

April 3, 2012

Vancouver, BC.

(PROCEEDINGS RECONVED AT 9:35 A.M.)

FREDA ENS: Previously affirmed

MORRIS BATES: Previously affirmed

GEORGE LAWSON: Previously affirmed

JAY JOHNS: Previously affirmed

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Good morning.

THE REGISTRAR: Mr. Commissioner, before we start,

unfortunately, yesterday I made a slight error in
terms of marking exhibits and I would just like to
straighten that out for the record. The exhibit
that was marked is 118 NR. It should now be 119
NR. 119 NR becomes 120 NR and 120 becomes 121.

THE COMMISSIONER: All right.

THE REGISTRAR: Thank you.

**(EXHIBIT 119 NR - Formerly Exhibit 118 NR -
Binder of documents entitled "Panel -
Vancouver Police & Native Liaison Society")
(EXHIBIT 120 NR - Formerly Exhibit 119 NR -
Binder of documents entitled "Vancouver
Police & Native Liaison Documents")
(EXHIBIT 121 NR- FORMERLY EXHIBIT 120 NR -
Map)**

1 THE COMMISSIONER: Thank you.

2 **CROSS-EXAMINATION BY MS. NARBONNE (Cont'd):**

3 Mr. Registrar, I will be -- I will be
4 referring the witnesses to 119 NR and 120 NR.
5 Narbonne for the record, counsel for the
6 aboriginal interest.

7 THE REGISTRAR: The witnesses have those documents.

8 MS. NARBONNE: Yesterday I endeavoured to put in a map and I
9 neglected to have copies for this commission. I
10 have those copies today. And this is the
11 traditional territories of BC. I know there is a
12 large map of that and I will be referring the
13 witnesses to the large map as well. Do you have
14 that pointer over there today? Perfect. Thank
15 you. I'm just going to start with the map and
16 then we'll move on. So we can have that exhibit,
17 the traditional territories of BC.

18 Miss Ens, can you see on that map where your
19 traditional territory would be, the Haida
20 territory? So it covers that area of the Haida
21 Gwaii and then going north as well; is that right?

22 MS. ENS: Yes.

23 MS. NARBONNE: Okay. And, Detective Lawson, where would the
24 Tsimshian territory be?

25 MR. LAWSON: This territory here.

1 MS. NARBONNE: And, again, that encompasses a much larger area
2 that just Port Simpson?

3 MR. LAWSON: Yes, it does.

4 MS. NARBONNE: And Mr. Bates?

5 MR. BATES: George just outlined near Williams Lake.

6 THE REGISTRAR: Can I ask you all to be sure you speak right
7 into the microphone, please? We're having
8 problems with sound carrying into the gallery.

9 MS. NARBONNE: And Detective Lawson is pointing out your
10 territory; is that right?

11 MR. BATES: Yes.

12 MS. NARBONNE: Okay. Thank you. Now, I'm going to focus some
13 questions firstly to the detectives. With respect
14 to the department that you worked with, prior to
15 your joining, how long had it been in existence?
16 And I'm talking about the Native Liaison Unit. Do
17 you know, either of you?

18 MR. LAWSON: I think it started in 1991, so maybe a couple
19 years before.

20 MS. ENS: The society started in 1981.

21 MR. LAWSON: The society did. So it was probably about two
22 years before I started there.

23 MS. NARBONNE: So did the society and the unit start at the
24 same time as far as you know? Anyone can answer
25 this who knows the answer.

1 MR. BATES: I'd just like to go on record here that you seem
2 like you're using Native Liaison Unit. It was not
3 the Liaison Unit, which is -- it's all over the
4 Internet. It was called the Vancouver Police
5 Native Liaison Society. Our board directors were
6 made up of the Vancouver Police Department and
7 Victim Services. It's Native Liaison -- Vancouver
8 Police and Native Liaison Society, so it was run
9 by the Vancouver Police Department.

10 MS. NARBONNE: Both the unit were and the society?

11 MR. BATES: Yes. The police constables. It was -- we were all
12 in bed together, not -- there was one cohesive
13 unit, so long as you understand that. It was not
14 the Native Liaison Unit and then the Vancouver
15 Police. No. Vancouver Police Native Liaison
16 Society. That was it.

17 MS. NARBONNE: Does everyone agree with that?

18 MS. ENS: Yes.

19 MR. LAWSON: Once the society formed, it was called that. We
20 did have -- I'm not exactly sure what the dates
21 are, but in the early eighties there was a Native
22 Indian Liaison Unit. There is quite a history of
23 members.

24 MS. NARBONNE: And when I refer to "the unit", is that an
25 appropriate way to refer to the police part of

1 this?

2 MR. LAWSON: Yes. I would accept that.

3 MS. NARBONNE: Okay. The unit works throughout Vancouver, not
4 just in the Downtown Eastside, correct?

5 MR. LAWSON: It would be the Greater Vancouver.

6 MS. NARBONNE: Okay. And just for clarity, I'm going to refer
7 to one as the unit and one as the society, but I
8 very much appreciate the comments because it helps
9 me in my own mind. Did the -- the society worked
10 out of the storefront, right?

11 MR. LAWSON: That is correct.

12 MS. NARBONNE: And where else -- was that where the majority of
13 their workers -- maybe I should ask Miss Ens or
14 Mr. Bates. Is that where the majority of your
15 workers were, was that storefront?

16 MS. ENS: Yes.

17 MS. NARBONNE: All right. Now, I'm going to refer you
18 detectives to Exhibit 119 NR, which is the
19 Vancouver Police and Native Liaison Society
20 documents. And I'll take you to Tab 14, please,
21 which is a pamphlet. What -- have you ever seen
22 that pamphlet before? It's the second page at Tab
23 14. It's entitled "Vancouver Police & Native
24 Liaison Society". Detectives, have you ever seen
25 that before?

1 MR. LAWSON: I've never seen the actual pamphlet itself. I do
2 recognize the logo.

3 MS. NARBONNE: Okay. The services provided -- well, let me
4 firstly ask Miss Ens and Mr. Bates. Have you seen
5 the pamphlet before?

6 MR. BATES: Yes, for sure. Positive. It was, like, all over
7 the place.

8 MS. NARBONNE: All over the place in the Downtown Eastside?

9 MR. BATES: Yes. It was in every -- every organization that
10 was part of -- anything that dealt with native
11 organizations and the Vancouver Police Department
12 came through our office.

13 MS. NARBONNE: Okay.

14 MS. ENS: We also had posters of this.

15 MR. BATES: The posters were in every place. You went up to
16 Native Health. You went to the Friendship Centre.
17 You went to Native Education Centre, na, na, na,
18 na, na, na. It was all over.

19 MS. NARBONNE: Okay. Services. Explain this to me what -- the
20 services on the first page list a number of
21 criminal offences, correct? Everyone agree with
22 that?

23 MS. ENS: Yes.

24 MR. LAWSON: That is correct.

25 MS. NARBONNE: Let me ask the police. Were you aware that

1 things were -- I'd assume when they says services
2 it means if you have a problem in this field, we
3 can help you, right?

4 MR. LAWSON: That's correct.

5 MS. NARBONNE: Okay. Were you aware that your services were
6 out there as dealing with murder, attempted
7 murder, all that sort of thing?

8 MR. LAWSON: Well, the -- the services provided don't
9 necessarily mean that we're going to investigate
10 from our office.

11 MS. NARBONNE: Right.

12 MR. LAWSON: The services that they mention, it means that we
13 can actually facilitate having it investigated
14 through our office.

15 MS. NARBONNE: Okay. You've told us that missing persons is
16 listed as one of those on the services, correct?

17 MR. LAWSON: That is correct.

18 MS. NARBONNE: And you've told us that the truth -- the reality
19 was if you wanted help with missing persons, you
20 were better off being a civilian than a police
21 officer if you wanted a complaint heard?

22 MR. LAWSON: Yes.

23 MS. NARBONNE: And do you agree with that, Mr. Johns?

24 MR. JOHNS: I agree.

25 MS. NARBONNE: Okay. And yet this is listed as something.

1 Now, the society helped with that, right, with
2 missing persons?

3 MS. ENS: Yes.

4 MS. NARBONNE: And did you get people coming in with these
5 concerns about these other kinds of offences that
6 are listed here?

7 MS. ENS: Yes, we did. And we also assisted victims through
8 the court process if they needed support.

9 MS. NARBONNE: Okay. So if someone came in and complained
10 about one of the listed services, you would help
11 them if they were a victim?

12 MS. ENS: Yes.

13 MS. NARBONNE: And then would you help them with things like
14 reporting crimes if they wanted to?

15 MS. ENS: Yes.

16 MS. NARBONNE: And what did that look like? Where would you
17 take them to? Is that what you were talking about
18 before? You'd take them to someone higher up
19 or --

20 MS. ENS: Well, if they came in and they had -- had, like,
21 let's say, a historical sexual assault or
22 something like that and they came in and they were
23 wanting to know what the process was, what they
24 were going to be able to do, our constables did
25 sometimes assist in making -- taking those reports

1 even though they had to be forwarded on to RCMP
2 jurisdiction or whatever. They facilitated the
3 taking of the report and passed it on.

4 MS. NARBONNE: Okay. And, detectives, you agree you actually
5 did that from time to time as part of your duties?

6 MR. LAWSON: We did.

7 MS. NARBONNE: Now, when the Vancouver Police Native Liaison
8 Society dissolved -- because it did dissolve
9 eventually, correct?

10 MS. ENS: Yes.

11 MS. NARBONNE: Did the Vancouver Police Native Liaison Unit
12 dissolve too or does it still exist?

13 MR. LAWSON: It still exists today.

14 MS. NARBONNE: And what does it look like today?

15 MR. LAWSON: It's a one-man unit. They don't actually have an
16 office anywhere that I know of, but I imagine the
17 responsibilities are still the same with regards
18 to the agencies.

19 MS. NARBONNE: We've heard about how busy this job was. And
20 did the two of you detectives find that you were
21 busy all the time?

22 MR. LAWSON: It was very taxing at times.

23 MS. NARBONNE: So now it's been reduced to one member?

24 MR. LAWSON: That's correct.

25 MS. ENS: I would like to clarify it's one member and it's 25

1 percent of his time.

2 MS. NARBONNE: Thank you. Do you think that's adequate?

3 MS. ENS: No.

4 MS. NARBONNE: Does anyone here on the panel think that's
5 adequate?

6 MS. ENS: No.

7 MR. JOHNS: No.

8 MR. BATES: Are these trick questions?

9 MS. NARBONNE: Detective Johns, in your evidence yesterday you
10 talked about how Freda and Morris were very
11 frustrated with the difficulties that they were
12 encountering in getting reports out. Do you
13 remember telling us that?

14 MR. JOHNS: Yes. They mentioned it, sure.

15 MS. NARBONNE: Okay. And what could you have done to assist
16 them in the role that you had then? Anything? If
17 someone else can answer, answer.

18 MR. BATES: I think you're putting this on -- you're saying how
19 it's very frustrated. Yes. There was frustration
20 on certain cases that we couldn't get them up
21 there, but I was never frustrated with -- if I
22 needed something in two minutes, Jay was there.
23 If I needed something right there, they were
24 there.

25 MS. NARBONNE: Mr. Bates, I totally appreciate that. That's

1 not --

2 MR. BATES: Okay. That's got nothing -- so we're not -- we
3 had -- we had some cases, but we couldn't get them
4 past the second floor and then -- but it wasn't
5 their problem.

