver Police Department, date

21                           October 22nd, '99 --

22   MS. POWELL:   That's right.

23                   Q    -- from you to Mr. McGuinness?

24   MS. POWELL:   That's right.

25                   Q    And did you author this document? I know it's

1                   your name on it, but were you the sole author of  
2                   the document or did you have assistance in the  
3                   preparation of this document?

4       MS. POWELL: I'm the author of the document, but I probably  
5                   would have consulted with Detective Constable  
6                   Shenher on its preparation.

7               Q    Okay. And this, I take it, was -- given that it  
8                   was going straight to the deputy chief, it was an  
9                   important document for you to -- it was an  
10                  important document for you, an important  
11                  communication?

12       MS. POWELL: Yes.

13              Q    And at that stage you're at the Homicide Squad.  
14                   And I know you testified about this, but just  
15                   refresh my memory, please. As of '99 how many  
16                   years had you been a police officer for?

17       MS. POWELL: I started in '75.

18              Q    And as of '99 how long had you been in Homicide  
19                   for?

20       MS. POWELL: A year. A year and a bit.

21              Q    If you go to -- well, for the sake of ease, you'll  
22                   see on the bottom left-hand corner there are page  
23                   numbers that are referred to.

24       MS. POWELL: Yes.

25              Q    And if you go to page 93 of 459.

1 MS. POWELL: Yes.

2 Q And that's where there's a sentence that says,  
3 "Active investigations include..."

4 MS. POWELL: Yes.

5 Q And one of the names is Pickton, of course?

6 MS. POWELL: Yes.

7 Q And at that page it says in the first full  
8 paragraph:

9 There are a large number of other  
10 suspects...

11 MS. POWELL: Yes.

12 Q The next paragraph says:

13 The majority of our efforts have so far  
14 concentrated on PICTON who is being looked at  
15 for a possible homicide in Port Coquitlam.

16 MS. POWELL: Yes.

17 Q But there's no reference to that he's a possible  
18 suspect in multiple abductions in Vancouver that  
19 resulted in multiple homicides?

20 MS. POWELL: Not in that sentence, no.

21 Q And then you refer to another prime suspect that  
22 is being worked on?

23 MS. POWELL: Yes.

24 Q On the page just preceding, which is page 92 of  
25 459 --

1 MS. POWELL: Yes.

2 Q -- there's a section of tips?

3 MS. POWELL: Yes.

4 Q And as I look at the document, there's no section  
5 in which there is informants or informant  
6 information that is referred to; is that correct?  
7 Do I read this document accurately?

8 MS. POWELL: That's right.

9 Q Now, on the second to final page there's a heading  
10 that says "WORKLOAD".

11 MS. POWELL: Yes.

12 Q Do you see that?

13 MS. POWELL: Yes.

14 Q And by the way, I guess as of October '99 -- so  
15 it's plain from this document that there were  
16 multiple suspects, correct?

17 MS. POWELL: Yes.

18 Q And in your mind you did not have grounds to  
19 arrest Mr. Pickton for any particular criminal  
20 offence or offences?

21 MS. POWELL: Yes.

22 Q And in your mind you had no grounds in law to  
23 obtain a wire-tap authorization against him?

24 MS. POWELL: Yes.

25 Q There were still other good suspects? He was one

1 of among -- he was one of a number of good  
2 suspects?

3 MS. POWELL: Yes.

4 Q And at that stage of the investigation based upon  
5 your experience I take it that it would have been  
6 negligent to simply exclude those other good  
7 suspects at that time?

8 MS. POWELL: Yes. It was --

9 Q You need to --

10 MS. POWELL: I would say that it was still unbelievable that  
11 one person would be responsible for all of that,  
12 and it was still in our minds that there were  
13 other suspects out there, and I think even to this  
14 date there are still other suspects out there.

15 Q And that is really the essence of the difficulty  
16 of these types of investigations; isn't that  
17 right?

18 MS. POWELL: Yes.

19 Q And under the heading of "WORKLOAD" you wrote  
20 about the number of overtime hours that had been  
21 -- that had been booked?

22 MS. POWELL: Yes.

23 Q And on the second -- on the final page of the  
24 document I'll just read to you a passage and then  
25 I'll ask you a question:

1 We will continue to investigate any tips and  
2 'persons of interest' brought to our  
3 attention with the current manpower in place  
4 and re-examine our priorities in mid  
5 December.

6 I read that accurately, yes?

7 MS. POWELL: Yes.

8 Q I'll carry on.

9 At that time, I will be recommending a re-  
10 evaluation of all data to determine the scope  
11 of the team. The possibilities range from  
12 continuing the MPRT as it currently exists,  
13 decreasing the strength and operating it as  
14 an intelligence file or assigning more  
15 manpower. This will be determined by the  
16 amount of new tips generated, the likelihood  
17 of finding any more of the women either  
18 through vital statistics, hospitals, the  
19 Coroner's Service etc., and the amount of  
20 investigation required to continue to look  
21 into our 'persons of interest'.

22 I read that accurately?

23 MS. POWELL: Yes.

24 Q And as of October 1999 what you were recommending  
25 in a direct communication to the deputy chief,

1                   McGuinness at that time, is that there were really  
2                   three possibilities with respect to the staffing  
3                   needs for going forward?

4       MS. POWELL:   Yes.

5                   Q   And one of those that you put forward, one of the  
6                   three possibilities that you put forward is  
7                   actually decreasing the strength and operating as  
8                   an intelligence file?

9       MS. POWELL:   Yes.  That is -- all through that whole thread,  
10                   though, is the potential for the JFO to get going.

11                  Q   That's right.  But you can at least understand  
12                   that if a person were to read this document, and  
13                   you're talking about decreasing the strength of  
14                   staffing?

15       MS. POWELL:   Yes.

16                  Q   You can understand that a person might not  
17                   interpret that as crying out for more resources,  
18                   right?

19       MS. POWELL:   Yes, although I did mention in the next sentence  
20                   that I am suggesting a full-time sergeant be  
21                   assigned to oversee the operation to its  
22                   conclusion.

23                  Q   Yes.  Should the MPRT continue on in its --

24       MS. POWELL:   Yes.

25                  Q   -- current format?



1                   And that was -- you recommended a  
2                   determination of that would be made in December?

3   MS. POWELL:   Yes.

4   MR. DELBIGIO:  Thank you.  Those are my questions.

5   THE COMMISSIONER:  Thank you, Mr. DelBigio.

6   MR. HIRA:  Mr. Commissioner, for the record, it's Ravi Hira,  
7                   and I represent retired Assistant Commissioner  
8                   Earl Moulton, who at the relevant time was an  
9                   inspector in Coquitlam.  Now, what I propose to do  
10                  is start on the right, my right or your left, and  
11                  work in order, if that's okay, for no good reason.

12  THE COMMISSIONER:  Yes.

13  MR. HIRA:  Just it's simpler on my mind.

14  **CROSS-EXAMINATION BY MR. HIRA:**

15               Q   So you happen to be sitting at the edge, Inspector  
16                   Dureau.  We'll start with you, and I have very few  
17                   questions of you.  It's fair to say, would you not  
18                   agree with me, that -- and we've had this evidence  
19                   from Sergeant Powell -- that Pickton was one of  
20                   many names on a list of persons of interest or  
21                   suspects?

22  MR. DUREAU:  Yes.

23               Q   You did not view -- you viewed Pickton as a  
24                   Coquitlam investigation, correct?

25  MR. DUREAU:  Yes, with our -- with our assistance.  I saw it as

1 information going to Coquitlam with our  
2 assistance, yes.

3 Q Right. And it was an investigation into whether  
4 or not he was responsible for a murder?

5 MR. DUREAU: Correct.

6 Q The Vancouver investigation was the investigation  
7 regarding the missing women, correct?

8 MR. DUREAU: Correct.

9 Q And, in fact, in your view Pickton was not a  
10 suspect in a specific Vancouver crime?

11 MR. DUREAU: That's correct, not at that stage.

12 Q He was one of many persons of interest that may  
13 have been involved in the missing women?

14 THE COMMISSIONER: What time frame are you talking about?

15 MR. DUREAU: Sorry, I was assuming it was the time frame I was  
16 there.

17 MR. HIRA:

18 Q That is the time frame that you were in the Major  
19 Crime Unit, so why don't you give us the --

20 MR. DUREAU: So I was the staff sergeant in charge of the  
21 Sexual Offence Squad/Domestic Violence/Criminal  
22 Harassment Unit from April of 1998 till October of  
23 1999. Then I was the acting inspector from then  
24 till the end of March, beginning of April of 2000.

25 Q So the time frame that these questions deal with

1                   are April of '98 and March of 2000; is that fair  
2                   to say?

3       MR. DUREAU: April 4th, I think it was, of 2000.

4               Q    I'm sorry, your answers as opposed to my  
5                   questions. And -- I'm sorry, and I may have asked  
6                   this question, and if I did, please forgive me, he  
7                   was one of many persons of interest in your view  
8                   that may have been involved with the missing  
9                   women?

10      MR. DUREAU: Correct.

11            Q    Lastly I'd like to deal with communications.  
12                   While you were in the Major Crime Unit did you  
13                   have any difficulties communicating with RCMP  
14                   units or other municipal units?

15      MR. DUREAU: No.

16            Q    Would you expect an inspector or a staff sergeant  
17                   from Coquitlam phoning you from time to time  
18                   telling you, "Today we're going to go interview so  
19                   and so. We're going to the Crown to try to get a  
20                   search warrant. We're hoping to put in a report  
21                   to Crown counsel"? Would you expect that type of  
22                   detailed information to be coming from another  
23                   detachment or municipality?

24      MR. DUREAU: In my role as the inspector of Major Crime?

25            Q    Yes.

1 MR. DUREAU: No.

2 Q Thank you. And certainly you wouldn't expect an  
3 inspector to be phoning you and saying things like  
4 that to you?

5 MR. DUREAU: No. However, if I may --

6 Q Yes.

7 MR. DUREAU: -- there were regional operations managers  
8 meetings that took place on a regular basis not  
9 for the Investigation Division but for the  
10 Operations Division, and certainly communication  
11 took place at those meetings verbally across the  
12 table.

13 Q All right. Now, moving on to Inspector  
14 Biddlecombe, and why don't we start with the last  
15 question posed to Inspector Dureau,  
16 communications. You're the inspector, and let's  
17 put a time frame, in charge of Major Crime, and  
18 this was through the period '98 through to --

19 MR. BIDDLECOMBE: 1st of October, '99.

20 Q Thank you. Would you expect the inspector from  
21 Coquitlam to be phoning you from time to time  
22 saying we're doing X on a file or Y on a file or Z  
23 on a file?

24 MR. BIDDLECOMBE: Only if it was a file that we had some  
25 interest in, otherwise no.

1           Q   Thank you. And you were, of course, involved in  
2                   meetings regarding the Pickton file in August of  
3                   1999?

4   MR. BIDDLECOMBE: Yes.

5           Q   You were being kept apprised of developments by  
6                   your staff?

7   MR. BIDDLECOMBE: Yes.

8           Q   You didn't feel that there was a communication  
9                   problem with Coquitlam, did you, sir?

10   MR. BIDDLECOMBE: No.

11          Q   Thank you. Now, moving on, and I'm going to go to  
12                   November 4, 1998, we have evidence before this  
13                   commission from Detective Constable Shenher that  
14                   she left a voicemail message for Sergeant Connor  
15                   saying that Staff Sergeant Brock Giles had  
16                   authorized a number of Vancouver resources,  
17                   including money for surveillance, aerial  
18                   operations, and things of that nature. Firstly,  
19                   were you aware of that?

20   MR. BIDDLECOMBE: No, I was not.

21          Q   Would it be something that you would be made aware  
22                   of before an offer was made?

23   MR. BIDDLECOMBE: Given that there is going to be a budget item  
24                   for FLIR and some of the other issues that were  
25                   described in the evidence, I would expect to be

1 notified of it, yes.

2 Q Right. And you'd expect a business case to be put  
3 forward before an offer was made to another  
4 agency?

5 MR. BIDDLECOMBE: Yes.

6 Q And no such business case was put forward, was it,  
7 sir?

8 MR. BIDDLECOMBE: I certainly never saw one.

9 Q Thank you. And you reviewed the evidence  
10 regarding Ms. Ellingsen, did you not?

11 MR. BIDDLECOMBE: No, I have not seen any of that.

12 Q All right. It was your understanding that there  
13 was -- one of the reasons why they were unable to  
14 get a search warrant back in August, September of  
15 2000 -- sorry, 1999 and proceed further with the  
16 Pickton investigation was that Ms. Ellingsen had  
17 no credibility? Was that your understanding?

18 MR. BIDDLECOMBE: I had no knowledge of any of the events of  
19 the fall of 1998. I have since read documents  
20 through this process that would seem to indicate  
21 that.

22 Q Okay. Well, if you have no direct evidence, I am  
23 not going to go fishing.

24 So that leaves us with you, Sergeant Powell.  
25 Now, in your view, was there any problems with

1                   communicating with Coquitlam regarding the Pickton  
2                   investigation?

3       MS. POWELL: On a day-to-day basis, no.

4                   Q    Thank you. And as you've told Deputy Chief  
5                   Constable Evans, officers would regularly call  
6                   each other about matters?

7       MS. POWELL: Yes.

8                   Q    Now, moving forward to April of 1999, specifically  
9                   April 22, 1999, you authored a report for the  
10                  police board, correct?

11       MS. POWELL: Yes.

12                  Q    And is it fair to say that you were not in favour  
13                  of a reward being offered?

14       MS. POWELL: I was fairly new in the section and had not dealt  
15                  with rewards of this nature, so I consulted with  
16                  some of the other investigators and members that  
17                  had dealt with rewards, and the recommendation to  
18                  me was they were more trouble than they were worth  
19                  in terms of getting results. They required huge  
20                  amounts of manpower to field those tips.

21                  Q    And specifically -- and if you need to refer to a  
22                  document, I'm happy to put it in front of you, and  
23                  I'll tell you, Mr. Commissioner, where I'm reading  
24                  from, which is the materials put together by Mr.  
25                  Greenspan. Actually, not Mr. Greenspan but Mr.

1 Greenspan's associate. Exhibit 101, tab 11, page  
2 2, paragraph 2, last sentence. And I'm happy to  
3 put that in front of you. Would you agree with me  
4 that you wrote:

5 It would be an insurmountable task that would  
6 waste already valuable investigative time,  
7 the "it" referring to a reward?

8 MS. POWELL: Yes.

9 Q Thank you. And just to illustrate the difficulty  
10 of this missing women investigation and in  
11 particular tracking down Mr. Pickton, it was a  
12 remarkable thing to in July of 1999 have this  
13 investigation aired on *America's Most Wanted*,  
14 correct?

15 MS. POWELL: Yes. I think the investigation that was aired was  
16 the missing women's investigation, nothing to do  
17 with Mr. Pickton.

18 Q Fair enough.

19 MS. POWELL: Yes.

20 Q But despite this incredible publicity, and this  
21 was incredible publicity, correct?

22 MS. POWELL: It was.

23 Q Would you agree with me that all you got were two  
24 tips?

25 MS. POWELL: Yes.



1           Q    Which, would you not agree with me, demonstrates  
2                   not only the difficulty of the missing women  
3                   investigation but the entire Pickton file?

4    MS. POWELL: Yes, and I believe Mr. Walsh even commented that  
5                   he had never ever encountered a case of this  
6                   nature ever.

7           Q    Yes. And he'd also commented that he'd never ever  
8                   encountered this type of cooperation from the  
9                   Attorney General and the police in such an  
10                  investigation?

11   MS. POWELL: Yes, that's correct.

12           Q    Now, moving forward in time to the fall of 1999 --

13   MS. POWELL: Yes.

14           Q    -- specifically around October, Detectives  
15                  Chernoff and Lepine were supposed to be working  
16                  with the Coquitlam investigation, correct?

17   MS. POWELL: Yes.

18           Q    But the reality was that they were working on the  
19                  Agassiz murders, correct?

20   MS. POWELL: That would have been part of it, yes.

21           Q    In fact, the feeling, the thought process in the  
22                  police community was that -- in September and  
23                  October and November of 1999 was the person who  
24                  had committed the Agassiz murders was likely  
25                  responsible for some, if not all, of the missing?

1 MS. POWELL: That was one theory, and when you say some, yes.

2 Q Thank you. And that's where your missing women  
3 team resources were directed during that time  
4 period?

5 MS. POWELL: That would have been part of it, yes.

6 Q Thank you. And as you said to Deputy Chief Evans,  
7 one of the problems, and you've testified to it  
8 this morning as well, was that Vancouver was  
9 overwhelmed with other investigations and persons  
10 of interest?

11 MS. POWELL: Yes, they were.

12 Q Thank you. In late 2000 you attended a Major  
13 Crime conference and presented a PowerPoint  
14 regarding Pickton?

15 MS. POWELL: Yes.

16 Q And as a result of presenting that PowerPoint the  
17 consensus amongst the top homicide investigators  
18 in the province was again that the person who was  
19 responsible for the Valley homicides was likely  
20 responsible for some, if not all, of the missing?

21 MS. POWELL: Yes, that was one of the theories that was very  
22 prominent.

23 Q Now, I couldn't help but note -- let's do it this  
24 way. From your perspective, and you've said this  
25 to Mr. DelBigio, there were many persons of

1 interest and suspects, and it would have been  
2 negligent to focus on one immediately, correct?

3 MS. POWELL: Yes. You have to keep an open mind.

4 Q Thank you. But I couldn't help but notice that  
5 throughout your interview with Deputy Chief Evans,  
6 which was conducted on August 23, 2001, that she  
7 kept trying to direct you, would you not agree,  
8 and ask you why didn't you start concentrating on  
9 Pickton, why didn't you start with this guy,  
10 wasn't he your number one priority? Would you not  
11 agree with that comment by me?

12 MS. POWELL: Yes.

13 Q And would you not agree that you were trying to  
14 explain we don't do that, we have to deal with  
15 things logically, not throw all our resources at  
16 somebody?

17 MS. POWELL: Yes. As I said, I think, earlier, that it was  
18 considered, I would believe, that -- no one ever  
19 believed one person was responsible for the  
20 majority of these missing women. We felt that  
21 there was one or more people at work, and it would  
22 be negligent not to look at others, definitely.

23 Q And this is illustrated in -- if I may, Mr.  
24 Registrar, request that you put before the witness  
25 Exhibit 101, Chief Constable Blythe's documents.

1 And I'd suggest, Officer, I would request that you  
2 turn to tab 33, page -- this is a -- if you go to  
3 page 2 in that tab, this is a July 7, 2001 memo  
4 from you to Deputy Chief Unger regarding the  
5 Missing Person Review Team timeline. Do you see  
6 that?

7 MS. POWELL: Yes.

8 Q And this memo goes on for 11 pages; is that  
9 correct?

10 MS. POWELL: Yes.

11 Q It provides a detailed review on what the  
12 investigation had done to date?

13 MS. POWELL: Yes.

14 Q And the only reference that I see regarding  
15 Pickton is found at page 6, the entry under August  
16 3.

17 MS. POWELL: Yes.

18 Q And that illustrates again at that time period  
19 there were just so many suspects, so many persons  
20 of interest, correct?

21 MS. POWELL: Yes.

22 Q Thank you. Now, you told Deputy Chief Constable  
23 Evans that really it was only a fluke that they  
24 ended up where they did. You also said that there  
25 were -- the VPD and the RCMP had other ongoing

1 investigations and priorities and that there was a  
2 "no roadblock" in terms of the Pickton  
3 investigation. You stand by those comments, do  
4 you not?

5 MS. POWELL: I can't reflect on what my mind was when I said  
6 "no roadblock", but that makes sense.

7 Q You do recall saying it was only a fluke that they  
8 ended up where they did?

9 MS. POWELL: Yes, and I probably could have said that that's  
10 quite often what makes or breaks a case. You get  
11 a tip, and it leads you into the -- it gives you  
12 that open door that you've been waiting for.

13 Q Yes. It's the break that you need?

14 MS. POWELL: Break.

15 MR. HIRA: So my last series of questions deal with Exhibit 83,  
16 tab 88. If I could -- page 2. If I could have  
17 Mr. Registrar put that in front of you. And just  
18 if I may approach the witness. It may be a bit  
19 easier, Mr. Commissioner.

20 THE COMMISSIONER: Yes.

21 MR. HIRA:

22 Q Tab 88, Officer. And this document -- and, I'm  
23 sorry, aging sucks. I can't read --

24 THE COMMISSIONER: Excuse me for interrupting. It wouldn't  
25 hurt to tell Mr. Giles ahead of time what

1 documents you want and what exhibits so he doesn't  
2 have to scurry around. I mean, that's normally  
3 what we do in trials, is that we go to the  
4 Registrar ahead of time and tell them what  
5 particular documents will have to be produced for  
6 a particular witness. It just helps.

7 MR. HIRA: Thank you. Actually, I did yesterday, but we didn't  
8 get on yesterday. That's why, as you may recall,  
9 the exhibit was out at the front.

10 THE COMMISSIONER: All right. Okay.

11 MR. HIRA: I apologize.

12 THE COMMISSIONER: I'm not singling you out.

13 MR. HIRA: I apologize. I'm sorry.

14 THE COMMISSIONER: It's just a general statement, that's all.

15 MR. HIRA:

16 Q Sorry, Officer. This is a memo from Detective  
17 Constable Shenher dated November 21, 2000; isn't  
18 that correct?

19 MS. POWELL: Yeah, I've seen this document in a similar format,  
20 and I'm not sure if the date is correct because  
21 it's been crossed out.

22 Q But let's just say November 2000.

23 MS. POWELL: Okay. Sure.

24 Q And it's to you, amongst others?

25 MS. POWELL: Yes.

1           Q   And it's been described as the exit memo.  It's  
2                   the memo that she wrote as she left --

3   MS. POWELL:  Yes.

4           Q   -- the team?

5   MS. POWELL:  Yes.

6           Q   I'd like to take you to page 2 of that memo, if I  
7                   may, in the Criminal Perspective section.  Do you  
8                   see that?  She wrote:

9                   As I write this, we have very few leads on  
10                   any solid suspect or suspects.

11   MS. POWELL:  Yes.

12          Q   And really that was the state of the Vancouver  
13                   investigation, you would agree with me, throughout  
14                   from the formation of either the team or the  
15                   review in May -- sorry, in the summer or fall of  
16                   1998 all the way to February 5, 2002?

17   MS. POWELL:  Yes, it highlights the huge hurdle we were up  
18                   against.

19          Q   And to put it another way, to the extent that --  
20                   and the huge hurdle had two aspects to it.  The  
21                   uniqueness of the case, the lack of bodies or a  
22                   crime scene, was one hurdle?

23   MS. POWELL:  Yes.

24          Q   Second, the times, the budgetary cuts and the lack  
25                   of resources were another hurdle?

1 MS. POWELL: That and no other tips coming from any members of  
2 the public.

3 Q No breaks?

4 MS. POWELL: No breaks.

5 Q A third hurdle, correct?

6 MS. POWELL: Yes.

7 Q And so in that context using the lens of 20/20  
8 hindsight, when Deputy Chief Constable LePard  
9 suggests in his report that Vancouver did all it  
10 could and really the problem was with the RCMP, in  
11 particular the Coquitlam RCMP, would you not agree  
12 with me that the issue were those three things  
13 that I laid out?

14 MS. POWELL: I would say that's the prime issue, yes.

15 MR. HIRA: Thank you. Those are my questions.

16 THE COMMISSIONER: All right. Thank you, Mr. Hira.

17 MS. BATEMAN: Karlene Bateman, counsel for Sandra Cameron. If  
18 I could please ask the Registrar -- I may be  
19 referring to 147NR and 148NR.

20 **CROSS-EXAMINATION BY MS. BATEMAN:**

21 Q My first set of questions are for Mr. Biddlecombe,  
22 and they're basically -- they're not  
23 controversial. They have to do with Ms. Cameron's  
24 position in the Missing Persons Unit, and much of  
25 the information I have on this comes from your



1 interview with Jennifer Evans last August 30th.

2 MR. BIDDLECOMBE: Okay.

3 Q Do you recall having that interview?

4 MR. BIDDLECOMBE: Yes, I do.

5 Q All right. From that interview, you told Ms.  
6 Evans that Sandy had started to assume some  
7 responsibilities that she probably shouldn't have  
8 at the time, but in hindsight there was no one  
9 else to do it. I'm presuming you were referring  
10 to how her job duties had evolved over the years  
11 and the reasons why?

12 MR. BIDDLECOMBE: Yes, I was.

13 Q And that, in fact, was the case; she had gathered  
14 more duties through the years? I believe Jennifer  
15 Evans referred to it as job creep.

16 MR. BIDDLECOMBE: Yes.

17 Q Okay. And by "no one else" you're referring to a  
18 detective, correct?

19 MR. BIDDLECOMBE: Yes. I think when that position started it  
20 was basically just Sandy in that job, and it  
21 wasn't until some time later that investigators  
22 were assigned to assist her. By that time just  
23 out of need she had assumed many roles that  
24 properly belonged to an investigator.

25 Q All right. And you also had stated that Ms.

1 Cameron would have been the one training new  
2 officers coming in because she had been there so  
3 long. Would you agree this was because she was  
4 experienced and knowledgeable in the unit?

5 MR. BIDDLECOMBE: Yes, I agree she would be training them on  
6 the paper flow and the documents, but not  
7 necessarily on investigative strategies.

8 Q I agree. And in May of 1998 wasn't it the case  
9 that Human Resources was looking at all of the  
10 civilian positions with respect to  
11 reclassifications?

12 MR. BIDDLECOMBE: That's correct.

13 Q Okay. And you were concerned with the fact that  
14 Sandy was performing some of the duties that a  
15 detective should be doing, correct?

16 MR. BIDDLECOMBE: That's correct.

17 Q And in June of '98 do you recall that you had  
18 approved a temporary upgrade in her pay from a pay  
19 grade 17 to 19?

20 MR. BIDDLECOMBE: Yes, I did.

21 Q And that was retroactive to May of '97?

22 MR. BIDDLECOMBE: That's correct.

23 Q And the idea was that on January 1st of '99 her  
24 duties would be reassessed and any duties that  
25 should be rightfully put to a detective would be

1                   clawed back from her?

2       MR. BIDDLECOMBE:   That's correct.

3                   Q    All right.  And you had asked Ms. Field to do a  
4                        review of Ms. Cameron's duties and hours, correct?

5       MR. BIDDLECOMBE:  Yes.  I think it was Sergeant Field or  
6                        Sergeant Cooper.  I'm not sure which.  No, it  
7                        would have been Field because Cooper was gone at  
8                        that point.  Yeah.

9                   Q    Okay.  There is a document to that effect.  And  
10                       Ms. Cameron had also -- I think you mentioned  
11                       this.  She wanted to have a four-day workweek, but  
12                       it wasn't feasible because of she needed to be  
13                       there Monday to Friday?  That's correct?

14       MR. BIDDLECOMBE:  That's correct.

15                   Q    So it wasn't a personal thing?

16       MR. BIDDLECOMBE:  No.

17                   Q    Okay.  And as well her hours.  You were also  
18                        looking at how her hours were going to -- what  
19                        time of the day was most beneficial for her to be  
20                        in the office?

21       MR. BIDDLECOMBE:  I don't particularly remember the hours, but  
22                        it's quite possible.

23                   Q    All right.  And isn't it the case that no duties  
24                        were clawed back after Ms. Field did look into the  
25                        matter but she maintained her pay grade?

1 MR. BIDDLECOMBE: I believe that's correct.

2 Q And the duties weren't clawed back, and there was  
3 a couple of reasons, I understand, for this. The  
4 first was that Ms. Cameron wasn't performing any  
5 investigative tasks?

6 MR. BIDDLECOMBE: Correct.

7 Q And the second -- oh, there was also an issue of  
8 her not being made a supervisor, and this is more  
9 for a clarification because we don't really get it  
10 from the documentation, but I got this from your  
11 interview, that Ms. Cameron was very senior --

12 MR. BIDDLECOMBE: Yes.

13 Q -- on the bargaining unit, and your concern was  
14 that if she was made a supervisor that she would  
15 be pulled out of the Missing Persons Unit if the  
16 full-time supervisor, I believe her name was Pat  
17 Brown, was away and then Sandy would have to be  
18 the acting supervisor, which would leave the  
19 Missing Persons Unit with either no civilian clerk  
20 or an untrained clerk?

21 MR. BIDDLECOMBE: That's correct.

22 Q And you didn't want that, especially if there  
23 wasn't a detective in the unit, correct?

24 MR. BIDDLECOMBE: That's correct.

25 Q So that was the reason why you didn't want her to

1                   be a supervisor?

2       MR. BIDDLECOMBE: Yes.

3               Q    Okay. Now, yesterday Ms. Field stated that she  
4                   wasn't aware of any problems with people reporting  
5                   individuals as missing during her tenure, but you  
6                   were aware of this issue, that people were having  
7                   problems reporting people?

8       MR. BIDDLECOMBE: I had a memo from Sergeant Cooper, I think,  
9                   previously that indicated there had been a problem  
10                  with one individual.

11           Q    That's where I was going. From Ms. Evans the  
12                  issues were brought to your attention by Sergeant  
13                  Cooper. I can read it to you if you -- you had  
14                  said that:

15                       They would phone the communications centre,  
16                       or you said comm. centre,  
17                       and I think it would depend on who they got  
18                       in the comm. centre whether a report would be  
19                       taken or not because it was left a lot to the  
20                       individual's discretion and discussion with  
21                       the individual on the phone as to whether it  
22                       was urgent or not, what were the  
23                       circumstances, and a lot of them would make a  
24                       decision, them being the operator, not to  
25                       take a report when probably in many cases a

1                   report should have been taken.

2                   And then you'd ask -- or this came to your  
3                   attention through Sergeant Cooper and a meeting  
4                   that he had had with Ms. Ens and Mr. Bates?

5   MR. BIDDLECOMBE: That's correct.

6                   Q    Okay. And I can take you to the memo, but you  
7                   recall --

8   MS. BATEMAN: No, I recall it.

9                   Q    -- Sergeant Cooper writing you a memo?

10   MR. BIDDLECOMBE: Yes.

11                   Q    Okay. And that was in January, January 9th of  
12                   1998.

13                   One other thing. Do you recall asking Ms.  
14                   Cameron to have business cards made up?

15   MR. BIDDLECOMBE: I don't. I don't recall that. It doesn't  
16                   mean it didn't happen. I simply have no  
17                   recollection of that.

18                   Q    Okay. Her recollection is that you had asked her  
19                   to and that she had put Sandra Cameron, Civilian,  
20                   Missing Persons Coordinator, and that you had told  
21                   her you didn't feel it was necessary for her to  
22                   have civilian on there.

23   MR. BIDDLECOMBE: I don't remember.

24                   Q    Okay. Thank you. Now, Ms. Field, yesterday you  
25                   were taken to an e-mail, and I can take you there

1                   if need be, and this was an e-mail from Detective  
2                   Shenher to you with respect to policy, and in that  
3                   e-mail Detective Shenher stated that Ms. Cameron  
4                   was apparently quite short with Ab, I can't  
5                   pronounce his last name, of --

6       MS. POWELL: Humayun or something.

7                   Q    -- Planning and Research and didn't want him  
8                   talking to either Detective Shenher or Dan, which  
9                   I believe is Dan Dickhout?

10      MS. POWELL: Dickhout, yes.

11                  Q    Did you talk with Ms. Cameron about this, being  
12                  short with Ab?

13      MS. POWELL: I don't recall that specifically. I just remember  
14                  speaking to her about her attitude or being more  
15                  polite at the time, yes.

16                  Q    Okay. But not with respect to that particular  
17                  instance?

18      MS. POWELL: I can't recall that, no.

19                  Q    And, Mr. Biddlecombe, Ms. Cameron was a Clerk 3 in  
20                  the Missing Persons Unit. She didn't write policy  
21                  for the VPD?

22      MR. BIDDLECOMBE: No. No, she did not.

23                  Q    Okay. Sorry, I'm going to kind of be going back  
24                  and forth. Maybe you might want Mr. Dureau's  
25                  microphone.

1                   Ms. Field, in your earlier testimony you  
2                   stated that when you came to be Ms. Cameron's  
3                   supervisor you were aware of a file that Sergeant  
4                   Cooper had --

5       MS. POWELL:   Yes.

6                   Q   -- with respect to her.  You weren't involved in  
7                   that investigation, were you?

8       MS. POWELL:   No, I wasn't.

9                   Q   Okay.  And, Mr. Biddlecombe, you were the  
10                  inspector in charge at that time?

11      MR. BIDDLECOMBE:  Yes.

12                  Q   All right.  And you asked him to do an  
13                  investigation, didn't you?

14      MR. BIDDLECOMBE:  I asked Sergeant Cooper to do an  
15                  investigation, yes.

16                  Q   And it's my understanding from what you told  
17                  Jennifer Evans last August that you had asked  
18                  Sergeant Cooper to investigate rumours of Ms.  
19                  Cameron being rude and the rumour that she was the  
20                  source of the media and had a direct line on her  
21                  phone to a CKNW reporter.  That's what Sergeant  
22                  Cooper was investigating, correct?

23      MR. BIDDLECOMBE:  I think he was more investigating the  
24                  potential leak of police information to a specific  
25                  reporter that she had a direct line to on her --



1 Q Okay.

2 MR. BIDDLECOMBE: I don't think it had so much to do with  
3 rumours as such.

4 Q Okay.

5 MR. BIDDLECOMBE: Although if that came up during his  
6 investigation it certainly would have been looked  
7 at.

8 Q Okay. Do you recall hearing rumours of her being  
9 rude to people?

10 MR. BIDDLECOMBE: There were always rumours going around in a  
11 police force of over a thousand people of  
12 different things.

13 Q All right.

14 MR. BIDDLECOMBE: Rumours are just that, rumours.

15 Q But you don't recall asking him to look at that  
16 specifically?

17 MR. BIDDLECOMBE: No, I don't recall that specifically.

18 Q Okay. And you also testified yesterday that there  
19 were no formal complaints with respect to Ms.  
20 Cameron while you were the inspector?

21 MR. BIDDLECOMBE: I certainly never received any written formal  
22 complaints about her.

23 Q So you just wanted Inspector Cooper to look at  
24 those?

25 MR. BIDDLECOMBE: I wanted him to investigate was there an

1                   allegation she was leaking confidential police  
2                   information, yes.

3           Q     All right. And there was nothing, you said to Ms.  
4                   Evans, there was nothing negative in the resulting  
5                   report from Sergeant Cooper?

6     MR. BIDDLECOMBE: I actually don't recall ever seeing the final  
7                   report. I know I asked for an update sometime in  
8                   June, I believe it was, of that year through Staff  
9                   Sergeant Giles. I had a response from Giles that  
10                  it would be several weeks before Mr. -- or  
11                  Sergeant Cooper would get the report done, but I  
12                  don't recall actually seeing the final report,  
13                  although I may have, I just don't recall it now.

14          Q     Well, you said --

15     MR. BIDDLECOMBE: I certainly don't recall any findings of  
16                   misconduct being brought to my attention. I think  
17                   I would remember that if that was the case.

18          Q     You told Ms. Evans:

19                   I don't recall what the document said, but I  
20                   know there was nothing negative in there  
21                   because I would remember that.

22     MR. BIDDLECOMBE: That's correct.

23          Q     Okay. So the fact is that nothing was  
24                   substantiated, there was no find -- you said no  
25                   findings of misconduct?

1 MR. BIDDLECOMBE: Yes.

2 Q So she was never spoken to with respect to that  
3 investigation, was she?

4 MR. BIDDLECOMBE: No.

5 Q Okay.

6 MR. BIDDLECOMBE: Not by myself. I can't speak for others,  
7 such as Sergeant Cooper or --

8 Q I'm talking about that particular investigation  
9 that you had asked Sergeant Cooper to --

10 MR. BIDDLECOMBE: She was not spoken to by myself about it, no.

11 Q Ms. Field, in your testimony you stated that Ms.  
12 Shenher came to you a couple of times saying that  
13 Ms. Cameron was rude and abrupt on the telephone?

14 MS. POWELL: Yes.

15 Q And then you gave two examples where you stated  
16 that -- I think you stated you acted as a liaison  
17 of sorts?

18 MS. POWELL: Yes.

19 Q Were those the two examples or the two instances  
20 or couple of instances that Detective Shenher had  
21 come to you about?

22 MS. POWELL: No, I don't think so because it was fairly early  
23 on, and those two examples came up a little bit  
24 later.

25 Q Okay. So do you recall the specifics of the

1 instances that Ms. Shenher came to you about?

2 MS. POWELL: No, just that at that time I believe Lori was  
3 still in the office where Sandra Cameron worked  
4 and then eventually moved out of that office to a  
5 different location.

6 Q Okay. So did you speak -- so was this just with  
7 respect to her telephone demeanour?

8 MS. POWELL: Yes, and it was more -- I would again call it a  
9 coaching interview. Like I said, sometimes she  
10 was extremely courteous and polite to people, and  
11 depending on the nature of who she was speaking  
12 with she may end up getting a little bit short  
13 with them.

14 Q Okay. But --

15 MS. POWELL: It was a coaching interview.

16 Q Okay. So nothing about her making racist or  
17 inappropriate comments?

18 MS. POWELL: No.

19 Q So you spoke with her, and then -- so how many  
20 times do you recall speaking with her? Did you  
21 speak with her every time -- the couple of times  
22 Detective Shenher came to you?

23 MS. POWELL: There is the one time I spoke to her in a general  
24 nature, a coaching interview, and then it was  
25 apparent that she was in conflict with one of our

1 victim's families. They just weren't -- they  
2 weren't connecting very well, so I decided that it  
3 would be good for me to go meet with that family  
4 member and deal with the issue, which was just  
5 liaising.

6 Q And that was one of the instances --

7 MS. POWELL: Yes.

8 Q -- you were referring to?

9 MS. POWELL: And the second one was a separate missing person's  
10 case. It was actually a suicide, and the family  
11 were having great difficulty dealing with the  
12 whole investigation. It wasn't just Ms. Cameron.  
13 It was the other people as well.

14 Q So I just wanted to be clear. Was either of these  
15 having to do with one of the missing women?

16 MS. POWELL: Yes.

17 Q Okay. So you said that one resulted in a  
18 formalized letter?

19 MS. POWELL: Yes.

20 Q Was this a letter to Ms. Cameron?

21 MS. POWELL: No.

22 Q Oh, okay. Who was it to?

23 MS. POWELL: A letter to the family.

24 Q All right. Now, in these instances -- the first  
25 instance, I guess, dealing with the family with

1 the -- I think you said it resulted in a suicide?

2 MS. POWELL: Yes.

3 Q Was that the one? So Ms. Cameron had been dealing  
4 with that?

5 MS. POWELL: She took some initial inquiries over the phone,  
6 and I believe Ms. Cameron was trying to explain  
7 the status of the investigation at that point to  
8 the family. They were quite frustrated with her  
9 efforts, and they were not communicating very  
10 well. And I believe she spoke with Detective  
11 Dickhout as well. They weren't communicating  
12 well, so I decided that I would take over that.

13 Q When you said she spoke with Detective Dickhout,  
14 you mean?

15 MS. POWELL: The family member. Sorry.

16 Q Okay.

17 MS. POWELL: And I began liaising with the family.

18 Q So did you bring this up with Ms. Cameron as soon  
19 as it came to your attention?

20 MS. POWELL: I spoke with her about it, said that I would carry  
21 on with the dealings and that from that point on  
22 any phone calls, direct them to me.

23 Q Okay. And that wasn't just because of Ms.  
24 Cameron?

25 MS. POWELL: No.

1           Q    That was just because of their frustration as a  
2                whole?

3    MS. POWELL: I believe that was the situation, yes.

4           Q    Okay. Did Ms. Cameron ask you to listen to the  
5                tapes on the recorded line?

6    MS. POWELL: No. I don't know what that was about.

7           Q    So you weren't aware that there were -- well, I'll  
8                come back to that later.

9    MS. POWELL: That was prior to my arrival.

10          Q    Okay. So the second instance, that was with --  
11                dealing with one of the missing women?

12   MS. POWELL: Yes.

13          Q    Okay. Do you recall the specifics of that  
14                complaint?

15   MS. POWELL: Not specifics. It was just the Gagnon family, and  
16                I went and met with Sandra Gagnon a couple of  
17                times, and the information that I can recall is  
18                that there was -- I don't know whether you'd call  
19                it a personality conflict, but they were not  
20                getting along very well communicating on the  
21                phone.

22          Q    And that was Sandra Gagnon?

23   MS. POWELL: Yes, it was Sandra Gagnon.

24          Q    Because Ms. Cameron's recollection is that she had  
25                a good relationship with Ms. Gagnon.

1 MS. POWELL: That was the reason I went and spoke with Ms.  
2 Gagnon.

3 Q Oh, okay. So did you address this with Ms.  
4 Cameron right away?

5 MS. POWELL: I can't recall how that evolved, but she would  
6 have been advised that I was now going to try and  
7 deal with Ms. Gagnon myself.

8 Q Okay. And did Ms. -- what was the exact -- what  
9 were the particulars of what she was taking issue  
10 with with Ms. Cameron in her dealings with her?

11 MS. POWELL: I can't recall the particulars, just that my  
12 recollection it was a personality conflict between  
13 the two of them.

14 Q But nothing having to do with anything being  
15 inappropriate or --

16 MS. POWELL: No.

17 Q -- racist comments or anything like that?

18 MS. POWELL: No.

19 Q Okay. Now, you also testified that you were her  
20 supervisor.

21 MS. POWELL: And I think I clarified that yesterday in that I  
22 was the, I recall, the work area supervisor. Her  
23 direct supervisor was Cheryl Beach.

24 Q Okay. I just want to go back to what we were  
25 talking about. Neither of -- any of those



1 instances where you spoke with her resulted in  
2 disciplinary action?

3 MS. POWELL: No.

4 Q Right. With Cheryl Beach. So you mentioned that  
5 she had a civilian supervisor.

6 MS. POWELL: Yes.

7 Q I'm advised that Ms. Beach was the civilian  
8 supervisor for the PIC counter on the main floor  
9 but she ceased to be Ms. Cameron's supervisor when  
10 Ms. Cameron left patrol in the early '90s.

11 MS. POWELL: That's quite possible, and I may have the  
12 individual's name wrong, but there was a civilian  
13 supervisor, and I thought it was Cheryl Beach, but  
14 I may have that person wrong.

15 Q All right. Well, after that I'm told that Ms.  
16 Cameron did not have a civilian supervisor  
17 directly over her.

18 MS. POWELL: She was a civilian employee, so I'm assuming --

19 Q Right.

20 MS. POWELL: That's their chain of command, so to speak.

21 Q In any event, Ms. Beach, are you aware she was a  
22 member of the same bargaining unit as Ms. Cameron?  
23 Were you aware of that?

24 MS. POWELL: I assume so.

25 Q Okay. And she wasn't located in the Missing

1                   Persons --

2       MS. POWELL:   No.

3                   Q   -- office?

4       MS. POWELL:   No.

5                   Q   And she didn't have the ability to discipline --

6       MS. POWELL:   No.

7                   Q   -- Ms. Cameron?

8                               And the fact is that she was -- Ms. Cameron  
9                               was accountable to the detective and you or  
10                              whoever was acting in the sergeant's position were  
11                              her --

12                  A   Yes.

13                  Q   -- supervisor and then things would move up the  
14                              chain of command?

15                  A   As the office set-up is, is that Ms. Cameron was  
16                              in an office where there was a substantive  
17                              detective, and I believe at the time it was  
18                              Detective Howlett when I arrived.

19       THE REGISTRAR:  Ms. Bateman, I need to advise you you're five  
20                              minutes over your time.

21       MS. BATEMAN:   All right.  If I need -- when I had given my  
22                              original estimation it was that it was the panel  
23                              of five, so if I could be permitted to perhaps  
24                              take --

25       THE COMMISSIONER:  How much time do you need?

1 MS. BATEMAN: If I need to add on maybe five or ten minutes  
2 from the other panel time, I would appreciate  
3 that.

4 THE COMMISSIONER: Go ahead.

5 MS. BATEMAN: Thank you.

6 THE COMMISSIONER: You need another five or ten with them, with  
7 this panel?

8 MS. BATEMAN: Yes.

9 THE COMMISSIONER: Go ahead.

10 MS. BATEMAN: Thank you.

11 Q So given that Ms. Cameron was accountable to the  
12 detective in the Missing Persons Unit, so  
13 essentially they're kind of in charge of her while  
14 she's there?

15 MS. POWELL: Yes.

16 Q Wouldn't you expect that if the detective heard  
17 Ms. Cameron on the phone or in person with someone  
18 say something to them, this individual, that they  
19 considered to be inappropriate or rude or abrupt  
20 or racist or abusive that they would address this  
21 with Ms. Cameron at the time it occurred?

22 MS. POWELL: I certainly would hope so, yes.

23 Q And then also wouldn't you agree by extension of  
24 that that anything like that be brought to your  
25 attention or the sergeant's attention?

1 MS. POWELL: Yes.

2 Q Did Ms. Shenher ever come to you -- sorry,  
3 Detective Shenher ever come to you about a meeting  
4 she had had with Dorothy Purcell where Ms. Purcell  
5 was upset and expressed her frustration with Ms.  
6 Cameron?

7 MS. POWELL: Not that I recall, no. I don't recall that.

8 Q It was quite -- my understanding is that Detective  
9 Shenher described Ms. Purcell as extremely upset  
10 and crying and that she'd had to put up with  
11 racist diatribes and rants and she gave up calling  
12 the Missing Persons Unit.

13 MS. POWELL: Don't recall that, no.

14 Q Okay. So, again, would you expect that Detective  
15 Shenher would have brought this to your attention,  
16 something of this magnitude with respect to Ms.  
17 Cameron?

18 MR. BIDDLECOMBE: Yes. I don't recall the specific names  
19 either, so I'm sorry.

20 Q But something of that --

21 MS. POWELL: Yes.

22 Q You'd already mentioned that you'd never spoken  
23 with her about anything racist or anything --

24 MS. POWELL: No.

25 Q -- of that extreme?

1                   And you'd already acknowledged you had an  
2                   interview with Mr. LePard in November of 2001?

3       MS. POWELL: Yes.

4               Q    And in that interview you never mentioned those  
5                   two specific instances to Mr. LePard, did you?

6       MS. POWELL: No. I probably realized them after reading my log  
7                   notes.

8               Q    Okay. You also mentioned in that -- in the  
9                   interview notes from there -- it's in quotes, so I  
10                  don't know if it stands out from the rest of the  
11                  interview, but it says, "You're not a true family  
12                  member, I'm not going to take a report." Do you  
13                  recall saying that?

14       MS. POWELL: In what context?

15              Q    Well, I'm not really sure because it comes right  
16                   after where you had said Sandra Cameron was a  
17                   problem employee and then it's in quotations. Did  
18                   you ever bring that up with Sandy?

19       MS. POWELL: No, not that I recall.

20              Q    Okay. Is that something that you had perhaps  
21                   heard that people had said?

22       MS. POWELL: Perhaps heard, yes.

23              Q    Okay. But you yourself never addressed it with  
24                   her?

25       MS. POWELL: No.

1 Q And in your interview with Ms. Evans she asked you  
2 about documenting matters. She asked you:

3 Did you ever call Sandy at any point during  
4 your tenure as her supervisor and say, "Okay,  
5 Sandy, we've had a complaint about this. I'm  
6 going to have to document it"?

7 Do you recall her asking you that?

8 MS. POWELL: I don't recall it, but I'm sure she did and --

9 Q Well, you responded, "Not a particular complaint,"  
10 and went on to mention a family, which I suspect  
11 was one of the families you mentioned?

12 MS. POWELL: Yes.

13 Q And that you had discussed this with Sandy but it  
14 was not disciplinary?

15 MS. POWELL: Yes.

16 Q Okay. Now, Ms. Cameron's testified here that you  
17 never spoke with her about any issues that you had  
18 with her in this regard during your time.

19 MS. POWELL: Well, I've told you the two incidents, yes.

20 Q Now, we've talked briefly about the tapes and the  
21 taping of the lines, and were you aware that the  
22 tapes had been used -- had been reviewed by  
23 Internal Investigations with respect to a  
24 complaint that was made against Detective Dickhout  
25 -- excuse me -- Detective Dickhout and Sandy

1 Cameron in 1999?

2 MS. POWELL: Tapes, no. The only taping that I was aware of  
3 was in that original report that was done by  
4 Sergeant Cooper.

5 Q Okay. And maybe I could turn you to Exhibit 148,  
6 tab 6.

7 MS. POWELL: Yes.

8 Q This is a letter from Internal, Inspector Eldridge  
9 from Internal Investigations. Would you receive  
10 copies of these?

11 MS. POWELL: I've never seen this letter, no.

12 Q Okay.

13 MS. POWELL: This is one of the cases that I was telling you  
14 about.

15 Q That was one of the cases?

16 MS. POWELL: Yes.

17 Q Oh, okay. I came across this letter, and it  
18 appears as though this was a draft. It's with  
19 respect to this same file.

20 MS. POWELL: The letter that I wrote?

21 Q Yes.

22 MS. POWELL: Yes. I wrote them a letter and then they followed  
23 it up with an additional complaint to Internal.

24 Q Okay. So this appears to be a draft form. Did  
25 you finalize it and send it out; do you recall?

1 MS. POWELL: Yes, I believe I did.

2 Q Okay. So you're saying this was with respect to  
3 one of the --

4 MS. POWELL: Yes.

5 Q -- one of the matters?

6 Okay. And so are you aware that Internal  
7 reviewed the tapes and found that nowhere does Ms.  
8 Cameron identify herself as a detective during her  
9 conversation with you and, in fact, her demeanour  
10 while speaking with you was empathetic and  
11 professional?

12 MS. POWELL: I don't recall that. I probably wasn't made aware  
13 of that because it's an internal investigation.

14 Q Okay. So that was one of the matters?

15 MS. POWELL: Yes, it was.

16 Q So those tapes could have been of assistance --

17 MS. POWELL: Yes.

18 Q -- in the other matter, and so it could very well  
19 have been that the person who was making the  
20 complaint to you was perhaps in their frustration  
21 and their upset --

22 MS. POWELL: Yes.

23 Q -- may have been, understandably so, very  
24 sensitive?

25 MS. POWELL: Yes, which is quite often what happens.



1           Q   Mr. Biddlecombe, in your interview you've already  
2               said that you would have remembered if you had to  
3               discipline Ms. Cameron and you had no -- that your  
4               recollection was that she hadn't been. Would you  
5               have remembered, because as the inspector or if  
6               there's anyone acting as an inspector or new  
7               inspector, they're to be involved in any  
8               disciplinary matters, correct?

9   MR. BIDDLECOMBE: Not necessarily.

10          Q   No. Okay. Would you at least expect to be made  
11               aware of any issue like that?

12   MR. BIDDLECOMBE: I would hope to be made aware, but if it was  
13               done at the sergeant level, then I may not be made  
14               aware of it.

15          Q   Okay. Did you ever firsthand hear Ms. Cameron on  
16               the phone being rude or abrupt or any of the  
17               things that you had heard rumours about?

18   MR. BIDDLECOMBE: No.

19          Q   And yesterday we had -- there was a quick  
20               discussion about training with respect to civilian  
21               workers, and I believe that one of you stated that  
22               it would be dealt with on the civilian side,  
23               correct?

24   MR. BIDDLECOMBE: That's correct.

25          Q   And that if you felt that there was an issue about

1 cultural sensitivity or with telephone manner  
2 that, especially in a position where somebody's  
3 dealing with the public, that you could certainly  
4 recommend to Human Resources that Ms. Cameron or  
5 anybody receive training? That's correct, right?

6 MR. BIDDLECOMBE: That's correct.

7 Q I think you said you could recommend it but you  
8 couldn't force it?

9 MR. BIDDLECOMBE: That's correct.

10 Q But you'd agree all of you --

11 MR. BIDDLECOMBE: Yes.

12 Q -- could recommend that?

13 Okay. And did any of you recommend any  
14 training for Sandy in this regard?

15 MR. BIDDLECOMBE: No, I did not.

16 MS. POWELL: No.

17 MR. DUREAU: No.

18 Q And for Ms. Field and Mr. Biddlecombe, while you  
19 were involved in the Missing Persons Unit do you  
20 recall seeing cards and letters for Ms. Cameron  
21 from people who had had good experiences dealing  
22 with her and how she had helped them?

23 MS. POWELL: Yes.

24 MR. BIDDLECOMBE: No, I did not see any.

25 Q Oh.

1 MS. POWELL: She kept a file of her own. She showed that to me  
2 one day.

3 Q And there was also some that were sent -- they  
4 would be signed off and forwarded for her  
5 personnel file?

6 MS. POWELL: Yes.

7 Q And maybe because of the times, Mr. Biddlecombe,  
8 you may not, but I can take you in that same  
9 binder that Ms. Field has. We've put a few in.  
10 At tab 8, page 19, the second -- 19 is up in the  
11 corner. It's a letter.

12 THE COMMISSIONER: Well, he said he hasn't seen them.

13 MS. BATEMAN: Oh, okay. Well, he signed off. I just wanted  
14 him to show that that --

15 THE COMMISSIONER: Oh, he signed off. All right.

16 MS. BATEMAN: -- was his signature.

17 MR. BIDDLECOMBE: Which one are you looking at?

18 MS. BATEMAN:

19 Q At page 19 at the top. That's a letter from a law  
20 firm, and the second page -- well, this refers  
21 to -- she says:

22 I attended the Vancouver Police Department  
23 located at 312 Main...and spoke with Sandra  
24 Cameron of the Missing Persons Department.  
25 Ms. Cameron was extremely helpful and

1 professional in assisting me in getting the  
2 Police Department involved...Ms. Cameron  
3 advised me that she would have some Police  
4 Officers,

5 and it goes on to how she helped. And then the  
6 next page it says:

7 F.Y.I., my compliments to members. Please  
8 have them initial & forward to S/ --

9 MR. BIDDLECOMBE: Staff Development.

10 Q And that's your signature?

11 MR. BIDDLECOMBE: That's a complimentary note from April of  
12 1995.

13 Q So we didn't put them all in here, but --

14 MR. BIDDLECOMBE: I notice there's another one back on January  
15 27th, 1995, as well.

16 Q There's a few in there. I just wanted you to  
17 acknowledge that --

18 MR. BIDDLECOMBE: Yes.

19 Q -- there were some.

20 And you're in here, Ms. Field, too, but do  
21 you dispute that you had signed off on some?

22 MS. POWELL: No, no.

23 Q Okay. And I guess the last thing I have to ask is  
24 for you, Mr. Dureau, really the only questions I  
25 have for you. It's with respect to your interview

1 with Ms. Evans on July 13th, and it was mentioned  
2 to you yesterday. You were asked:

3 Were you ever made aware of any issues or  
4 concerns that there were about Sandy Cameron,  
5 the Missing Persons clerk?

6 You responded:

7 Not specifically, no.

8 And again:

9 Not specifically, but everybody knew Sandy  
10 was a bit of a loose cannon.

11 And she says:

12 A loose cannon?

13 You said, "Yeah." And question:

14 Did anyone ever -- were you aware -- did  
15 anyone or you or anyone take her to task on  
16 this and try --

17 And then you said:

18 She never worked for me, so, no, I didn't.

19 Okay.

20 And then you also said that you had never  
21 witnessed anything that you had read in the LePard  
22 report.

23 MR. DUREAU: Correct.

24 Q Okay. So you never had any dealings with her?

25 MR. DUREAU: No, I didn't say that.

1 Q In your capacity as a superior?

2 MR. DUREAU: Correct.

3 Q Okay. So -- but you mentioned that she was a  
4 loose cannon?

5 MR. DUREAU: Right. I had worked in the Major Crime Section as  
6 a sergeant in the Robbery Section some years  
7 before that where I worked in the vicinity of  
8 Sandy -- pardon me -- and obviously when I was  
9 there from '98 to '99 I was in the vicinity of  
10 Sandy.

11 Q Okay.

12 MR. DUREAU: And, again, the loose cannon comment was around  
13 her emotions and her passion for what she was  
14 doing, and I would agree with Geramy that she  
15 could be excellent in her phone demeanours and her  
16 dealings with people, and she could also be short.  
17 So, you know, specifics, no, I don't have any. I  
18 just know that she was a very passionate person.

19 Q Passionate in a good way as well?

20 MR. DUREAU: Oftentimes in a good way, yes.

21 Q And --

22 MR. DUREAU: But excitable maybe is a better word.

23 Q And did you ever bring that to anybody's  
24 attention?

25 MR. DUREAU: No.

1 Q Did you have concerns --

2 MR. DUREAU: No.

3 Q -- with her telephone demeanor?

4 MR. DUREAU: No.

5 Q Okay. And you never talked to anybody about it?

6 MR. DUREAU: No.

7 MS. BATEMAN: Okay. Thank you. Those are my questions.

8 THE COMMISSIONER: Thank you, Ms. Bateman. We'll take the  
9 break.

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

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

12 (PROCEEDINGS RESUMED AT 11:40 A.M.)

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

14 THE COMMISSIONER: Yes, Ms. Bateman.

15 MS. BATEMAN: Just by way of administration, I neglected to ask  
16 that this letter be marked as an exhibit, please.

17 THE COMMISSIONER: All right. Thank you.

18 THE REGISTRAR: That letter will be marked as Exhibit 159NR.

19 (EXHIBIT 159NR: Letter from Sgt. GERAMY FIELD to  
20 Dr. and Mrs. R.N. COLEMAN dated 99-12-06 -  
21 VPD-001-001977)

22 THE COMMISSIONER: Okay.

23 MR. SKWAROK: Mr. Commissioner, my name is Mark Skwarok. I  
24 appear for Dr. Kim Rossmo, and I just have a  
25 couple of questions.

1 THE COMMISSIONER: All right.

2 **CROSS-EXAMINATION BY MR. SKWAROK:**

3 Q Ms. Powell, I believe you agreed with Mr. Hira's  
4 comment that part of the problem in investigating  
5 this case is its uniqueness in that there was no  
6 crime scene and no bodies, correct?

7 MS. POWELL: It was one of the most unique cases that we had  
8 looked at throughout North America, yes.

9 Q And, Inspector Biddlecombe, do you agree with  
10 that?

11 MR. BIDDLECOMBE: Yes, I would agree with that.

12 Q And, Mr. Dureau, do you agree with that?

13 MR. DUREAU: Yes, I do.

14 Q But, Ms. Powell, with serial killers there's  
15 nothing at all unique about there not being a  
16 traditional crime scene, is there?

17 MS. POWELL: A traditional crime scene?

18 Q Yes.

19 MS. POWELL: Serial killers usually have a crime scene.

20 Q No, with all due respect, they often don't, at  
21 least in the normal fashion. John Gacy, 26 bodies  
22 in his crawl space.

23 MR. CROSSIN: Excuse me.

24 THE COMMISSIONER: Just a minute.

25 MR. CROSSIN: Excuse me. Maybe if he could define what he



1 means by traditional we might move forward.

2 THE COMMISSIONER: I think I know what he means, but -- I think  
3 we know what he means. Maybe you can be a little  
4 more precise for counsel's benefit.

5 MR. SKWAROK:

6 Q And I also qualify the traditional crime scene  
7 comment by saying no bodies.

8 MS. POWELL: Yes.

9 Q All right. And no blood.

10 MS. POWELL: Yes.

11 Q None of the traditional evidentiary things that  
12 one sees in the more conventional types of murder.

13 MS. POWELL: Yes.

14 Q My point, though, is that when you come to serial  
15 murders it's not uncommon for there not to be that  
16 type of physical evidence --

17 MS. POWELL: Yes.

18 Q -- correct?

19 And, again, lots of examples, and these  
20 pre-dated Mr. Pickton.

21 MS. POWELL: Yes.

22 Q They included Gacy, 26 bodies in his crawl space;  
23 Fred and Robert (sic) West, who buried nine people  
24 on their property, including their daughter;  
25 Mr. Dahmer, who had the remains of 11 people in

1 his apartment; and Dr. Shipman in England, who  
2 apparently murdered dozens, if not hundreds, of  
3 people and then facilitated the lack of evidence  
4 by having the bodies cremated. And my point is  
5 that if somebody is a serial killer it's not  
6 uncommon for there to be none of those traditional  
7 evidentiary clues, correct?

8 MS. POWELL: Yes.

9 Q And, Mr. Biddlecombe, you agree with that?

10 MR. BIDDLECOMBE: Yes, I would.

11 Q And, Mr. Dureau, you agree with that?

12 MR. DUREAU: I would agree to the extent there's not usually  
13 the starting point that we traditionally get with  
14 a homicide, which is here's the body, let's start  
15 our investigation. I think after the fact, as we  
16 saw with Mr. Pickton, those evidence pieces did  
17 exist, but they existed somewhere we didn't know.

18 Q And exactly in the same way as with the other  
19 individuals that I spoke of?

20 MR. DUREAU: Correct.

21 Q So to determine whether or not there's a serial  
22 killer you don't stop at thinking just because  
23 there's no bodies there's no serial killers? You  
24 look at other evidence, correct?

25 MS. POWELL: Yes.

1           Q   And that other evidence has been talked about ad  
2               nauseam, and I am not going to refer to it in the  
3               case of Mr. Pickton, but certainly it includes the  
4               statistical analysis that Dr. Rossmo prepared in  
5               May suggesting there was less than a 1 per cent  
6               likelihood that the spike in missing women was  
7               because of chance?

8   MS. POWELL:   Yes.

9           Q   Do you agree with that, Mr. Biddlecombe?

10   MR. BIDDLECOMBE:  I would think that would be one investigative  
11               aid that could be looked at, yes.

12          Q   And further, you would also be interested in his  
13               conclusion that the most likely cause of the  
14               missing people was because of a serial murder,  
15               correct?

16   MS. POWELL:   Yes.

17   MR. SKWAROK:   Those are my questions.

18   THE COMMISSIONER:  All right.  Thank you.  Mr. Crossin.

19   MR. CROSSIN:   I think that is -- I think that concludes the  
20               evidence, does it not, Mr. Vertlieb?  Yes.  I've  
21               been asked by Ms. Powell, Mr. Commissioner, if you  
22               would grant her leave to say something before she  
23               leaves.

24   THE COMMISSIONER:  Yes.

25   MS. POWELL:   Thank you.  There's just three things.  One thing

1 I wanted to speak to yesterday was the  
2 recommendations I was asked about, and I forgot to  
3 mention the fifth -- fourth or fifth pillar, I  
4 can't remember, of the City's plan to revitalize  
5 the Downtown Eastside and deal with the issues  
6 down there for the City. The last pillar, which  
7 is treating drug addiction and mental health  
8 issues, for long-term treatment and recognizing  
9 that it's a health issue and not necessarily a  
10 crime issue, has to be reinforced from this  
11 commission, I believe, because none of those women  
12 wanted to be where they were. They were there  
13 because they were sick from their drug addiction  
14 or their alcoholism and the abuse, and it all has  
15 to be treated that way and dealt with that way.  
16 That was that last pillar. I just want that to be  
17 reinforced from this commission.

18 THE COMMISSIONER: Okay. So you've had a long history of  
19 policing in this city. Why is it that in  
20 Vancouver for 30 or 40 years, whatever it has  
21 been, we've just been wringing our hands with what  
22 to do with the Downtown Eastside? Why is it that  
23 we can't solve what's taking place in the Downtown  
24 Eastside? I'm sure that all three of you are in a  
25 position to tell us what ought to be done.

1 MS. POWELL: Well, it's a huge problem, but I think starting --

2 THE COMMISSIONER: From your perspective.

3 MS. POWELL: Yes.

4 THE COMMISSIONER: I mean, you're on the ground. You see the  
5 suffering that's taking place, you see the  
6 addiction, and you see the people who are ill,  
7 so --

8 MS. POWELL: There doesn't seem to be any long-term treatment  
9 facilities available when they're needed. If  
10 somebody needs treatment they're told that they're  
11 in line and in six weeks they'll get treatment  
12 long term. By then they're back out there,  
13 they're back in that cycle of drug abuse, and  
14 there isn't that treatment that needs to take  
15 place along with mental health treatment together.  
16 The federal, the provincial, the city governments  
17 have to get that going. There's no point in  
18 treating the drug problem. It's just going to  
19 continue unless you can treat the addictions and  
20 the mental health issues that go along with it.  
21 That was one thing I wanted to comment on.

22 The second thing is I would like to thank the  
23 commission. As much as I've dreaded coming for  
24 these days over the last number of years, I also  
25 have wanted to speak to this commission and tell

1 my side of the story for the last 12 years, so I  
2 thank you for that opportunity.

3 And, thirdly, I want to apologize from myself  
4 to the families -- sorry -- for not being able to  
5 resolve this horrible issue sooner before more  
6 women were murdered. I feel very, very sorry for  
7 not being able to act stronger sooner, and I'm  
8 sorry.