6 MS. NARBONNE: Right. So let me refer my question back to
7 Detective Johns. What, in your view -- because I
8 appreciate you care and you wanted to make this
9 work, right?

10 MR. JOHNS: Yes. You're asking me a question, like, how many
11 years ago and why -- why I didn't go and do this
12 or do that. I mean there could be --

13 MS. NARBONNE: I'm asking what could you have done now?

14 MR. JOHNS: Oh, now?

15 MS. NARBONNE: Back then what could you have done?

16 MR. JOHNS: Well, I don't know. Back then?

17 MS. ENS: Can I just jump in here? I think it's really
18 important to understand we had some really amazing
19 constables.

20 MS. NARBONNE: I appreciate that.

21 MS. ENS: Their heart and their soul and all of that was in the
22 work that they did and they were running nonstop.
23 Like I said, we had two. We could have used three
24 and even four. But you have to understand that
25 what we were also dealing with working in that

1 office, there was the politics of the Downtown
2 Eastside, and part of that politics was when you
3 looked at who controlled what was going on down
4 there and who controlled what information came
5 forward, that played a big part of it. So what we
6 were dealing with as Vancouver Police and Native
7 Liaison Society is even if we had victims that had
8 information and victims that could come forward
9 with information, because of the way the politics
10 were down there, sometimes those victims were
11 told, "No. You cannot report anything to anybody
12 but Dave Dickson." And part of that was -- like,
13 I had heard that -- I believe it was the first
14 time I'd heard it was in 1996 from a woman that
15 worked at the WISH Drop-in Centre, and she told
16 me, "Freda, you know, I know you guys do some
17 really great work. You guys do some awesome work.
18 But we're told that we cannot refer to you because
19 we get funded through the needle exchange program,
20 DEYAS." And those kinds of things -- those were
21 some of the issues that we were dealing with. So
22 you've got the Vancouver Police Department holding
23 Dave Dickson up there like he's our solution to
24 the problem of the Downtown Eastside. Any time
25 something came up, there was Dave's name. There

1 was Dave's name. But then when you're talking to
2 victims who can't even get a report taken -- and
3 we had -- we had a situation where we had our -- a
4 young girl, one of our students, and I mean thank
5 God he was there. He was at First United Church.
6 He was security at First United and at the Lookout
7 Drop-in. He had two jobs after he left our
8 office. He encountered a young aboriginal woman
9 at the WISH Drop-in, very traumatized, very, very
10 traumatized. He asked her what was wrong. She
11 had just escaped from a room where she was kept
12 captive and raped and drugged over and over again.
13 She went to the WISH Drop-in and was told that she
14 could only report to Dave Dickson, but he's on
15 holidays, so you have to wait. Okay. So then
16 Kevin Abraham says, "Well, that's bullshit. I'm
17 going to call Freda." He called the office. He
18 called and he said, "I'm bringing this girl over.
19 She's been sexually assaulted. This happened."
20 Out of that, him bringing her to our office,
21 because he knew the work that our officers did,
22 out of that came I believe seven charges against
23 Ronald MacKay. So those are the politics that we
24 were dealing with. So when you talk about, well,
25 what could you have done or what -- you're dealing

1 with a smoke screen and you're dealing with -- you
2 know, it's like -- well, I mean some of the
3 comments that some of the other panels made last
4 time up from the Vancouver Police Department, I
5 mean that we broke the mould, I mean thank God
6 they broke the mould when they made Dave Dickson
7 because, you know, it's like come on. He was a
8 one-man police show. Nothing went beyond.

9 MR. BATES: Can I --

10 THE COMMISSIONER: Excuse me for interrupting just for a
11 minute. Are you saying that sexual assaults, for
12 instance, had to go through Dave Dickson?

13 MR. BATES: See, most of these agencies, they're all societies
14 and they're funded by -- the more people that walk
15 through your door is when you're going to get the
16 funding to be renewed and so everybody's going to
17 fight for the resources for money. So if you get
18 four or five organizations and you put every one
19 of them on each of the boards and you're all
20 sitting there, you're fighting for all these
21 dollars for 60 agencies down there. So if you can
22 corner one guy and make sure that the reports go
23 there, the reports go there, because it's just a
24 stat. They write it down. I mean every time that
25 a person came in our office, we had to have a stat

1 that went down and that would help our funding.
2 But inside the police department we had -- we
3 were -- we were funded. Like, we were paid
4 salaried. So we weren't as -- we weren't fighting
5 for those dollars as, say, the WISH organization.
6 Somebody that goes up every -- every year they
7 decide if they're going to get the money,
8 resources to continue on. And if they don't have
9 those numbers, they're not going to get it. So
10 that's where this whole convoluted stuff starts to
11 happen about where they would go.

12 MS. ENS: And when you're looking at the Downtown Eastside --
13 and at that time you're looking at the needle
14 exchange. You're looking at DEYAS. You're
15 looking at VIDUS. You're looking at all of these
16 different agencies down there that are an umbrella
17 organization. And that's John Turvey, Debbie
18 Mearns, Judy McGuire, all of the people you've
19 heard about and all of the great work that they
20 were doing. You have the most vulnerable people
21 that use the services that they provide, and if
22 these vulnerable victims and these people that are
23 vulnerable are told that there's only one place
24 you can report anything to and that's to this one
25 police officer and if he's on holidays, then

1 you're SOL, right? But I mean the thing is a
2 sexual assault like that -- that girl comes into
3 the office. She's traumatized. It just happened.
4 She just escaped. You wait a day or two to
5 report, you have a shower and all that evidence is
6 gone of what happened. And so I mean thank God
7 when he brought her to our office and we were able
8 to call somebody from the Sexual Offence Squad,
9 Steve McCartney, and he came down and he dealt
10 with those victims and our office supported those
11 victims through the court process.

12 THE COMMISSIONER: But you couldn't walk over to 312 Main
13 Street or go around the corner to 312 Main Street
14 and take the victim over there to somebody like
15 Officer McCartney; is that what you say?

16 MS. ENS: No. That's when he -- when Kevin brought the victim
17 to our office at 324 Main Street, which was just
18 the same building as the police department. Then
19 that victim was brought in to our office. From
20 there our victim support worker Marilynne was able
21 to deal with her, have Sexual Offence come down
22 and take her statement, and from that came the
23 other victims.

24 THE COMMISSIONER: But that wasn't the usual process? The
25 usual process was to go through Dave Dickson

1 you're saying?

2 MS. ENS: No. I'm just saying if that girl had followed what
3 she had been told by the person at the WISH
4 Drop-in when she had gone there and she had
5 disclosed, "I just escaped from this hotel room.
6 This is what happened to me", and she is told,
7 "You only -- you wait till Dave Dickson gets back
8 from holidays and report to him." So that issue
9 did come up at our family meeting for the missing
10 women's families, is was that a Vancouver Police
11 Department policy? Was it a policy within the
12 Vancouver Police Department that anybody -- any of
13 the sex trade workers, et cetera that frequented
14 the WISH Drop-in only talk to Dave Dickson or was
15 that just a WISH Drop-in policy? And that was one
16 of the issues that -- if you're asking why some of
17 the information didn't get beyond and some things
18 never even came to us, you know, as Vancouver
19 Police and Native Liaison, that's a part of the
20 problem that you need to look at and realize that
21 that was what was going on down there.

22 MR. BATES: You know, the money that flowed down there on the
23 needle exchange, which is run by John Turvey and
24 Debbie Mearns -- okay. They were giving away
25 needles, okay, and the needles -- they would brag

1 to say they delivered the needles for 65 cents
2 each. Now, they were taking -- they had -- it's
3 all documented. They were giving away one million
4 needles a month. That's twelve million needles a
5 month. They got a crew of 26 people in cars
6 delivering them. They can deliver a needle to you
7 faster than you get pizza. I mean at 65 cents a
8 needle and they're giving one million needles a
9 month out of the Downtown Eastside on that one --
10 and they've got five organizations that are all
11 locked up in bed, VIDUS, WISH, but they stay in
12 that whole thing. That's what forces the -- that
13 made them money. Going to that is what made them
14 so powerful. And they're supposed to document
15 that every time you got a needle -- Jay says you
16 get a point for a point. You walk in there and
17 you're 12 years old and you want a fistful of
18 needles, they'll give you a fistful. You don't
19 even have to write your real name. You know,
20 these kids are getting needles that are 12 and 14
21 years. You could take it out on the street and
22 sell that needle for \$5. You've got kids, people
23 sitting in a corner of a bar just selling needles.
24 You can stand outside the Balmoral at 1:30 in the
25 morning and they pay you \$50 for a needle that

1 they give away at the needle exchange. And if
2 you've got a habit and if you want to, you can go
3 into a drugstore and buy 10 for \$2, but John
4 Turvey gives them away, 65 cents. That's what his
5 bragging thing, what it cost him, and he's doing a
6 million dollars a month. Those are some heavy
7 numbers to keep that whole driving force happening
8 on the Downtown Eastside.

9 MS. NARBONNE: Let me ask you, detectives, because I hear
10 what's happening here is there is this -- it
11 sounds like there's a barrier that everyone is
12 expected to go through with Constable Dickson.
13 Now, let me ask you, because I don't really know
14 how this works, what was the structure that you
15 worked within? Who is above you? Who do you
16 answer to? What was your structure?

17 MR. LAWSON: We answered to a district NCO.

18 MS. NARBONNE: Who is that?

19 MR. LAWSON: It's our team NCO. It would be a corporal. And
20 at that time it was -- is it Corporal Heed? It
21 was Corporal Heed. We had a number of different
22 NCOs through our history over the time we were
23 there.

24 MS. NARBONNE: And then who was above that?

25 MR. LAWSON: Whatever the structure. It's sergeant, staff

1 sergeant, inspector, superintendent.

2 MS. NARBONNE: Do you know any of the names of the people who

3 were in those roles while you were policing?

4 MR. LAWSON: I don't recall. That's quite a while ago.

5 MR. JOHNS: I just remember when Kash was -- Kash Heed was the

6 inspector.

7 MS. NARBONNE: Okay. Have you heard the names of Greer or

8 Beach? Do you know who those people are?

9 MR. BATES: Gary Greer --

10 MR. JOHNS: Gary Greer was there.

11 MR. BATES: Beach, all those guys. I mean we're talking

12 here -- this is 19 years we've been sitting here.

13 MS. NARBONNE: I know. Let's just -- let me just try to focus

14 these questions, okay? So who's Greer?

15 MR. BATES: Gary Greer, deputy chief.

16 MS. NARBONNE: VPD?

17 MR. JOHNS: Yes. He was an inspector also, I believe.

18 MS. NARBONNE: And Beach? Do you know a Beach?

19 MR. JOHNS: Yes. Chris Beach.

20 MS. NARBONNE: And who was Beach?

21 MR. LAWSON: During the time that we were there he was actually

22 a staff sergeant and then an inspector.

23 MS. NARBONNE: And then a MacKay-Dunn. Do you know who that

24 is?