9 THE COMMISSIONER: All right. Okay. Anything else that any  
10 one of you want to say?

11 MR. BIDDLECOMBE: On that first point you made, Mr.

12 Commissioner, I think all I would like to say is  
13 that the police are seen as being out there 24/7,  
14 and we are expected to resolve all the ills of  
15 society because we're out there from 5:00 at night  
16 till 8:00 or 9:00 in the morning when all the  
17 social services and all the agencies that need to  
18 be out there are not out there. The shortage of  
19 the services, as Geramy has indicated, is a big  
20 factor, but besides that we need to get all the  
21 levels of government working together to put  
22 together the services and to have them out there  
23 overnight, when a lot of these people need those  
24 services, not just during the daytime.

25 THE COMMISSIONER: Okay. Now, on a similar related topic, we

1           have heard evidence of the distrust, according to  
2           some people, that exists between the communities  
3           in the Downtown Eastside and the Vancouver Police.  
4           If there is that distrust, how do you solve that  
5           from a policing perspective?

6   MR. BIDDLECOMBE: I think we have to have far more meetings  
7           with the community. We have to go to the  
8           community, meet with the community, explain who we  
9           are to them. I think there's a lot of distrust  
10          because they don't understand our role in society  
11          perhaps, and perhaps to a certain degree we don't  
12          understand what they're going through. So I think  
13          we need to get, you know, if you want to call it  
14          down to the basics of community policing where  
15          we're out there and we're meeting with as many  
16          citizens and in as many forums as we can, it can  
17          only benefit all of us.

18   THE COMMISSIONER: See, we've had evidence here that many of  
19          the women who went missing and many of the women  
20          who are out there today due to circumstances that  
21          are beyond their control don't trust the police,  
22          do not trust the criminal justice system and won't  
23          come forward with complaints and whatever other  
24          factors that are involved, and they don't -- they  
25          just won't come forward because they don't trust

1           the people in the system.

2       MR. DUREAU: If I can just add my experience as a police  
3           officer and a foster parent, as I said yesterday,  
4           is I've had lots of dealings not only with the  
5           children but with the parents of the children over  
6           the years, and what's always staggering to them  
7           initially when they meet my wife and I is there is  
8           a trust, we have a bond, we do develop a  
9           relationship, and then they find out that at the  
10          time, either then or now, I was or was a policeman  
11          in the past, and they can't believe it because  
12          their experience is such that the police aren't  
13          there to help you, the police are there when  
14          you're drunk or you're drugged or you're violent  
15          and they take daddy or mommy away. So the  
16          relationship is based on whatever experience  
17          they've had in their past as to who the police  
18          are. Now, certainly over my career the Vancouver  
19          Police Department has made great strides to try to  
20          show the community that we're much more than that,  
21          but the reality is at two o'clock in the morning  
22          when somebody's on the street getting arrested is  
23          the policeman is the hammer, and the hammer's  
24          uncomfortable. So there's a real disconnect  
25          there. And I believe it comes down to what Geramy



1 said, was because of the issues these people are  
2 dealing with, such as drug addiction, mental  
3 health, poverty, unclean housing, because of those  
4 issues, those have to be solved first. Those have  
5 to be dealt with first before we can get into, you  
6 know, any meaningful everybody knows who everybody  
7 is sort of state because we'll never get there as  
8 long as we're dealing with people who have been  
9 turned away from services because there's no room.  
10 I'll give you another example from real life is  
11 last week one of the foster children we had phoned  
12 and said that she was doing something but she had  
13 to wait because her natural father was booked to  
14 go into rehab and if she didn't stay with him he  
15 wouldn't stay clean long enough to get there next  
16 week, so she baby-sat him for a week, got him into  
17 rehab, then she could go and do her thing. So the  
18 reality is what's needed isn't there in a timely  
19 fashion.

20 THE COMMISSIONER: Ms. Powell.

21 MS. POWELL: I think just an expansion of the program that I  
22 see as successful, but it's only operated by one  
23 person, it's a program that Constable Linda  
24 Malcolm runs right down on the street level with  
25 the women that are on the streets. That program

1           should be expanded so that the women, when they  
2           get into trouble or need help with the police,  
3           they've got somebody they do trust. At least  
4           that's a starting point for them. Try and get --  
5           expand that office somewhat so that there's more  
6           places to go, and not just during the daytime, but  
7           throughout the night.

8   THE COMMISSIONER: All right. Mr. Ward.

9   MR. WARD: Matters arising, if I may, please.

10  THE COMMISSIONER: Yes.

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

12           Q   Cameron Ward, counsel on behalf of the families of  
13               25 murdered women. And this is a question for  
14               each of you to answer, and it arises on the issue  
15               you've just identified of a lack of trust between  
16               the police and the community and the perception  
17               that the police are the hammer. Each of you well  
18               know, I suggest, from your extensive policing  
19               experience in Vancouver that members of the  
20               Vancouver Police Department treat people who  
21               reside on the Downtown Eastside differently than  
22               those who reside in other parts of the city,  
23               agreed? Let me elaborate on that. You all know  
24               that members of the Vancouver Police Department  
25               who patrol the streets of the Downtown Eastside

1                   stop people who are walking on the sidewalk --

2   MR. CROSSIN:   You know, I find --

3   MR. WARD:    No.

4   MR. CROSSIN:   I find this --

5   THE COMMISSIONER:   Just a minute.

6   MR. CROSSIN:   -- absolutely offensive.

7   THE COMMISSIONER:   Wait a minute.

8   MR. CROSSIN:   This isn't a question.

9   MR. WARD:    It is a question.

10   MR. CROSSIN:   This is a speech.

11   THE COMMISSIONER:   Just a minute.   Mr. Crossin --

12   MR. CROSSIN:   It's a media --

13   THE COMMISSIONER:   Mr. Crossin, let counsel finish his

14                   question.   And we're at the stage now where we

15                   want some advice from the people who are down

16                   there, and if the question is offensive, if

17                   it's -- then you can -- I'll give you every

18                   opportunity to reply to it.

19   MR. WARD:    I think Mr. --

20   MR. CROSSIN:   I'm not interested in replying.   I'm just

21                   interested in my friend actually asking a

22                   question.

23   MR. WARD:    I am.

24   THE COMMISSIONER:   Go ahead.

25   MR. WARD:    I was before I was interrupted.

1 THE COMMISSIONER: Go ahead, ask the question.

2 MR. WARD: We're seeing a phenomenon here that the truth hurts.

3 THE COMMISSIONER: Just ask the question.

4 MR. WARD:

5 Q The question is this. I suggest to you each, each  
6 of you, that you know that on the Downtown  
7 Eastside of Vancouver, unlike the west side, the  
8 police who patrol that area stop pedestrians and  
9 ask them to produce their ID, they run them on  
10 CPIC, and then if they find something, like an  
11 outstanding warrant or a breach of conditions,  
12 they take them into custody. They do that  
13 routinely, and it creates this very atmosphere of  
14 lack of trust that you're speaking of. Agreed?

15 MR. DUREAU: Well, I would disagree with that simply because  
16 that would not be legal. And I have some  
17 experience in the Downtown Eastside. I was never  
18 a patrol officer down there, but I've worked with  
19 and around people who work there extensively and  
20 have nothing but compassion, and their public  
21 trust issues around taking care of those people  
22 are high in mind. Are there instances where  
23 people abuse their authority as a police officer?  
24 Of course there are. I worked in the Internal  
25 Investigation Section, and occasionally we would

1           get those complaints. I was involved in an  
2           investigation that put a police officer in jail  
3           for a number of years for abusing his authority.  
4           But the reality is the vast majority of police  
5           officers do the right thing the right way and  
6           treat people in the appropriate manner. Now, if  
7           you're telling me that people have to be  
8           approached in different manners in different  
9           places, of course they do. Every single approach  
10          is different because every single person they deal  
11          with is different.

12          Q    I'm putting to you that the Vancouver Police  
13                routinely breach the law, the Charter rights of  
14                people on the Downtown Eastside in the manner I've  
15                outlined. They stop them on the street, and they  
16                ask them to produce identification just because of  
17                the way they look. You know that, sir?

18   MR. DUREAU: I do not.

19   THE COMMISSIONER: Well, Mr. Ward, it's very difficult to  
20                   expect them to answer without any specifics.  
21                   Now --

22   MR. WARD:

23          Q    All right. I'll give a specific of poor  
24                treatment. You must have seen, each of you,  
25                broadcast on the evening news not too long ago

1                   footage of two Vancouver Police officers walking  
2                   down Hastings Street and pushing a disabled woman  
3                   to the ground, right?

4       MR. DUREAU:   Yes, I saw that.

5                   Q    Did you see that too, Mr. Biddlecombe?

6       MR. BIDDLECOMBE:  Yes, I did.

7                   Q    Did you see that too, Ms. Powell?

8       MS. POWELL:  Yes, I did, and I believe it was addressed.

9                   Q    And that was atrocious conduct --

10      MS. POWELL:  It was.

11                  Q    -- directed to the residents of the Downtown  
12                    Eastside, wasn't it?

13      MR. DUREAU:  No, it was an atrocious approach to one person in  
14                    the Downtown Eastside by one officer, and it was  
15                    dealt with appropriately, I thought.

16      MR. WARD:    I see.

17      THE COMMISSIONER:  All right.  Thank you.

18      MR. WARD:    Thank you.

19      THE COMMISSIONER:  Mr. Crossin, you wanted to say something.

20      MR. CROSSIN:  No, thank you.

21      THE COMMISSIONER:  All right.  Okay.  Is there anything you  
22                    want to say?

23      MR. BIDDLECOMBE:  Yes, I have a brief statement I'd like to  
24                    read, Mr. Commissioner.

25      THE COMMISSIONER:  Yes.  All right.

1 MR. BIDDLECOMBE: I know that Deputy LePard has apologized on  
2 behalf of the Vancouver Police Department, but I  
3 would like to add my thoughts. Like many others,  
4 I too wish that this investigation had come to a  
5 successful conclusion much sooner than it did. My  
6 heart goes out to the families for all they have  
7 suffered, and for that I offer my sincerest  
8 apology to all of them.

9 MR. DUREAU: And I just add to what Geramy and Fred have both  
10 said, and obviously I apologize to all the  
11 families for not ceasing this activity sooner as  
12 far as Mr. Pickton's concerned.

13 THE COMMISSIONER: All right. Thank you each of you for coming  
14 here and testifying. Thank you. Mr. Vertlieb.

15 MR. VERTLIEB: These three witnesses can then please be  
16 excused.

17 THE COMMISSIONER: Yes. Thank you.

18 **(WITNESSES EXCUSED)**

19 MR. VERTLIEB: I should say, Mr. Commissioner, that we -- on  
20 the evidence we're ahead of time estimates even  
21 though there was a very thorough canvassing of all  
22 of the issues.

23 THE COMMISSIONER: Yes.

24 MR. VERTLIEB: And that's the reason that we as commission  
25 counsel had no questions in re-exam. All issues

1                   that needed to be canvassed were, in fact,  
2                   canvassed thoroughly.

3   THE COMMISSIONER: All right.

4   MR. VERTLIEB: So perhaps the two next witnesses could come  
5                   forward. This would be Mr. McGuinness and Mr.  
6                   Unger.

7   MR. UNGER: May I be seated, Mr. Commissioner?

8   THE COMMISSIONER: Yes, you may have a seat.

9   MR. VERTLIEB: Mr. Giles, may the witnesses be sworn, if it's  
10                  convenient, sir.

11   THE REGISTRAR: Yes. Good morning, gentlemen. Would you both  
12                  just turn on your microphones there, please. You  
13                  don't need to rise. You don't need to rise.

14                               **BRIAN MCGUINNESS: Affirmed**

15                               **JOHN UNGER: Affirmed**

16   THE REGISTRAR: Would you state your name, please.

17   MR. MCGUINNESS: Brian, B-r-i-a-n, McGuinness, M-c space  
18                   G-u-i-n-n-e-s-s.

19   THE REGISTRAR: Thank you.

20   MR. UNGER: John Unger, U-n-g-e-r.

21   THE REGISTRAR: Thank you. Counsel. You may be seated.

22   **EXAMINATION IN CHIEF BY MR. VERTLIEB:**

23               Q   I've taken to referring to police officers without  
24                   ranks, so I'll just continue with that. It seems  
25                   to work well. For both of you, and let's just



1 start with Mr. McGuinness, for both of you during  
2 our time period of this inquiry, which is January  
3 '97 to February of 2002, tell us, please, your  
4 rank at the Vancouver Police Department.

5 MR. MCGUINNESS: Mr. Commissioner, my rank with the Vancouver  
6 Police Department at that time period was deputy  
7 chief constable.

8 Q From when to when, sir?

9 MR. MCGUINNESS: I'm sorry, Mr. Vertlieb, I have hearing aids,  
10 and I can't hear you very well.

11 Q I'm sorry. And from when to when was it that you  
12 were in that capacity as deputy chief constable?

13 MR. MCGUINNESS: I believe it was from 1994 to 2000, March  
14 31st, 2000.

15 Q And after March 31 of 2000 you were no longer a  
16 member of the Vancouver Police Department?

17 MR. MCGUINNESS: I was not.

18 Q So you retired as a deputy chief?

19 MR. MCGUINNESS: That's correct.

20 Q Thank you. Mr. Unger, please give us the same  
21 information concerning yourself.

22 MR. UNGER: Yes. I retired as a deputy chief constable. I was  
23 a deputy chief from April of 2000 until when I  
24 retired the first part of 2003.

25 Q So you were a deputy chief April 2000 to the end

1 date of our terms of reference, being February  
2 2002?

3 MR. UNGER: I was.

4 Q Thank you. And as deputy chiefs you were just one  
5 below the chief constable?

6 MR. UNGER: That's correct.

7 Q The first area I want to cover, please, is around  
8 the issues of supervision of the men and women  
9 below you. First, in terms of a reporting  
10 structure, Mr. Biddlecombe reported to you, Mr.  
11 McGuinness?

12 MR. MCGUINNESS: That's correct.

13 Q And how did that reporting relationship work? In  
14 a brief way just tell us.

15 MR. MCGUINNESS: I'm sorry, I don't understand your question.

16 Q How did he report to you?

17 MR. MCGUINNESS: He either reported to me in a verbal fashion  
18 or a written fashion or any time he wished to  
19 speak to me.

20 Q We've heard that he would generally have morning  
21 meetings with you.

22 MR. MCGUINNESS: That's correct. Not just Inspector  
23 Biddlecombe. All of the inspectors or staff  
24 sergeants that were in charge of the sections  
25 within Operational Support Division would come to

1 the morning meetings if they were available.

2 Q Now, focusing on the Major Crime Section of our  
3 police department in the years '98 and '99, what  
4 was your role in assigning or helping determine  
5 priorities for the work being done by Major Crime?

6 MR. MCGUINNESS: I didn't -- I didn't have any assignments of  
7 priorities of what they were to be doing. Most of  
8 the work that was done by Major Crime Section was  
9 generated by crimes that had been committed  
10 throughout the city that they would investigate  
11 that were brought to their attention.

12 Q So specifically when we think now about the  
13 Pickton case, did you have any involvement in  
14 sitting with Mr. Biddlecombe and talking about how  
15 he was prioritizing that investigation?

16 MR. MCGUINNESS: I could have, yes, during that period of time.

17 Q Well, could have or did you?

18 MR. MCGUINNESS: Well, can you give me some specifics?

19 Q Well, when the Pickton investigation was ongoing,  
20 and we've heard about resource allocation, was it  
21 part of your job to sit with Mr. Biddlecombe and  
22 say, "Listen, how are you resourcing that issue  
23 and how are you making this all work"? That's  
24 what I'm trying to find out.

25 MR. MCGUINNESS: Well, at the time, Mr. Commissioner, it wasn't

1 identified as the Pickton investigation. It was  
2 identified as the missing women's investigation.  
3 Inspector Biddlecombe and I would discuss issues  
4 that regarded personnel and the need for  
5 personnel. An example would be when it was  
6 brought to Inspector Biddlecombe's attention that  
7 there was an inordinate number of missing women  
8 Inspector Biddlecombe asked if we could resource  
9 another staff member into the Missing Persons  
10 Section to help investigate. At the time the  
11 department was under severe shortages in regards  
12 to personnel. We as a division sat in a meeting,  
13 and the Patrol Division, which is a separate  
14 division within the police department, which has  
15 the largest number of personnel within the  
16 Vancouver Police, were also in a great deal of  
17 shortage of staffing at the time. We weren't able  
18 to get anybody from there to assist us, so as a  
19 management group we decided to put forward to the  
20 executive committee that we'd stand down one  
21 Strike Force team. At the time we had three  
22 Strike Force teams made up of 10 members each.  
23 This cut down on the ability, obviously, of the  
24 Strike Force to assist with Major Crime  
25 investigations because of the complexity of

1 homicide investigations and the need to gather  
2 evidence, such as DNA or evidence to support the  
3 granting of Part 6 wire-taps, etcetera. When we  
4 stood down one of the Strike Force, a person was  
5 identified from one of the -- from the Strike  
6 Force squad to go into the Missing Persons Unit.

7 Q And did you feel that was sufficient for their  
8 purposes?

9 MR. MCGUINNESS: At the time, yes.

10 Q Now, I want to ask you something, please, about  
11 Mr. Biddlecombe's health because we've heard here  
12 under oath that he was off with health issues that  
13 were obviously very significant, and he ultimately  
14 went off work because of health issues. I don't  
15 know whether you've heard that evidence here in  
16 the courtroom or you're aware of it prior to  
17 coming here.

18 MR. MCGUINNESS: No, I have not heard that evidence in the  
19 courtroom, but I do know that during the time  
20 period that I was in the Operational Support that  
21 Inspector Biddlecombe did take periods of weeks or  
22 a month at a time where he was off due to  
23 sickness.

24 Q So that raises the question then, and we've heard  
25 from Mr. Biddlecombe about his health, how were

1           you dealing with this health issue from the man  
2           who was in charge of Major Crime, who's told us  
3           that he was off for a lot of the time that he was  
4           the titled head of Major Crime Section?

5   MR. MCGUINNESS: Within the police department there's a  
6           structure that if there's -- if one of the  
7           superiors is missing due to illness, court or  
8           whatever that the rank immediately below them  
9           moves up and becomes an acting position within  
10          that squad. At no time did Inspector Biddlecombe  
11          ever indicate to me that he wasn't coming back to  
12          the police department, so I was confident in the  
13          people that were acting for him that they could do  
14          the job they needed to get done.

15         Q   We can understand you having confidence, but what  
16           did you do to give yourself reason to have that  
17           confidence?

18   MR. MCGUINNESS: I looked at the individuals. For example,  
19           Sergeant Giles had been a long-time homicide  
20           investigator, was very experienced in  
21           investigating homicides, was very knowledgeable.  
22           Staff Sergeant Dureau had spent a number of years  
23           in the Major Crime Section, both in the Robbery  
24           Division, and at the time Staff Sergeant Dureau  
25           was a senior member in that division.

1           Q   Did you understand that Dr. Rossmo was very  
2                   concerned about the real possibility of a serial  
3                   killer at work?

4   MR. MCGUINNESS:  I understand that Detective Inspector Rossmo  
5                   was asked to do a profiling of the missing women  
6                   and that he came back, and his report that was  
7                   submitted was submitted while I was away, and I  
8                   never saw the report until approximately one month  
9                   after he had submitted it.

10          Q   When you say report, we've seen evidence of Dr.  
11               Rossmo doing at least two reports.  He did a  
12               Missing Women Working Group blueprint in 1998,  
13               September.  You remember seeing that?

14   MR. MCGUINNESS:  I don't recall.

15          Q   All right.  I'll show that to you in a moment.  
16               And he did more work again in 1999 on the case,  
17               and he reported directly to you about some of his  
18               concerns?

19   MR. MCGUINNESS:  That's correct.

20          Q   So the question is this.  When Dr. Rossmo, who had  
21               a specialized knowledge -- and you appreciated his  
22               skill and ability, I presume?

23   MR. MCGUINNESS:  I did appreciate Detective Inspector Rossmo's  
24               abilities and skills.

25          Q   So he brings a unique set of -- skill set to the

1                   job, and he says there's a likelihood of a serial  
2                   killer preying on downtown prostitutes?

3       MR. MCGUINNESS: Yes, in his report I believe, and I can't  
4                   recall it completely, I believe he stated that it  
5                   was his feeling that there was a serial killer,  
6                   one or more people, responsible for the missing  
7                   women. He also said in his report as -- that he  
8                   wasn't able to do any spatial analysis in regards  
9                   to it because he didn't have the information of  
10                  where the women were last seen or what time, what  
11                  date. And Dr. Rossmo's specialty is in  
12                  geographical profiling, and he had spent time with  
13                  me explaining how his geographical profiling  
14                  worked, and it was very unfortunate he didn't have  
15                  the information to do a spatial analysis of the  
16                  missing women.

17                 Q    You know that he said, he opined to you --

18       MR. MCGUINNESS: I'm sorry?

19                 Q    You know that he was of the view that there was  
20                      probably a single serial killer?

21       MR. MCGUINNESS: I believe he said either one or a number of  
22                      people could be responsible, yes.

23                 Q    And you were in a capacity then of deputy chief  
24                      constable of the police department?

25       MR. MCGUINNESS: That's correct.



1           Q    So what did you do as a man just below the chief  
2                   when you were informed about that on something  
3                   that obviously would be a very serious concern to  
4                   any police officer anywhere? What did you do?

5   MR. MCGUINNESS: Encouraged the Missing Person and encouraged  
6                   Inspector Biddlecombe to continue trying to  
7                   determine whether or not there was a serial  
8                   killer. To that point in time I had no  
9                   information that anybody had been killed. Common  
10                  sense and hindsight to this day would most  
11                  certainly say that was a very viable option at  
12                  that time.

13          Q    So specifically -- Mr. Giles, if you could do two  
14                  things, please. One is we gave you a book of  
15                  documents this morning, which would be for DCC  
16                  Unger. If we could get those marked as an exhibit  
17                  NR, please, when you have a moment. And,  
18                  secondly, I'll need Exhibit 149NR, which was  
19                  referred to earlier.

20                What I want to do is in a moment take you to  
21                the case assessment, Mr. McGuinness, that Rossmo  
22                prepared May 25, '99. Now, May 25, '99, you were  
23                still on the force; you were deputy chief?

24   MR. MCGUINNESS: Yes, but I was away. I was away from the 1st  
25                  of May till the middle of June.

1           Q    So you come back the middle of June, and you had a  
2                   good working relationship with Rossmo?

3   MR. MCGUINNESS:   That's correct.

4           Q    And had great confidence in him, right?  You had  
5                   confidence in him?

6   MR. MCGUINNESS:   I'm sorry?

7           Q    You had great confidence in Rossmo?

8   MR. MCGUINNESS:   Yes, I did.

9           Q    So he gives you statistics in his case assessment  
10                  and points out the statistical analysis he's gone  
11                  through?

12   MR. MCGUINNESS:   Could you identify the tab for that?

13           Q    16.

14   MR. MCGUINNESS:   16.

15           Q    Page 4, top of the page.  Mr. Unger, if you'd look  
16                  at this as well, please, because I want to ask you  
17                  if you had any knowledge about this opinion that  
18                  was being provided.

19   MR. UNGER:   I'm sorry, I didn't get the reference.

20           Q    Tab 16, page 4, top of the page.  I'll read it  
21                  out.  Mr. McGuinness -- this is Rossmo.

22   MR. UNGER:   I don't have a tab 16.

23           Q    Oh, I'm sorry, you've got the wrong book.  Mr.  
24                  McGuinness has it and will pass it to you in a  
25                  second.  Just keep it there, Mr. McGuinness,

1                   please. Tab 16, page 4, top paragraph:

2                   while it is not possible with available  
3                   information to determine with certainty the  
4                   cause of these disappearances --

5   MR. MCGUINNESS: I'm sorry, Mr. Vertlieb. Oh, okay. Thank  
6                   you.

7           Q    You're welcome. Thank you, Mr. Unger. I'll start  
8                   again.

9                   while it is not possible with available  
10                  information to determine with certainty the  
11                  cause of these disappearances, the most  
12                  likely explanation for the majority of the  
13                  cases is a single murderer (or partner  
14                  murderers) preying on Skid Row prostitutes.

15                Now, that's a dramatic statement; do you agree?

16   MR. MCGUINNESS: It is, but unfortunately I have no  
17                  recollection of seeing this report, and I haven't  
18                  seen it in any of the document review I've done  
19                  that have been supplied to me for the commission  
20                  of inquiry.

21           Q    So you have no recollection --

22   MR. MCGUINNESS: No, I do not.

23           Q    -- of even ever looking at this?

24   MR. MCGUINNESS: That's correct.

25           Q    Did anyone bring this concept to your attention?

1           Forget the report itself. Did anybody say to  
2           you --

3   MR. McGUINNESS: I remember seeing a one-page report from Dr.  
4           Rossmo in regards to it, yes.

5           Q   Forgetting what you saw in documents, did anybody  
6           ever come to you and say, "Look it, we have now  
7           been told there could be a single murderer preying  
8           on Skid Row prostitutes"? Did you ever get  
9           involved in a discussion about this comment?

10   MR. McGUINNESS: No, I did not.

11           Q   Never?

12   MR. McGUINNESS: No.

13           Q   Mr. Unger, were you aware of this report of Mr. --  
14           of Dr. Rossmo's?

15   MR. UNGER: Just give me a minute to look at it here.

16           Q   Certainly. It's called Case Assessment May 25,  
17           1999.

18   MR. UNGER: I don't think I've ever seen this document. In  
19           spite of the thousands of pages of documents that  
20           I've gone through in the last year, I don't think  
21           I've ever seen this one.

22           Q   It's been here for months, sir, just so you know,  
23           but we accept your comment. Forget the document  
24           for a moment. Look -- think about the concept.  
25           The concept being offered by Dr. Rossmo is a

1 concern about a single murderer or perhaps partner  
2 murderers preying on Skid Row prostitutes. Now,  
3 were you ever alive to that thought concept when  
4 you were a deputy chief constable of the Vancouver  
5 Police?

6 MR. UNGER: No.

7 Q Do either of you have any assistance to give to  
8 the commissioner about why this information might  
9 not have been made known to you back at the  
10 material time, in 1999?

11 MR. UNGER: Are you directing this to both of us?

12 Q Yes, sir.

13 MR. UNGER: Well, in 1999 I wasn't in the investigation area,  
14 so I wouldn't have had access to that document,  
15 and that would be normal course that it would go  
16 through the deputy of the day there. I did see a  
17 document from Detective Inspector Rossmo much  
18 later after it was written. Probably near the end  
19 of 2001 I saw it.

20 Q In 1999 -- I should have asked you this -- what  
21 was your rank?

22 MR. UNGER: My rank was inspector, but I was an acting deputy  
23 chief, and I was in the Patrol Division in the  
24 Operations Division, uniform side, and I was  
25 acting for Deputy Chief Constable Blythe.

1           Q   And you would have attended the regular meetings  
2                   that took place between the deputy chiefs and the  
3                   chief?

4   MR. UNGER:  Yes, most of them.  While I was acting I would  
5                   have, yes.

6           Q   And we've heard that that was referred to as an  
7                   executive committee?

8   MR. UNGER:  Yes.

9           Q   So thinking back to the time when you were an  
10                   acting deputy chief, because we have heard that  
11                   you were an acting chief in '99 when this  
12                   document's written, did this discussion never come  
13                   up at an executive committee meeting amongst the  
14                   deputy chiefs and the chief?

15   MR. UNGER:  No.

16           Q   When you read this statement, do you understand  
17                   that this would be something that you would think  
18                   should be discussed?

19   MR. UNGER:  Well, I haven't had a chance to read the entire  
20                   report, and to take one piece out of a major  
21                   report like this is rather unfair.  I'd want to  
22                   read the entire thing before I comment.

23           Q   That's fair.  You'll have time.  That's fine.  
24                   Others will have an opportunity to question you as  
25                   well.

1                   So getting back to the health issue of Mr.  
2                   Biddlecombe -- I don't mean to belabour his health  
3                   issue. Everyone can understand the stress of the  
4                   job, and he served for many years in the police  
5                   department, but were you approaching his work in  
6                   terms of just keeping someone in there on a  
7                   temporary basis then to hold the fort, as it were,  
8                   until he was able to come back?

9       MR. McGUINNESS: That's correct. That's the way the system  
10                   worked at the time, and the people underneath  
11                   Inspector Biddlecombe, acting Staff Sergeant Giles  
12                   and Staff Sergeant Dureau, would be in a direct  
13                   communication flow with Inspector Biddlecombe when  
14                   he was there so also when he'd come back would be  
15                   in a direct communication flow with him as well to  
16                   keep him abreast.

17               Q    We understand how information can go up. I did  
18                   want to ask you about how you would manage down,  
19                   and that's why I was asking those questions.

20       MR. McGUINNESS: Correct.

21               Q    Do you understand now when you reflect back on the  
22                   health issues around Mr. Biddlecombe how perhaps  
23                   that could have caused issues around the  
24                   leadership in that Major Crime Section?

25       MR. McGUINNESS: It could have, yes.

1                   Q    You were not alive to it at the time?

2   MR. McGUINNESS:  I'm sorry?

3                   Q    You were not alive to that at the time?

4   MR. McGUINNESS:  No.

5                   Q    I want to ask you something, both of you  
6                            gentlemen, about indirect supervision, and it  
7                            really is in the context of the relationship  
8                            between the relatively young Ms. Shenher, who did  
9                            not have homicide experience from what we've  
10                          heard, and Ms. Field, now Ms. Powell, about  
11                          leadership.  Do you ever as a deputy chief drill  
12                          down to find out what level of supervision is  
13                          being given to your detectives on the ground?

14   MR. McGUINNESS:  I never drilled down to see exactly what a  
15                            sergeant was doing with their members or how their  
16                            reporting system was going unless a problem was  
17                            brought to my attention.

18                  Q    So, again, is that the concept of if people  
19                          brought it up to you you would deal with it, but  
20                          you wouldn't as a deputy chief necessarily be  
21                          going down?

22   MR. McGUINNESS:  That's correct.

23                  Q    Okay.  And, Mr. Unger, would that be your style as  
24                          well at the time?

25   MR. UNGER:  Yes, for the most part.



1           Q    So how would both of you gentlemen be able to be  
2                confident that things were being done to the  
3                standards that you would have expected?  What if  
4                people weren't bringing problems to you?  Does  
5                that mean the problems did not exist?

6   MR. MCGUINNESS:  If a problem wasn't being brought to me, I  
7                    didn't believe there was a problem.

8           Q    Mr. Unger?

9   MR. UNGER:  Yes, I'd agree with that.

10          Q    Now, Ms. Shenher wrote a memo August 27, '98, and  
11                it's tab 5.  I have it as tab 5, page 1, paragraph  
12                4, and this would be Exhibit 149.  I'm not sure  
13                which of you has that Exhibit 149.

14   MR. MCGUINNESS:  That's tab 5?

15          Q    Yes, sir.

16   MR. MCGUINNESS:  And where is the exhibit number marked on the  
17                    document?

18   THE REGISTRAR:  It says right on the front of the book.

19   MR. MCGUINNESS:  The front of the book.  Yes, that's correct,  
20                    yes.

21   MR. VERTLIEB:  Thank you.

22   MR. MCGUINNESS:  Sorry to take that trouble.

23   MR. VERTLIEB:  Don't worry.

24   MR. MCGUINNESS:  Yes, I see that here.

25   MR. VERTLIEB:

1           Q    So look at paragraph 4.  This is Ms. Shenher  
2                writing to Acting Inspector Dureau, so presumably  
3                this is when he'd be acting inspector in place of  
4                Mr. Biddlecombe.  Does that sound right to you?

5   MR. MCGUINNESS:  That's correct.

6           Q    Thank you, Mr. McGuinness.  Look at the fourth  
7                paragraph starting with the second sentence.  She  
8                says:

9                   At this point, it seems none of the cases I  
10                  am investigating would fall into these  
11                  categories and the victims have gone missing  
12                  under suspicious circumstances.  A large  
13                  percentage of these women have children  
14                  either living under the care of the ministry  
15                  or with extended family and they have not  
16                  lost contact with these children or with  
17                  family for more than very brief periods of  
18                  time until they went missing.  None have  
19                  contacted family.

20                Now, she's starting to flag a concern about these  
21                missing women and the comment being made they've  
22                gone missing under suspicious circumstances.  Now,  
23                were you aware of her concern when it was made in  
24                August of 1998?

25   MR. MCGUINNESS:  Yes.

1 Q And what did you do about that?

2 MR. McGUINNESS: Again, I would have spoken to Inspector  
3 Biddlecombe to see if we could find out what was  
4 happening to the women, where were they  
5 disappearing to, what was happening to them.