25 MR. LAWSON: I know the name.

1 MR. JOHNS: The name, but --

2 MS. NARBONNE: You just know the name? Okay. Fair enough.

3 Mr. Bates, were you -- did you assist in the
4 search for Miss Spence, Jack Spence's sister?

5 MR. BATES: Jack Spence's sister?

6 MS. NARBONNE: Yes.

7 MR. BATES: Well, he was in our office and we knew something
8 happened, but you sort of waited -- you were
9 hoping for the best and saying that she is going
10 to show up within those couple, three days if
11 something happened and then it started looking
12 like, wow. She's out there. I mean right away
13 you know that -- and he tried to get information
14 upstairs. He couldn't get her listed as missing.
15 They kept saying, "Oh, I think she's in
16 treatment." You couldn't get it past the second
17 floor. It became very frustrating. That's where
18 you get -- if you can't file a missing person's
19 report -- if you don't get a missing's report,
20 nobody's going to know. If you can't get it up
21 past the second floor, nobody's going to care.
22 That's where it sits.

23 MS. NARBONNE: And when you talk about the second floor, you
24 mean literally, right? They were upstairs?

25 MR. BATES: Yes. The second floor. You've got to get a pass

1 card to get up there.

2 MS. NARBONNE: Do you have Exhibit 120 NR in front of you? And
3 that's the Vancouver Police and Native Liaison
4 Society documents that Miss Hunt and I have filed.

5 MR. BATES: Do I have that?

6 MS. NARBONNE: Yes, because I'm asking you to flip to Tab 12 in
7 that.

8 MR. BATES: 12?

9 MS. NARBONNE: Yes, please. And that's a continuation report.
10 Are you there? What I want to ask you about is I
11 have a continuation report here and at the bottom
12 there's a date on the left side 99-01-18. It's
13 clearly an RCMP report. It says:

14 Vancouver PD sent me the Dorothy Spence
15 missing person file. It is obvious that this
16 file was not a priority file for them as
17 there is only the strict minimum done on it.

18 Do you see that?

19 MS. ENS: Yes.

20 MS. NARBONNE: Does that accord with the way you thought they
21 were treating these investigations?

22 MS. ENS: Yes.

23 MR. BATES: Whose signature is at the bottom?

24 MS. NARBONNE: I don't know.

25 MR. BATES: Does it say Doug LePard? It looks like Doug

1 LePard. Doug LePard, he wasn't a part of
2 anything. He was a community -- he was working in
3 District 4 pulling cats out of trees.

4 MS. NARBONNE: Right. But what I'm asking you is -- yes. It
5 is an RCMP document. My simple question was does
6 that accord with how you felt the Vancouver PD --

7 MR. BATES: Yes. Basically it was just -- it was dead filed
8 someplace and there wasn't turned anybody on.
9 Like I said, if you spent 10 minutes on this,
10 you'd have found out she's picking up her welfare
11 cheque. I made two other calls. You can find
12 out. All these people are -- that's the reason
13 that we're all sitting here.

14 MS. NARBONNE: Now, Ms. Ens, you talked in your evidence
15 yesterday under direct examination about the
16 impact that residential schools had on your
17 family, and you talked very passionately about
18 that. Did you see -- you talked about how people
19 become victims and how hard it is to escape that?

20 MS. ENS: Yes.

21 MS. NARBONNE: Did you see that reflected in any of the women
22 who you were working with in your role in the
23 Downtown Eastside?

24 MS. ENS: Well, working with -- many of the women that we
25 worked with that had worked in the sex trade or

1 were in the sex trade like Mary, many times they
2 would come into the office and a lot of times they
3 came in and sometimes it was just to put a note in
4 the file that they'd had a bad date or something.
5 They didn't want to go forward with charges or
6 anything. They just wanted a note. And then we'd
7 ask, "Well, why don't you want to press charges?"
8 "Well, the police don't give a shit. They don't
9 care, right?" "Well, we care and our constables
10 do care and, you know." So working with them to
11 try and build their trust that they could trust
12 our office and our constables to come forward and
13 bring -- bring a report of a bad date or --

14 MS. NARBONNE: Did any of them talk to you about the impact of
15 residential school?

16 MS. ENS: There were many that did talk about their parents
17 having been through residential schools and the
18 sexual abuse and injuries that they had gone
19 through and dealt with. And I remember early on
20 when we had our Pathways to Empowerment group, it
21 was supposed to be for our women, but I had a
22 group of transgendered and gay guys that asked,
23 "Well, can we come? Can we be a part of it?" And
24 we thought, well, sure, if you want to. And I
25 remember really clearly, you know, here's a group

1 of six to eight transgendered and gay and they're
2 talking about their lives and having been taken
3 from their families -- part of the sixties group
4 and taken from their families and placed in white
5 foster homes or adopted out and how they had been
6 victimized and raped and that and wondering
7 themselves if that didn't happen to me, would I be
8 like I am today. If I was able to stay within my
9 own family and my own community, would I be like I
10 am.

11 MS. NARBONNE: Okay. And you talked about that feeling of --
12 well, in your words "not giving a shit". When I
13 talked to you back when we were interviewing, I
14 remember you talking to me about a meeting you
15 attended with Dickson, and it was an aboriginal
16 group, and he said something along those lines,
17 right? What was that?

18 MS. ENS: I had just started my position with Vancouver Police
19 and Native Liaison not long before, and we had a
20 young runaway, and she had run away from a foster
21 home. She felt that the foster home didn't quite
22 fit what -- what she -- she had been raised in the
23 powwow with her native spirituality and that and
24 she was placed in a white foster home, and to her
25 that was really foreign. She didn't feel

1 comfortable. She was forced to go to church. And
2 so our director at the time in the society decided
3 to bring in several of the aboriginal agencies.
4 At that time we had the United Native Nations and
5 the Mamele Society, which today is the Vancouver
6 Aboriginal Child and Family Services, and a few
7 other agencies. And I remember as we're waiting
8 in our office at 239 Main for the other people to
9 arrive and Dave was a constable with Native
10 Liaison at the time, and I remember his comment
11 and him saying that "I don't know why" -- we were
12 waiting for somebody from the police department to
13 arrive, and he goes, "I don't know why you're
14 wasting your time waiting for them. They don't
15 give a shit. They don't care." And I remember
16 Hannah, who was our secretary, and I saying,
17 "Well, Dave, like, why are you saying that? We're
18 supposed to be the Vancouver Police and Native
19 Liaison Society. We're supposed to be building
20 bridges with our aboriginal community and the
21 Vancouver Police Department and, you know, saying
22 those kinds of things doesn't really build those
23 bridges."

24 MS. NARBONNE: I'm going to take you all -- I think we're --
25 from certainly the perspective of my role, the

1 question that I really wanted to ask, which is
2 what do you see might make things better? What do
3 you see might help prevent this kind of thing from
4 happening to our vulnerable people? What ideas --
5 you must have ideas.

6 MS. ENS: Well, communication, for one thing. And I know way
7 back when when all of the recommendations were
8 coming out around the Bernardo and that come on.
9 Please work together. Like, one of the issues
10 that happened there was that people weren't
11 sharing information across jurisdictions, et
12 cetera; that if they had done that, then -- and I
13 think even within the Vancouver Police Department,
14 I know they've made a lot of changes. I've heard
15 of a lot of the good things that they've started
16 to do, but continue to do it and don't stop it
17 just when the inquiry finishes. Like, there needs
18 to be things in place. There needs to be really
19 concrete -- and don't have poster boys. I mean we
20 don't need more poster boys out there. If you're
21 hired as a police officer and you're out there as
22 a police officer, do your damn job.

23 MR. BATES: Can I say one thing?

24 MS. NARBONNE: Absolutely.

25 MR. BATES: What seems like we're doing here is we're getting

1 information. You're saying what is -- what is a
2 Native Liaison, what was it. There should be a
3 tape around here we have that's called *A Matter of*
4 *Trust*. Now, if you could watch the *Matter of*
5 *Trust* tape, then -- if you could watch the *Matter*
6 *of Trust* tape, then all these questions that
7 you're asking us would be very -- I mean we would
8 save a lot of time by just saying that's what it
9 was. That's what the Native Liaison -- it was
10 produced by CBC. It's the Vancouver Police Native
11 Liaison. It's called *A Matter of Trust*. If
12 you've got the tape here, if we could watch it, I
13 think it would save a lot of stuff. Then we'd all
14 know what we were doing.

15 MS. NARBONNE: Okay. And we can make that certainly available
16 to the commissioner, but I would really like to --
17 I'd like your view on what -- what would make
18 things different. I know the society being back
19 there might be helpful, right? Do you agree or
20 disagree?

21 MR. BATES: Totally. I mean --

22 MS. NARBONNE: And with more people? It sounds like you were
23 worked off your butts.

24 MR. BATES: I think it was the best organization ever. I mean
25 we're sitting here. We've known each other for 20

1 years here, each one of us. We're still friends
2 and we were young in there and we gave our heart
3 and soul and we're still friends today. There's
4 no animosity. We just worked hard at that office.
5 It was a great office, and I think that that --
6 when that was shut down, that matter of trust that
7 you should watch on this video just got kicked out
8 the door and that just went that way. I mean you
9 go down to the Downtown Eastside and I'll tell you
10 it's a lot worse than I left here 10 years ago, 9
11 years ago.

12 MS. NARBONNE: Would it be helpful if there were more people
13 working there?

14 MR. BATES: For sure. I mean -- I mean you've got -- you've
15 got -- I don't know how many people back then.
16 There was nobody working in Missing Persons.
17 You've got one civilian employee and one constable
18 in the city of Vancouver and if somebody goes
19 missing, that's it. I don't know how much more
20 there is today. I don't know what it's changed.
21 I mean I shouldn't say that. It has changed. I
22 forgot. I have got a cell phone that I've had for
23 20 years, just about -- well, 17 years, I think,
24 I've had the same. It was originally paid for by
25 the Vancouver Police Native Liaison and I've still

1 got the same number today. About six months
2 ago -- I pay for it myself now. Let's get that
3 together. But I got a call probably -- I think
4 about six or seven months ago. Out of the blue I
5 get a call on my cell. "Hi. Are you Morris
6 Bates?" I says, "Yes." "And my sister's missing
7 and I'm calling from Prince George." I'm going,
8 "Okay. I don't work here. That's not my job."
9 She says, "Well" -- she said that she did phone
10 the Vancouver Police Department and couldn't get
11 any action on trying to find her sister. So I
12 says to her -- I says, "Well" -- I said, "Okay."
13 So I just took her name just like I'd normally do.
14 "What's your name? What's the address and your
15 telephone number? I need another contact number.
16 Just give me this much information." And I says,
17 "I'm going to make a call and -- you know, just so
18 something happens so that" -- so I called -- and I
19 live in Mission, BC. And I called the Mission
20 RCMP and I got a constable on there and I told him
21 what it was. I tell him that I had worked with
22 the Vancouver Native Liaison. And he listened to
23 me. I gave him this information and I just told
24 him, "All you've got to do is one thing. Now, you
25 get on your phone and see and just call that lady

1 back in Prince George. It'll take you a minute
2 and half. She's on the phone. I just talked to
3 her. Phone her from the RCMP. Tell her that
4 you're going to look into the case, okay? That's
5 all she wants, is something." Anyway, it turns
6 out he did some checking and in about a week and a
7 half she was located. She had been missing about
8 two and a half weeks, you know, and -- but she was
9 living in New Westminster and he found her in New
10 Westminster. And he called me back to tell me
11 that they'd located her and she called me back
12 from Prince George and says, "They found my sister
13 and she's all right and everything's fine." Well,
14 from that conversation, I think things have
15 changed.

16 MS. NARBONNE: Good.

17 MR. BATES: But that would have never happened 18 years ago or
18 even 12 years ago. You know, it was just -- I
19 mean, like I said, when you look at the
20 demographics of Vancouver, once you get past
21 Boundary, you're here in Burnaby and Burnaby
22 doesn't care what happens in Vancouver. You get
23 past Burnaby, you're in New West and New West
24 don't care what happens in Burnaby or Vancouver.
25 And if you hang a left, you can go to Port Moody

1 and they've got five cops out there in the Port
2 Moody Police Department and they don't even talk
3 to each other. And then you've got RCMP and Port
4 Coquitlam and Coquitlam. They don't talk. And if
5 you make it across the Pattullo Bridge without
6 killing yourself, you're in Surrey and Surrey
7 doesn't care what happens in Langley. So you've
8 got a whole area that is their own little worlds
9 that they deal with.

10 MS. NARBONNE: So we need some open lines of communication?

11 MR. BATES: Well, there should be someplace -- if a person goes
12 missing, there should be a database that says,
13 bingo. Okay. A person's missing. It will take
14 you two seconds on the computer nowadays. Okay.
15 Person's there. You can see hospitals. I mean
16 one person with a database could basically run a
17 missing persons organization.

18 MS. NARBONNE: As long as they take the calls, right?

19 MR. BATES: If they had the database specific. So if they're
20 missing, instead of are they missing from
21 Quesnel -- I mean we had a girl -- we had a girl.
22 She was found in the Downtown Eastside and she had
23 overdosed, a native girl, and -- and she was with
24 another woman. Well -- and most of the people
25 down there, they don't pack ID because people

1 steal it and then they're going to get their
2 welfare cheque, so there's no ID. So, anyway,
3 this girl overdosed, young girl, and the only
4 thing we had on her, she had some -- looked like
5 jail house tattoo on her wrist, I think one on her
6 arm and maybe one on her ankle, and they were kind
7 of unique ones. They were just a bit better than
8 jail house tattoos. So that's all we had. And
9 they put her in the morgue at Vancouver General
10 Hospital. Well, she was up there. All these
11 girls -- the woman that she was with that
12 overdosed -- the woman lived, but she overdosed
13 and all these girls, their name's not Crystal.
14 They're calling Raven. They all have street
15 names. So this sits there for about two months at
16 least. All at once we get a call and somebody
17 from the coroner's liaison, Ed Tempest. "Morris,
18 can you find this girl? The coroner's -- the
19 morgue wants to get -- they're going to bury her
20 because we can't find her and they want that
21 crypt. We have to get her out of there and we're
22 going to put her on 41st and Main and bury her
23 because we don't know who she is. So we want that
24 space. We've got other people who are dead." So
25 I said, "How much time have I got?" He says,

1 "Well, we're going to try to -- if you can see,
2 we've got another week maybe. They're going to
3 bury her." So I went around with a picture of her
4 and all I had -- and she was deceased.

5 MS. NARBONNE: Yes. I understand that.

6 MR. BATES: And so I went around to the different hotels, went
7 down to different -- all the agencies. I spent
8 about a couple, three days on really trying to
9 find her. And I had no luck. And I talked to a
10 lot of people. I pulled anything I knew. She had
11 no -- her fingerprints were not on records or she
12 didn't have a record. She hadn't any -- we
13 couldn't get any dental connection. But just
14 before they were going to bury her up there in a
15 pauper's grave type thing, about 10 days later I
16 think we finally found -- one of the social
17 workers got a call and accepted a call from a girl
18 that was missing. Her sister said she was
19 missing, hopefully in Vancouver, and they did
20 connect. We got her in there. And we did find
21 her and have her sent back to Calgary. But I mean
22 the communications that were just not being --
23 being utilized at that time.

24 MS. NARBONNE: Now, I'm about to end, so I'm just going to ask,
25 firstly, Constable Lawson -- or sorry -- Detective

1 Lawson what recommend -- you must have thought
2 about what you would like to see or what
3 recommendations you might make. Any ideas? Any
4 thoughts as to where we should go forward from
5 here?

6 MR. LAWSON: Well, I'm happy to say that things have improved
7 since the early nineties. We do have the
8 databases available these days. Not everything's
9 loaded on paper and onto microfilm, so I mean it's
10 nice to have that computer access so you can
11 actually access other people's records, reports.
12 And there are ways of documenting tattoos and
13 marks on people, so if they do end up in the
14 situation that Morris actually faced, then it's a
15 little easier.

16 MS. NARBONNE: Are databases shared amongst different police
17 forces?

18 MR. LAWSON: Yes, they are.

19 MR. JOHNS: Databases are shared amongst certain forces.

20 MS. NARBONNE: Right.

21 MR. JOHNS: And I say that because before I left the
22 department, you could do a report in your car and
23 let's say you have a suspicious vehicle or
24 something. Send the report, push the send button
25 and a member in Nelson could be running that car

1 at that time and the report would come up. And
2 saying that, anywhere in between, anybody want to
3 read the report, they can, so any municipal police
4 officers, RCMP or anything. Now, going the other
5 way, no. With the RCMP you have to -- because
6 they're federal, and you know that there's a
7 report, but you can't get in it unless you apply
8 to have that read. So, yes, you have
9 communication, but no. You don't have -- you
10 still have your boundaries, your limitations.

11 MS. NARBONNE: And your application might be refused?

12 MR. JOHNS: Well, you know, I mean you're doing one shift and
13 he might be on holidays or he might be -- it's
14 very hard to get a hold of him.

15 MS. NARBONNE: Any recommendations?

16 MR. JOHNS: Well, change that maybe.

17 MS. NARBONNE: Yes. Do you think the Native Liaison Society --
18 Vancouver Police Native Liaison Society is a
19 valuable society?

20 MR. JOHNS: That was the best job I ever had. It's very
21 valuable. I think you had a lot of -- because
22 there's no discrimination, whether they're street
23 workers or whether they're male, female, it didn't
24 matter. And there's a lot of patience down there.
25 There's no judgment. I think that's what I

1 enjoyed the most about it.

2 MS. NARBONNE: As opposed to what?

3 MR. JOHNS: You know, I mean it's a learned thing too, because
4 if you're brought up in society and such and if
5 you see somebody that's down and out, you think,
6 oh, he's a rubby and stuff, but everybody has
7 history. So I mean it's to sit there and listen
8 to his history and don't be judgmental and be
9 patient.

10 MS. NARBONNE: And, Detective Lawson, I sort of took you off
11 track and I never actually let you tell us if you
12 had any recommendations. You talked about
13 communications.

14 MR. LAWSON: We're getting back to the storefront. I think
15 there was an awful lot of value in having a
16 storefront. It provided people with an
17 opportunity where there were so many agencies in
18 Vancouver, but they were very specific as to what
19 they had to offer. The storefront, it didn't
20 matter what the problem was. It was a matter of
21 if it's an issue and if we can't deal with it
22 here, we'll find some way of facilitating some
23 action.

24 MS. NARBONNE: Thank you. Just one moment. Mr. Commissioner,
25 those are the questions that I have. I know that

1 the practice is that one counsel speaks for both
2 counsel. I know Miss Hunt wanted to ask some very
3 brief number of specific questions that she thinks
4 are best asked.

5 THE COMMISSIONER: I'm going to allow it.

6 MS. NARBONNE: Thank you.

7 THE REGISTRAR: Miss Narbonne, before you sit down, did you
8 wish that map to be marked?

9 MS. NARBONNE: Oh, I'm sorry. Yes, I did.

10 THE REGISTRAR: Yes. That will be marked as Exhibit 122.

11 MS. NARBONNE: Thank you.

12 **(EXHIBIT 122: Map)**

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

14 Thank you, Mr. Commissioner. Hunt, initial
15 E, co-counsel with Narbonne, initial S for the
16 aboriginal interests. I had a few questions, just
17 picking up on the recommendations that you were
18 talking about. And I wanted to ask you more about
19 the second floor because you on the ground have
20 showed us in the last day and a bit here that you
21 all come from very diverse backgrounds. You,
22 Detective Constable Lawson, you come from the
23 Tsimshian area and you come from Haida Gwaii, and
24 from Sugar Cane and with your entertainment
25 background. We didn't get all of your background,

1 but you come from the --

2 MR. JOHNS: Maritimes.

3 MS. HUNT: The Maritimes. Very good. And I wanted to ask you
4 whether you felt that during your time there that
5 on the second floor there was also this -- what I
6 feel from you is a caring community that doesn't
7 distinguish people by their colour. It doesn't
8 distinguish them by their socioeconomic standing.
9 Did you feel that your second floor was the same
10 diverse community of a police force?

11 MS. ENS: No.

12 MS. HUNT: Thank you for that short answer. Could you say a
13 little bit more about that?

14 MR. BATES: We used to do diversity training in the Justice
15 Institute for all the new constables. And they're
16 all going to be municipal officers, so -- because
17 the RCMP does their own training in Regina. So we
18 would go out there and we had a panel that sat --
19 Freda and I are -- we sat as a Vancouver Police
20 Native Liaison aspect. We had the Chinese
21 storefront. We had a guy that was in the gay
22 community. He was a lawyer. Also, we had a lady
23 from poverty. And you walk in there. When I
24 first went to my first case in there, I think we
25 had a -- we had a class -- I'm going to say 36

1 officers. 97.9 were white male Caucasian
2 officers. That was -- that was the class. Now, a
3 community should represent -- an ideal -- a
4 community should be policed by the people that's
5 in the community. And you've got 33 or 36 brand
6 new recruits and everyone was -- except I think
7 there were two. There was an Asian male and an
8 East Indian female and the rest of them was white
9 male Caucasians. Now, that answers the question
10 what was happening on the second floor. I think
11 you've got your answer.

12 MS. HUNT: Does anyone want to add anything to that? Okay. I
13 wanted to pick up on the background particularly
14 of the First Nations panel up there. We know the
15 statistics are between 3 and 5 percent that the
16 population of aboriginal people is across Canada
17 and I just want to talk about the disproportionate
18 number of aboriginal people that were down there
19 and I want to ask you based on what you know
20 personally within your own communities and what
21 you know about your experience in the Downtown
22 Eastside. That you know that there is an
23 overrepresentation of aboriginal people that have
24 been born with fetal alcoholism; would you agree
25 with that? Yes. I'm getting a yes from --

1 MR. LAWSON: I would say there's a good percentage of people
2 that do suffer from fetal alcohol.

3 MS. HUNT: Were all represented in that area as well. Would
4 you agree that within the First Nation communities
5 we also have a higher rate of infant mortality?

6 MS. ENS: Yes.

7 MS. HUNT: Just what you know about your own communities. And
8 do you know that as First Nation youth, they have
9 a disproportionate number that don't graduate from
10 high school given the rest of the population? Do
11 you know that about our communities?

12 MR. BATES: I run a program sometimes. It's called Youth --
13 actually, it's called Reality Check For Indigenous
14 People. Now, I'm going to give you one little
15 stat here that should clean up this. Actually, in
16 British Columbia we're only -- we're less than 3
17 percent of the native population. Okay. But of
18 our 3 percent, that means for every 100 non-native
19 things there are only three Indians. Okay. Now,
20 on those three native people, First Nations -- I'm
21 never going to get used to that phrase. To me I
22 was born an Indian. That's what they told me.
23 But, anyway, from that demographic of 2.9, the
24 VIDUS records, which you go down and find out we
25 are responsible for 35 percent of the HIV cases in

1 British Columbia. 35 percent comes out of 3
2 percent. That means for every three Indians, one
3 of them's going to be HIV positive. That's
4 demographic for you.