6 Q And what were you told by Mr. Biddlecombe?

7 MR. McGUINNESS: That they were working, and they gave me a  
8 list, an extensive list of all the things they  
9 were doing to try and determine what had happened  
10 to the women: checking with the coroner's office,  
11 checking with Social Services, checking  
12 everywhere, talking to the family, trying to  
13 determine where -- what had happened to these  
14 women.

15 Q And I don't mean this to be critical in any way,  
16 but did you diarize that concern to remind you to  
17 go back to Biddlecombe in a month or two months  
18 and follow up with him?

19 MR. McGUINNESS: No, I did not.

20 Q Was that not part of the business plan that was in  
21 force in the Vancouver Police Department at that  
22 time?

23 MR. McGUINNESS: Well, from August -- I have reviewed numerous  
24 reports that I got during '98 and '99, and I was  
25 getting reports on a regular basis, updates of

1                   what was happening trying to determine what had  
2                   happened to the women.

3                   Q    You would agree, though, reading that would be  
4                   cause for concern at the police department level?

5   MR. MCGUINNESS:  The concern is what was happening to these  
6                   women, and we just couldn't determine that.

7                   Q    Mr. Unger, in 1998 were you part of the executive  
8                   committee of the Vancouver Police Department?

9   MR. UNGER:  I may have been for part of that time in an acting  
10                  capacity, yes.

11                  Q    I understand.  And so was this concern ever  
12                  something that you heard about in your capacity  
13                  attending the executive committee meetings?

14   MR. UNGER:  I probably did hear about it, yes.

15                  Q    So how was this concern dealt with at the  
16                  executive committee level, which is the top level  
17                  of the police department?

18   MR. UNGER:  Well, I think the mere fact that a review team was  
19                  put in place by the Investigation Division we were  
20                  aware that there was a problem that -- we didn't  
21                  know what it was, but there was a mechanism in  
22                  place to deal with it and to investigate as to  
23                  what had happened with a number of missing.

24                  Q    Mr. McGuinness, just for your reference, if you  
25                  could turn to tab 7 of that same exhibit, you'll

1                   see your memo to the deputy chief of police, which  
2                   confirms what you were telling us in part about  
3                   the action that you were trying to take. That is  
4                   your memo?

5   MR. MCGUINNESS: That's correct.

6                   Q   Thank you. I want to ask both of you to look at  
7                   tab 8, which is this document authored by Dr.  
8                   Rossmo. Have either of you seen this prior to  
9                   coming here to give evidence?

10  MR. MCGUINNESS: Yes, I have.

11                   Q   Mr. Unger, you've seen this as well?

12  MR. UNGER: I don't recall seeing this one.

13                   Q   I'm sorry, Mr. Unger?

14  MR. UNGER: I don't recall seeing this one.

15                   Q   So, Mr. McGuinness, you've written on this  
16                   document?

17  MR. MCGUINNESS: Correct.

18                   Q   That's your handwriting at the bottom?

19  MR. MCGUINNESS: That's correct.

20                   Q   Can you just read that so we've got it clearly in  
21                   our minds?

22  MR. MCGUINNESS: It's dated the 21st of August, 1998, and it's  
23                   to Inspector Fred Biddlecombe, and I have said:

24                   I have approved Detective Inspector Rossmo's  
25                   participation in this Task Force. Please

1                   ensure that our people assist in any way they  
2                   can. Thanks, Brian McGuinness, Acting Chief.

3           Q     So at this point in time, August '98, you're  
4                   concerned about whether there could be a serial  
5                   murderer preying upon females in the Downtown  
6                   Eastside? You didn't know, but you were  
7                   concerned?

8     MR. MCGUINNESS: Yes.

9           Q     Because the objective --

10    THE COMMISSIONER: We'll stop there.

11    MR. MCGUINNESS: That's very clear, is that we didn't know that  
12                   there was a serial killer. We were trying to  
13                   identify if there was one or not.

14    MR. VERTLIEB: That's fine. Thank you. This is a good time to  
15                   stop.

16    MR. MCGUINNESS: I'm sorry for interrupting.

17    THE COMMISSIONER: Thank you.

18    THE REGISTRAR: The hearing is now adjourned for lunch. We  
19                   will be returning at 1:45.

20                   **(PROCEEDINGS ADJOURNED AT 12:30 P.M.)**

21                   **(PROCEEDINGS RESUMED AT 1:50 P.M.)**

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

23    MR. VERTLIEB: Thank you, Mr. Giles. Mr. Commissioner, thank  
24                   you.

25    THE REGISTRAR: Mr. Vertlieb, before you start, you wanted your

1 document marked, the Unger document.

2 MR. VERTLIEB: Please.

3 THE REGISTRAR: That will be marked as Exhibit number 160NR.

4 MR. VERTLIEB: Thank you, Mr. Giles. Thank you for reminding  
5 me.

6 (EXHIBIT 160NR: Document brief for DCC Unger)

7 MR. VERTLIEB:

8 Q If you'd get Exhibit 149, please. I'd like you to  
9 look at the tab 10, which is a draft news release.  
10 Do you see that draft news release?

11 MR. MCGUINNESS: Yes, I do.

12 Q Mr. Unger, you see it?

13 MR. UNGER: Yes.

14 Q Did either of you see it back in the time frame of  
15 1998?

16 MR. UNGER: I don't believe I did.

17 Q Mr. McGuinness?

18 MR. MCGUINNESS: I don't think I saw it either.

19 Q You've read it, though?

20 MR. MCGUINNESS: Yes, I have.

21 Q Do you see any harm in sending that out back in  
22 that time frame?

23 MR. MCGUINNESS: I would suggest, Mr. Commissioner, the only  
24 thing I see in there is the mention of a serial  
25 murderer. I would think that it was difficult at

1                   that time to say there was a serial murderer.

2                   Q    Now, turn, please, to tab 11. This is minutes of

3                   a Strathcona Police Liaison Committee meeting.

4                   Have you two seen this in your preparation to come

5                   here and give evidence to Commissioner Oppal?

6   MR. UNGER:   No, I haven't seen it.

7   MR. MCGUINNESS:  I haven't either.

8                   Q    Well, Mr. McGuinness, I am going to ask you to

9                   look at tab 12 and 13. I am going to assume

10                  you've seen these, but go ahead and look at them.

11   MR. MCGUINNESS:  Yes.

12                  Q    You've seen these e-mails prior to giving

13                  evidence?

14   MR. MCGUINNESS:  Yes, I have.

15                  Q    So you became aware in February 1999 there were

16                  concerns in the community about these women who --

17                  statistically there seemed to be more women than

18                  should be missing?

19   MR. MCGUINNESS:  Yes.

20                  Q    And you were exchanging information with Dr.

21                  Rossmo?

22   MR. MCGUINNESS:  That's correct.

23                  Q    So I wanted to ask you about the way the

24                  management structure worked. Rossmo wasn't

25                  directly reporting to you?



1 MR. MCGUINNESS: No, he was not.

2 Q But why would you and he be having this  
3 discussion? Why would he be giving you  
4 information?

5 MR. MCGUINNESS: Well, I think if we go back to the other memo  
6 that you showed me earlier where you -- where I  
7 approved Dr. Rossmo's participation in the working  
8 group, that -- there's nothing that says that  
9 Detective Inspector Rossmo and I couldn't speak  
10 with each other or send communications to each  
11 other.

12 Q No, I understand, but the point is he was giving  
13 you help. Did you wonder why he at that level was  
14 helping you whereas your immediate person below  
15 you, the person in charge of Major Crime, wasn't  
16 giving you information?

17 MR. MCGUINNESS: I don't know why he wasn't getting the  
18 information, but I do believe there's an e-mail  
19 where I directed that he did get the information  
20 he was asking for.

21 Q So then look at tab 13. This is an e-mail from  
22 you to Mr. Biddlecombe and Dureau and Brock Giles.  
23 The last sentence, "Do we have a problem that we  
24 are not addressing?"

25 MR. MCGUINNESS: That's correct.

1           Q    Mr. Unger, have you seen this at any time or heard  
2                    about this in the time frame February '99?

3   MR. UNGER:   Not in that time frame, no.

4           Q    So, Mr. McGuinness, you were obviously becoming  
5                    concerned?

6   MR. MCGUINNESS:   Yes.

7           Q    So were your concerns allayed or satisfied?

8   MR. MCGUINNESS:   During my tenure in the Vancouver Police  
9                    Department up until I left my concerns weren't  
10                   allayed.

11          Q    And so tell us why.  What was bothering you, and  
12                   what did you do about it?

13   MR. MCGUINNESS:   What was bothering me is that we had all these  
14                    missing women and we didn't know why or where they  
15                    were, and nothing had come forward before I left  
16                    to tell me exactly what had happened to these  
17                    women.

18          Q    And did you think about convening a meeting of  
19                   people and saying, "Look it, I'm worried about  
20                   this"?

21   MR. MCGUINNESS:   There was an ongoing group of people that were  
22                    working on this consistently right up until the  
23                    time I left, starting with Lori Shenher, then  
24                    Sergeant Field, then Alex Clarke, Carl Vinje,  
25                    Detectives Lepine and Chernoff.  Also at the same

1                   time, because Sergeant Field was in the Major  
2                   Crime Section, Homicide Unit, all the homicide  
3                   detectives were available to them. Strike Force  
4                   personnel were available to them if they needed  
5                   them. There were people working on it.

6                   Q    Look at tab 17, please. This is a memo from  
7                        Rossmo to you May 27, '99.

8   MR. MCGUINNESS: Yes. This came in again during the period of  
9                   time that I was away for six weeks, and it looks  
10                  like it was dealt with by Acting Deputy Chief Ken  
11                  Doern, who was my actor at the time.

12                  Q    That's the signature at the bottom?

13   MR. MCGUINNESS: Not at the bottom. Just below where it says  
14                   Inspector Fred Biddlecombe and then there's  
15                   directions and then there's a signature, that's  
16                   Ken Doern's signature.

17                  Q    Sorry, I meant the bottom of the handwriting.  
18                        That is Doern?

19   MR. MCGUINNESS: Yes.

20                  Q    So when you did see it, what did you do?

21   MR. MCGUINNESS: I don't know if I saw this. It could have  
22                   gone to file.

23                  Q    Turn to tab 18, a memo -- Mr. Unger, were you  
24                        given any of this information, whether you saw the  
25                        memo or not? Did you know about the concern

1                   expressed by Rossmo in May about a serial  
2                   murderer?

3       MR. MCGUINNESS: Which tab are we asking about?

4               Q     Same one, tab 17.

5       MR. MCGUINNESS: Sorry.

6               Q     Exhibit 149, tab 17. Look at the last bullet  
7                   point, page 1.

8       MR. UNGER: No, I never saw this report at the time.

9               Q     I accept that, but whether you saw it or not, were  
10                   you aware of this information being expressed by a  
11                   man with a doctorate in criminology?

12       MR. UNGER: No, I was not.

13              Q     And in '99 from time to time you were in the  
14                   capacity as an acting deputy chief?

15       MR. UNGER: I was.

16              Q     And having these regular meetings of the  
17                   executive, which would be the deputies and the  
18                   chief?

19       MR. UNGER: Yes.

20              Q     And this wasn't filtering into those meetings at  
21                   all, this concern about a single murderer preying  
22                   on Skid Row prostitutes?

23       MR. UNGER: I don't recall that ever filtering into those  
24                   meetings.

25              Q     Tab 18, which is a memo to you, Mr. McGuinness,

1 from Sergeant Field October 22, '99.

2 MR. MCGUINNESS: Yes.

3 Q Did you see this?

4 MR. MCGUINNESS: Yes.

5 Q Did you feel the situation was in hand from the  
6 police investigation standpoint?

7 MR. MCGUINNESS: I did at the time. This was a complete  
8 briefing report by Sergeant Field of everything  
9 that they had been doing up until then. It  
10 outlined persons of interest, 13 of them all  
11 together. It outlined what the section was doing.  
12 There was no request in here for anything that  
13 needed me to help them with. There was no ops  
14 plan outlining what they wanted to do.

15 Q At the last page there was a request about a  
16 full-time sergeant. Turn to the last page.

17 MR. MCGUINNESS: I think what that paragraph says is that they  
18 were going to continue to investigate any tips and  
19 interest brought to the attention and then they  
20 were going to review their progress at the end of  
21 the year and determine then whether they were  
22 going to stand it down, keep going. I think  
23 during this time period, to my recollection, there  
24 hadn't been any more or a significant number of  
25 women reported missing during 1999.

1           Q   Well, nonetheless, Sergeant Field is saying she  
2                would like a full-time sergeant to be assigned.  
3                We've heard from her that she was spending perhaps  
4                10 per cent of her time dealing with Missing  
5                Persons Unit issues.

6   MR. MCGUINNESS:   Right.

7           Q   And accepting that at face value, you can  
8                understand why -- I'm assuming you would have  
9                known that.   You would have known that?

10   MR. MCGUINNESS:   Yes, I knew that, and at the time we didn't  
11                have a full-time sergeant we could assign to that.

12          Q   But if there was a serial murderer out there you  
13                would have surely --

14   MR. MCGUINNESS:   We didn't know there was a serial murderer.

15          Q   You may not have known, but didn't Dr. Rossmo make  
16                it pretty clear about his concern the most likely  
17                explanation is a single murderer?

18   MR. MCGUINNESS:   That's correct.

19          Q   Now, it wasn't perhaps known the way it's known  
20                today because Pickton's in jail, but you had --  
21                you've told us you had great regard for Rossmo's  
22                opinion, as well you should have, he was well-  
23                respected, brought skills that no one else had,  
24                correct?   So he's telling you that he thinks the  
25                most likely explanation's a single murderer.   Now,

1                   if that had been accepted, could the police force  
2                   not have then said, "We need to man this issue  
3                   differently than we're doing it now"?

4       MR. MCGUINNESS: We just didn't have anybody that could man  
5                   that issue.

6               Q     Mr. Unger?

7       MR. UNGER: Yes.

8               Q     So do you have the same view as Mr. McGuinness has  
9                   just expressed about finding manpower to deal with  
10                  what could well have been a single murderer  
11                  preying on Skid Row prostitutes?

12       MR. UNGER: Well, I had nothing to do with this at that time,  
13                  but certainly with regards to our staffing levels,  
14                  they were such that it was very difficult to come  
15                  up with additional people.

16              Q     But isn't that a matter of priorities?

17       MR. UNGER: We had many priorities.

18              Q     I understand. Is there one -- would there be a  
19                  larger priority than a serial killer?

20       MR. UNGER: No, a serial killer would be one of the top  
21                  priorities, absolutely, but at this point in time  
22                  I certainly didn't have any idea we had a serial  
23                  killer.

24              Q     Have you read Dr. Rossmo's evidence or seen any of  
25                  his material he's filed for this commission?

1 MR. UNGER: Yes.

2 Q And you know he had this view that the police  
3 department -- he used the word "denial", they were  
4 in denial, because if they had recognized a serial  
5 killer, they would have had a real issue around  
6 prioritizing and providing resources?

7 MR. UNGER: Well, I think in time we did recognize a serial  
8 killer, not at this particular time, we did later  
9 on as things changed, and when that occurred we  
10 acted.

11 Q What changed?

12 MR. UNGER: Well, just -- just more information.

13 Q Specifically?

14 MR. UNGER: Well, I think -- I think in addition to women  
15 continuing to go missing and the fact that as the  
16 project or the Missing Women's Review Team and  
17 Project Amelia, as that carried on obviously we  
18 had more information relative to the women who  
19 were reported missing, and that helped us develop  
20 the opinion that perhaps we did have a serial  
21 killer, and that opinion changed over a period of  
22 time.

23 Q When you were either an acting chief or a  
24 designate -- an acting deputy chief constable or a  
25 designated deputy chief constable did you know of



1                   the information coming from people named Hiscox  
2                   and Caldwell?

3       MR. UNGER: No, I did not.

4                   Q    You've learned about that in the course of this  
5                   inquiry --

6       MR. UNGER: Yes.

7                   Q    -- no doubt?

8       MR. UNGER: Yes.

9                   Q    You recognize that would be important information?

10      MR. UNGER: Yes.

11                  Q    Did you know about the names Menard and Best?

12      MR. UNGER: No.

13                  Q    Did you know the name Ellingsen?

14      MR. UNGER: Only from this inquiry.

15                  Q    All of those names had information that  
16                       Commissioner Oppal may conclude was of importance  
17                       for the police to consider?

18      MR. UNGER: It would appear so, yes.

19                  Q    You would agree that it was important?

20      MR. UNGER: Yes.

21                  Q    And you have no -- and it was not made known to  
22                       you at the time?

23      MR. UNGER: No.

24                  Q    Can you help us understand why that would not have  
25                       come to your attention as the deputy chief

1                    constable?

2        MR. UNGER:    That's not unusual.    If they're informants, if  
3                    they're personalities that are bringing forth  
4                    information, as a deputy chief I wouldn't normally  
5                    get all of the minute details of any  
6                    investigation.    So that's not -- that's not  
7                    abnormal.    In fact, in many cases it's recommended  
8                    because it's a need-to-know basis, and we just  
9                    don't broadcast that unless it's absolutely  
10                   pertinent to some decision that I need to make.

11                Q    But in terms of setting priorities for the force,  
12                    the executive would be the principal group that  
13                    would set the overall priorities?

14        MR. UNGER:    Yes.

15                Q    Can you please, Mr. Unger, turn to Exhibit 160.

16        MR. UNGER:    160?

17                Q    Tab 5, please.    This relates to discussion about  
18                    forming a joint force operation with the RCMP.

19        MR. UNGER:    Yes.

20                Q    And you were involved in that decision making?

21        MR. UNGER:    I was.

22                Q    It appears that it's around this time frame, the  
23                    fall of 2000, that the idea of a JFO was at the  
24                    executive level of the police force.

25        MR. UNGER:    Yes.

1 Q Does that accord with your memory?

2 MR. UNGER: It was, yes.

3 Q Can you help us understand why it was not at the  
4 executive level sooner?

5 MR. UNGER: Actually, it was at the executive level somewhat  
6 sooner than that.

7 Q Tell us, please.

8 MR. UNGER: Yes. I believe it was at the executive level in  
9 May of that year.

10 Q May of 2000?

11 MR. UNGER: Yes.

12 Q But it's not implemented until the beginning of  
13 2001?

14 MR. UNGER: No, it was actually implemented before that. The  
15 work had begun, and as soon as we made the  
16 decision to move in that direction the work began  
17 right away.

18 Q Well, we've heard from Mr. Adam, and it would  
19 appear from his evidence it wasn't until -- in his  
20 view he became operational, as I recall it, I  
21 could wrong, and forgive me if I'm wrong, that it  
22 became operational in February of 2001. Let me  
23 ask you this question. Do you think the JFO  
24 became operational as quickly as it ought to have  
25 been operational?

1 MR. UNGER: I think it became operational as soon as it was  
2 able to be. There was a number of issues that we  
3 had to deal with. There was a number of things  
4 that had to be done first.

5 Q Now, look at the next tab, 6, please. I'm looking  
6 at a note at the bottom. It's addressed to John.

7 MR. UNGER: Yes.

8 Q That would be you?

9 MR. UNGER: Yes.

10 Q So you were being updated by Gord Spencer?

11 MR. UNGER: I was.

12 Q And you see the reference to January -- or  
13 December of 2000 about a meeting with Don Adam?

14 MR. UNGER: Yes.

15 Q And you were in the loop because this was of  
16 interest to you in how this investigation was  
17 proceeding?

18 MR. UNGER: Yes.

19 Q The next is a memo, tab 7, March 20, 2001. When I  
20 say next, I don't mean to suggest there's no other  
21 e-mails or memos, but we've taken ones that we  
22 thought would be of particular help to the  
23 commissioner. And you're aware of this memo?

24 MR. UNGER: In tab 7?

25 Q Yes. This one deals with the officers Fell and

1                   Wolthers.

2       MR. UNGER:   Yes.

3               Q    So let me just ask you a few questions about them.  
4                    I'm sure others will as well.  You were concerned  
5                    about Wolthers and Fell in terms of how they were  
6                    working with the team?

7       MR. UNGER:   Yes, I was.

8               Q    And if you look at tab 1, you'll see a memo to you  
9                    from Gord Spencer January 13, 2000 -- or June  
10                   13th, 2000, dealing with their investigative  
11                   approach?

12      MR. UNGER:   Sorry, the one I have here is --

13              Q    Tab 1, June 13.

14      MR. UNGER:   Oh, tab 1.  I'm sorry.  Yes.

15              Q    And there's another memo about Wolthers and Fell  
16                    at tab 2?

17      MR. UNGER:   Yes.

18              Q    It was an instruction from Mr. Blythe to assign  
19                    someone to have a look at whether there should be  
20                    discipline against them?

21      MR. UNGER:   Yes.

22              Q    And you considered that issue, and as we  
23                    understand it, no discipline was taken?

24      MR. UNGER:   No, that's not true at all.

25              Q    I'm sorry, there was no police action against

1                   them?

2       MR. UNGER:   No.  I put it forward, as was the procedure at that  
3                   time, to the chief constable with a recommendation  
4                   that Internal Investigation have a look at it.

5                   Q    Right.

6       MR. UNGER:   That was our policy and procedure at that time.  
7                   They looked at it and sent it back.  The chief  
8                   sent it then back to -- to Inspector Spencer, who  
9                   was -- well, he was actually acting for me at that  
10                  time, so he sent it back through my office for  
11                  them to have a look at it as Internal thought it  
12                  would be better looked at from their standpoint.

13                  Q    No formal action regarding *Police Act* or Labour  
14                       Code violations was instigated against those two  
15                       officers?

16       MR. UNGER:   No, it wasn't.

17                  Q    Now, sir, here's a question I just wanted to ask  
18                       you, and others may wish to ask more.  We've heard  
19                       from Mr. LePard that when he was in charge of the  
20                       Home Invasion Task Force he was able to pick the  
21                       officers he wanted and he had the tools and  
22                       resources he needed.  The question I would ask and  
23                       perhaps others in the room might want to ask, it  
24                       would appear that Wolthers and Fell were assigned  
25                       to Missing Person work but they may not have been

1           the choice of everybody on the -- in the unit.  
2           You have an understanding that there was some  
3           concern about their assignment?

4   MR. UNGER:   Yes.

5           Q    So the question is this.  If Mr. LePard was able  
6                to get the people that he wanted for his Home  
7                Invasion Task Force, leaving the resources out,  
8                can you help us understand why this investigation  
9                for missing women would end up with people going  
10              there that may not have been the choice of the  
11              people running it?

12   MR. UNGER:  Well, they were there when I moved to that area, so  
13                I had no input whatsoever into their going there.  
14                I don't know how they got there.

15           Q    Mr. McGuinness.

16   MR. MCGUINNESS:  Constables Fell and Wolthers came to my office  
17                    sometime in, I believe -- I'm not sure -- I'm not  
18                    confident of the dates, Mr. Commissioner, but when  
19                    they came to my office they indicated that they  
20                    had a possible suspect in regards to the missing  
21                    women and that they would like to join the group  
22                    and start working on it.  What I did is I asked  
23                    Acting Inspector Dureau at the time to meet with  
24                    Fell and Wolthers and interview them in regards to  
25                    the information they had and to see if they would

1           be of assistance in the unit. I subsequently got  
2           an e-mail back from Staff Sergeant Giles, said  
3           that he had interviewed -- he and Acting Inspector  
4           Dureau had interviewed Fell and Wolthers and felt  
5           that they would be able to assist the Missing  
6           Women's group and help them with their  
7           investigations, and he said that he would be -- he  
8           would take them.

9           Q    Is that everything you wish to say about their  
10           assignment?

11   MR. MCGUINNESS: I'm sorry?

12           Q    Is that everything you wish to say about their  
13           assignment to the missing women investigation?

14   MR. MCGUINNESS: Yes.

15           Q    Now, the last area, this is just directed, Mr.  
16           Unger, to you, sir. If you turn to tab 10, these  
17           are typewritten notes, and at the top it says:  
18                       Notes re interview with Inspector Don Adam  
19                       with Sean Hern and Jim McKnight on March  
20                       25th, 2004...

21   MR. UNGER: Yes.

22           Q    Have you seen this document prior to coming here  
23           to speak to the commissioner?

24   MR. UNGER: No, I have not.

25           Q    I just want to ask you then -- let's just turn to



1 the top of page 2.

2 MR. UNGER: Yes.

3 Q There's a reference attributed to you.

4 John Unger wanted them to be missings, not  
5 murders. "They're just a bunch of hookers."

6 Do you see that reference?

7 MR. UNGER: I see that.

8 Q Here in these proceedings people have attributed  
9 derogatory language to you, and I want to ask you  
10 whether you used derogatory language, whether it  
11 was hookers or whores or any other language that  
12 you would consider to be derogatory?

13 MR. UNGER: I've heard this over and over through this  
14 commission, and somewhat distressing for me  
15 because I never said that. That is a complete  
16 fabrication. I've listened intently every time  
17 this has come up, and no one seems to know where  
18 it came from. Let me just say that as far as I  
19 know this information came from a senior  
20 management team meeting or a senior meeting of  
21 some kind. Those meetings that we had of that  
22 nature were very formal. We would never have used  
23 that kind of language, and I certainly did not use  
24 that kind of language.

25 Also, the term "hookers", although I wouldn't

1 consider it a real derogatory term myself because  
2 it's certainly been around forever, but a long  
3 time before this ever started, probably about  
4 1994, the inspector in charge of the Vice Section  
5 at that time, I believe it was Bob Taylor, and he  
6 brought forth to a management meeting that the  
7 proper terminology that we should all use is STWs  
8 or sex trade workers, and from that time on no one  
9 at a senior level would use the term "hookers".  
10 We just didn't do it, and we felt that there was  
11 some insensitivity surrounding that and that some  
12 of the people involved in the sex trade and  
13 certainly some of the people in the Downtown  
14 Eastside, some of the various groups that we dealt  
15 with on a regular basis, they didn't want to hear  
16 that kind of language, so everyone adopted that,  
17 and that goes back as far as about 1994.

18 And let me just say this further. That is  
19 not a term that I would normally use anyways even  
20 before that period of time. Very early on in my  
21 career I was on what was called in the early '70s  
22 a motel detail, and our job at that time was to  
23 check all the motels on Kingsway, basically on  
24 Kingsway and Main Street, and a lot of the work we  
25 did then was with sex trade workers, and even at

1           that time, long before this term came into play,  
2           we did not use the word "hookers". We used  
3           "working girls", and that's how we used to talk to  
4           the women all the time. And we would go up to  
5           them and say, "Are you working?" And they liked  
6           that terminology, and we actually had a pretty  
7           good relationship with them to get information.  
8           We were usually looking for information on major  
9           pimping operations at that time and major drug  
10          importation, that type of thing.

11          Q    I'll leave it to Ms. Christie, your lawyer, to  
12               deal with it in more detail if she wishes, or  
13               others, but I just want to say that there are  
14               documents we've seen post-1994 that use the word  
15               "hooker" in reference to a hooker task force and  
16               things of that nature.

17   MR. UNGER:   Yes.

18   MR. VERTLIEB:  So you may have others ask you about those  
19                   documents, but I'll leave that to my colleagues  
20                   here.

21               Mr. Commissioner, those are the questions on  
22               the areas that I thought were of interest for you  
23               to be hearing about, and no doubt others will  
24               explore them as they see fit in more detail.

25   THE COMMISSIONER:  All right.

1 MR. VERTLIEB: And I believe it is Ms. Christie who is next,  
2 being counsel for Mr. Unger.

3 THE COMMISSIONER: Thank you.

4 MS. CHRISTIE: Thank you, Mr. Commissioner. Vanessa Christie  
5 on behalf of former Chief Constable Terry Blythe  
6 and former Deputy Chief Constable John Unger. And  
7 I've asked Mr. Giles for certain documents there.  
8 I am going to be referring mostly, Mr.  
9 Commissioner, to the document I marked earlier,  
10 158NR, I believe it is.

11 THE COMMISSIONER: All right.

12 MS. CHRISTIE: Possibly one other document. Used to be J. I  
13 think it's now 146 according to Mr. Giles.

14 THE COMMISSIONER: Okay.

15 **CROSS-EXAMINATION BY MS. CHRISTIE:**

16 Q So very likely, Mr. Unger, most of my questions  
17 will be for you. I understand you were born, sir,  
18 April 17th, 1946, in Alberta?

19 MR. UNGER: That's right.

20 Q And you've been in Vancouver since the late '60s?

21 MR. UNGER: Yes, I have.

22 Q And you graduated from the Vancouver Police  
23 Academy and started with the Vancouver Police  
24 Department July the 5th, 1971?

25 MR. UNGER: That's correct.

1 Q And you retired in 2003?

2 MR. UNGER: Yes, I believe 2003.

3 Q And, in other words, you were a member of the  
4 Vancouver Police Department for about 32 years?

5 MR. UNGER: Close to that, yes.

6 Q And throughout your career, Mr. Unger, I just want  
7 to cover off a bit of the different positions you  
8 held quickly, if I can. From July of 1971, when  
9 you started, until May of 1977 you had some  
10 responsibilities in Patrol, Crime Prevention Unit,  
11 and Traffic constable -- Traffic as a constable, I  
12 should say?

13 MR. UNGER: Yes.

14 Q And you were assigned to various different  
15 districts. Assigned to District 3 following your  
16 basic training. You assisted community policing  
17 project teams for several months. Assigned to the  
18 Criminal Intelligence Unit for hand grenade  
19 projects. Obtained your position as a field  
20 trainer for recruits. Does that all accord with  
21 your memory, Mr. Unger --

22 MR. UNGER: Yes.

23 Q -- of those early days?

24 MR. UNGER: Yes.

25 Q And this Crime Intelligence Unit, sir, the hand

1                   grenades project, that was an integrated project?

2       MR. UNGER: It was. It was one of our very earliest form of  
3                   JFOs, and it was probably the earliest form of  
4                   Criminal Intelligence Section dealing with  
5                   organized crime.

6               Q   And fair to say, Mr. Unger, that you had a lot of  
7                   work, integrated work throughout your career  
8                   working with the RCMP, working with other  
9                   departments; is that correct?

10       MR. UNGER: Yes. Probably at least half of my career would  
11                  have been involved in JFOs.

12              Q   Okay. Just following on -- and again, Mr. Unger,  
13                  there's many things that you've done over your  
14                  career. I am going to just try to hit the  
15                  highlights because the time is a bit limited.  
16                  From '77 to January '79 you were in Community  
17                  Relations as a constable?

18       MR. UNGER: Yes.

19              Q   And you conducted some internal theft  
20                  investigations. You also organized a major task  
21                  force with the RCMP on a biker gang theft ring?

22       MR. UNGER: I did. I was in the shoplifting detail, which was  
23                  a commercial section back then, so our primary  
24                  function was twofold: to go after professional  
25                  shoplifting rings, and also to provide training

1                   for security people in large retail establishments  
2                   around the city.

3                   Q   And from '79 to June of '81 you were in the Human  
4                   Resources Department --

5   MR. UNGER:   I was.

6                   Q   -- as a detective at that point?

7   MR. UNGER:   I was.

8                   Q   And you participated in all aspects of  
9                   recruitment, especially interviewing and  
10                  conducting background investigations of potential  
11                  recruits?

12   MR. UNGER:   Yes.

13                  Q   And hiring of potential recruits?

14   MR. UNGER:   Yes.

15                  Q   From June of '81 to April of 1985 you were in the  
16                  Traffic Section as a sergeant?

17   MR. UNGER:   I was.  I'm sorry, the dates again?

18                  Q   I think it was June of '81 to April 1985.

19   MR. UNGER:   Yes, that would be close.

20                  Q   Close.  And from April 1985 to February '86 you  
21                  were in the Information Section as a staff  
22                  sergeant?

23   MR. UNGER:   That's correct.

24                  Q   February of 1985 to May of 1988 in CLEU?

25   MR. UNGER:   Yes.

1 Q As a staff sergeant there as well?

2 MR. UNGER: Yes.

3 Q Worked in that period of time, Mr. Unger, CLEU  
4 project team manager for organized crime and  
5 investigations, including Project Point and the  
6 phone masked -- sorry, phone masked bandit, a  
7 couple of projects that you worked on at the time?

8 MR. UNGER: Yes.

9 Q And worked with RCMP at that time and members of  
10 other forces?

11 MR. UNGER: Yes, we did. My team would have consisted of  
12 approximately 40 per cent RCMP members and 10 per  
13 cent other forces and 50 per cent Vancouver PD.

14 Q And just in case I forget to ask you later, Mr.  
15 Unger, how would you sort of characterize, if you  
16 could, your working relationship with the RCMP  
17 over time as far as cooperation and coordination?