5 MS. HUNT: And that adds to the one that I didn't have on my
6 list, but I just have a couple more. So -- and if
7 you could just give me agreement. So what I'm
8 trying to show is that there is an
9 overrepresentation of, for example, teen
10 pregnancies. We know that in our communities we
11 do have more unplanned teen pregnancies. And I
12 think I could go down the list. And I'm just
13 trying to show that in the negative areas, if you
14 had your own children, you would not want to see
15 your children experience these numbers, correct?

16 MS. ENS: Correct. And I also want to add when you're looking
17 at our education system and the curriculum for the
18 education system, it is so outdated that it
19 doesn't really cover the --

20 MS. HUNT: The history?

21 MS. ENS: The history is so outdated. And when you look at our
22 aboriginal youth and our aboriginal children --
23 and I'm going to just use my own personal
24 experience here. When my children were going to
25 school -- my children are fair skinned, blond

1 hair, blue eyes, blond hair, green eyes, fair
2 skin. So they're in school. And my daughter
3 comes home with me. They have their native
4 status. They have their coverage. She comes home
5 from school and she goes, "Mom, why is it in
6 school that the teachers expect me to do this,
7 this and this, but my classmate, who has brown
8 hair, brown eyes, brown skin can sit there and
9 play Barbies all day?" And then my son goes to
10 school and he comes back and he asks the same
11 question. And the issue there that -- is that
12 when our aboriginal children are in the school
13 system, there's money that comes out of the
14 Department of Indian Affairs for our children,
15 okay? And what we were seeing -- and I have a
16 sister that works as a First Nations support
17 worker and I know many of the First Nations
18 support workers within the Vancouver School Board.
19 And what the issue -- and I know because my sister
20 was complaining that if kids are targeted in
21 school and they can say that these kids are
22 learning disabled or that -- and I know because I
23 had a teacher tell me that my son was learning
24 disabled, and I asked her, I said, "Are you
25 qualified to make that assessment?" First I

1 asked, "Who made that assessment?" And I asked
2 her and she said, "Well, I did." I asked her,
3 "Are you qualified to make that assessment of my
4 son?" And she said, "No." I said, "Then don't
5 label him until you've done the tests." I asked
6 for the tests. My son came back gifted. So when
7 you're able to stick a label on these kids in the
8 school system, you get an extra, what, three to
9 six thousand dollars per kid. And what we were
10 seeing within the school system is if you had
11 counted all your good little Indians at the
12 beginning of -- I think it's by April, and then
13 you put into the Department of Indian Affairs how
14 many little Indian kids you're going to have in
15 the class, per thousand -- you get that per kid.
16 But if those kids start school in September and if
17 you're having problems and you can kick them out
18 in October, you get to keep that money whether
19 those kids finish the school year or not, and so
20 that's what we were seeing. And so -- and also
21 the other issue within the school system is the
22 amount of kids that -- and especially First
23 Nations that are prescribed Ritalin. And I know
24 because I had my nephew for a while and the school
25 was trying to tell me that he needed to be on

1 Ritalin. And I'm like, "I know him. He doesn't
2 need to be." So those are the issues. We have
3 people within the school system that are
4 prescribing things for our kids when they aren't
5 even being tested to see if they really need those
6 things.

7 MS. HUNT: Thank you, Miss Ens. There's a lot of underlying
8 issues around those high statistics. I'm just
9 going to ask one more question because I know
10 we're going to get to our break here. This is the
11 last question I have regarding your knowledge of
12 your own communities. Knowing what you know about
13 your communities and policies that have -- and I'm
14 just going to read down the list because I bet you
15 you would have a lot to add about all of these
16 things, but just getting a general feel. We know
17 that there's been policies to move from your
18 traditional territories on to reserve lands. We
19 know about the residential schools. We know about
20 in legislation the ban of practising the potlatch
21 and the culture. We know about the laws that have
22 been in place not to be able to advance your
23 aboriginal rights. We know about the sixties
24 scoops of children from homes adopted with no
25 records. And we know still today at all levels of

1 court the denial of aboriginal title and rights.
2 And I'm just wondering, based on these policies,
3 do you feel that those have impacted the
4 aboriginal people that have been down in the
5 Downtown Eastside and part of the reason why
6 they're likely down there?

7 MS. ENS: Oh, for sure.

8 MS. HUNT: Okay. And that is -- and I just want to ask you do
9 you think that aboriginal people that are down
10 there feel that they are living in a world that
11 they've had really no involvement in creating?
12 Short answer?

13 MR. BATES: I came here to find out why Willie Pickton killed
14 49 women.

15 THE REGISTRAR: Move the microphone, please.

16 MR. BATES: I'm sorry. I came here to find out for the missing
17 women why Willie Pickton has managed to kill 45
18 women. That's what I thought we were coming here
19 for. I mean all these issues are -- may be
20 resolved in another forum someplace, but that's
21 why I came here for.

22 MS. HUNT: And they will inform the recommendations that we
23 make given that five out of six Picktons have
24 aboriginal heritage and they will inform the
25 recommendations.

1 MR. BATES: Of this one? No. Only eight of these women --
2 only eight of them had aboriginal heritage of the
3 29. Of the ones that were found, the six that
4 were found, three of them were. But this is not
5 about -- we're turning to aboriginal issues and
6 schooling. I'd like to know how Willie managed to
7 do this because I thought that's what we're here
8 about.

9 THE COMMISSIONER: You know, Mr. Bates, I appreciate your
10 concern, but Miss Hunt's question is a valid
11 question and if you're not able to answer it or
12 you don't want to answer it, that's the answer.

13 MS. HUNT: And the question was do you feel that you -- that
14 aboriginal people are living in a world they
15 largely had no involvement in creating?

16 MS. ENS: I believe that all of our people across Canada that
17 live under the *Indian Act*, yes. They have no
18 power. They had no power and still continue today
19 to have no power over their own lives as long as
20 we're governed and told that, you know -- and the
21 thing that I find just really ironic is the fact
22 that it was the police that came in and enforced
23 the taking of the children to the aboriginal -- to
24 the residential schools and the sixties scoop and
25 yet we weren't even able to get a police officer

1 to take a missing persons report, so I find that
2 totally ironic.

3 MS. HUNT: Those are all my questions, Mr. Commissioner.

4 THE COMMISSIONER: Thank you, Miss Hunt. Mr. Chantler?

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

6 Thank you, Mr. Commissioner. Neil Chantler
7 for the record. And for the panel's benefit, I am
8 co-counsel with Cameron Ward on behalf of 25
9 families of the missing and murdered women. I'm
10 going to be referring throughout my
11 cross-examination to a brief of documents, if you
12 could pass that up and if I could have that marked
13 as the next exhibit right away.

14 THE REGISTRAR: Now, did you want that also to be marked NR?

15 MR. CHANTLER: Yes, please, Mr. Registrar.

16 THE REGISTRAR: That will be marked as Exhibit 123 NR.

17 **(EXHIBIT 123 NR: Binder of documents entitled**
18 **"VPNLS Panel - Witness Brief")**

19 MR. CHANTLER: And if Mr. Bates could be given the witness
20 copy, that would be appreciated.

21 THE REGISTRAR: These are all the same?

22 MR. CHANTLER: Yes. Mr. Bates, I'm going to start with you.
23 We've met before. Thank you for being here today.
24 I'm going to start by asking you some questions
25 about the Elsie Sebastian file. You testified in

1 some detail yesterday about that file. I believe
2 you testified that you had even a relationship to
3 that family. You were best man to Robert
4 Sebastian?

5 MR. BATES: No. Gordon Sebastian.

6 MR. CHANTLER: Gordon Sebastian.

7 MR. BATES: Robert Sebastian was his first cousin. So I knew
8 Bobby since I knew Gordon and since we were both
9 13 years old, 14 years old.

10 MR. CHANTLER: All right. I'm going to ask you -- refer you to
11 a couple of specific incidents in that missing
12 person file and ask you whether these incidents
13 were unique or rather typical of files that you
14 handled in your role with the missing -- with the
15 VPNLS, all right? Elsie Sebastian, you might
16 recall, is from the Hagilget Village?

17 MR. BATES: Hagwilget.

18 MR. CHANTLER: Hagwilget Village, Pacheedaht First Nation near
19 Port Renfrew. And she is believed to have gone
20 missing in 1992 while she was living in the
21 Downtown Eastside. You may know that her daughter
22 Donalee Sebastian testified at this inquiry.

23 MR. BATES: Where did you get that missing in '92?

24 MR. CHANTLER: There is some record of that and I can take you
25 to that in a moment. Are you aware that her

1 daughter Donalee Sebastian testified at this
2 inquiry on October --

3 MR. BATES: I'm not -- I have not listened or anything about
4 this whole thing for nine years.

5 MR. CHANTLER: Okay. She gave evidence at this inquiry that
6 her Uncle Russell Jones -- did you know him?

7 MR. BATES: No.

8 MR. CHANTLER: Okay. Her uncle first approached the police to
9 report Elsie Sebastian's disappearance in 1992.

10 MR. BATES: Okay. I got you.

11 MR. CHANTLER: And that was the detachment in Port Alberni that
12 he began with and eventually the file ended up
13 with the Vancouver Police. Does that jog your
14 memory at all?

15 MR. BATES: It's starting to. Okay. Okay. On him he was -- I
16 remember some information that he had given saying
17 that she was at a rooming house or that she was
18 around. This was --

19 MR. CHANTLER: I don't want you to be hung up on that point at
20 the moment. Let me move on. The documentary
21 record essentially shows that the family made four
22 attempts, four separate attempts to engage the
23 Vancouver Police Department in a search for Elsie
24 in '92 -- sorry -- in '93, '94, '99 and 2001. And
25 I'll take you to some of those documents in a

1 moment. The earliest records of the family's
2 dealings with the Vancouver Police Native Liaison
3 Society were in 1994.

4 MR. BATES: Yes.

5 MR. CHANTLER: And that's when Ann Livingston actually attended
6 the VPNLS office and reported to you Elsie's
7 disappearance. Do you have any recollection of
8 that?

9 MR. BATES: Yes.

10 MR. CHANTLER: Do you know Miss Ann Livingston?

11 MR. BATES: Totally.

12 MR. CHANTLER: Okay.

13 MR. BATES: She's married to my ex -- one of my base players,
14 guitar player.

15 MR. CHANTLER: Now, at Tab 2 of my brief, if you can turn to
16 that, is a set of handwritten notes. The date at
17 the top of these notes is February 11th, 1994.
18 And the notes are signed at the bottom. It looks
19 like initials MB?

20 MR. BATES: Yes. That's me.

21 MR. CHANTLER: That's your initials and this is your
22 handwriting?

23 MR. BATES: Yes.

24 MR. CHANTLER: Do you recall making these notes?

25 MR. BATES: "Anne Livingston re Danny Mack". Danny Mack was my

1 guitar player. He played in my band. I know him
2 and I know her. She would come in there because
3 we knew each other.

4 MR. CHANTLER: All right. So it appears that Ann Livingston
5 visited the office on February 11th and you wrote
6 in your notes:

7 Anne came into the storefront hoping we would
8 be able to locate Miss Elsie Jones, also
9 known as Elsie Sebastian. She has been
10 missing for about a year. Miss Jones is
11 approximately 42, native and has children
12 from Robert (Bob) Sebastian. She is a known
13 heroin user and she has been told --

14 She, presumably Ann Livingston.

15 -- has been told by various people that she
16 is dead. There is no record of her death in
17 Vancouver.

18 Now, I'm going to pause right there. You wrote
19 this. How would you have known that?

20 MR. BATES: Of --

21 MR. CHANTLER: How did you know that?

22 MR. BATES: That she wasn't dead?

23 MR. CHANTLER: There's no record of her death in Vancouver, you
24 wrote. Do you recall what information you had
25 that led you to write that?

1 MR. BATES: Well, I would have probably called up Ed Tempest,
2 coroner's liaison. They can usually tell you if
3 someone's died. You can call up public trustee.
4 You can find out if somebody's dead.

5 MR. CHANTLER: Right. And that was one of the first things you
6 would do when somebody came to you with a missing
7 person?

8 MR. BATES: Well, yes. That's something that's the start to
9 make sure that they're alive. If they're alive,
10 then you move down the food chain there. So I --
11 so she was -- there was no record of her being
12 dead.

13 MR. CHANTLER: So speaking more generally, when someone would
14 come to you with a missing person report, which I
15 gather happened frequently, you would check with
16 the coroner's liaison and you'd find out whether
17 they were registered as dead. You would check
18 with the hospitals and you would check with the
19 jails. Is that how the --

20 MR. BATES: But usually by the time that they got to me, they
21 couldn't get through the Missing Persons Division
22 up there. They were rejected by getting through
23 the second floor. They came to me as a last
24 resort in saying -- you don't come to me. I'm not
25 Missing Persons. I just have an office there with

1 the Vancouver Police Native Liaison.

2 MR. CHANTLER: I understand.

3 MR. BATES: So if you can't get it up there and you come
4 walking into my office -- and not only that, Ann
5 Livingston comes in there, which I know she knows
6 me. She used to be married to my guitar player.
7 She says, "Morris, can you do something about this
8 thing?" And then I would probably phone. Well,
9 let's see if she's dead.

10 MR. CHANTLER: And all I'm trying to establish, Mr. Bates, is
11 that this is something that happened fairly
12 frequently. Someone would come to you and you
13 would go through the motions of checking with the
14 Coroners Service, checking with the hospitals and
15 checking with the jails?

16 MR. BATES: Yes. I was the last resort. I was not -- they
17 didn't come to me as they would go to the police.
18 That's the procedure. You don't come to me.

19 MR. CHANTLER: But is this something you did routinely?

20 MR. BATES: I was the last resort. Yes. And I found a lot --
21 I'd find them. They got -- some, like, they got
22 stabbed. They're up in St. Paul's Hospital.
23 They're in jail. They're going to be in courtroom
24 202 in 20 minutes.

25 MR. CHANTLER: Right. I understand you found lots of missing

1 people?

2 MR. BATES: I had a phone in there. We didn't have cell phones
3 like this back then and a lot of these people
4 didn't even have telephone lines.

5 MR. CHANTLER: How would you conduct these checks? Would you
6 phone these institutions?

7 MR. BATES: Sure.

8 MR. CHANTLER: Would you make any notes of these calls? How
9 did you go about your business?

10 MR. BATES: I had a brief contact file. I don't know where
11 they are. But usually when you came in, I had --
12 every day -- you've got one page here. This is in
13 '94. Before we got there we -- we didn't have --
14 I instigated a BC file, which is a brief contact
15 number. And you'll probably see them in there.
16 This one's got 019, so this is pretty new when I
17 just started there.

18 MR. CHANTLER: All right. Is 019 a file number? Is that what
19 you're saying?

20 MR. BATES: It would be -- yes. I just look up -- it was just
21 a BC file, a document going, the date and who she
22 is. And I know where Ann lived at. And then the
23 second one here, this is June 21st.

24 MR. CHANTLER: Right. And I'll turn to that in a moment, but
25 if I can just keep you focused on my question.

1 Would you routinely make notes when you would be
2 conducting these searches? This is something you
3 did all the time?

4 MR. BATES: Yes. Pretty well. Yes. I kept -- I mean we had
5 quite a few people. Yes. I kept -- it was part
6 of our funding to make sure that we kept a record
7 of who we were talking of. So there is a lot of
8 records of BC files, probably thousands of them.

9 MR. CHANTLER: And when somebody came into the office and
10 reported a missing person, would you open a file?
11 Is that the first thing you would do or one of the
12 first things you would do?

13 MR. BATES: Well, I wouldn't say I would open a file because we
14 don't know whether they're missing. I'm not a
15 Missing Persons. They have to go to Missing
16 Persons. Now, they're coming in here to say, "Can
17 you find this person?" I'll say, "Well, look, let
18 me go check and see if I can." And I'll do my
19 normal thing. It was not up to me to chase down
20 these people, but I would help them find it
21 because of the office I worked in. So I would
22 phone the hospital or phone Ed Tempest in the
23 morgue and say, "Well, she's not dead." So okay.
24 Well, I mean how much -- this is not our job.

25 MR. CHANTLER: Right. I understand.

1 MR. BATES: This is the police department.

2 MR. CHANTLER: So that's what you did in this case with Elsie
3 Sebastian. You determined that she wasn't
4 registered as dead and you informed Ann Livingston
5 as such?

6 MR. BATES: Yes. And also because I was connected to the
7 Sebastian family, so I thought, you know, that it
8 would be kind of great if I could find Elsie for
9 them. I think she wanted her mother for her
10 graduation because she calls back in June here and
11 she wanted her -- initially I got the call that if
12 we can find her for her -- she was going to
13 graduate from high school in Kamloops.

14 MR. CHANTLER: Okay. And I'll take you to that in a moment.
15 The last sentence of that first paragraph you say:
16 I said I'd check with the various
17 organizations to see if she had been seen.

18 MR. BATES: Yes.

19 MR. CHANTLER: All right. Are you referring to DEYAS, the
20 Downtown Eastside Women's Centre, WISH?

21 MR. BATES: DEYAS, go down to 44, to the Native Friendship
22 Centre, go to the Carnegie. There's a bulletin
23 board over there. There's bulletin boards in the
24 Alvin Star Centre where they go for their meals,
25 the 44. There's about four or five agencies that

1 you can go there. You can over to DEYAS where
2 they've got -- if they're picking up a needle,
3 there's a little board you can put there, you
4 know, Billy Bob call somebody, that type of thing.
5 So you just go -- it's only about an eight, ten
6 block area, so you just check around and see if
7 she pops up.

8 MR. CHANTLER: And I think you testified yesterday this is
9 something that you routinely did as well, contact
10 these organizations, see if they had heard or seen
11 the person you were searching for?

12 MR. BATES: Yes.

13 MR. CHANTLER: Do you recall whether you documented those
14 efforts? Would you take a note that you called
15 DEYAS?

16 MR. BATES: Yes. I would have called. If I would have called
17 the Friendship Centre, I would have probably wrote
18 it down.

19 MR. CHANTLER: And where would you have kept those notes? Was
20 that in the person's file?

21 MR. BATES: Usually it would be on the brief contact file.
22 Usually I'd have one of these file. For Elsie I
23 think we had a pretty thick file on her.

24 MR. CHANTLER: A pretty big file on Elsie?

25 MR. BATES: Yes.

1 MR. CHANTLER: Have you seen that file recently?

2 MR. BATES: No. I haven't seen nothing since June 30th, 2003.

3 MR. CHANTLER: All right. What else did you do after Ann
4 Livingston came to your office on February 11th,
5 1994? Before this later note, what did you do
6 after that first visit?

7 MR. BATES: After I would -- after that first visit? Well, I
8 probably went out on the street and talked to Dave
9 Dickson.

10 MR. CHANTLER: Do you specifically recall doing that?

11 MR. BATES: Oh, yes. Somebody had directed me, actually, "You
12 should go talk to Dave."

13 MR. CHANTLER: All right.

14 MR. BATES: And then it goes down here that she's -- "Oh, yeah.
15 She's down at Oppenheimer Park." That's where I
16 would have got that from, because Dave Dickson
17 told me she was always down at Oppenheimer Park,
18 that he saw her around -- she was around the hood
19 and they'd sit over at Oppenheimer Park and drink
20 rice wine.

21 MR. CHANTLER: All right. Now, I'm asking you these questions
22 because the family wants to know what happened and
23 because I think what you did in response to this
24 missing person report is important to this
25 inquiry. When did you speak to Dave Dickson?

1 There's no note here. There's no note in the
2 disclosure we've received of you speaking to Dave
3 Dickson. I believe that you did. I just want to
4 know more about it.

5 MR. BATES: I went -- I didn't write him down. Like, Dave
6 didn't have an office. He just walked around in
7 back alleys or something and you just -- and there
8 would be, "Oh, there's Dave." Dave, like -- you
9 know, I would start the conversation. I said, "Do
10 you know Elsie -- Elsie Jones Sebastian?" His
11 answer is, "Oh, yeah. I know her." I said, "Have
12 you seen her lately? And we're not looking like
13 this is a missing persons or a death or nothing.
14 We're just saying the girl wants her mother for
15 graduation. So that's how I was saying that -- so
16 he says yeah, that he knows her. Oh, good. Then
17 I've got a constable on the street that knows her.
18 So --

19 MR. CHANTLER: When did that conversation happen?

20 MR. BATES: Probably after -- probably after I had that first
21 one with Ann Livingston, because I would go out
22 right after that. I mean I would go out on my
23 lunch hour. I mean you went out. You could track
24 these people down. I mean we have people coming
25 in all the time, so I would wrote this down. Oh,

1 there's Dave Dickson. "Dave, have you seen Elsie
2 Jones Sebastian?" "Oh, yeah."

3 MR. CHANTLER: So, speaking generally again, this is something
4 that you would typically do after receiving a
5 missing person report and going through those
6 motions of contacting those institutions and
7 contacting the Downtown Eastside?

8 MR. BATES: It's not a missing persons report. If they want a
9 missing persons, I'm looking for somebody as to
10 come in.

11 MR. CHANTLER: Right. And one of the first things --

12 MR. BATES: If they want Missing Persons, they've got to go
13 upstairs to Missing Persons.

14 MR. CHANTLER: One of the first things you do is go to Dave
15 Dickson?

16 MR. BATES: Well, I mean I'm just going to check on the street.
17 Maybe she is down on the Sunrise behind a mug of
18 beer. Before I start calling in all the forces, I
19 should maybe take a walk around and see if she is
20 actually up at Oppenheimer Park, which I did three
21 times at six o'clock in the morning.

22 MR. CHANTLER: All right. And the next note, which you were
23 referring to briefly, is June 2st, '94 on the same
24 page. And you say:

25 Talked to Ms. Livingston. Informed her that

1 Elsie Jones (AKA) Sebastian was alive and
2 frequents Oppenheimer Park at approximately
3 6:00 a.m. and the Sunrise Hotel in
4 afternoons.

5 MR. BATES: I got that information from Dave Dickson.

6 MR. CHANTLER: So that information came from Dave Dickson in
7 the one conversation that you had with him on the
8 street?

9 MR. BATES: Yes. I had a couple with him because another time
10 I was talking to him, he said she said -- she was
11 living in Surrey and they were bringing -- they
12 were bootlegging booze out of the Oppenheimer Park
13 at 6:00 in the morning.