18 MR. UNGER: It was excellent.

19 Q From May 1988 to 1992 you were in Patrol District  
20 1?

21 MR. UNGER: Yes.

22 Q Staff inspector and then -- sorry, staff sergeant  
23 and then as inspector?

24 MR. UNGER: I'm sorry, the dates again?

25 Q May of '88 to 1992.



1 MR. UNGER: No.

2 Q No?

3 MR. UNGER: No. I was promoted to inspector in 1989, and I

4 moved -- I was in charge of District 3 --

5 Q Okay.

6 MR. UNGER: -- after that and then District 4 between that time

7 period you mentioned.

8 Q Okay. And then subsequent to that you were part

9 of Vancouver Integrated Intelligence Unit as an

10 inspector?

11 MR. UNGER: I was.

12 Q Up until about 1994?

13 MR. UNGER: That's correct.

14 Q And from -- then subsequent to that in Operations

15 Division as an inspector?

16 MR. UNGER: Yes, in the Investigation Division.

17 Q And finally, you finished off your career -- first

18 you were in the Patrol Division, right?

19 MR. UNGER: Yes.

20 Q As an inspector and then deputy chief constable

21 when so acting or while so employed --

22 MR. UNGER: Yes, that's right.

23 Q -- we call it?

24 MR. UNGER: Yes.

25 Q You would fill in, you said, for Terry Blythe from

1                   time to time --

2       MR. UNGER:   Yes.

3                   Q    -- in his role?

4       MR. UNGER:   And a deputy before him, Ken Higgins.

5                   Q    Okay.  And then finally, as you've said, deputy  
6                        chief constable in the Investigations Division?

7       MR. UNGER:   That's correct.

8                   Q    And, again, I'm not going to go through them all,  
9                        Mr. Unger, but you've taken a number of courses  
10                      throughout your career from Canadian Police  
11                      College, RCMP programs, post-secondary education?

12      MR. UNGER:   Yes.

13                  Q    For years and years, literally?

14      MR. UNGER:   Yes.  I went to Douglas College.  I took the  
15                      criminology program.  I completed that with a  
16                      diploma.  I then went to BCIT and completed a  
17                      diploma in administrative management.  That took  
18                      me about 15 years on a part-time basis.  And also  
19                      during that time and later I took many courses  
20                      with the VPD.  Very early in my career I was in  
21                      ERT for six years, and I took a lot of courses  
22                      related to that.  I think my departmental courses  
23                      all together were over 40.

24                  Q    Did you ever take the major case management  
25                      course, Mr. Unger?

1 MR. UNGER: No, I didn't. It was never offered when I was in a  
2 position to take it.

3 Q And it appears like it wasn't very common. Let's  
4 take the time period in the '90s. A lot of people  
5 didn't have that major case management course from  
6 what you understood?

7 MR. UNGER: No, they didn't. In fact, I think when I left the  
8 department we only had two people that had it.

9 Q And with respect to -- I take it you understand  
10 major case management --

11 MR. UNGER: Yes.

12 Q -- protocol or techniques?

13 MR. UNGER: I do.

14 Q Is it something that you employed, would you say,  
15 at least from, you know, from a -- not maybe from  
16 the technical standpoint of the course itself, but  
17 would you employ those type of techniques in your  
18 investigations and in your employment with the  
19 VPD?

20 MR. UNGER: Yes, absolutely. I took many courses that -- we  
21 didn't call it major case management, but we  
22 certainly learned how to manage major cases, and  
23 it wasn't called that. They later put together  
24 some of the same concepts into a two-week course  
25 and called it major case management, but since

1           this inquiry started, actually, I've looked into  
2           it a little bit to see exactly what it involves,  
3           and it's quite interesting that they use the same  
4           concept that we used back in the mid-'70s in ERT  
5           relative to the triangle of the management and the  
6           coordinator, the file coordinator, and the lead  
7           investigator. We used that in ERT, exactly the  
8           same triangle. In addition to that the -- I had  
9           lots of experience in major case management,  
10          certainly at VIIU and at CLEU, Coordinated Law  
11          Enforcement Unit, and, in fact, we used a model  
12          very similar in the Coordinated Law Enforcement  
13          Unit where we had the team leader, which I was, at  
14          the top of the triangle, and we had a file  
15          coordinator, and we had a lead investigator. So  
16          we used virtually the same type of thing as major  
17          case management. So I applaud the fact that they  
18          took all those concepts and put it into a program,  
19          but that is not to say that we didn't use many of  
20          those concepts during my time there.

21         Q   All right. Now, just going to July of 1998, we've  
22             heard that Detective Constable Shenher was  
23             transferred over to the Missing Person Unit, and  
24             at that time, Mr. Unger, you were an inspector in  
25             the Operations Division, Patrol, right?

1 MR. UNGER: That's right.

2 Q And when Terry Blythe was sent off to do this  
3 restructuring program that we've heard some about  
4 from him, you became acting deputy chief constable  
5 also in the Operations Division, Patrol?

6 MR. UNGER: That's right.

7 Q That is not the same department or division that  
8 Detective Constable Shenher was in, right?

9 MR. UNGER: No, different division.

10 Q She was not reporting to you?

11 MR. UNGER: Not at all.

12 Q And when Detective Constable Shenher talks about  
13 the fact -- when she testified, Mr. Unger, she  
14 talked about the fact or people have referred to  
15 the fact that she's effectively working alone in  
16 the Missing Person Unit, did you know anything  
17 about that at the time back in 1998 when she was  
18 sent over there?

19 MR. UNGER: No. I had no reason to know that.

20 Q And we know that Deputy Chief Constable McGuinness  
21 was over in -- where Detective Constable Shenher  
22 was as far as her reporting chain of command.  
23 Would there be any reason for Deputy Chief  
24 Constable McGuinness to share that information  
25 with you?

1 MR. UNGER: No. That was an in-house investigation in that  
2 division, and as a general rule we wouldn't share  
3 that type of information. I would hear from time  
4 to time periodic updates at senior management team  
5 meetings and that type of thing, but they would be  
6 sort of general updates, certainly not divulging  
7 names of informants, that type of thing. It just  
8 wasn't done.

9 Q And even knowing what you know now about or what  
10 you've heard at this commission about various tips  
11 and information that was coming in, I take it you  
12 don't find it unusual that you didn't know about  
13 that at the time back in 1998?

14 MR. UNGER: No, that would be normal practice.

15 Q Now, we've talked about it a little bit today, but  
16 in 1998 we've heard some evidence about Staff  
17 Sergeant MacKay-Dunn asking Detective Inspector  
18 Rossmo for this statistical analysis of the  
19 missing women from the Downtown Eastside, and  
20 you've said, sir, I think, today you didn't see  
21 that statistical analysis or strategic blueprint  
22 at the time, right?

23 MR. UNGER: No, I did not.

24 Q From your point of view being in the Patrol  
25 Division, do you -- is there any reason for you

1                   to -- do you think you should have seen it at the  
2                   time?

3       MR. UNGER:   No.   Not really, no.

4                   Q    When the Missing Women Working Group appears to  
5                        hold its first meeting early September of 1998  
6                        were you a part of that Missing Women Working  
7                        Group at all?

8       MR. UNGER:   No.

9                   Q    Or have anything to do with its dissolution a few  
10                       weeks later?

11      MR. UNGER:   No.

12                  Q    We know, Mr. Unger, that in April of 1999  
13                       Detective Constable Shenher writes a memo to  
14                       Attorney General Dosanjh outlining some of the  
15                       issues surrounding the disappearance of the  
16                       missing women, and it's been looked at here at  
17                       this commission. Did you know anything about that  
18                       at the time in April --

19      MR. UNGER:   No.

20                  Q    -- of 1999?

21      MR. UNGER:   No.

22                  Q    And do you think it's unusual that you didn't know  
23                       about it given your position at the time?

24      MR. UNGER:   No, I don't think it was unusual.

25                  Q    And subsequent to that the Missing Women Review

1 Team is formed. Did you know anything about the  
2 formation of the Missing Women Review Team?

3 MR. UNGER: I do recall that a review team was formed to look  
4 into the inordinate number of missings that  
5 weren't found. I don't know all of the  
6 information or the information surrounding why  
7 that was formed exactly outside of the fact that  
8 there were a number of missing women and we wanted  
9 to find out why. So this would come up  
10 periodically at meetings that I would go to and  
11 just a brief update of what they were doing, and  
12 sometimes there would be reports they had found X  
13 number and then a few more might be added and a  
14 few more might be found, so the number would  
15 fluctuate up and down.

16 Q And just to be clear, Mr. Unger, in May of '99,  
17 when Detective Inspector Rossmo completes his case  
18 assessment that you've looked at here today that  
19 was put to you earlier, did you see that in May of  
20 1999?

21 MR. UNGER: No, I did not.

22 Q Now, in the summer of 1999 you appeared on the  
23 *America's Most Wanted* program, right?

24 MR. UNGER: Yes, I did.

25 Q And what position did you hold at that time?



1           You're still in the Patrol Division?

2       MR. UNGER: I'm in the Patrol Division. I'm an acting deputy  
3           chief for Terry Blythe, and he has -- he is now  
4           acting chief constable. So I've moved in there on  
5           a little bit more permanent basis. And I had  
6           talked to Deputy Chief McGuinness beside me here,  
7           and he was scheduled to go on this program and had  
8           a medical issue that prevented him from going, and  
9           he asked me if I would do a favour for him and  
10          appear on his behalf because they needed someone  
11          at my level to do it. I was the logical choice  
12          being his -- now his counterpart on the operations  
13          side, and it was a position that needed to go  
14          there in uniform. So I knew virtually nothing  
15          about that investigation at the time, and he said,  
16          well, he'll basically tell me what he was going to  
17          say and give me a brief thumbnail sketch, which he  
18          did on the phone I believe the same morning of  
19          the -- before I went on there. And I did and  
20          basically reiterated what he had told me and had a  
21          very long conversation with John Walsh while I was  
22          there, so I learned a lot from him. He's a very  
23          sharp man.

24       Q       What did you -- given what you were being told by  
25       Deputy Chief McGuinness and the idea of going on

1           the program, did it seem like a good idea to you  
2           at the time, the production of this program?

3   MR. UNGER: I was a little bit skeptical to go on, quite  
4           frankly, because I had no background in it and --  
5           however, I think it was -- it was prudent for me  
6           to go there. He couldn't go, and I was the  
7           logical choice. So I went there and basically  
8           said what he was going to say on his behalf, and  
9           that's what I did.

10          Q   Right. Now, subsequently in this -- I'll just  
11           turn you to a document, Mr. Unger. At tab 1  
12           you'll see that there's a media advisory release  
13           July 26, 1999. You should be looking at the book,  
14           the large book.

15   MR. UNGER: The large binder.

16          Q   60 plus tabs there.

17   MR. UNGER: Yes.

18          Q   Tab 1. You see it there?

19   MR. UNGER: Yes.

20          Q   And it talks about:

21                   Tomorrow morning's regular briefing...will be  
22                   held at 10:00 A.M.

23                   At that time a poster concerning the Missing  
24                   Women from the Downtown Eastside and the  
25                   \$100,000 Reward will be released,

1                   etcetera?

2       MR. UNGER:   Yes.

3               Q    And then your name is there as being present for  
4                   the release or the proposal is you'll be present.  
5                   Were you present for the release?

6       MR. UNGER:   I was.

7               Q    Okay. Did you feel it was a good idea at the  
8                   time?

9       MR. UNGER:   Yes, I thought it was. The review team had been  
10                   going for some time, and it had moved along very  
11                   well from all accounts I had, and the -- they were  
12                   now to the point where they were looking at  
13                   suspects, and this was a way of generating some  
14                   tips. I thought just a normal step in an  
15                   investigation of this nature. There was still  
16                   obviously no decision on the part of Major Crime  
17                   at that time as to the theory that there was, in  
18                   fact, a serial killer. They were still looking  
19                   for the women, and the hope was that they would  
20                   have been found at that point.

21              Q    All right.

22       MR. UNGER:   So this seemed to be a logical step in that  
23                   direction.

24              Q    Okay. Now, I just want to skip ahead in time, not  
25                   because I don't want to cover these documents, Mr.

1           Unger, but I want to get to sort of the heart of  
2           what your involvement was. So you become Deputy  
3           Chief Constable Investigations, as we've said, in  
4           April 2000, right?

5       MR. UNGER: Yes.

6           Q    And did you get involved more directly, I guess,  
7           in the missing women investigations at that point?

8       MR. UNGER: Not in the investigation itself. What I did become  
9           involved in was a concerted effort to take this  
10          forward to a joint forces operation. After Gord  
11          Spencer was appointed to -- as the inspector  
12          there, one of the first things I asked him to do  
13          was go in and have a good look at that particular  
14          file. That wasn't the only one. He had many  
15          things he had to look at. But that was one of the  
16          things I asked him to do because I had heard -- I  
17          hadn't seen any documentation, but I had heard  
18          that it was winding down, I didn't know whether  
19          that was true or not, and that, in fact, the key  
20          person there, Lori Shenher, was, in fact, getting  
21          to the point where she was burnt out, and I had  
22          heard that she had made some overtures to leaving,  
23          so we needed to know exactly where we were with  
24          that investigation. He came back to me very  
25          quickly, within probably three weeks of having

1 looked at that -- because there was a project room  
2 in the middle of the Major Crime Section where  
3 this was, and there was a -- by this time I had  
4 been in the room and looked to see. They had lots  
5 of things up on the walls, and it was a typical  
6 project where there's been a lot of work done.  
7 And he came back to me and said this -- we need to  
8 take this to a joint forces operation.

9 Q When you say "he", referring to Gord Spencer?

10 MR. UNGER: Gord Spencer, yes. And looking at everything, all  
11 the reports to that point in time, I agreed with  
12 him. I thought that that was a logical place for  
13 it to go. This investigation at that particular  
14 time, it was my understanding that they had  
15 virtually exhausted most of the avenues that the  
16 Vancouver Police could have pursued on their own,  
17 and having dealt with senior RCMP members, I knew  
18 that they had a number of cases that perhaps dove-  
19 tailed with this one and that we were to the point  
20 where we really needed to make some connections  
21 with some of the cases they had. We had to look  
22 for those links. One of the things we didn't  
23 have -- I knew we had a huge number of suspects at  
24 that point, and we just did not have the  
25 wherewithal to go after those suspects. I knew

1           that several suspects had been pursued and that we  
2           had been unsuccessful in those areas, and that's  
3           not uncommon in a case like this. You know, I've  
4           handled some huge cases in my life and seen how  
5           these things evolve, and this was one of those  
6           where we needed to go -- we needed some  
7           assistance, but more than that, we needed to  
8           expand our geographical area here because there  
9           was information coming in that the -- if we did  
10          have a suspect and perhaps there were dump sites  
11          somewhere, and by this time we came to the  
12          conclusion that, yes, there, in fact, was foul  
13          play, that some or all of these women likely had  
14          met with foul play and that -- that there was  
15          probably three to four serial killers. That's  
16          what we were thinking at that time. I remember  
17          quite clearly thinking that, that this was a huge  
18          issue. We had the -- there was a lot of media  
19          attention around the Highway of Tears at that  
20          time. There was -- I knew that we had a dump site  
21          of bodies in Agassiz, the RCMP had there. So this  
22          was the logical place for it to go. So you asked  
23          what was my involvement. My involvement was  
24          basically dealing with Gary Bass in the first  
25          instance and --

1 Q Did you actually contact Gary Bass yourself?

2 MR. UNGER: Oh, yes, many times. I knew Gary Bass from before.  
3 Excellent, excellent individual who had a homicide  
4 background. I didn't have a homicide background,  
5 but Gary Bass did. And so we discussed it, and  
6 he -- it didn't take much convincing because I  
7 think a lot of the legwork had been done before I  
8 came there when Brian McGuinness was still there.  
9 He also had a good relationship with him. So I  
10 think a lot of the legwork had already been done,  
11 but now we were to the point we were saying we  
12 can't do any more on our own, we have to go this  
13 way, and so that's what we did. And so my own  
14 personal involvement with this and the people  
15 underneath me at all levels, we pursued a JFO from  
16 this point in time.

17 Q And when you say he got back to you fairly  
18 quickly, that is Gord Spencer got back to you  
19 fairly quickly?

20 MR. UNGER: Yes, he did.

21 Q And you come in in April 2000?

22 MR. UNGER: Yes.

23 Q How quickly do you think this --

24 MR. UNGER: The beginning of May.

25 Q Okay. I just want to take you to, Mr. Unger, if I

1                   can, tab 14 of that same binder, of Exhibit 158.

2       MR. UNGER:   Yes.

3                   Q   Those are handwritten notes of yours?

4       MR. UNGER:   Yes.

5                   Q   Appears to be May the 16th of 2000.  You see a  
6                   note sort of towards the middle of the page there.  
7                   There's some initials and then, "Lori Shenher  
8                   missing women file to PUHU"?

9       MR. UNGER:   Yeah.

10                  Q   What do the initials indicate?  Is that Gord  
11                  Spencer?

12       MR. UNGER:   Yeah, GS is Gord Spencer.

13                  Q   Okay.

14       MR. UNGER:   And PUHU, P-U-H-U, is Provincial Unsolved Homicide  
15                  Unit.

16                  Q   Right.  And then there are three suspects listed  
17                  there at that time that are being --

18       MR. UNGER:   Yes.

19                  Q   -- provided to you.  I take it this is information  
20                  you're receiving from Gord Spencer; is that right?

21       MR. UNGER:   Yes.  He's giving me a little bit more of a  
22                  thumbnail sketch of what is happening --

23                  Q   Right.

24       MR. UNGER:   -- and what they've done on the file from his -- by  
25                  this point in time he's gone through the



1 investigation quite thoroughly. Gord Spencer is  
2 an extremely good manager. He's a -- he's very  
3 analytical. We put him -- when I say "we", the  
4 executive committee put him in charge of the Major  
5 Crime Section because of his analytical skills and  
6 his managerial skills. He was a senior person who  
7 we did not expect to leave soon --

8 Q Right.

9 MR. UNGER: -- and knew that he would be able to pull together  
10 what was needed and -- because there hadn't been a  
11 substantive inspector in there for quite some  
12 time.

13 Q And from the time you started as deputy chief, Mr.  
14 Unger, from the time you started in April 2000  
15 would you say, at least from your point of view,  
16 that you were moving forward or moving your team  
17 toward a JFO?

18 MR. UNGER: Absolutely.

19 Q And were you favourable for moving it toward a JFO  
20 right from that inception of you being deputy  
21 chief?

22 MR. UNGER: Yes.

23 Q Now, I think my time is running short, but I want  
24 to ask you about a note a bit later on, and I'm  
25 sorry, this is really skipping around, but it's at

1           tab 59. If I could take you there, please. And  
2           this is after the fact, April 3rd, 2002. Tab 59.

3       MR. UNGER: Yes.

4           Q   And this is a memo from you, Deputy Chief  
5           Constable John Unger, to Inspector Chris Beach,  
6           and, I mean, we can all read it for ourselves, Mr.  
7           Unger, but specifically I want to ask you about  
8           the last paragraph on that first page there where  
9           it says:

10                   To prepare for the inevitable review, I am  
11                   directing you to take whatever steps are  
12                   necessary to preserve documents and/or notes  
13                   relative to all previous Missing Women Task  
14                   Force investigations, including Project  
15                   Amelia. These steps should include, but not  
16                   be restricted to,  
17           and then there's 1 through 8 on the next page.  
18           And, again, I won't read them in. It's there for  
19           everybody to look at. Did you draft and send out  
20           this memo in April of 2002?

21       MR. UNGER: Yes, I did.

22           Q   Why?

23       MR. UNGER: Well, we are now several months past the Pickton  
24           farm initial search. We're now well into the way  
25           of the Project Evenhanded investigation of the

1 Pickton farm. And as is -- as happens in almost  
2 every serial murder investigation that I've ever  
3 read on, the same thing was happening to us. We  
4 were getting crucified in the press. In spite of  
5 the great work that had been done on this case, I  
6 think we were being vilified. There was all kinds  
7 of things being said that weren't true in the  
8 press. In any case, I had done some reading on  
9 various investigations of this nature, and one of  
10 the things I learned is that we wanted to make  
11 sure that we preserved every single document that  
12 we could in relation to all of the decisions that  
13 had been made up to and including the  
14 investigation itself, and I just wanted to make  
15 sure that everyone looked within their own little  
16 area and made sure that these things were  
17 preserved. In addition to that, I had had  
18 discussions with -- we had a new chief constable,  
19 I believe, just about this same time or shortly  
20 thereafter. I think it was shortly after,  
21 actually. So I'll just leave it there.

22 Q Okay. Just a few clean-up questions, Mr. Unger,  
23 if I can. In one of Detective Constable Shenher's  
24 interviews, the one she had with LePard, and it's  
25 been referred to here, and I've asked her about

1           it, she said -- and she's given her explanations  
2           here, obviously, and changed a lot of what she had  
3           said earlier, but, in any event, she had said:

4           I think I failed throughout the process, that  
5           there was an attitude from McGuinness and  
6           Unger that whatever we were doing was a  
7           favour to the women, a nice to do because we  
8           were not obliged to do anything because we  
9           didn't have evidence that we had a killer.

10          Did you have that attitude that she's speaking  
11          about there, Mr. Unger?

12   MR. UNGER:   Not at all.

13          Q     And what about you, Mr. McGuinness?

14   MR. MCGUINNESS:   Far from it.

15          Q     And she also referred to, and again I've asked her  
16                about this, but she said that she would hear that  
17                certain managers, like Unger, she says, "I was  
18                told would say they were," and I apologize, "just  
19                a bunch of fucking hookers." Did you ever say  
20                that?

21   MR. UNGER:   I never said that.

22          Q     And then in her manuscript, which was also  
23                referred to here, there was this reference that  
24                she made in there about this senior management  
25                meeting or senior officers meeting where it was

1 suggested that you said something to the effect  
2 of, and again I'm sorry, "fucking whores". Did  
3 you ever say that?

4 MR. UNGER: Never said that.

5 Q At any time do you feel given the various roles  
6 that you had, at any time did you feel that you  
7 failed to keep fully informed about the missing  
8 women investigation?

9 MR. UNGER: No. During my time in the investigation area I was  
10 kept up to date by Gord Spencer of exactly what  
11 was going on with that investigation. I knew we  
12 were working closer and closer towards a JFO and  
13 that files were being prepared and that things  
14 were moving. So I was quite satisfied with the  
15 pace of how things were going. As I say, I spent  
16 a lot of time in joint forces operations. It  
17 takes time to get these going. You don't just get  
18 them going overnight, especially when you're  
19 dealing with federal departments. It's very, very  
20 difficult. Once they get going then they move  
21 very well, but it takes some time to get them  
22 going, and you have to be patient.

23 Q And what about any suggestion, Mr. Unger, that you  
24 failed to ensure that adequate resources were made  
25 available to conduct the missing women

1 investigation? What would you have to say about  
2 that?

3 MR. UNGER: Well, that's absolutely false. I knew full well as  
4 soon as this JFO got up and running, and perhaps  
5 right away, that the very first thing they'd be  
6 asking for is resources. Having worked many of  
7 these, I know how they work, and I was fully  
8 prepared to do that and already had many  
9 discussions with our executive. All of this  
10 information I used to share with the executive  
11 team, and that was Carolyn Daley, Gary Greer and,  
12 of course, Chief Terry Blythe. So I kept them up  
13 to date on what was going on as I heard it from  
14 Gord Spencer on a daily or weekly basis, whatever  
15 the necessity was, and to make sure, because they  
16 knew that we were going to need extra resources  
17 and it was going to be expensive. And we were  
18 also going through huge budget cutbacks at the  
19 time, so this was going to be in direct contrast  
20 to what direction we were being given by the  
21 police board and the mayor.

22 Q And I understand, Mr. Unger, at one point you  
23 actually went to a meeting with Judy Rogers --  
24 with Terry Blythe and to see Judy Rogers about  
25 funding, right?

1 MR. UNGER: I did. Actually, I went to many meetings with Judy  
2 Rogers and Brent McGregor, who was a deputy city  
3 manager at the time, but one being in particular  
4 was for funding, and this was a request that I had  
5 come in, I think it was 2001 by this time, I  
6 think. I'm not sure of the date. And this was as  
7 a direct result of her telling us that the city  
8 had a contingency fund; if we ever had a real  
9 emergency, this is what we should do. So we put  
10 together a booklet, a full report, and I sent it  
11 through the chief's office, and then Chief Blythe  
12 and myself went to her office and we made the  
13 pitch.

14 Q And you didn't --

15 MR. UNGER: That was subsequently turned down, I think it was a  
16 week or 10 days later, and a handwritten note was  
17 sent to me from Judy Rogers saying that they  
18 preferred to deal with this on a regular budget  
19 issue, which was, quite frankly, ridiculous  
20 because by now this is urgent, and we -- we -- I  
21 had decided already in consultation with my  
22 counterparts in the executive committee that we  
23 were going to proceed. There was no question  
24 about it. We were going to proceed come hell or  
25 high water. I knew that this was going to be

1                   detrimental to my career and perhaps even my job.

2                   Q    But you went ahead and did it anyway?

3   MR. UNGER:   We did.

4                   Q    Because you felt it was important, obviously, to  
5                   go ahead with the investigation?

6   MR. UNGER:   Well, we just decided we had to do it.

7                   Q    Do you feel like you failed to keep --- at any  
8                   time, particularly as deputy chief constable, do  
9                   you feel like you failed to keep Chief Constable  
10                  Blythe adequately informed about the missing women  
11                  investigations?

12   MR. UNGER:   No, he -- we kept him informed.  I kept him  
13                  informed on a regular basis.

14                  Q    How often would you speak to Terry Blythe at the  
15                  time?

16   MR. UNGER:   Every day.

17                  Q    And what about speaking to Gord Spencer?  Would  
18                  those be daily communications as well?

19   MR. UNGER:   Yes.  We had our meetings.  And Brian McGuinness  
20                  has described the system.  That didn't change  
21                  after he left.  We used the same system.  We had a  
22                  system where you had a morning meeting every day.  
23                  The only thing that changed is that I was in a  
24                  different building by this time, so I had half of  
25                  my operation in one building and -- actually, it



1           was located in three buildings at that time, and  
2           so a lot of our morning meetings were held on  
3           conference call just to expedite matters, but then  
4           I usually attended on -- four out of five days a  
5           week I would attend the chief's office right after  
6           to update them, when I say "them", the executive  
7           committee, on anything that had occurred in the  
8           Investigation Division.

9           Q   Mr. Unger, would you have liked for you or the  
10           department in general to have caught Mr. Pickton  
11           sooner?

12   MR. UNGER:   Of course.

13           Q   Do you feel like your movement and your -- the  
14           steps that you took to move forward a JFO, do you  
15           feel like you did those in a timely manner  
16           considering the circumstances at the time?

17   MR. UNGER:   Yes, I do.

18   MS. CHRISTIE:  Those are all my questions.

19   THE COMMISSIONER:  All right.  Thank you.  Mr. Roberts.

20   MR. ROBERTS:  Mr. Commissioner, Darrell Roberts for Marion  
21           Bryce.  I have an understanding with Mr. Ward  
22           that --

23   THE COMMISSIONER:  Sorry?

24   MR. ROBERTS:  I have an understanding with Mr. Ward that I can  
25           go now.

1 THE COMMISSIONER: All right.

2 MR. ROBERTS: Excuse me. Well, Mr. Ward asked the question  
3 that since Mr. DelBigio represents Mr. McGuinness  
4 whether he should go before me. I'm in your  
5 hands, Mr. Commissioner.

6 THE COMMISSIONER: Well, it's up to you. That's the normal  
7 procedure, Mr. DelBigio would go and then Mr.  
8 Ward.

9 MR. DELBIGIO: I'm happy to yield the floor.

10 THE COMMISSIONER: Sorry? All right.

11 MR. VERTLIEB: Happy to yield the floor.

12 THE COMMISSIONER: Yes. Go ahead.

13 MR. WARD: I'm sorry, I take it that Mr. DelBigio has no  
14 questions then. Yielding the floor is one thing.  
15 Having no questions is quite another. The  
16 ordinary course is that the witness's counsel  
17 precedes Mr. Roberts, myself, Ms. Narbonne.

18 THE COMMISSIONER: I know. So why don't you clarify what you  
19 mean, Mr. DelBigio?

20 MR. DELBIGIO: Yes. I'm sorry if I caused a consternation for  
21 anyone. I have questions, but I'm happy to ask  
22 them now or ask them later.

23 THE COMMISSIONER: All right. I'm in your hands. All right.  
24 You're up. You might as well ask.

25 MR. ROBERTS: If Mr. Ward wants them now, then let's do them

1 now.

2 MR. DELBIGIO: If somebody wants for tactical reasons to hear  
3 me, I'm happy to ask the questions.

4 THE COMMISSIONER: Okay.

5 MR. WARD: Just to address that, I like to follow the  
6 established rules.

7 MR. DELBIGIO: Shall I comment?

8 THE COMMISSIONER: Go ahead.

9 **CROSS-EXAMINATION BY MR. DELBIGIO:**

10 Q I'm going to begin by asking Mr. Unger a couple of  
11 questions, please. And you testified with respect  
12 to a joint forces operation and your previous  
13 experience with those?

14 MR. UNGER: Yes.

15 Q And you testified that it takes time for those to  
16 get going, it doesn't happen overnight?

17 MR. UNGER: Yes.

18 Q So I take it that it's something more complicated  
19 than simply a phone call to get a joint forces  
20 operation going; is that correct?

21 MR. UNGER: Yes. A full -- a full-blown JFO like where this  
22 one was going can take a long, long time to  
23 establish, absolutely.

24 Q And I take it that one of the issues for  
25 consideration or discussion in a joint forces

1 operation is simply the legwork that has been done  
2 thus far and where a joint forces operation might  
3 go thereafter; is that a fair characterization?

4 MR. UNGER: Yes, that's where you would start.

5 Q And based upon your experience you also know that  
6 if insufficient legwork has been done there's a  
7 chance of a denial of a JFO?

8 MR. UNGER: Yes.

9 Q And based upon -- you testified that a lot of  
10 legwork had been done and we couldn't do any more,  
11 and I take it that based upon your experience with  
12 JFO's and major investigations that is what  
13 naturally occurs in the sense that you go to a  
14 stage where you can go and then it becomes  
15 necessary to expand to a JFO to go further?

16 MR. UNGER: Yes, that's right. It's not that we couldn't go  
17 any farther. It's just that based on the  
18 information we had at that point in time we  
19 realized this was not going to be only an issue  
20 for the City of Vancouver, that this had to go  
21 farther. There was no question about it. And  
22 that's where we had to go. There was no point in  
23 us even carrying on in the same form that we had  
24 been. This had to expand.

25 Q Now, when you -- when the baton was handed to you,

1           if I can put it that way, I take it there were  
2           still multiple -- well, in your words, a huge  
3           number of suspects?

4   MR. UNGER:   A huge number, yes.

5           Q    And when -- as a responsible investigator were you  
6                at a stage where you could professionally exclude  
7                any of them right away or was more work required?

8   MR. UNGER:   Well, in my experience it would be very dangerous  
9                to exclude any of them.  You couldn't  
10               concentrate -- and, in fact, on this particular  
11               case we fell into the same trap, I think, that  
12               happens in many serial murder investigations where  
13               initially they do try to concentrate on one or two  
14               suspects, and eventually they have to throw the  
15               net wide, and everything you read about serial  
16               killer murder investigations tells you that you  
17               must throw the net wide.

18          Q    Mr. McGuinness, you've just heard Mr. Unger  
19                testify about throwing the net wide.  In your  
20               opinion in '99 through to your end of tenure in  
21               March of 2000 was it still -- was it necessary to  
22               keep the net wide or were you able to focus upon a  
23               single individual at that stage?

24   MR. McGUINNESS:  The information I was getting up until I left  
25                the Vancouver Police Department is that there were

1 multiple persons of interest and that nobody had  
2 been singled out or identified as a sole suspect,  
3 and until I left there still had been no  
4 determination of what was actually happening to  
5 the women.

6 Q Are either of you familiar with the phrase tunnel  
7 vision?

8 MR. UNGER: Yes.

9 MR. MCGUINNESS: Yes.

10 Q And I'll start with Mr. Unger. Would you agree  
11 that a basic definition of tunnel vision is it's  
12 premature or a premature focus upon a single  
13 individual?

14 MR. UNGER: Yes.

15 Q And, Mr. McGuinness, is there -- was there a risk  
16 of that in the sense of engaging in tunnel vision  
17 or --

18 MR. MCGUINNESS: Yes, there was. The risk was within any group  
19 that's working that there could be a dominant  
20 personality in the group who says, "I think this  
21 is our number one individual," and tunnel vision  
22 could be centred on that individual and it may not  
23 have been that individual, and a lot of time and  
24 investigation work would have been gone for not.

25 Q Now, Mr. McGuinness, you heard Mr. Unger talk

1           about resource issues and the problem of lack of  
2           resources. Can you tell the commissioner in your  
3           experience as deputy chief what was the resource  
4           situation for you during your -- during '99, 2000?

5   MR. MCGUINNESS: Well, I left in March 2000, but during '98 and  
6           '99 my division was -- had vacant 40 positions in  
7           it, and my division had approximately 200 members  
8           assigned to it, so 40 -- a vacancy of 40 members  
9           is substantial. At the same time other areas of  
10          the department, for example, the Patrol Division,  
11          which John was looking after at the time, were  
12          instituting what was called the DEET program, the  
13          Downtown Eastside Enforcement Team, and a lot of  
14          people were dedicated to that trying to get some  
15          more policing resources into the Downtown  
16          Eastside. I said earlier in my testimony today  
17          that it came to the point where within the  
18          division we had to shut down one of the Strike  
19          Force teams, which seriously affected ongoing  
20          investigations, that dropping one whole team and  
21          dispersing those 10 members within the units of  
22          the Investigation Division so that they could  
23          still try and keep a handle on their work.

24       Q   So who was in charge of the purse strings? If you  
25           needed more money for more people, who --

1 MR. MCGUINNESS: I'm sorry?

2 Q Who was in charge of the purse strings if you  
3 needed more money to get more people?

4 MR. MCGUINNESS: Well, it's quite not that simple. In theory  
5 the police board's in charge of the purse strings  
6 as the way the *Police Act's* set up in British  
7 Columbia, but in reality the City is in charge of  
8 the purse strings, and the police board can put  
9 forward a request for more staff, and the City due  
10 to its budget concerns and the tax base can say,  
11 "No, you're not getting it." I mean, I believe I  
12 was -- earlier this year I was watching the news,  
13 and Deputy Chief Adam Palmer came on and talked  
14 about -- that they're not going to be able to fill  
15 57 positions in the Vancouver Police Department  
16 this year, which is a serious impact. He even  
17 said in his press presentation that this will  
18 impact the Investigation Division, which was my  
19 division at the time, which are people that are  
20 tasked with complex investigations, and that the  
21 prime -- most of the resources will go to the  
22 Patrol Division, where the response to 911 is  
23 important.

24 Q Was it known that you were down 40 people?

25 MR. MCGUINNESS: Yes, I was already down 40 people.



1 Q And did you --

2 MR. McGUINNESS: That's not -- and that's down 40 people not  
3 counting people that -- most of the people in the  
4 Investigation Division are senior in nature, and  
5 as result they carry extensive leave, up to six,  
6 seven weeks at a time, and also the same thing  
7 goes for maternity leaves, sick leaves, long-term  
8 sick disability, so that all affects what you have  
9 for -- to deal with the day-to-day workload.

10 Q And did you ever request, not necessarily in  
11 relation to the missing women, but did you ever  
12 request more money for more people?

13 MR. McGUINNESS: As the executive each and every year we  
14 requested more money for more people. Each and  
15 every year during the last six years of my tenure  
16 instead of getting the request for more people it  
17 was you have to come up with 5 per cent cut back  
18 in your budget and tell us how you're going --  
19 what that impact would be.

20 Q Now, what units were --

21 THE COMMISSIONER: We'll stop there, Mr. DelBigio.

22 MR. DELBIGIO: Sorry.

23 THE REGISTRAR: The hearing will now recess for 10 minutes.

24 (PROCEEDINGS ADJOURNED AT 3:07 P.M.)

25 (PROCEEDINGS RESUMED AT 3:20 P.M.)

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

2 THE COMMISSIONER: Yes, go ahead.

3 MR. DELBIGIO: Mr. Registrar, might I inquire as to how much  
4 time I have left?

5 THE REGISTRAR: You started at 2:55. Yes. You've used 11  
6 minutes. You have about another six.

7 MR. DELBIGIO: Another six. Thank you.

8 Q Mr. McGuinness, quickly, when did you start at the  
9 Vancouver Police Department?

10 MR. MCGUINNESS: December 15th, 1970.

11 Q And how many years did you put in?

12 MR. MCGUINNESS: I left March of 2000, so approximately 30  
13 years.

14 Q And during your -- during the latter years did you  
15 sit on any committees dealing with women's issues  
16 or issues related to the Downtown Eastside?

17 MR. MCGUINNESS: I was on a committee with the provincial  
18 government. Initially when the committee started  
19 it was called Violence -- or Spousal Assault  
20 Committee, and it was eventually changed to the  
21 Violence Against Women in Relationship Committee.  
22 That committee developed the policy and procedure  
23 for Crown counsel and police in the Province of  
24 British Columbia in dealing with issues where  
25 there was violence against women in a

1 relationship. I also took part in developing a  
2 training video for police members and Crown in the  
3 dynamics of violence against women in  
4 relationships. I sat on the Canadian Association  
5 of Chiefs of Police drug abuse committee for  
6 almost four years. I sat on the Chiefs --  
7 Canadian Chiefs of Police Association for  
8 organized crime. I sat on a multitude of  
9 committees, ICBC committees, mental health  
10 committees, the Provincial Prostitution Unit  
11 Committee.

12 MR. DELBIGIO: And, Mr. Commissioner, my friend has passed me a  
13 note saying that I actually have been allotted 30  
14 minutes, so which would -- today, which would mean  
15 that I have a little bit more time.

16 THE COMMISSIONER: All right.

17 MR. DELBIGIO: I will try not to use it all.

18 Q As deputy chief how many officers were you in  
19 charge of?

20 MR. MCGUINNESS: In the investigation there's approximately 200  
21 officers.

22 Q How many different sections within that?

23 MR. MCGUINNESS: There would be Homicide, Robbery, Ident., Drug  
24 Squad, Vice Squad, Sexual Offence Squad, Fraud  
25 Squad, the polygraph examiners, accident

1 investigation.

2 Q Are you able to say -- I'll just pick a month  
3 rather randomly. In December of 1999 are you able  
4 to say approximately how many major investigations  
5 were going on within your section?

6 MR. MCGUINNESS: Oh, I couldn't give you an exact number, but  
7 each of those sections just by the nature of their  
8 work, most of their investigations were all major  
9 investigations. The Homicide Squad were still  
10 dealing with a lot of Indo-Canadian gang murders  
11 that had taken place. A young Indo-Canadian  
12 female had been shot and killed. They were  
13 actively working on that. There were a couple of  
14 police-involved shootings that take up a lot of  
15 investigation time. There was several bank  
16 robberies going on at the time. There was Home  
17 Invasion Task Force where two elderly people had  
18 been beaten to death when their home had been  
19 invaded. There were multitudes of investigations.

20 Q I'm going to turn to a new topic, and that is  
21 within the department during your period of time  
22 as deputy chief were you aware of there being  
23 widespread racist attitudes which were being  
24 expressed by anyone?

25 MR. MCGUINNESS: No, and no one -- no one would think of doing

1 something in front of me.

2 Q Why is that?

3 MR. MCGUINNESS: Because of the different committees that I had  
4 been on. One of the committees I was on was  
5 liaison for all the victim support groups for  
6 women across the Province of British Columbia,  
7 which we met on a monthly basis. So no one would  
8 even think of doing something like that.

9 Q Now, similar question I asked. That was a  
10 question with respect to racism. A similar  
11 question with respect to sexism. Were you aware  
12 of there being any widespread sexist attitudes  
13 being displayed within the department during your  
14 time there?

15 MR. MCGUINNESS: I wasn't aware of that. And also, the  
16 department did ongoing training in regards to that  
17 with members. I can remember one training session  
18 we had in sensitivity training and dealing with  
19 issues that, you know, could be controversial or,  
20 as you said, sexism, and it was -- the trainers  
21 used a very simple process, red light, green  
22 light, yellow light, red light meaning the  
23 behaviour was unacceptable, green light meaning it  
24 was acceptable behaviour, and yellow light saying  
25 it's -- you're getting a little dicey. And after

1           that training it was interesting, any time you  
2           were in a meeting and if somebody said something  
3           that was inappropriate, all you had to say was  
4           "red light" and they immediately understood that  
5           their behaviour wasn't acceptable.

6           Q   I am going to ask you a question about the  
7                investigation of the missing women. Was there an  
8                indifference by you personally as to the plight of  
9                the women and native women sex trade workers in  
10              the Downtown Eastside?

11       MR. McGUINNESS: No. As far as I'm concerned, a victim's a  
12                victim. Doesn't matter where they come from.

13          Q   And so far as you could tell, was there an  
14                indifference by the Vancouver Police Department  
15                generally?

16       MR. McGUINNESS: Not to my knowledge, no.

17          Q   Was there any -- if there was an under-resourcing  
18                of this investigation, would that be explained  
19                through any indifference or attitudes of sexism or  
20                racism?

21       MR. McGUINNESS: No. As I've said previously, if -- in  
22                hindsight, if we had known that Pickton the  
23                murderer was active the way he was, resources  
24                would have been dumped specifically on Pickton  
25                right away. Unfortunately, he was one of several

1                   persons of interest, and we still hadn't  
2                   determined what had happened to the women.

3           Q   Now, I am going to ask you about communications  
4                   within your department, and the commission has  
5                   heard about the structure within the Vancouver  
6                   Police Department. Within -- insofar as  
7                   communications with your officers were concern,  
8                   did you insist upon a hierarchy?

9   MR. McGUINNESS: No. People could -- I had a habit of walking  
10                   around the floor down on the Major Crime floor.  
11                   People had the opportunity to speak to me. I  
12                   would go into the room where the Missing Persons  
13                   Review Team was operating under and try and see  
14                   what was happening, what was -- in fact, I really  
15                   got a lot of hope one day when I went in there and  
16                   was told that we had found two people, and my hope  
17                   at that time was that there was a simple  
18                   explanation for the missing women, and that was  
19                   that they were just out there and didn't want to  
20                   be found. Obviously that was misled hope.

21           Q   Insofar as you were concerned, a constable could  
22                   speak to you without --

23   MR. McGUINNESS: Absolutely.

24           Q   And you would feel free to speak to a constable?

25   MR. McGUINNESS: Yes.

1           Q   And the same is true for you as well, I assume,  
2               Mr. Unger; is that right?

3   MR. MCGUINNESS:  When I was -- sorry.

4   MR. UNGER:  Yes, absolutely.

5   MR. MCGUINNESS:  When I had John's position in the Operations  
6               Division, I would routinely take a shift and go  
7               out on the road and work in a police car and  
8               intermingle with the constables at that time.

9           Q   Can you explain to the commissioner how it is that  
10               Ms. Shenher came to be hired for the position she  
11               held?

12   MR. MCGUINNESS:  Yes.  When we made the decision to break down  
13               one of the Strike Force teams, the inspector at  
14               the time was Inspector Peter Ditchfield.  He was  
15               in charge of the Strike Force.  And I asked him  
16               who he thought would be the best person to go into  
17               the Missing Persons Unit and do the job, and he  
18               recommended to me Lori Shenher.  He said she was  
19               very diligent in her work, she was very thorough,  
20               she was a very dedicated police officer.  So I  
21               asked him to bring her down to my office, and  
22               Peter brought Lori Shenher down to my office, and  
23               we interviewed her, and I asked her if she would  
24               be willing to take on the role, and she was a  
25               little hesitant at first, not sure if she had what



1           it really would take, and Inspector Ditchfield was  
2           confident that she did, and she was also advised  
3           that any assistance she needed she could get from  
4           the Major Crime Squad Homicide Unit as they were  
5           right there on the same floor that she was.

6           Q   What was your -- did you form an opinion about her  
7           willingness and capabilities to take on the job?

8   MR. MCGUINNESS:  Yeah, I thought -- I thought that I was  
9           getting a gem there in Lori in that she was a very  
10          dedicated individual.

11          Q   And did you observe her on a day-to-day or  
12          week-to-week basis as she was performing her  
13          duties?

14   MR. MCGUINNESS:  I wouldn't see her on a day-to-day basis, but  
15          I would see her in the task force office or on the  
16          Major Crime floor on a week-to-week basis.

17          Q   And did your opinion of her capabilities change --

18   MR. MCGUINNESS:  No, it did not.

19          Q   -- one way or another?

20   MR. MCGUINNESS:  No.

21          Q   And at any time during your job as deputy chief  
22          was there a concern expressed to you by her about  
23          her inability to do her job?

24   MR. MCGUINNESS:  No.

25          Q   During the time that the missing women were being

1                   investigated did anybody ever tell you that  
2                   Pickton was the only suspect?

3       MR. MCGUINNESS: No, they did not.

4                   Q    And Mr. Vertlieb drew your attention to a memo of  
5                   October 1999 written to you by Ms. Field. Do you  
6                   recall that memo?

7       MR. MCGUINNESS: Yes, I do.

8                   Q    And it sets out a list of suspects? Yes?

9       MR. MCGUINNESS: Yes, there were -- not suspects.

10                  Q    I'm sorry.

11       MR. MCGUINNESS: Persons of interest. 13 persons of interest.

12                  Q    Good distinction. Between October and the day  
13                       that you left at the end of March 2000 do you know  
14                       if that list had increased or decreased in the  
15                       number of people, persons of interest?

16       MR. MCGUINNESS: I can't recall for sure.

17                  Q    What was the state of progress of this  
18                       investigation as of the date of your retirement?

19       MR. MCGUINNESS: It was -- at the date of the retirement it was  
20                       still ongoing with the same number of personnel  
21                       that had been in there. There had been no  
22                       determination of what had happened to the missing  
23                       women. There had been no determination that there  
24                       was a prime suspect that we should be pursuing.

25                  Q    Given those things that you knew at the time, what

1 do you say about there being a failure to give  
2 sufficient resources to this issue?

3 MR. MCGUINNESS: From what we knew at the time I felt that  
4 there was sufficient resources to do what they had  
5 to do. Keep in mind, as I said earlier, if they  
6 needed to draw on other resources there were Major  
7 Crime detectives that they could call upon, there  
8 was the Strike Force team, which I understand from  
9 reading some of the documents they had used a  
10 number of times. So there were resources there.  
11 At no time in my tenure did I get anything from  
12 anyone requesting to do a specific project on a  
13 specific individual.

14 Q If you had received that kind of a request, would  
15 that have changed things for you or at least  
16 potentially changed things for you?

17 MR. MCGUINNESS: Well, I think if I had received that type of  
18 request it would have come up through the chain of  
19 command and been thoroughly vetted by the  
20 inspector in charge of Major Crime, the staff  
21 sergeant, the people putting the project forward,  
22 and, yes, it would get immediate attention.

23 Q Mr. Unger testified that legwork had been done  
24 which enabled him to take this to a joint forces  
25 operation. Do you agree that during your time as

1 deputy chief that legwork had been done?

2 MR. MCGUINNESS: Yes, and I think -- you know, I've heard it  
3 said at the commission that it was just a fluke  
4 that Pickton was eventually arrested, and I think  
5 Pickton was arrested because of all the legwork  
6 that was done by the members of the Missing  
7 Women's Task Force. The essential thing that  
8 members -- from what I'm reading, because I had no  
9 personal involvement in it, members from Project  
10 Evenhanded went on the search warrant and went  
11 there because Pickton was a person of interest,  
12 and then when there were pieces of ID that were  
13 found they were able to immediately correlate them  
14 to some of the missing women.

15 Q Now, I can't remember if I asked you this, but are  
16 you here voluntarily or under subpoena?

17 MR. MCGUINNESS: I'm here voluntarily.

18 MR. DELBIGIO: Thank you. Those are my questions.

19 THE COMMISSIONER: Thank you, Mr. DelBigio.

20 MR. ROBERTS: Mr. Giles, Exhibit 150. Darrell Roberts,  
21 appearing for Marion Bryce. Could you put Exhibit  
22 150 before the panel, please. I'm sorry I didn't  
23 mention that earlier.

24 **CROSS-EXAMINATION BY MR. ROBERTS:**

25 Q Would you turn, please, Mr. McGuinness, to tab 2?

1 MR. MCGUINNESS: Yes.

2 Q Mr. McGuinness, you were at the meeting on April  
3 28th, 1999, at which the Vancouver Police Board  
4 authorized the \$100,000 reward?

5 MR. MCGUINNESS: Yes.

6 Q \$30,000 of Vancouver's money and 70,000 of the  
7 province's money?

8 MR. MCGUINNESS: Yes.

9 Q And moving directly to the preparation of the  
10 reward, you'll see in the reward here -- poster  
11 at tab 2 -- could you look just at the top  
12 paragraph. You'll notice it's written as  
13 "\$100,000 for information leading to the arrest  
14 and conviction of the person or persons  
15 responsible for the unlawful confinement,  
16 kidnapping or murder of any...of the listed women,  
17 missing from the streets of Vancouver". Have you  
18 followed while I read that? It's my -- I'm not  
19 sure if that was audible, your answer.

20 MR. MCGUINNESS: Yes.

21 Q Thank you.

22 MR. MCGUINNESS: Mr. Roberts, can I get you to speak directly  
23 into the microphone? I have -- unfortunately, I  
24 have a disability.

25 Q Absolutely. You bet. It's my understanding that

1                   Ms. Powell, or Sergeant Field at the time, was  
2                   responsible or had the authority to draft the  
3                   language for the reward and that she worked with a  
4                   solicitor at the City of Vancouver in doing so and  
5                   reviewed it with you.

6       MR. MCGUINNESS: I believe that's true, yes.

7                   Q    Yes. And in turn with the chief, who at the time  
8                   was Mr. Blythe, at least as acting chief, right?

9       MR. MCGUINNESS: That's correct.

10                  Q    All right. So you did review the language of the  
11                  reward from your own memory with Sergeant Field?

12       MR. MCGUINNESS: I can't recall absolutely, no.

13                  Q    I see. So you're taking it from what I've said to  
14                  you that you did?

15       MR. MCGUINNESS: Yes, I'm just trying -- thinking back I can't  
16                  for sure say yes, I reviewed this directly with  
17                  Sergeant Field.

18                  Q    You understand, of course, that these crimes set  
19                  out here, unlawful confinement, kidnapping and  
20                  murder, are set out as Vancouver's crimes to  
21                  investigate under the jurisdiction of the police  
22                  force of Vancouver?

23       MR. MCGUINNESS: That's correct.

24                  Q    Under the *Police Act*?

25       MR. MCGUINNESS: Yes.

1           Q   That is identified, if from nothing else, by the  
2                   authority coming from the Vancouver Police Board?

3   MR. McGUINNESS:   Correct.

4           Q   All right.  And my memory tells me that Chief  
5                   Blythe when he was here in the witness box said  
6                   that these were Vancouver's crimes to investigate  
7                   and that he expected that the Investigations  
8                   Division -- or I guess I can call that the  
9                   Operational Support Division.  That's yours?

10  MR. McGUINNESS:   That's correct.

11          Q   -- would be primarily responsible to see that  
12                   Vancouver's crimes were investigated.

13  MR. McGUINNESS:   Yes, but in regards to this, we hadn't have --  
14                   we didn't have an identified crime.  We had  
15                   missing women.  We had missing women, but we never  
16                   had an identified crime.  If we had --

17          Q   Well, I want to --

18  MR. McGUINNESS:   If we had evidence of murder, unlawful  
19                   confinement, kidnapping, yes, most definitely, it  
20                   would be investigated.

21          Q   But the language of this document indicates that  
22                   this is reward money to assist Vancouver in  
23                   investigating these crimes in relation to the  
24                   missing, 31 missing women, right?

25  MR. McGUINNESS:   Yes.

1           Q   All right. So I want to ask you a few questions  
2                   about that.

3   MR. MCGUINNESS: Okay.

4           Q   I understand you're not homicide trained. Am I  
5                   right --

6   MR. MCGUINNESS: That's correct.

7           Q   -- about that?

8                   Is that right?

9   MR. MCGUINNESS: That's correct.

10          Q   Just pausing there for a moment, you were head of  
11                   this Investigative Division, and you were not  
12                   homicide trained, and if I heard Mr. Unger  
13                   correctly, you didn't come up through the Homicide  
14                   side either, Mr. Unger?

15   MR. UNGER: That's right.

16          Q   And the head of the other division at the time was  
17                   Jerry (sic) Greer, and he was not homicide  
18                   trained?

19   MR. MCGUINNESS: That's correct.

20          Q   And the chief of police was not homicide trained,  
21                   Terry Blythe?

22   MR. MCGUINNESS: I'm not sure. I think Terry Blythe was in the  
23                   Homicide --

24   MR. UNGER: No, I don't believe he was.

25   MR. MCGUINNESS: Okay.



1           Q   All right. Now, the missing women, the missing  
2               women were sex trade workers working on the  
3               Downtown Eastside by and large making transactions  
4               through car windows, Mr. McGuinness?

5   MR. MCGUINNESS: I assume so, yes.

6           Q   Now, you understand that the reference to unlawful  
7               confinement, it's part of the crime of kidnapping?  
8               You add transportation on top of that, and that  
9               gives you the crime of kidnapping?

10   MR. MCGUINNESS: Yes.

11           Q   Unlawful confinement plus transportation? You're  
12               nodding.

13   MR. MCGUINNESS: Yes, I understand that.

14           Q   All right. And if death is caused during  
15               kidnapping or unlawful confinement, that's first  
16               degree murder? You understand that as well?

17   MR. MCGUINNESS: Yes, I do, yes.

18           Q   All right. Now, there is no evidence that there  
19               was women being unlawfully confined right there by  
20               somebody in -- on the streets of Vancouver?

21   MR. MCGUINNESS: There was no evidence of any kind of what was  
22               happening to these women.

23           Q   I hear you say that, but stay with my question  
24               first of all. There was no evidence that there  
25               was unlawful confinement of the women in Vancouver

1                   on the Downtown Eastside, was there?

2       MR. McGUINNESS: Not to my knowledge.

3                   Q    All right. But there was evidence that women were  
4                        getting into cars on sex trade transactions and  
5                        being taken to various places? That was the  
6                        nature of their business, was it not?

7       MR. McGUINNESS: That's correct.

8                   Q    All right. Now, when these crimes were put into  
9                        this reward poster -- and by the way, the  
10                      Vancouver Police force went back every year for a  
11                      number of years to renew these crimes -- or to  
12                      renew this reward. You know that?

13       MR. McGUINNESS: I was gone.

14                   Q    All right. You were there for one year's renewal,  
15                        weren't you, in 1990 -- in 2000?

16       MR. McGUINNESS: I left in March of 2000.

17                   Q    All right. Just before the renewal.

18       MR. McGUINNESS: Pardon me?

19                   Q    I think it was just before the renewal, which was  
20                        April of 2000.

21       MR. McGUINNESS: If you say so, Mr. Roberts.

22                   Q    All right. Well, I don't have to. The document  
23                        does. Turn to tab 3. You'll see the renewal date  
24                        will be April 26th at the top. That's all I meant  
25                        you to look for.

1 MR. McGUINNESS: Is this --

2 Q Tab 3.

3 MR. McGUINNESS: Tab 3. My tab 3 is online reporting

4 Vancouver -- it's got a heading Vancouver Police  
5 Board on the top.

6 Q Yes. Come down. Minutes of regular meeting April  
7 26.

8 MR. McGUINNESS: Okay.

9 Q All right. Leave that. That's -- paragraph 3-5  
10 is the renewal application from Sergeant Field.

11 MR. McGUINNESS: Like I said, this was after my time.

12 Q I'm trying to confirm it for you. Thank you.  
13 Now, when you approved the language of this reward  
14 with Sergeant Field, what is your understanding as  
15 to how the crime of kidnapping had application to  
16 the missing women?

17 MR. McGUINNESS: I didn't know if it had any application.

18 Q So you approved language for a reward and you  
19 didn't know what application it had?

20 MR. McGUINNESS: I didn't --

21 Q Let me finish my question.

22 MR. McGUINNESS: I didn't approve the language.

23 Q Let me finish my question.

24 MR. McGUINNESS: This was done -- Sergeant Field did it with a  
25 solicitor from the City.

1           Q    Yes, but you're in charge of the Investigative  
2                    Division of the Vancouver Police, are you not, at  
3                    this time?

4   MR. MCGUINNESS:  I was, yes.

5           Q    And you gave approval to this document, did you  
6                    not?

7   MR. MCGUINNESS:  I would imagine so, yes.

8           Q    Yes.  Well, I'd rather have your answer that you  
9                    did rather than you imagine so.

10  MR. MCGUINNESS:  I wish I could recall, Mr. Roberts.

11          Q    I see.

12  MR. MCGUINNESS:  It's been 14 years ago.

13          Q    My question remains what is your understanding, if  
14                    you had one, as to how the crime of kidnapping  
15                    would apply to the missing women?  To the sex  
16                    trade workers working on the downtown side of  
17                    Vancouver how would it apply?

18  MR. MCGUINNESS:  I don't understand what you're -- what you  
19                    want me to say.

20          Q    Well, kidnapping we know is achieved in one of two  
21                    ways.  It's defined in the dictionary as by force  
22                    or by fraud, and there's no evidence I've seen  
23                    anywhere in this missing women inquiry that any of  
24                    the sex trade workers were picked up and forcibly  
25                    thrown into vehicles, so that brings us to

1 kidnapping.

2 MR. MCGUINNESS: There is no evidence -- I'd like to say, Mr.  
3 Roberts, there's no evidence that any of the women  
4 got in a vehicle.

5 Q All right. The women were practising their sex  
6 trade work on the street talking to johns in car  
7 windows, right?

8 MR. MCGUINNESS: They could have been, but I don't know because  
9 there's --

10 Q You don't know?

11 MR. MCGUINNESS: -- there's no evidence to that fact.

12 Q All right. So is it your answer that you don't  
13 know how the crime of kidnapping would apply to  
14 the missing women? Is that your evidence?

15 MR. MCGUINNESS: If they had have been kidnapped, of course it  
16 would apply, but I don't know if they were  
17 kidnapped.

18 Q All right. But in terms of --

19 MR. MCGUINNESS: If we had evidence -- Mr. Roberts, if we had  
20 evidence of a kidnapping, if we had seen -- had  
21 witnesses who saw someone forcibly taken in a  
22 vehicle, then we would have had someplace to start  
23 an investigation.

24 Q Is it your evidence it has to be by force?

25 MR. MCGUINNESS: I didn't say that, no.

1 Q Yes, you did.

2 MR. McGUINNESS: No, I didn't.

3 Q You said if you had evidence they were forcibly  
4 put into vehicles. Did you --

5 MR. McGUINNESS: I'm sorry, I just don't understand what you're  
6 trying to get me to say.

7 Q It's very clear. Did you understand that  
8 kidnapping could apply even though women got  
9 willing into vehicles?

10 MR. McGUINNESS: You mean -- are you saying that first of all  
11 they were coerced into the vehicle by the offer of  
12 something and then when they tried to get out they  
13 were forcibly retained?

14 Q I'm not going to answer your question. Turn,  
15 please, to tab 11. This is evidence of Mr. Connor  
16 here at this inquiry. I'm going to read a couple  
17 of passages to you and then ask you a question,  
18 Deputy Chief McGuinness. Start at line 8. I'll  
19 summarize that. That's a passage from the Vu  
20 case, which was a related kidnapping case in  
21 Vancouver related to McMynn. It speaks about  
22 intent for kidnapping being the natural and  
23 probable consequences of one's act, and then I  
24 pick it up at page -- line 21.

25 MR. McGUINNESS: Are we on page 66?

1 Q 120 at tab --

2 MR. McGUINNESS: I'm sorry.

3 Q I'm sorry, you're right. There is a couple of  
4 blue dividers. Could you go to the third blue  
5 divider. I apologize.

6 MR. McGUINNESS: It's okay.

7 Q First page after that divider you'll see the  
8 reference to Chief Justice Finch at line 8.

9 MR. McGUINNESS: Yes.

10 Q All right. Reading.

11 Intent may be inferred from conduct,  
12 and a person who is sane and sober is  
13 deemed to intend the natural and  
14 probable consequences of his acts.  
15 That would appear to be the basis on  
16 which Sam Vu was found guilty on the  
17 second count, forceable confinement.  
18 Stopping there. Is it your understanding, I  
19 assume that it is, that kidnapping is a crime  
20 where the intent is provided by a legal  
21 presumption, the deeming of intent in the act  
22 itself?

23 Stop there. Is that your understanding too,  
24 Deputy Chief McGuinness?

25 MR. McGUINNESS: Let me get this clear. Is this saying that an

1 individual came with this Sam Vu and on their own  
2 volition or by fraud and then when they went to  
3 leave he used violence to confine them?

4 Q I'm not going to take -- the Vu case was a case of  
5 kidnapping for ransom. The discussion here is  
6 what is the intent required for kidnapping, and I  
7 just read the passage, and I'm asking you is --  
8 let me put it in my own words. Is it your  
9 understanding that kidnapping is a crime where the  
10 only intent required is a legal presumption that  
11 one intends the natural and probable consequences  
12 of one's act?

13 MR. McGUINNESS: I would agree with that, yes.

14 Q Thank you. Go to line 22. I'll give you an  
15 example of that.

16 ...if kidnapping is a snatching of a person  
17 by force, the act and the intent come  
18 together, it being deemed or presumed that  
19 the person intended to snatch, by force, the  
20 victim, right?

21 Answer:

22 That's correct.

23 Intending to confine him?

24 Correct.

25 Stop there. Is that your understanding, Deputy



1 Chief McGuinness?

2 MR. McGUINNESS: Yes.

3 Q All right. Go down to line 15. Sorry, line 21.

4 I'm going too quickly here. Line 9. I'm sorry.

5 And to give you another example...

6 MR. McGUINNESS: Which line are we on now?

7 Q Line 9. It's all my fault.

8 MR. McGUINNESS: Okay.

9 Q

10 And to give the other example, if a person is  
11 taken into confinement by a representation  
12 and then transported somewhere, and attacked,  
13 then the legal presumption is that the  
14 representation was intended to get  
15 confinement so that they could attack him.  
16 Isn't that the way it works?

17 Answer:

18 I would agree with that.

19 Do you agree with that?

20 MR. McGUINNESS: Just let me read it again, please.

21 Q Please do.

22 MR. McGUINNESS: Yes, I guess it could be construed that way,  
23 yes.

24 Q Could be construed that way. Did you construe it  
25 that way? Was that your understanding of how

1                    kidnapping could be committed when you were deputy  
2                    chief back in 1998?

3        MR. McGUINNESS: I don't think I gave it that kind of thought  
4                    at that time, no.

5                    Q    When you approved the language of the reward did  
6                    you give it that kind of thought?

7        MR. McGUINNESS: I doubt it, no.

8                    Q    When you received the reward language from the  
9                    City of Vancouver and agreed that you would  
10                   investigate these crimes for the missing women,  
11                   did you have that understanding as to how  
12                   kidnapping could be committed?

13        MR. McGUINNESS: I couldn't tell you.

14                   Q    Did you tell -- did anybody in the Vancouver  
15                   Police force tell the Vancouver Police Board, "We  
16                   don't know how the crime of kidnapping applies to  
17                   the missing women on the Downtown Eastside"?

18        MR. McGUINNESS: I --

19                   Q    I assume nobody did that?

20        MR. McGUINNESS: I couldn't tell you, Mr. Roberts.

21                   Q    I want to give Mr. DelBigio a moniker, and it's  
22                   called the many, many, many, and I don't mean any  
23                   disrespect to my learned friend Mr. DelBigio, but  
24                   if I've heard him ask a witness about there being  
25                   many, many, many suspects, I heard it most from

1                   him. He asked you about that earlier before I  
2                   stood up to cross-examine, remember?

3       MR. MCGUINNESS: Mr. DelBigio?

4                   Q    Yes.

5       MR. MCGUINNESS: Yes.

6                   Q    Many. I understood your evidence that you didn't  
7                   know about Pickton, Deputy Chief McGuinness, until  
8                   much, much later than 1998 or 1999?

9       MR. MCGUINNESS: That was my understanding, Mr. Roberts, is  
10                   that I hadn't heard the name Pickton until I heard  
11                   that he had been arrested, when he had.

12                  Q    It was 2002.

13       MR. MCGUINNESS: Yes, that's correct. But in my review of the  
14                   documents my memory was refreshed, because he  
15                   wasn't singled out as an individual, but in the  
16                   report that Sergeant Field wrote in October of  
17                   1999, the many, many suspects, the 13 that were on  
18                   that report, Mr. Pickton's name was at the top of  
19                   it.