14 MR. CHANTLER: Right. And not to be critical, but did you
15 consider that to be sufficient information to
16 close the file efficiently from your end?

17 MR. BATES: Nothing ever closed. It's not my file. I'm just
18 taking -- I'm looking for this woman. If you want
19 to -- if she's missing, you go to Missing Persons.
20 I'm just there. Okay. Did I see her on the
21 street? I asked for Dave. "Dave, did you see
22 her?" "Oh, yeah. She's down at Oppenheimer
23 Park." Okay. Then if Dave -- Dave's a police
24 officer, okay? He's a cop, you know, and he's on
25 the street and that's his beat down there.

1 THE COMMISSIONER: So you take the information and you give it
2 to the police?

3 MR. BATES: What's that?

4 THE COMMISSIONER: You take the information and you give it to
5 the police?

6 MR. BATES: Yes.

7 THE COMMISSIONER: People obviously feel more comfortable
8 coming to you and you go talk to them?

9 MR. BATES: I'm in my office every day. They can catch me.
10 They can come in. You can have a cup of coffee.
11 "Oh, Morris." We're not looking like, oh, there's
12 a murder here or anything like that. We're just
13 saying can we find Donalee's -- Donalee's mother
14 for her graduation. I go on the street and I say,
15 "Oh, Dave." Is -- I'm looking for her there.
16 Okay. He's on that going around and around there.
17 Oh, she's up in Oppenheimer Park or she's down at
18 the Sunrise.

19 MR. CHANTLER: And so just to be clear, I take it from your
20 evidence you did not engage the Missing Persons
21 Department at the Vancouver Police?

22 MR. BATES: No. I would not because I have no right to do that
23 because I am not next of kin. You can't get --
24 you can't go up there and just do it because they
25 already did it. Ann Livingston would have went up

1 to Missing Persons. Donalee would have went up to
2 Missing Persons. They already went to Missing
3 Persons.

4 MR. CHANTLER: Do you have a specific recollection of that?

5 MR. BATES: Well, that's why Ann Livingston came to me, because
6 she already went to Missing Persons. They don't
7 come to me. I'm not Missing Persons. I'm a
8 support worker in the Vancouver Police Native
9 Liaison. I'm not a cop in town.

10 MR. CHANTLER: And, Mr. Bates, I'm a little confused because I
11 understand that one of the roles of the Vancouver
12 Police Native Liaison Society was to be the bridge
13 between the native community and other residents
14 of the Downtown Eastside and the police. So they
15 come to you and you facilitate the engagement of
16 the Vancouver Police in an investigation?

17 MR. BATES: Yes. All I do is -- all I would do is direct them
18 to Missing Persons.

19 MR. CHANTLER: Well, exactly. So wouldn't you have --

20 MR. BATES: Now, once you get to Missing Persons, I've got no
21 control. I can just take them up there. If
22 Missing Persons doesn't want to deal with it, I
23 don't have anything to say about it.

24 MR. CHANTLER: So on the one hand you're saying I'm not next of
25 kin. I can't file the report with Missing

1 Persons. But the family has come to you to
2 facilitate the engagement of Missing Persons.
3 Isn't that your job, to get Missing Persons
4 involved?

5 MR. BATES: They're coming because they have went to Missing
6 Persons and nothing is happening. So they already
7 went there.

8 MR. CHANTLER: So you saw it as futile?

9 MR. BATES: I didn't know -- I mean I'm just saying if -- I'll
10 take a look around for her and see if she's around
11 here, okay, because Missing Persons is not taking
12 the report seriously. But by some luck I might
13 find out she's in the St. Paul's Hospital or she's
14 over -- she might be down at the Sunrise behind a
15 mug of beer or she might be over at Oppenheimer
16 Park. She might be down at the 44. You know, she
17 might even be in jail. So I would exhaust those
18 kind of things because it's already been not going
19 to Missing Persons.

20 MR. CHANTLER: Right. So you thought it was futile calling
21 Missing Persons again and trying to get Sandy
22 Cameron to kick this upstairs?

23 MR. BATES: They've already been there. I can't -- I mean I --
24 I went over to Sandy Cameron with this case and it
25 wasn't -- she said it had to be filed in Hazelton

1 because she -- Elsie was missing from Hazelton and
2 it had to be filed by next of kin, which is in
3 Hazelton. It's not her department. It's RCMP in
4 Hazelton, so that's where that's got to go. So
5 that stops it right there. It's Hazelton. So the
6 girls want to file their girls -- that's what
7 they've been told by Sandy Cameron. That's what
8 Sandy Cameron tells me, "You want it filed. Go to
9 Hazelton."

10 MR. CHANTLER: You yourself never completed the Vancouver
11 Police Department Missing Persons form. You never
12 filled one of those out. There's one of those in
13 the brief at Tab 1.

14 MR. BATES: No. I would -- no.

15 MR. CHANTLER: Missing persons report, Vancouver Police
16 Department. You never filled one of those out.
17 That wasn't for you to do?

18 MR. BATES: No, no, no.

19 MR. CHANTLER: And I just want to canvass a couple of other
20 things you might have been able to do.

21 THE COMMISSIONER: I think maybe we'll stop there, Mr.
22 Chantler.

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

24 **(PROCEEDINGS ADJOURNED AT 11:03 A.M.)**

25 **(PROCEEDINGS RESUMED AT 11:25 A.M.)**

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

2 MR. CHANTLER: Neil Chantler, counsel for the families. Mr.

3 Bates, I'm just going to carry on a bit with this

4 story of Ann Livingston coming to see you and you

5 assisting her with the search for Elsie with the

6 understanding that she'd already made efforts to

7 engage the Vancouver Police Department and had

8 essentially been turned away. What other

9 abilities did you have at the VPMLS to engage in

10 an investigation, if I may? Were you able to

11 search CPIC, for example?

12 MR. BATES: Well, no. I couldn't get in to CPIC at that time

13 or at any time. But once I talked to -- in the

14 next statement talked to Miss Livingston and

15 informed her. When I talked to Dave Dickson, he

16 said she was alive and hanging around Oppenheimer

17 Park. That's it. That's all I needed to hear.

18 That was the end of the story for that. I mean if

19 a Vancouver Police officer you're talking to says,

20 "Oh, yeah. I saw her." -- I mean if I asked you,

21 "Neil, if you see -- "Oh, yes. I saw her around

22 the corner," that's good enough for me.

23 MR. CHANTLER: So you trusted Dave Dickson?

24 MR. BATES: Yes. He's sitting there with a gun on his hip,

25 Vancouver PD officer. I had no reason not to

1 trust him.

2 MR. CHANTLER: All right. And so aside from your ability to
3 work with Dave and to do those things, was there
4 anything else that you had the ability to do? You
5 couldn't check or post to CPIC. Would you perhaps
6 visit the last known residence of the person who
7 was reported missing?

8 MR. BATES: If I needed to get -- usually I would -- yes. I
9 went and -- I went to the residence of somebody.
10 A constable came in one day and he says to me --
11 he says he's looking for this girl. And I says,
12 "Okay." And he says what's your -- he wanted me
13 to find her so she could sign a document. She had
14 been hit by a taxi, okay? And he was -- in fact,
15 an officer brought him in there. He brought him
16 in there and he was from ICBC at the time. He
17 came in and says, "Can you find her?" I wrote
18 down some information that he had of her and so I
19 says, "Okay. Well, her last known address was
20 down at the Arco Hotel." And -- and he says this
21 was -- they've been trying to locate her for three
22 years. So on my lunch hour I just took a walk
23 down there. I went to the Arco Hotel and somebody
24 opened the door and I just walked in, walked over
25 around to the room. I think it was like in the

1 back part, 312 or something like that. Knocked on
2 the door. This girl opens up the door and says,
3 "Hello." And I says, "Are you this person?" She
4 says, "Yes. I've been here for three years."
5 They wouldn't even go look for her. They wouldn't
6 even go to the Arco Hotel yet I went over and
7 found her.

8 MR. CHANTLER: Who's they?

9 MR. BATES: Well, he went to the police. The police brought
10 him over to me. They didn't even take a report.
11 I just took down an address and walked out there
12 and walked over to the Arco Hotel and there she
13 was.

14 MR. CHANTLER: So you actually received a missing person report
15 from the police department?

16 MR. BATES: They weren't missing persons reports. If you
17 wanted Missing Persons, you've got to go to
18 Missing Persons. They would -- I was just a
19 resource in the community.

20 MR. CHANTLER: Did other members of the Vancouver Police refer
21 family members who were searching for loved ones
22 to your office?

23 MR. BATES: They would have to go through Missing Persons.

24 MR. CHANTLER: They would have to, they ought to, but did they
25 do that?

1 MR. BATES: We're not Missing Persons, okay?

2 MR. CHANTLER: But did it happen?

3 MR. BATES: That they would come to me and make a missing
4 persons report?

5 MR. CHANTLER: Would families come to you and say, "I tried to
6 engage the Vancouver Police. They said go see the
7 VPNLS?"

8 MR. BATES: Oh, yes. They would come, but after that resources
9 are -- they've already done this. And I would
10 say, "Well, I'll go take a peek." I mean, like
11 this guy wouldn't even take the time to go down
12 and locate this girl and they were trying to find
13 her for to sign some documents.

14 MR. CHANTLER: I just want to know if you ever heard from
15 someone that they had been told by a police
16 officer to come to your office because your office
17 would help them find their loved one. Did any
18 family members, any members of the community ever
19 tell you that?

20 MS. ENS: There just --

21 MR. CHANTLER: Freda?

22 MS. ENS: There would be times when people would come to our
23 office or call our office and ask, "I'm trying to
24 locate my loved one. There's been a death in the
25 family" or something like that. And they'd be

1 calling out of town, out of province, whatever.
2 So in those instances then we would take a
3 notice -- like, Morris would do that a lot, is
4 take a notice and post it at all of the places
5 that he said to "Please call home. You know, your
6 family needs to talk to you." So those kinds of
7 things did happen.

8 MR. CHANTLER: I understand that people heard about the VPNLS
9 through the community and through your pamphlets
10 and all other means, but were they ever referred
11 to you directly by the Vancouver Police? That's
12 the point I'm trying to establish here.

13 MS. ENS: To find a missing persons? No.

14 MR. CHANTLER: You're not aware of the Vancouver Police
15 saying --

16 MR. BATES: A cop -- a police officer wouldn't come in to me
17 and say, "Can you find this?" Well, yes. I had a
18 guy brought a guy in in his stocking feet and
19 see -- but we had found this guy. He wanted me to
20 find where he was from because he had Alzheimer's.
21 But a constable wouldn't come in to me and say,
22 "We want you to find this person's missing
23 persons." No. He would go to Missing Persons.
24 That's what a constable does. We're Native
25 Liaison Unit. I'm not there to work with the

1 cops.

2 MR. CHANTLER: I understand that's what you --

3 MR. BATES: If a constable wants to find somebody, he better go
4 take his butt up to Missing Persons.

5 MR. CHANTLER: But as things unfolded, you -- at your own
6 volition you took it upon yourself in many cases
7 to help families. You were successful in many
8 cases at finding people who had been reported
9 missing. But you would agree with me that your
10 office and the services of your office weren't in
11 any way meant to replace the Missing Person Unit
12 at the Vancouver Police Department?