20                  Q    Top of the list. Thank you. And you, sir, Mr.  
21                   Unger, I understand you didn't know about Pickton  
22                   either?

23       MR. UNGER: At what point are we talking about?

24                  Q    1998, '99.

25       MR. UNGER: No.

1 Q All right.

2 MR. UNGER: No.

3 Q So neither of you knew about Pickton until at  
4 least sometime later in 1998, '99 for you, Deputy  
5 Chief McGuinness?

6 MR. MCGUINNESS: I would have just seen his name in that report  
7 that was written in October of '99.

8 Q Did you know about Pickton's attempted murder of  
9 Anderson in 1997?

10 MR. MCGUINNESS: No.

11 Q Did you, Deputy Chief Unger, Mr. Unger?

12 MR. UNGER: No, I didn't.

13 Q So neither of you knew about the attempted murder  
14 by Pickton on Anderson in 1997, correct?

15 MR. MCGUINNESS: That's correct.

16 MR. UNGER: That's right.

17 Q Neither of you knew about the tip information from  
18 Hiscox that spoke about specific things being out  
19 in Pickton's trailer, women's clothing, purses,  
20 identification? Neither of you knew about that?

21 MR. MCGUINNESS: Well, I can only speak for myself, and I  
22 didn't know that, no.

23 Q You didn't?

24 MR. UNGER: I didn't know that.

25 Q I mean, quite apart from names being given, you

1                   didn't know there even was a suspect identified by  
2                   a source, unidentified source who was providing  
3                   that kind of information? You didn't know that?

4   MR. MCGUINNESS: That information never came to me.

5                   Q   All right. And neither of you knew about the  
6                   source information from Mr. Caldwell in 1999, did  
7                   you?

8   MR. MCGUINNESS: I did not know.

9   MR. UNGER: I did not.

10                  Q   And neither of you knew that Constable Shenher,  
11                   who received Hiscox's information, didn't know  
12                   anything about the crime of kidnapping; is that  
13                   fair?

14   MR. MCGUINNESS: I wouldn't know what Constable Shenher knew  
15                   about the crime of kidnapping. I'm sure it would  
16                   have been covered in her police training in her  
17                   law lectures because that's essential to police  
18                   training.

19                  Q   Tell me what you did, Deputy Chief McGuinness, to  
20                   see that the members of your force, of your  
21                   division understood how the crime of kidnapping  
22                   should be investigated with respect to or  
23                   considered in the investigation of how the women  
24                   went missing? What did you do?

25   MR. MCGUINNESS: What did I do?

1           Q    Yes.  If anything, what did you do to see that  
2                your force knew what they were doing for the  
3                reward crimes?

4   MR. MCGUINNESS:  In regard of investigating as a kidnapping?

5           Q    Yes.

6   MR. MCGUINNESS:  I didn't know.  I was hoping that they were  
7                looking at everything.  Like I said, Mr.  
8                Commissioner, we did not know at that time what  
9                had happened to the women, if they had been  
10              kidnappeded -- kidnapped or if they had been  
11              forcibly confined or whether they had been  
12              murdered.  We didn't know.

13          Q    Well, did you even ask for somebody to give you a  
14                report as to how the women went missing so you  
15                could figure out how the crime might apply?  Did  
16                you do that?

17   MR. MCGUINNESS:  I was hoping that the task force would come up  
18                with a report telling me how the women went  
19                missing.

20          Q    Did you ask for anybody to give you a report as to  
21                how --

22   MR. MCGUINNESS:  Yes.

23          Q    -- the women went missing?

24   MR. MCGUINNESS:  The Missing Women's Task Force was supposed to  
25                find out what happened to the missing women.

1 Q And provide you with a report --

2 MR. McGUINNESS: Absolutely.

3 Q -- as to the circumstances of how they might have  
4 gone missing?

5 MR. McGUINNESS: No, how they went missing. We didn't know how  
6 they went missing.

7 Q Did it ever occur to you that you actually did,  
8 you just didn't see that your force had a serious  
9 case of lazy eyes, for want of a better phrase?  
10 They couldn't see?

11 MR. McGUINNESS: See what?

12 Q That the women were going missing in circumstances  
13 that spoke of kidnapping.

14 MR. McGUINNESS: I'm sure there were many members that  
15 suspected that was happening, but they couldn't  
16 find any evidence of it.

17 Q Did you make any effort --

18 MR. McGUINNESS: And I don't think that till this day there's  
19 been evidence that they were kidnapped.

20 Q I see. I take it it goes without question that  
21 when it comes to kidnapping by fraud there is no  
22 memorandum circulating in the Vancouver Police  
23 Department at the time to say watch out for this,  
24 this is --

25 MR. McGUINNESS: Watch out for kidnapping by fraud?

1           Q    -- how the women went missing?

2   MR. McGUINNESS:  I can say --

3   THE COMMISSIONER:  You have to --

4           A    There was no memo circulating.

5   THE COMMISSIONER:  It's impossible for both of you to be  
6                speaking at once.

7   MR. ROBERTS:  All right.

8   THE REGISTRAR:  I have to advise you, Mr. Roberts, you're five  
9                minutes over your time.

10  MR. ROBERTS:  Thank you, Mr. Giles.  Just one more question.

11           Q    Did you -- were there any special directions or  
12                instructions given to Officers Chernoff and Lepine  
13                when they went out to assist the RCMP in 1999,  
14                July or August, in the investigation of the  
15                information that came from Caldwell and those  
16                around Caldwell?

17  MR. McGUINNESS:  Not to my personal knowledge.  That would be  
18                better answered by their supervisor.

19           Q    At that time Vancouver's crime was foursquare on  
20                the table in the poster, right?  The reward poster  
21                went up on July 27th -- you're nodding -- 1999,  
22                right?

23  MR. McGUINNESS:  Okay.  Yes.

24           Q    With the reward -- crime information in it, and  
25                that's around the time that the Caldwell



1 information came into the RCMP and into Vancouver?

2 MR. McGUINNESS: I have no knowledge of that.

3 Q And so I guess the answer to my question is you're  
4 unaware of any instructions to those two officers  
5 to pay attention to Vancouver's crime in looking  
6 at the information?

7 MR. McGUINNESS: That's correct.

8 MR. ROBERTS: Those are my questions. Thank you.

9 THE COMMISSIONER: Thank you, Mr. Roberts. Yes.

10 MS. NARBONNE: Yes, Mr. Commissioner. Suzette Narbonne,  
11 counsel for the aboriginal interest. My friends  
12 have ceded their place in the order, so I will go  
13 now.

14 THE COMMISSIONER: All right.

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

16 Q I don't expect to be particularly lengthy. I take  
17 it that, firstly, Mr. McGuinness --

18 MR. McGUINNESS: I'm sorry, again --

19 Q I remember. Sorry, I will do my best here.

20 MR. McGUINNESS: Thank you.

21 Q And if you can't hear me, tell me.

22 MR. McGUINNESS: I can. I can hear you now. Thank you.

23 Q Okay. Good.

24 MR. McGUINNESS: I can hear you know.

25 Q I'll use my lawyer's voice. From the time you

1                   were involved in this investigation until -- or at  
2                   the police department while this investigation was  
3                   ongoing until the day you left would it be fair to  
4                   say that you never actually decided that there was  
5                   a serial killer at work?

6       MR. MCGUINNESS: I had suspicions there was a serial killer at  
7                   work, but I had no -- from -- I hadn't received  
8                   from anybody what had happened to the missing  
9                   women.

10           Q     Okay. You recall you spoke to LePard at some  
11                   point about this?

12       MR. MCGUINNESS: That's correct, yes.

13           Q     And at least in that statement the way you phrase  
14                   it is, "I hadn't decided there was a serial  
15                   killer." Is that still a fair way to phrase it?

16       MR. MCGUINNESS: Yes, it is.

17           Q     Okay. And with respect to that interview, you  
18                   also told him that one of the problems may have  
19                   been that the thought process was that you had  
20                   missing women rather than -- let me just find  
21                   it -- - rather than homicides and that that was  
22                   influencing things.

23       MR. MCGUINNESS: Could have been, yes.

24           Q     Okay. And I gather from the evidence of both of  
25                   you you didn't see a lot of the information that

1                   was coming out from -- in terms of tips and that  
2                   sort of thing going along; is that fair to say?

3       MR. MCGUINNESS: I wasn't receiving the information in regard  
4                   to the tips or informant information.

5                   Q     And were you?

6       MR. UNGER: I'm sorry.

7                   Q     Were you receiving -- were you seeing the tips and  
8                   things as they were coming out?

9       MR. UNGER: No.

10                  Q     Okay. Because you know as early -- and commission  
11                   counsel put this to you, but as early as August, I  
12                   think, of '98 Shenher said these women are going  
13                   missing in suspicious circumstances, right?

14       MR. MCGUINNESS: Right.

15                  Q     And were both of you aware of her opinion in that  
16                   regard back in August?

17       MR. MCGUINNESS: I was.

18       MR. UNGER: I was not.

19                  Q     When, if ever, did you become aware of that?

20       MR. UNGER: Of her opinion --

21                  Q     Yeah.

22       MR. UNGER: -- as to --

23                  Q     Did you ever see that memo where she says they're  
24                   going missing in suspicious circumstances, we've  
25                   checked, they normally check in with their

1 families, they haven't?

2 MR. UNGER: I never saw that memo.

3 Q Okay. So is the first time you ever even knew  
4 about that letter in the course of preparing for  
5 this?

6 MR. UNGER: I don't believe I ever saw that until my  
7 preparation for this inquiry.

8 Q And who was -- whose decision was it that we  
9 better put a review group together to start with?  
10 Where did that come from?

11 MR. MCGUINNESS: Well, it first came from Sandy Cameron  
12 identifying to Inspector Biddlecombe that there  
13 were a number of missing women that there wasn't a  
14 good explanation for why they were missing, and  
15 Inspector Biddlecombe came to me and said he  
16 needed some help in there to try and determine  
17 what was happening.

18 Q Okay.

19 MR. MCGUINNESS: That's when -- the process of the squad being  
20 disbanded.

21 Q Yes.

22 MR. MCGUINNESS: And then it grew. From Lori Shenher's work it  
23 grew, and we got more people involved, we  
24 dedicated a room to it, and that's how it grew  
25 from that to the ultimate joint forces task force.

1 Q Okay. And you leave in 2000, is that right, Mr.

2 McGuinness?

3 MR. McGUINNESS: That's correct.

4 Q And at that point only two of a large number of  
5 missing women have actually been located, right?

6 MR. McGUINNESS: I think four had been.

7 Q Four. Okay.

8 MR. McGUINNESS: Yes. Which was very, very disappointing.

9 Q Of course, because you must be thinking they  
10 haven't contacted -- like, no one had heard  
11 anything from these women --

12 MR. McGUINNESS: That's correct.

13 Q -- right?

14 And regardless of lifestyles or anything like  
15 that, it's still unusual for a huge number of  
16 people to go missing?

17 MR. McGUINNESS: Most definitely.

18 Q What did either of you know about who these women  
19 were besides they're sex trade workers, they lived  
20 in the Downtown Eastside? What did you know about  
21 them?

22 MR. McGUINNESS: I didn't know a whole lot about the  
23 individuals.

24 Q Okay. And did you know anything?

25 MR. UNGER: No. I knew they were sex trade workers, I knew

1           some of them were drug addicted, and I knew they  
2           were from the Downtown Eastside. And I heard that  
3           some were aboriginal. I didn't know the extent of  
4           each area.

5           Q    Okay. You know now that a large number of them  
6           were First Nations, right?

7   MR. MCGUINNESS:   Yes.

8           Q    And these women had not been in touch with their  
9           bands, they hadn't been in touch with anyone who  
10          they would normally connect with?

11   MR. MCGUINNESS:   That's correct.

12          Q    This is to both of you. Did you know much about  
13          the life of a street worker in that area?

14   MR. MCGUINNESS:   Yes. I've been a police officer for 30 years  
15          and --

16          Q    Doesn't mean you always know.

17   MR. MCGUINNESS:   I'll give you an example.

18          Q    Okay.

19   MR. MCGUINNESS:   Okay. As I mentioned before, I sat on the  
20          Canadian Association of Chiefs of Police drug  
21          abuse committee.

22          Q    Right.

23   MR. MCGUINNESS:   Members of that committee came from across  
24          Canada. One of the women on the committee was an  
25          addiction counsellor from Halifax, but a marijuana

1 addiction counsellor. Halifax didn't have the  
2 type of drug problem that we had. So she was  
3 coming out with her family to visit people in  
4 Vancouver, and she asked me if she could just go  
5 around and talk to some of the people, some of the  
6 drug addicts in the Downtown Eastside. So when  
7 she came, myself in full uniform driving in an  
8 unmarked car and the young lady from Halifax, we  
9 went into the Downtown Eastside, and we spoke to  
10 numerous street trade workers. And, of course,  
11 you have to realize that, as it was alluded to  
12 before, there's a great distrust of the police in  
13 the Downtown Eastside.

14 Q Right.

15 MR. MCGUINNESS: So when we pulled up to the street trade  
16 workers, I would identify myself, and I'd say,  
17 "Look, you know, we're not here to hassle you.  
18 I'm not here to arrest you." And I'm sorry, I  
19 forget the woman's name, but I introduced her as a  
20 drug addiction counsellor from Halifax, Nova  
21 Scotia. Okay. As soon as these women heard that  
22 she was a drug abuse counsellor they -- without  
23 exception, and we talked to 12 to 15 women,  
24 without exception they said, "Can you please help  
25 me get into addiction counselling? I can't get

1 in." And I'd have to say, "Wait a minute. Wait a  
2 minute. This woman can't help you. She's from  
3 Halifax." What that very short exercise showed is  
4 that there wasn't anything available for these  
5 women. They didn't want to be what they were  
6 doing. They didn't want to be street trade  
7 workers, but they had to do it to support their  
8 habits. It was very -- it was very saddening,  
9 that small exercise that I did that day. So, yes,  
10 I understand. And like I told you before, I sat  
11 on a committee that dealt with violence against  
12 women in relationships developing a policy that  
13 Crown and police would have to follow. It was --  
14 before this policy came into place a lot of cases  
15 where women had been assaulted in relationships,  
16 didn't matter whether it was street trade workers  
17 or whatever, Crown would drop the file if the  
18 woman even made an utterance of "I don't want to  
19 proceed".

20 Q Right.

21 MR. MCGUINNESS: So the policy was developed that, yes, you  
22 will proceed, so that we could try and protect  
23 some of these vulnerable women. And the  
24 women's -- the 10 women's groups that I was  
25 associated with, a lot of them dealt with First



1 Nations women because they were from Prince  
2 George, Prince Rupert, the interior of British  
3 Columbia. So, yes, I had an understanding of the  
4 difficult life these women lead.

5 Q And what was your experience in that regard?

6 MR. UNGER: In the City of Vancouver not -- I don't have a  
7 great deal of experience working with that area,  
8 but very early in my life I grew up in Grande  
9 Prairie, Alberta, in northern Alberta, and I went  
10 to school with many First Nations children there  
11 from the Cree Nation, and so I had friends in the  
12 aboriginal community. I also have two close  
13 relations who are aboriginals. And --

14 Q Sorry. Go ahead.

15 MR. UNGER: But let me just say this, that from very early in  
16 my life living on a farm in northern Alberta I was  
17 taught by my father, who was an immigrant from  
18 Russia -- and he lived there during the Bolshevik  
19 Revolution and came over as a teenager to Canada.  
20 We lived on a farm on the edge of a lake right  
21 outside of Grande Prairie, and I remember very  
22 clearly one winter, I'd have been maybe eight or  
23 nine years old then, when we had a family of  
24 aboriginal people move on our land, and they lived  
25 in a tent on the edge of the lake, and as a young

1 boy then we were all concerned about this, and my  
2 dad made it very clear that -- in fact, I went  
3 there with him, and he went and talked to them,  
4 and he told them that they could stay there as  
5 long as they liked, and he, in fact, throughout  
6 that winter brought them food many times, that  
7 kind of thing. We were taught very early that  
8 these people were First Nations people. And, you  
9 know, this is a long time ago. This was in the  
10 early '50s. So I think that this was significant  
11 back at that time, if I think about that. So my  
12 experience goes back that far.

13 Q We heard, I can't remember if it was today or  
14 yesterday, but from Ms. Powell about her  
15 experience having close friends who were First  
16 Nations but how different the vista is in the  
17 Downtown Eastside from what she had seen growing  
18 up. You're seeing some people who have lived  
19 through the residential school experience, right?  
20 I mean, it's a very different world, is it not?

21 MR. MCGUINNESS: And it's interesting you say that as well,  
22 because -- and this is something for the  
23 commission, is that one time I was Car 10, which  
24 is the duty officer, and I ran into a young  
25 aboriginal boy who was being chased by two other

1 individuals down the street, and I stopped. They  
2 saw me, turned around and ran away. And I got the  
3 young man in the car, and I says, "Where do you  
4 live," and he says, "Oh, I live in a rooming house  
5 down in the 100 block East Hastings." So I says,  
6 "Why do you -- why do you stay there," and he  
7 says, "Well, I'm coming down from my band," which  
8 was in the Interior, "and I'm going to school, and  
9 that's where they put me up."

10 Q Wow.

11 MR. McGUINNESS: So here's a young man whose first experience  
12 in the City of Vancouver is being put in a rooming  
13 house in the Downtown Eastside in the 100 block  
14 East Hastings, and, you know, right away he's got  
15 a problem because every time he walks out the door  
16 he's being faced by drug addiction, by people  
17 trying to sell drugs, and that to me is not a good  
18 thing to happen.

19 Q What -- that brings me to something I -- I ask  
20 everyone in different ways because I think the  
21 purpose -- one of the real functions we serve here  
22 is to try and come up with a way to improve  
23 things, and I think it's clear from the evidence  
24 you've given that your view is if you had fully  
25 appreciated what you know now you would have

1                   dumped more money into this, but you didn't  
2                   appreciate it at the time, right?

3       MR. McGUINNESS:   Correct.

4                   Q     So what do we do, because that can happen again,  
5                   right?

6       MR. McGUINNESS:   Absolutely.

7                   Q     So what do we do to protect these people who are  
8                   there?  I totally buy your view of treatment.  
9                   It's almost impossible for people to get in, isn't  
10                  it?

11       MR. McGUINNESS:   In response to that question, the City of  
12                   Vancouver took up what they called the four-pillar  
13                   approach.  Education, enforcement.

14                  Q     Right.

15       MR. McGUINNESS:   They brought people over from Switzerland who  
16                   had introduced it in Switzerland.  And the reason  
17                   it worked in Switzerland is that a person had to  
18                   have tried everything they could to abstain from  
19                   drugs, and if they couldn't, they were put into a  
20                   program, but they weren't left in the downtown --  
21                   they weren't left in the climate of the Downtown  
22                   Eastside in Switzerland.

23                  Q     Right.

24       MR. McGUINNESS:   In Switzerland they call them cantons.  We  
25                   call them, you know, cities or provinces.  So what

1           they would do is in order for them to go into  
2           treatment they had to go back to the canton from  
3           which they came from so that they would get  
4           community support --

5           Q    Right.

6   MR. MCGUINNESS:  -- and family support.  And I don't think that  
7                   we can hope -- my time on the job there were 85  
8                   detoxification beds in the entire province.  Three  
9                   of them were for children.  Three.

10          Q    And detox is just detox.  That's not treatment?

11   MR. MCGUINNESS:  Right.  I meant detoxification beds where  
12                   somebody went completely off drugs.

13          Q    Okay.

14   MR. MCGUINNESS:  Okay.  Which is supposed to be one of the best  
15                   ways to treat addiction.  85 beds.  In a rough  
16                   estimate, in an eight-block square area in the  
17                   Downtown Eastside at that time there were 1700 IV  
18                   drug users.  So the mathematics just don't fit.

19          Q    So you would suggest more beds?

20   MR. MCGUINNESS:  More beds, more treatment.  And that's the  
21                   conundrum the government is in.  That kind of  
22                   treatment program is very, very expensive.  It's  
23                   easier to say let's have -- let's let them use a  
24                   safe injection site or whatever so that they don't  
25                   have to face the real problem of getting --

1           dealing with the addiction.

2           Q    Do you have recommendations, Mr. Unger?

3   MR. UNGER:  Well, I think from what I know of the Downtown  
4                Eastside, and I'm not speaking now about  
5                aboriginal interests down there, but the Downtown  
6                Eastside there's a lot of money being poured in by  
7                the federal and provincial governments and the  
8                City of Vancouver, and there's a huge number of  
9                groups down there, and they all seem to be  
10              operating independently.  From my point of view as  
11              a police officer, it was always the police that  
12              were left to deal with the issues, and I often  
13              wondered where all these organizations were  
14              after -- Brian mentioned between 8:00 p.m. --

15           Q    Yes.

16   MR. UNGER:  -- and 5:00 a.m.

17           Q    Right.

18   MR. UNGER:  Where are they?  They're not there.  It's only the  
19                police that are down there, and all of these  
20                issues are left to us to deal with, and, quite  
21                frankly, we're not equipped to deal with that.  
22                And I quite frequently now today ride my mountain  
23                bike down through there just to have a look  
24                because it's always -- we've always considered it  
25                sort of a last frontier.

1           Q    Yes.

2       MR. UNGER:  And it's considered across Canada.  I was also on  
3                   the drug abuse committee and the same committees  
4                   that Brian spoke of, and it's an area that is  
5                   under a microscope from all of Canada, and I think  
6                   it's -- to me, it's very depressing.  I don't  
7                   think it's changed at all.  In fact, if anything,  
8                   it's probably gotten worse.  And from a policing  
9                   point of view, I don't think the priorities down  
10                  there have been -- I don't know exactly what  
11                  they're doing down there, but I don't see the beat  
12                  police officer down there anymore, and I don't see  
13                  the bicycle police down there anymore, and, quite  
14                  frankly, that's distressing to me.

15           Q    So what would you like to see, more --

16       MR. UNGER:  Well, I think all the money that's spent on these  
17                   organizations, I'd like to see it perhaps all  
18                   drawn back and put into one -- one area and create  
19                   some treatment centres for these people.  I mean,  
20                   that's what's needed down there.  You have to deal  
21                   with the mental health issues and the drug  
22                   treatment.  And I think drug treatment should be  
23                   mandatory in the most extreme cases.  You know, if  
24                   a person doesn't want to go in there voluntarily,  
25                   well, maybe in the extreme cases it has to be

1           mandatory. But that's the only way you're going  
2           to clean that up down there. And it's not being  
3           done. It's worse now than when I started, which  
4           would be over 40 years ago now.

5           Q   Well, I guess first it has to be available before  
6               we even start making it mandatory, right?

7   MR. UNGER: Exactly. Exactly.

8   MR. MCGUINNESS: Again for the commissioner is that at one time  
9                   one of the governments in power decided that  
10                  people -- some of the people at Essondale could  
11                  better look after themselves out in the community.  
12                  These are people that -- whose mental illness  
13                  could be dealt with through medication. So as a  
14                  result some parts of Essondale were closed down  
15                  and these people were moved to where the largest  
16                  SRO group in the Lower Mainland is, which is the  
17                  Downtown Eastside. As soon as they came into the  
18                  Downtown Eastside there was no one there that said  
19                  please take your medication today, please take  
20                  your medication tonight. As a result the case  
21                  load or the call load for the police almost  
22                  tripled, and we were the first police department  
23                  in North America to institute what was called Car  
24                  87, which was a mental health car, that was put  
25                  together with one police officer and one mental



1 health nurse who was able to administer drugs.  
2 And that now I believe, I believe because I still  
3 have connections in the Vancouver Police  
4 Department, I believe there are three such cars  
5 nowadays and that the RCMP in the Lower Mainland  
6 have copied that tactic and have also instituted  
7 Car 87. And these are Caucasians, Hispanics,  
8 aboriginals, people with mental health diseases  
9 whose mental health issues are complicated by the  
10 use of drugs.

11 MS. NARBONNE: Thank you. Those are all my questions.

12 THE COMMISSIONER: All right. Thank you. Who's next?

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

14 Q Cameron Ward, counsel for the families of 25  
15 murdered and missing women. I'd ask that the  
16 witnesses be shown a copy of Exhibit 1, please.  
17 And I direct your attention, please, to page 406  
18 and 407. This is a copy of the report of Deputy  
19 Chief Doug LePard that was tendered to this  
20 commission on the first day of hearings.

21 THE COMMISSIONER: Page?

22 MR. WARD: 406, 407. The very end, Mr. Commissioner, the last  
23 two pages. Should be a graphic chart of the  
24 hierarchy of the Vancouver Police Department  
25 throughout the time period in question.

1 Q Do you have that, witnesses?

2 MR. McGUINNESS: Yes.

3 Q And your names appear about five, six lines down  
4 indicating that you, Mr. McGuinness, held the  
5 position of deputy chief constable from the  
6 beginning of 1999 up until March of 2000, and you  
7 were succeeded by your colleague, Mr. Unger, who  
8 held the deputy chief constable position until  
9 January 2003; that's correct?

10 MR. McGUINNESS: Correct.

11 MR. UNGER: Yes.

12 Q Thank you. But both of you were senior members of  
13 the Vancouver Police Department prior to 1999? I  
14 think you were both inspectors, correct?

15 MR. UNGER: Yes.

16 MR. McGUINNESS: No. I was the deputy chief prior to 1999.

17 Q All right. When did you assume that position?

18 MR. McGUINNESS: I think it was 1994.

19 Q So that green line can extend all the way to the  
20 left of the page then?

21 MR. McGUINNESS: That's correct.

22 Q All right. Thank you. Then I have some questions  
23 about the composition of the Missing Persons Unit.  
24 If you go down past Major Crime you'll see that  
25 Staff Sergeant Brock Giles appears holding that

1 position until January of 2000. Did anyone  
2 succeed him?

3 MR. MCGUINNESS: I'm not sure. Was there -- I think -- and I  
4 think -- was Brock Giles replaced or -- I think  
5 the staff sergeant rank was done away with by the  
6 Vancouver Police Department, but I'm not sure at  
7 what timeline that happened at.

8 Q And then I have some questions about the Missing  
9 Person Unit itself. We heard from Geramy Field,  
10 now Powell, yesterday. She was the sergeant in  
11 charge for much of the time period that's the  
12 subject of this review, and we've heard, of  
13 course, from Lori Shenher as well. But what I'm  
14 puzzled about on behalf of those of my clients who  
15 had loved ones disappear in the balance of 2001  
16 after April 2001 is who was working in the Missing  
17 Persons Unit as a sergeant and as investigators  
18 after Field and Shenher's tenure ended. Do you  
19 know?

20 MR. MCGUINNESS: I don't. I wasn't there.

21 MR. UNGER: I'm not sure either. I don't see it on here.

22 Q When was Sergeant John Dragani put in charge of  
23 Missing Persons; do you recall?

24 MR. UNGER: I don't recall him being there at all.

25 Q What about you?

1 MR. MCGUINNESS: No, not during my tenure he wasn't there.

2 Q Well, you know he was there at some point?

3 MR. MCGUINNESS: Pardon me?

4 Q He was the sergeant in charge of Missing Persons  
5 at some point?

6 MR. MCGUINNESS: Not during my tenure he wasn't.

7 Q All right. And that man was a long-time member of  
8 the Vancouver Police Department who became an  
9 embarrassment to it, right?

10 MR. MCGUINNESS: I believe that happened after my time.

11 Q I see.

12 MR. MCGUINNESS: All I would be able to give you is what I read  
13 in the newspaper at the time.

14 Q He was convicted and sentenced to a year for  
15 possession of child pornography?

16 MR. MCGUINNESS: I believe that's correct.

17 Q He had been a vice-president of the Vancouver  
18 Police Union and held an executive position in the  
19 Vancouver Pipe Band, right?

20 MR. MCGUINNESS: I'm -- he was in the union as an -- I couldn't  
21 tell you what position he held. But, you know, up  
22 until -- up until March of 2000 John Dragani had  
23 nothing to do with the Missing Persons Unit.

24 Q Well, I'm trying to get at two things: one, when  
25 he took charge of the Missing Persons Unit; but,

1 more importantly, why that man was put in charge  
2 of Missing Persons given all of the problems the  
3 unit had experienced throughout the time period.

4 MR. MCGUINNESS: Mr. Commissioner, as I said, up until March  
5 2000 he hadn't gone anywhere near Missing Persons.

6 Q Yes. All right. So neither of you can address  
7 the issue of when he was appointed?

8 MR. UNGER: I can't.

9 Q And neither can you?

10 MR. MCGUINNESS: Well, I don't even know -- was he --

11 MR. UNGER: I don't know. That's news to me.

12 MR. MCGUINNESS: Do you have some documentation?

13 Q I'm going by what I read in the newspaper  
14 accounts, which said he was in charge -- the  
15 sergeant in charge of Missing Persons.

16 MR. MCGUINNESS: I don't think he ever was.

17 THE COMMISSIONER: Just a minute. Yes, Mr. Hern.

18 MR. HERN: Since we're well outside of the terms of reference  
19 and inquiring about someone that these two  
20 witnesses have no knowledge, I think I'm going to  
21 object to these questions going any further.

22 THE COMMISSIONER: They are within the terms of reference, but  
23 I think --

24 MR. HERN: No, no, Sergeant John Dragani is well outside the  
25 terms of reference.

1 THE COMMISSIONER: In any event --

2 MR. HERN: He's appointed after 2002, and you're not inquiring  
3 into the efficacy of his appointment or his  
4 criminal charges.

5 THE COMMISSIONER: Well, the end of the matter is that nobody  
6 knows. They don't know him.

7 MR. WARD: Fair enough.

8 Q Who -- I'll ask both of you this question knowing  
9 or given your understanding of the structure of  
10 the VPD and especially it's management. Who would  
11 be in a position to tell me as counsel for the  
12 families who took over from Geramy Field as  
13 sergeant in charge of the operation of the Missing  
14 Persons Unit when she left, according to this  
15 chart, in April of 2001?

16 MR. UNGER: Well, April 2001 was during my term, but I don't  
17 see anyone on here, so I would have to have some  
18 assistance from past records or something.

19 MR. MCGUINNESS: Had the task force started then?

20 Q I take it the Missing Persons Unit wasn't a very  
21 high-profile part of the Vancouver Police  
22 Department?

23 MR. MCGUINNESS: Are we talking about --

24 Q I'm talking about 1997 to February --

25 MR. MCGUINNESS: The Missing Persons Unit?

1           Q    That's what I'm speaking of.

2   MR. McGUINNESS:  I think -- I think we were the only police  
3                   department in Canada that had a Missing Persons  
4                   Unit, so obviously at that time I would say that,  
5                   yes, it was an important part of the organization.

6           Q    Here's what this group of questions is getting at.  
7                   See, I've had some clients, Barry Bottomley,  
8                   Lilliane Beaudoin, sitting here since October  
9                   11th.  Mr. Bottomley's daughter, Ms. Beaudoin's  
10                  sister vanished in the latter part of 2001.  I'm  
11                  trying to understand on their behalf who, if  
12                  anyone, would have been in a position to respond  
13                  to the reports of their disappearances because I  
14                  haven't been able to glean from LePard's report or  
15                  the documents I've read who was in charge and who  
16                  was investigating reports of disappearances in  
17                  that period of time.  I take it neither of you can  
18                  assist me with the answer to that?

19   MR. McGUINNESS:  Well, I wasn't there, sir.

20           Q    All right.

21   MR. McGUINNESS:  But I'm just trying to help John Unger.  Who  
22                   was in the Missing Persons Unit then?

23   MR. UNGER:  Just a minute.  I would like to see some  
24                   documentation that shows who those persons were  
25                   after this period of time.  If you don't show me

1           those documentations, it's a long time ago, I  
2           can't remember who was there after Geramy Field.  
3           If we're talking about -- if we're talking about  
4           after Evenhanded started, I could deal with that,  
5           but I don't see the documents here, Mr. Ward, that  
6           can tell me that.

7           Q    Okay. So the short answer is neither -- or you  
8                can't, I'm sorry, Sergeant or -- Mr. McGuinness,  
9                you weren't there, and you, Mr. Unger, don't  
10              recall without refreshing your memory from  
11              documents who may have been the sergeant in charge  
12              of the Missing Persons Unit; is that right?

13   MR. UNGER: No, it would have -- it would have -- at that time  
14               it came under one of the Homicide Squad, so I  
15               can't recall who took over from Geramy Field in  
16               that particular area.

17           Q    Now, you've both said, if I understood your  
18                evidence correctly, that you do not recall hearing  
19                anything about a man named Pickton or a pig farmer  
20                out in Port Coquitlam being a suspect, being  
21                investigated by your department as a suspect in  
22                the disappearances of the women?

23   MR. MCGUINNESS: That's correct from my position.

24           Q    And you, Mr. Unger, that's the case?

25   MR. UNGER: No. In I guess it would be May of 2000 was the



1 first time I heard that name, and my notes are on  
2 file here relative to that. I heard his name  
3 along with two others when I was discussing with  
4 Inspector Gord Spencer as to what had occurred  
5 thus far, and I was being briefed on what had  
6 occurred thus far in the project, in the Missing  
7 Women's Review Team project.

8 Q All right.

9 MR. UNGER: And so his name was one of three that I was given,  
10 and I wrote it down, but I believe that's the  
11 first time I ever heard that name. And the reason  
12 I wrote those three names down, I've searched my  
13 memory, and I recall that I was told that those  
14 were the three individuals that we had done fairly  
15 extensive work on, and they were three of, I  
16 recall, 135 suspects at that time, or persons of  
17 interest rather, not suspects. Persons of  
18 interest.

19 Q This commission has heard evidence, and I'm  
20 summarizing and paraphrasing it, as recently as  
21 the day before yesterday that Lori Shenher, Geramy  
22 Field, and Mark Chernoff and Ron Lepine were all  
23 clamouring loudly for help on their efforts to  
24 investigate the disappearances of the women and  
25 Pickton as a possible suspect in those

1 disappearances. Is it your evidence that however  
2 loudly they were clamouring, however loudly they  
3 were shouting, you didn't hear anything about that  
4 matter?

5 MR. MCGUINNESS: I didn't hear. I didn't see in writing. No,  
6 I did not.

7 Q Is that the case for you too, Mr. Unger?

8 MR. UNGER: Yes. After my time there I never heard that.

9 Q Now, between 1997 and 2002 the Vancouver Police  
10 Department had a public relations arm, right, or  
11 media unit?

12 MR. MCGUINNESS: Correct.

13 Q I'm looking at the website of the Vancouver Police  
14 Department today, and it says this:

15 COMMUNITY & PUBLIC AFFAIRS SECTION OF THE VPD  
16 The VPD Community & Public Affairs Section is  
17 comprised of a number of units and programs,  
18 that work to keep the city safe and informed.  
19 The website then addresses the composition of the  
20 Media Unit, and it says this, and this is all a  
21 preface to my next questions:

22 The Vancouver Police Department was one of  
23 the first police departments in North America  
24 to hold a daily press conference for our  
25 local media. At the conference, we discuss

1                   what has happened in the city overnight...

2                   I'm sorry. I'll start again.

3                   The Vancouver Police Department was one of  
4                   the first police departments in North America  
5                   to hold a daily press conference for our  
6                   local media. At the conference, we discuss  
7                   what has happened in the city overnight, as  
8                   well as give updates for ongoing  
9                   investigations. We also announce any public  
10                  advisories or suspect descriptions, asking  
11                  for the public's assistance.

12                  Media relations is a major activity for this  
13                  section, with our two media relations  
14                  officers fielding hundreds of calls every  
15                  week from local, national and international  
16                  media for information and interviews.

17                  Is that an accurate description of the Media  
18                  Unit's role in the area of public affairs as it  
19                  operated back in the 1997-2002 time period, either  
20                  of you?

21       MR. McGUINNESS: No, I believe there was only one media  
22                  relations person in the department at that time.

23                  Q    We've heard that Ken Hardie was a civilian.

24       MR. McGUINNESS: Ken Hardie and --

25                  Q    Anne Drennan.

1 MR. McGUINNESS: -- Anne Drennan, and I'm not sure who took

2 Anne Drennan's --

3 Q Scott Driemel.

4 MR. McGUINNESS: Who?

5 Q Scott Driemel. Does that sound correct?

6 MR. McGUINNESS: Could be, yes.

7 MR. UNGER: Yes.

8 Q You both seem to be nodding.

9 MR. UNGER: Yes.

10 Q All right. Those are all professional, competent  
11 media relations personnel employed to give  
12 assistance to the Vancouver Police Department on  
13 issues of public concern, right?

14 MR. McGUINNESS: Hopefully, yes.

15 Q And their job included monitoring accounts in the  
16 media of issues that would be of significance,  
17 concern or interest to the Vancouver Police  
18 Department as a whole, right?

19 MR. McGUINNESS: Correct.

20 MR. UNGER: Yes.

21 Q They would report on those matters to management  
22 and receive such direction from management as they  
23 might require to convey information to the public  
24 through the media?

25 MR. McGUINNESS: Correct, yes.

1 Q That's a fair summary?

2 MR. McGUINNESS: Fair summary.

3 Q All right. Mr. Registrar, could the witnesses be  
4 shown Exhibit 35, please. Just before you get to  
5 35, I see again on the website today that the  
6 budget for -- the VPD's budget for the Community &  
7 Public Affairs Section, which includes the Media  
8 Unit, is 2 million 819 -- \$2.8 million for the  
9 year 2010, up from, oh, half a million or so back  
10 in 2005. So it's a significant part of the VPD's  
11 operation, fair?

12 MR. McGUINNESS: Obviously from that expenditure.

13 Q Exhibit 35.

14 MR. McGUINNESS: Do we need this anymore, Mr. Ward?

15 Q No. Thank you. These three people, the civilian  
16 media relations operative, Hardie and Anne Drennan  
17 or Scott Driemel, who did they report to and take  
18 direction from; do you recall?

19 MR. McGUINNESS: I believe it was the chief's office. I'm not  
20 sure if that was a direct report or --

21 MR. UNGER: Yeah, I think they reported directly to the  
22 executive officer for the chief constable.

23 Q And do you know whether part of their job was to  
24 cull reports from the media that would be of  
25 significance or concern to the VPD and bring them

1 to the chief's attention?

2 MR. UNGER: Yes.

3 Q And would they do that daily, weekly? Do you  
4 know?

5 MR. UNGER: Daily.

6 Q Daily?

7 MR. UNGER: Yes.

8 Q All right. Do you know whether they, the media  
9 relations personnel, would also convey by way of  
10 memoranda or e-mail their observations on the  
11 media stories to the chief and receive directions  
12 back from the chief respecting these matters of  
13 concern?

14 MR. UNGER: They might on occasion, yes. Mm-hmm.

15 Q I've looked. There's lots of documents. I might  
16 have missed it, but I haven't been able to find  
17 any records of communications passing between the  
18 media personnel, Hardie, Drennan, Driemel, and the  
19 chief's office or the chief's executive on the  
20 issue of the missing women in the time frame that  
21 we're looking at, '97 to 2002. I may have missed  
22 them, but can you advise according to your  
23 understanding of the department's operation where  
24 they would be located?

25 MR. MCGUINNESS: I don't know, but I thought I saw some

1 documents in some of the documents, thousands of  
2 documents that I read where Anne Drennan said she  
3 would deal directly with Lori Shenher or Sergeant  
4 Field.

5 Q I'm speaking now of communications passing between  
6 Drennan and the chief or vice versa --

7 MR. McGUINNESS: Oh.

8 Q -- or Hardie and the chief or vice versa.

9 MR. McGUINNESS: They would probably be in the chief's files.

10 Q All right.

11 MR. McGUINNESS: Or in the executive assistant's files.

12 Q I want to -- in this next series of questions I  
13 want to take you both back to 1997 and put you  
14 back in time with the assistance of this exhibit  
15 to refresh your recollection. And I'll just tell  
16 you what this exhibit is. This is a compilation  
17 of print media stories from Vancouver's two local  
18 dailies relating to the issue of the  
19 disappearances of the women from Vancouver's  
20 Downtown Eastside. Do you understand what -- do  
21 you hear what I'm saying, both of you?

22 MR. McGUINNESS: Yes.

23 MR. UNGER: Yes.

24 Q Okay.

25 MR. McGUINNESS: Is that tab 1?

1           Q   The book as a whole. I'll get to tab 1 in a  
2                   moment. Just want you to appreciate what I'm  
3                   showing you. What this doesn't include is any of  
4                   the electronic media reporting that was occurring  
5                   on the same issue, the disappearances of the  
6                   women, by radio or television. This is only local  
7                   print media. It doesn't include *The Globe and*  
8                   *Mail*, the *National Post* or outlying newspapers.  
9                   So are you with me?

10       MR. McGUINNESS: Yes.

11           Q   All right. Tab 1. And these are the sorts of  
12                   articles that would be compiled and accumulated by  
13                   Ken Hardie or Anne Drennan and brought to the  
14                   chief's attention, agreed? I'll ask you this  
15                   question as we go through them. Here we've got a  
16                   story at tab 1, "Family fears worst as woman  
17                   vanishes in east Vancouver," story by Lindsay  
18                   Kines July 24th, 1997. It quotes midway through  
19                   Constable Dave Dickson. He says this:

20                        "I've phoned a few people who've said they  
21                        heard this or heard that. But nothing's  
22                        panned out so far. I'm hoping she's still  
23                        down here somewhere and hasn't met foul  
24                        play."

25                   And then there's some quotes from the woman's



1 family. That's the sort of thing that the media  
2 relations department or unit would locate in the  
3 press and bring to the attention of the chief,  
4 right?

5 MR. MCGUINNESS: I couldn't tell you.

6 MR. UNGER: They might. They might.

7 Q They might. All right. Tab 2. Here's a story,  
8 page A3 of *The Vancouver Sun* February 14th, 1997,  
9 "Prostitute murders on the rise across Canada."  
10 Quotes extensively from a study performed by Simon  
11 Fraser University criminologist John Lowman about  
12 the perils faced by prostitutes. And then at the  
13 end, last couple of paragraphs, the third last  
14 paragraph you'll see this:

15 In Vancouver, police now have a policy of not  
16 charging sex-trade workers unless it would  
17 help them in some way, Inspector Ken Doern,  
18 head of the vice squad, says.

19 Can either of you say whether this sort of  
20 article, given its content, would come to the  
21 attention of the chief's office? Can't say?

22 MR. MCGUINNESS: I can't say.

23 Q All right. Ken Hardie could, perhaps the chief  
24 could?

25 MR. MCGUINNESS: Yes.

1           Q   I'll just skim through a few more, some more of  
2               these. There's a reference at tab 3 to a story  
3               about a women's memorial march. This is in *The*  
4               *Vancouver Sun* of February 12th, '98. I'll go by  
5               that to tab 4. Here's a story from page A10 of  
6               the *Vancouver Province* May 25, 1998, "Mother fears  
7               addicted daughter already dead," and this is a  
8               story about Sarah Jean de Vries, and you know her  
9               to be one of the women --

10       MR. MCGUINNESS: Yes.

11           Q   -- determined to have been murdered by Pickton?

12       MR. MCGUINNESS: Correct.

13           Q   You both know that?

14       MR. UNGER: Yes.

15       MR. MCGUINNESS: Yes.

16           Q   All right.

17       MR. MCGUINNESS: Was that at tab 3?

18           Q   That's at tab 4.

19       MR. MCGUINNESS: Sorry.

20           Q   Tab 5. Friday, July 3rd, 1998, Lindsay Kines,  
21               *Vancouver Sun*, "Police target big increase in  
22               missing women cases. Investigators will look into  
23               each incident to determine if there are any  
24               similarities." The story continues -- this was on  
25               B1, first page of Section B. Story continues over

1           on the next page under this heading, "Serial  
2           killer not behind missing-women cases, police  
3           official says," and then there are quotes from  
4           both Anne Drennan and Sarah de Vries (sic). Given  
5           what you know about the operation of the Media  
6           Unit and its liaison with the chief's office, this  
7           is exactly the sort of news article you would  
8           expect them to clip out and get -- and show the  
9           chief, right?

10       MR. MCGUINNESS: I couldn't tell you.

11           Q   All right. Sorry. Next tab, July 27, 1998,  
12                "Messages on pager say prostitute dead," big bold  
13                headline on page 4 of *The Province* with a picture  
14                of Sarah Jean de Vries. Do you see that?

15       MR. MCGUINNESS: Yes.

16           Q   Next tab, 7. Headline Section B, "Missing women  
17                cases probed," subheading -- top of the page,  
18                "Missing women cases probed." Subheading,  
19                "Vancouver Police will review 40 unsolved cases  
20                dating from 1971, but they doubt a serial killer  
21                was involved in any disappearances." Quotes from  
22                Gary Greer, inspector of the VPD, and I'll just  
23                read a couple.

24                "We're in no way saying there is a serial  
25                murderer out there. We're in no way saying

1                   that all these people missing are dead.  
2                   We're not saying any of that,"  
3                   and so on. And then there's a quote from media  
4                   liaison Constable Anne Drennan. The story  
5                   continues over on page B4 under the heading  
6                   "Police have no indication a serial killer is  
7                   responsible." Do you see that?

8   MR. MCGUINNESS: Yes.

9                   Q   All right. Again I suggest this would be clipped  
10                   out by Ken Hardie or someone else in the Media  
11                   Unit as part of their full-time job monitoring the  
12                   media and brought to the attention of the  
13                   department, agreed?

14   MR. MCGUINNESS: I couldn't tell you. Like you said before,  
15                   Ken Hardie or Anne Drennan would be the best ones  
16                   to answer it.

17                   Q   Well, they're not on the witness list, so I've got  
18                   to ask you, and you were both the deputy chiefs of  
19                   the department. I assume you know the process  
20                   followed with respect to the operation of the  
21                   Media Unit. Am I right in that?

22   MR. MCGUINNESS: I don't, no.

23                   Q   How about you, Mr. Unger?

24   MR. UNGER: Well, I was an acting deputy chief at the time, and  
25                   so I couldn't reflect on that either.

1           Q   Well, conceptually I think you both agree that  
2                given your experience as deputy chiefs at one time  
3                or another and your understanding of the Public  
4                Affairs Section and the Media Unit you would  
5                expect them to daily glean or cull stories of  
6                interest to the police department from the press  
7                and forward them to the chief's office for the  
8                chief's consideration, right?

9   MR. MCGUINNESS: I would assume that, yes.

10           Q   And you?

11   MR. UNGER: That's logical, yes.

12           Q   Well, you were deputy chief, sir, Mr. Unger, for  
13                how many years?

14   MR. UNGER: Three years.

15           Q   Reporting to the chief himself?

16   MR. UNGER: Yes.

17           Q   Taking direction from the chief?

18   MR. UNGER: Yes.

19           Q   Discussing issues of concern about --

20   MR. UNGER: Yes.

21           Q   -- policing within Vancouver with the chief?

22   MR. UNGER: Yes.

23           Q   All right. Tab 9, top of the page, big heading,  
24                "Reward urged to help solve Downtown Eastside  
25                killings." This date is February 15, 1999. The

1 story from Chad Skelton. Tab 10, front page of  
2 *The Vancouver Sun* --

3 MR. MCGUINNESS: Just if we can go back to tab 9 there.

4 Q Sure.

5 MR. MCGUINNESS: "Reward urged to help solve Downtown Eastside  
6 killings."

7 Q Yes.

8 MR. MCGUINNESS: At that time there was no evidence of  
9 killings. There was missing women, but, you know,  
10 there was no evidence of killings. Unless this  
11 is -- unless this is referring to a specific  
12 homicide that occurred involving a street trade  
13 worker.

14 Q Well, just stop on this for a moment. The  
15 subheading is, "The deaths of prostitutes deserve  
16 as much attention as home invasions, an activist  
17 says," and then the first paragraph says this:

18 The provincial government and police should  
19 put up a \$100,000 reward - the same amount  
20 recently offered to catch a pair of home  
21 invaders - to help find those responsible for  
22 the unsolved murders of dozens of prostitutes  
23 on the Downtown Eastside, an activist said  
24 Sunday.

25 And there's next a quote from Don Larson and then

1                   there's some quotes from Ujjal Dosanjh and others.

2       MR. McGUINNESS:   Right.

3                   Q    It's clearly about the problem of the women going  
4                        missing from the streets?

5       MR. McGUINNESS:   Going missing, yes.

6                   Q    And assumed to be dead?

7       MR. McGUINNESS:   It doesn't say that in here.  It doesn't say  
8                        assumed to be dead.  It says they're killed.  Now,  
9                        we know that subsequently, yes, that's correct,  
10                      and very unfortunate, but it doesn't -- at that  
11                      time there was no evidence of homicides.

12                  Q    Well, I'm just asking you about the story and the  
13                        fact it appeared in the newspaper.

14       MR. McGUINNESS:   Okay.  Fine.

15                  Q    And the reason I'm asking you this is that I  
16                        suggest, given a well-funded Media Unit staffed  
17                        with professional public relations persons who had  
18                        the full-time job of monitoring the media and  
19                        bringing stories to the attention of the chief,  
20                        your boss, these stories would likely have come to  
21                        the attention of VPD management?

22       MR. McGUINNESS:   I would assume so, yes.

23                  Q    Very good.  Just on the last point that you  
24                        brought up, Mr. McGuinness, if you look on the  
25                        bottom of the first column:

1                   While police have steadfastly maintained they  
2                   are investigating the murders on the Eastside  
3                   vigorously, Larson,  
4                   that's Don Larson,  
5                   said he believes they aren't being treated  
6                   seriously. "It's definitely a vulnerable  
7                   community. These are so-called throwaway  
8                   people."

9                   Do you see that?

10       MR. McGUINNESS: No, I don't agree that they -- that they were  
11                   throwaway people.

12           Q     Sir, I'm not asking you whether you agree. I'm  
13                   asking you whether you agree that *The Vancouver*  
14                   *Sun* reported prominently in its February 15, 1999  
15                   edition that the community was concerned that  
16                   dozens of prostitutes had been taken from the  
17                   streets and murdered and that they wanted a reward  
18                   posted like the reward that had been posted for  
19                   the home invasions --

20       MR. McGUINNESS: Correct.

21           Q     -- to address the problem?

22       MR. McGUINNESS: Correct.

23           Q     All right. Next page. Front page *Vancouver Sun*  
24                   March 3, 1999. This is three years before Pickton  
25                   is caught. Bottom of the page. "Twenty women



1 missing; action demanded," story by David Hogben  
2 and Lindsay Kines of *The Vancouver Sun*. Carries  
3 over onto page A2. I actually don't have that  
4 page annexed. No, I do, I think. It's the next  
5 tab, tab 11. Indeed. Now there's a huge profile  
6 on these missing women. The first one is Sarah  
7 de Vries. Full-page story. "Privilege, despair  
8 and death." "Sarah deVries" -- subheading, "Sarah  
9 deVries had a lot going for her: an artistic  
10 talent, good looks and a good home in West Point  
11 Grey. But she was also attracted to the life on  
12 the edge - like a number of Vancouver women who  
13 are lost, feared dead." Do you see that?

14 MR. MCGUINNESS: Yes.

15 Q Lengthy story complete with pictures about this  
16 woman believed to be killed by a predator, right?

17 MR. MCGUINNESS: Yes.

18 Q All right. And the date again, March 3, 1999.  
19 Next tab, tab 12, same day, part 2 of the profile.  
20 18 photos of women who have gone missing from the  
21 streets of Vancouver. The heading reads "'Who we  
22 will not see tomorrow'". Subheading, "Street  
23 workers say society is not doing enough to rescue  
24 the troubled, young females who end up mired in  
25 drugs and prostitution on the Downtown Eastside.

1           Police say they actively pursue those who abuse  
2           the women. For many women, concern comes too  
3           late." Lengthy story by Lindsay Kines. Do you  
4           see that?

5   MR. MCGUINNESS: Yes.

6           Q   Exactly the sorts of news articles that the  
7           professional media personnel would take from the  
8           paper, bring to the attention of the chief on a  
9           daily basis immediately when they appear in the  
10          newspaper?

11   MR. MCGUINNESS: I would assume so, yes.

12          Q   Yes. And I'm not going to go through every one of  
13          these. There's a large collection of them. But I  
14          will take you next to tab 20. April 25th, 1999.  
15          You're familiar, both of you, I'm sure, with *The*  
16          *Province* newspaper?

17   MR. MCGUINNESS: Yes.

18          Q   Local tabloid daily put in the newspaper boxes  
19          usually with a screaming headline, right?

20   MR. MCGUINNESS: Correct.

21          Q   Here it is. Pictures of looks like about 20 -- I  
22          can't really count them the way this is set up.  
23          22. Pardon me. Pictures of 22 women displayed  
24          across the front page of *The Province* under the  
25          heading "HAVE THESE 22 WOMEN BEEN MURDERED" and

1                   then in great big bold black print "100,000 to  
2                   find out". Do you see that?

3       MR. McGUINNESS: Yes.

4                   Q   And then a full-page story by Bob Stall of *The*  
5                       *Province* at page A16. "Mayor to propose skid-row  
6                       reward. Warns about wording as he responds to  
7                       clamour over missing women." Do you see that?

8       MR. McGUINNESS: Yes.

9                   Q   First line:

10                       Is a serial killer murdering prostitutes in  
11                       Vancouver?

12                   You see that?

13       MR. McGUINNESS: Yes.

14                   Q   All this you would expect in the ordinary course  
15                       to be brought to the attention of the chief, your  
16                       boss, right?

17       MR. McGUINNESS: Correct.

18                   Q   Skip to tab 22. April 27, 1999, *Province*  
19                       newspaper, full page article, bold heading.  
20                       "Missing women 'might' be victims of a serial  
21                       killer." Do you see that?

22       MR. McGUINNESS: Yes.

23                   Q   I'll just read the first couple of passages.  
24                       Vancouver Police Detective Lori Shenher  
25                       avoids the term "serial killer" like a sticky

1                   wad of gum on the sidewalk.

2                   She sees it, acknowledges it and deftly  
3                   steps around it.

4                   Shenher has dropped the initial police  
5                   line that the 22 women who have vanished in  
6                   the downtown east side since 1995 are just as  
7                   likely to show up alive as dead.

8                   And the story goes on, talks about class politics,  
9                   accusations the police aren't taking the  
10                  disappearances seriously and so on. Full page  
11                  article. You see it?

12       MR. MCGUINNESS: Yes.

13                Q    Again, would have been brought to the attention of  
14                    the chief, your boss?

15       MR. MCGUINNESS: Correct.

16                Q    And you see headline after headline throughout  
17                    1999. Let's just skip ahead to tab 29. Top of  
18                    the front page of Section B of *The Vancouver Sun*,  
19                    "Hundreds pray for missing women," May 13, 1999,  
20                    the same day that, according to the evidence we've  
21                    heard, there's a brainstorming session held in the  
22                    boardroom of VPD headquarters, including Doug  
23                    LePard, to discuss what to do or how to address  
24                    the issue, right? Again, you'd expect given this  
25                    story, "Homicide detectives join search,"

1 "Vancouver city police are expanding their  
2 investigation," you expect the police chief to  
3 know about this?

4 MR. MCGUINNESS: Correct, yes.

5 Q And you, his deputies too, as well?

6 MR. MCGUINNESS: I probably read it myself in the paper.

7 Q Probably did. All right. And it goes on through  
8 June, through July. Let's just look for a moment,  
9 tab 35. June 15, 1999 *Province* newspaper,  
10 headline, "Lack of bodies doesn't prove there's no  
11 serial killer: Expert," and it's a story that  
12 addresses the no bodies, no crime theory. Do you  
13 see that?

14 MR. MCGUINNESS: Yes.

15 Q Next tab, 36. Full-page front-page headline in  
16 *The Province* newspaper, "'Missing women' mystery  
17 headed for TV. America's Most Wanted will air a  
18 segment July 31 on Vancouver's more than 20  
19 vanished skid-row hookers to a potential audience  
20 of 14 million," next to a large photograph of a  
21 missing woman. Do you see that?

22 MR. MCGUINNESS: Yes.

23 Q The police chief and yourselves as deputies would  
24 have known about this.

25 This very time, late June '99, July '99, Lori

1 Shenher working with Geramy Field, two  
2 investigators in the police department that you  
3 helped manage, are following up the second piece  
4 of reliable information that they have obtained  
5 that a pig farmer in Port Coquitlam named Willie  
6 Pickton is responsible for the deaths of these  
7 women. We've heard all that evidence. They've  
8 got Hiscox's information. They've got Caldwell's.  
9 You know that now, right?

10 MR. McGUINNESS: I know that now, yes.

11 Q Here's my question for you, both of you.  
12 Whichever one wants to go first can. When all  
13 these stories were appearing in the newspaper and  
14 coming to the attention of your boss, the chief,  
15 on a regular basis, and I've leafed through some,  
16 but not all of them, and I haven't even taken you  
17 to the TV or the radio, did you make inquiries  
18 within the department to this effect, did it occur  
19 to you to make an inquiry like this: "Do we have  
20 any leads on who might be responsible"?

21 MR. McGUINNESS: Yes, I did make inquiries do we have any  
22 leads.

23 Q All right. And what --

24 MR. McGUINNESS: And the response was, "We don't have any. We  
25 have people of interest, but we have no hard

1 information."

2 Q Who did you ask?

3 MS. POWELL: Pardon me?

4 Q Who did you ask?

5 MR. MCGUINNESS: Inspector Biddlecombe, Staff Sergeant Giles.

6 Q And you learned through your inquiries that  
7 Shenher and Field were working on the matter?

8 MR. MCGUINNESS: That's correct, and I did not have that  
9 information.

10 Q I'm sorry, you did not have what information?

11 MR. MCGUINNESS: I did not have that information that they were  
12 working on these suspect -- or this information.

13 Q Well, did you ask them?

14 MR. MCGUINNESS: No, I did not.

15 Q They said they were shouting as loud as they  
16 could.

17 MR. MCGUINNESS: I know they said that.

18 Q Your evidence under oath is that while the  
19 newspapers were displaying banner front-page  
20 headlines, writing stories about these women  
21 probably being victims of a serial killer, your  
22 evidence is that somehow there was a void or a  
23 disconnect between what Shenher and Field knew  
24 about Pickton and his likely involvement and what  
25 management knew, is that it?

1 MR. MCGUINNESS: That's correct.

2 Q Is that your evidence too, Mr. Unger?

3 MR. UNGER: No, my evidence at the time was I wasn't in the  
4 investigation area. I knew that there was a task  
5 force ongoing. And as to what the exact  
6 information they had at that time, I wasn't aware.

7 Q Well, here's what I'm struggling with. We heard  
8 yesterday, or maybe it was the day before, I lose  
9 track sometimes, but from Geramy Field, now  
10 Powell, July of 1999 she and nine -- eight -- she  
11 and eight VPD colleagues, one a civilian, total of  
12 nine people were meeting to discuss Pickton and  
13 Pickton's investigation. They were going out to  
14 -- some of them, several of them were going out  
15 physically to Coquitlam to liaise with the RCMP  
16 officers there. They were working hard, it seems,  
17 on trying to get Pickton. How could you in  
18 management, given the notoriety of this case, be  
19 blissfully unaware of their work?

20 MR. MCGUINNESS: I can't explain how that information didn't  
21 come up to me. Even if you look at the report  
22 written in October of 1999, which is far past  
23 July, there's no mention in that report of any  
24 information from informants in regards to the  
25 pig farm or anything like that.



1           Q    I'm going to -- I note the time, and I'm partway  
2                    through, but I am going to leave one last question  
3                    for you overnight because this is the time we  
4                    usually break. I'd like you to think about it.  
5                    You both learned about the massive search that was  
6                    undertaken on Pickton's farm February 5 and  
7                    thereafter, February 5, 2002, thereafter, right?

8   MR. MCGUINNESS: That's correct.

9   MR. UNGER: Yes.

10           Q    Soon after that, certainly by April, you realized  
11                   that the Vancouver Police Department would come  
12                   under scrutiny for having failed to identify and  
13                   stop Pickton earlier, right?

14   MR. MCGUINNESS: I think we were under scrutiny right from  
15                   1997, 1998, 1999 up until the time I left in 2000.

16           Q    Well, I'm going to suggest this is what happened.  
17                   You can answer now, you can think about it and  
18                   answer tomorrow, whatever you like. I am going to  
19                   suggest this is what occurred. You realized you'd  
20                   have some serious explaining to do. Doug LePard  
21                   was tasked with defending the department from the  
22                   scrutiny that would arise. You decided in 2003  
23                   that management would be distanced from the  
24                   knowledge of Pickton so that management couldn't  
25                   be blamed, and you collectively took steps to

1 cover your --

2 MR. MCGUINNESS: You know --

3 Q -- tracks --

4 MR. MCGUINNESS: I'm sorry --

5 THE COMMISSIONER: Let him finish.

6 MR. MCGUINNESS: Let him finish.

7 MR. WARD:

8 Q I suggest that is exactly what happened, and I  
9 suggest that the e-mails, the handwritten notes,  
10 all the records that would have formed the paper  
11 trail between Shenher and Field's work and  
12 management's knowledge of it were expunged?

13 MR. UNGER: Who are you directing the question to?

14 Q Both of you.

15 MR. UNGER: Okay. I'll answer first then because I was in  
16 charge at that time. Firstly, the police are  
17 always accountable. We know that. There is no  
18 question of them not being accountable one day and  
19 they are more accountable the next day. They're  
20 always accountable. That's our job. We realize  
21 that. We realize that from the outset. We always  
22 know that. However, I said before in my evidence  
23 that after February the 5th, 2000, I had done some  
24 reading. In addition to that there had been --  
25 we'd been taking some shots from the press,

1           there's no question about it, and the reading that  
2           I had done showed that this serial murder  
3           investigation was no different than any other one  
4           on record. The police were always criticized for  
5           not catching the person sooner. So, I took the  
6           step of putting out this memo to make sure that  
7           all of the documentation, everything to show all  
8           of the hard work and everything that we'd done was  
9           not lost, that it would be here for an inquiry  
10          like this, like we're sitting right here today.  
11          This is why I wrote the memo, Mr. Ward.

12          Q    I understand. You wrote the memo and conveyed two  
13               messages. Message number one: the department's  
14               actions on the missing women file are going to  
15               come under scrutiny. That's the first clear  
16               message you gave everybody to whom the memo is  
17               directed, right?

18   MR. UNGER: We're always under scrutiny. This was no different  
19               except that it was a very high-profile case, and I  
20               knew there would probably be greater scrutiny than  
21               normal. Yes, you're right in that sense.

22          Q    So this is April of 2002?

23   MR. UNGER: Yes.

24          Q    In April of 2002 all of the memoranda or e-mails  
25               that may have passed between Ken Hardie and Anne

1                   Drennan and the chief's office back and forth on  
2                   all the media articles I've took you to would have  
3                   been in existence, right?

4       MR. UNGER:   No, Ken Hardie was gone about two years by this  
5                   time. He left in about 2000, I believe. First of  
6                   all.

7                   Q   Well, just hang on a second.

8       MR. UNGER:   Yes.

9                   Q   It's April 2002.

10      MR. UNGER:   Yes.

11                  Q   There's a colloquial phrase for what's just  
12                   happened, but I am not going to use it. The issue  
13                   has exploded, and you know that there's going to  
14                   be some explaining to do, right?

15      MR. UNGER:   Of course.

16                  Q   All right. April 2002. Just freeze frame there.  
17                   There ought to be, I suggest, a paper trail, one,  
18                   between the media relations department and the  
19                   chief's office back and forth on all these  
20                   articles and what's happening with them, and more  
21                   importantly -- I'm going to draw your attention to  
22                   some evidence that we've received. Lori Shenher  
23                   said she sent regular e-mail updates to all  
24                   members about her investigation, but,  
25                   unfortunately, as we stand here today we have a

1           few of her e-mails, but we don't have what I would  
2           consider regular e-mail updates. You could have  
3           in April 2002 gone back and found and saved those  
4           types of records, right, and should have, I put to  
5           you?

6   MR. UNGER: This is exactly why I wrote the memo, and, in fact,  
7           if you go back at that period of time, there  
8           wasn't the number of e-mails and that around that  
9           there is today. We didn't have as many computers  
10          that are -- that are around today on the desks of  
11          people. Lots of people did not use e-mail on a  
12          regular basis. Now, the conversations and the  
13          information flow between media liaisons and the  
14          chief often was a direct face-to-face  
15          communication. There was not necessarily any  
16          e-mails. In fact, I would suggest there might be  
17          very few e-mails because they met with the chief  
18          and often the deputies on a regular basis, and  
19          perhaps they might bring this type of material in  
20          to the meeting and say what about this, do we have  
21          an answer for this, that type of thing, but there  
22          was not necessarily e-mails or regular  
23          correspondence.

24   THE COMMISSIONER: All right. I'm going to stop it there.

25   MR. WARD: All right.

1 THE COMMISSIONER: Thank you.

2 THE REGISTRAR: The hearing is now adjourned for the day and  
3 will resume at eleven o'clock tomorrow morning.

4 (PROCEEDINGS ADJOURNED AT 5:10 P.M.)

5

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

10

11 Leanna Smith

12 Official Reporter

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