13 MR. BATES: No. No. No way.

14 MR. CHANTLER: You didn't have the training, correct?

15 MS. ENS: We didn't have access to CPIC.

16 MR. BATES: I could find anybody you want, but it's not my job.

17 MR. CHANTLER: But you didn't have any formal training on
18 missing person investigations?

19 MR. BATES: No.

20 MR. CHANTLER: Nobody at the office?

21 MR. BATES: No.

22 MR. CHANTLER: Including Detective Constables Lawson and Johns?

23 MR. LAWSON: No. We were never assigned to a Missing Persons
24 Unit.

25 MR. CHANTLER: Okay. And you also didn't have, referring to

1 you, Mr. Bates, the ability to check CPIC or PIRS
2 or any of the police databases to find out if
3 somebody had ended up in the system and use those
4 tools, investigative tools? You weren't able to
5 do that, just to be clear?

6 MR. BATES: No.

7 MR. CHANTLER: Right. Back to the Elsie Sebastian story.

8 Years later after this 1994 set of notes, Donalee
9 Sebastian came to you again, Morris, and asked for
10 your assistance in finding her mother. This is
11 1999. There is some record of that meeting you
12 had with her on August 30th and August 31st, two
13 days, in the brief at Tab 6. If you don't recall,
14 I can take you there, but do you have any
15 recollection of meeting with her in '99? If you
16 like, I'll refer you to the document. And, Mr.
17 Commissioner, for your benefit at Tab 6 is a
18 document. It's a Vancouver Police and Native
19 Liaison document. Morris, is this an intake form?

20 MR. BATES: Yes.

21 MR. CHANTLER: Okay. And there are two dates on the left-hand
22 side of the page, August 30th and August 31st,
23 1999, and the name Donalee Sebastian. So this
24 presumably was created by you, Mr. Bates, when
25 Donalee came into the office.

1 MR. BATES: She never came in. She called. I think she called
2 from a -- this is I think when she had -- she was
3 having her son. She had just -- she had her --
4 was having her grandson and she wanted me to
5 find -- find her -- find Elsie because to tell
6 Elsie that she had a grandson. So I took -- and
7 then she -- I mean -- I guess they hadn't found
8 her by that time. This -- so I wrote down
9 "Missing one finger on her second knuckle, five
10 foot two, 120 pounds."

11 MR. CHANTLER: And she testified about this. You may be right.
12 There may be phone calls, not an actual meeting.
13 But I'm going to take you to her testimony from
14 this inquiry when she talked about those two days.
15 So this is -- an excerpt from the transcript of
16 that day is at Tab 10 of our brief. Tab 10. And
17 if you turn to page 92 of the transcript. I'm
18 going to start just briefly at line 3, my question
19 to Donalee Sebastian. And I'm referring to this
20 -- her dealings with you on those dates. I say:

21 And that's August 30th and 31st, 1999?

22 She says:

23 A Yes.

24 Q And what do you recall about your
25 dealings with Mr. Bates on that date?

1 A This is the time where I talked to him
2 about trying to look for my mom and I
3 was referred to him.

4 She was referring to you.

5 And, uhm, when I spoke to him, I told
6 him about how worried we were about
7 looking for our mother and that, uhm,
8 uhm, that's when he asked me to gather
9 as much information as I could. And I
10 gave him, uhm, his -- or my mom's birth
11 date, her height, her weight.

12 I'm going to skip ahead a paragraph. At line 23
13 she goes on:

14 And then that's when I asked him about
15 looking for her, because he explained to
16 me that's, that's the time when he
17 explained to me, "It's like looking for
18 a needle in the haystack," and that
19 Elsie, because she was a much older
20 native woman, her priority, it wouldn't
21 happen. Looking for her would be hard
22 to, to find and there wouldn't be much
23 help. And, uhm, to me it seemed like
24 he, he had an overwhelming caseload and
25 so, like, because there were so many, he

1 explained that, like, there were so many
2 younger, non-aboriginal, you know, they,
3 they would get priority over her,
4 being a 40-year-old native woman who is
5 drug addicted.

6 I'm going to stop right there. Mr. Bates, I want
7 to break that passage down and ask you some
8 specific questions. First, do you recall that
9 conversation with Donalee Sebastian?

10 MR. BATES: Not really, but it sounds like -- it sounds like me
11 speaking though. I mean -- that sounds like I
12 might have said something like that. I mean we
13 did try -- I was told that -- I think this is when
14 I went and tried to find her because somebody told
15 me that she was in the -- in Seattle. And then I
16 thought, well, is this the -- they were not going
17 to -- I mean this is not -- she already went to
18 RCMP or the Vancouver PD and exhausted all that
19 type of stuff. I was -- she was hoping that I
20 might stumble into something because she's native
21 or something. But to get the RCMP -- or to get
22 the Vancouver PD to actually open up this file and
23 start looking for her was pretty -- you know, she
24 had already been turned down. I mean she couldn't
25 get it up to the Vancouver PD.

1 MR. CHANTLER: So referring back to that passage, do you recall
2 suggesting to Donalee Sebastian that her mother's
3 age would affect the police willingness to find
4 her? Do you accept that you said that?

5 MR. BATES: Yes. I think I would accept that. It was -- it
6 was -- they weren't going to look -- I mean they
7 hadn't looked by now. I don't know if I would
8 have said her age, but I know that I did try. I
9 personally went -- they weren't going to go try,
10 but I tried.

11 MR. CHANTLER: Did you believe that to be true at that time,
12 that her mother's age would impact the VPD's
13 willingness to search for her?

14 MR. BATES: I probably did.

15 MR. CHANTLER: And do you recall suggesting to her that her
16 mother's race, being aboriginal, would affect the
17 VPD's willingness to look for her?

18 MR. BATES: I probably would have said that.

19 MR. CHANTLER: And you believed that to be true at the time?

20 MR. BATES: Yes.

21 MR. CHANTLER: And what about the fact that Elsie Sebastian was
22 drug addicted and that that would affect the VPD's
23 willingness to look for her? Is that something
24 that you recall saying to Donalee Sebastian?

25 MR. BATES: We've got a whole bunch of them right here. Yes.

1 MR. CHANTLER: And you believe that to be true?

2 MR. BATES: Yes.

3 MR. CHANTLER: And did you have an overwhelming caseload as
4 Donalee suggested you said?

5 MR. BATES: Well, I've been on six homicide cases and two of
6 them have been double homicides and I'm in court,
7 and these cases take at least two to three years,
8 plus everything that walks through the door. It
9 could be overwhelming at times.

10 MR. CHANTLER: And, in any event, it wasn't your job to look
11 for Elsie Sebastian?

12 MR. BATES: It wasn't my job, but I could have stumbled across
13 her. If somebody were to say -- if they were at
14 the Friendship Centre, they had a powwow or they
15 had been and they might have said, "Oh, Elsie.
16 Yes. I saw Elsie." "Good. Tell her to come in
17 so I can get -- her daughter wants to see her."
18 We never knew anything bad had happened. We're
19 just trying to find her so she can tell her mom
20 that she has a child. We never knew it was into a
21 homicide or a missing -- or a murdered woman or
22 anything. We were just trying to find her -- find
23 her for her daughter.

24 MR. CHANTLER: It's clear from this passage that you believed
25 when Donalee came to see you in '99 and you knew

1 the history --

2 MR. BATES: She had phoned me.

3 MR. CHANTLER: Right. Sorry. And you had these discussions
4 with her in '99. And you knew the family's
5 history and you knew the family?

6 MR. BATES: Yes.

7 MR. CHANTLER: It was clear to you that there was no point
8 in -- or you weren't going to be able to get the
9 Vancouver Police engaged in a full-blown
10 investigation for this --

11 MR. BATES: The Sebastian family is a very big family, okay?
12 I'm -- I'm -- my family, I'm one of 280
13 grandchildren, you know. So if somebody wants to
14 find me, they can find me. Now, we've got the
15 whole Sebastian clan which is from Hazelton and
16 married into Burns Lake, into Prince George, into
17 Williams Lake, 100 Mile, into Vancouver here, and
18 she's not being turned up. And you can't get the
19 police to look for her. Well, the only thing I
20 did is I tried to get into Seattle. I got into
21 Seattle, Wenatchee, in the Okanagan, Tonasket
22 right down into Phoenix. And that's where I was
23 going to all the native organizations. I've got a
24 whole bunch of them. And if she was around, I
25 would have probably touched base with somebody

1 that would have said, "Oh, yeah." And she's got a
2 big family. She's got children, grandchildren and
3 it's a major family for her to --

4 MR. CHANTLER: No question this would have been a difficult
5 task. You needed the assistance of the Vancouver
6 Police Missing Person Unit?

7 MR. BATES: Yes. Were they going to take this on? I mean
8 Donalee had made all efforts. I mean she's a
9 smart girl and she wasn't getting anything from
10 the Vancouver Police Department. She wasn't
11 getting anything from anybody.

12 MR. CHANTLER: So when the Vancouver Police Department puts
13 itself out to the public, into the community as
14 being able to handle services relating to murder,
15 fatalities, other crimes against persons and
16 missing persons, and then reading from the list of
17 services on the VPMLS brochure, that's suggesting
18 people can come to you with a missing persons case
19 and you're going to help. You've given me
20 evidence that you're not the one who's supposed to
21 be doing the investigation. You did it out of the
22 goodness of your heart?

23 MR. BATES: I just directed them through there. I mean you
24 come in and I direct you into Missing Persons.

25 MR. CHANTLER: You were meant to be the conduit to the

1 Vancouver Police Missing Person Unit and you were
2 unable to do that on some occasions, perhaps
3 often?

4 MR. BATES: We couldn't get it up. I can only take them up
5 there and say, "We've got a lady that would like
6 to report a missing person." On some of the
7 stuff, like, they would go to Missing Persons.
8 They come down. If they're not going to move on
9 the case, it might be like you go missing, they
10 don't -- they don't have a police file on you
11 until eight months later that they say, "Oh, yeah.
12 Okay. We'll start looking at this case." Well,
13 they come to me hoping that maybe she is just --
14 maybe she is just down at the Balmoral Hotel or
15 she's just been having a good time for the last
16 month. I don't know.

17 MR. CHANTLER: You made a point of saying earlier this morning
18 that it was the Vancouver Police Native Liaison
19 Society. It was put out as a Vancouver Police
20 office?

21 MR. BATES: Yes.

22 MR. CHANTLER: Almost a quasi police station?

23 MR. BATES: Yes.

24 MR. CHANTLER: So when members of the public came to you, they
25 thought they were engaging the Vancouver Police

1 Department. They didn't see any difference
2 between coming to you and going to 222 Main or
3 calling 911, correct?

4 MR. BATES: Well, we don't take 911 calls.

5 MR. CHANTLER: They thought they were coming to you to engage
6 the police in the same way they would if they
7 phoned the police. They had a problem. They
8 needed the police to get involved and investigate,
9 so they'd come to you; is that correct?

10 MR. BATES: Yes. They could, yes.

11 MR. CHANTLER: I think -- I think you're agreeing with me
12 there. It was a Vancouver Police office that was
13 put out as part of the Vancouver Police
14 Department?

15 MR. BATES: Yes. And we're on there as a referral, so they
16 would -- like, it's hard getting in -- you go to
17 the PIC counter, okay, and the PIC counter has got
18 a piece of glass right there. And you've got a
19 little hole there and you've got to talk to them
20 and tell them, "Okay. I want to do this." And a
21 lot of times they say, "You've got to go home."
22 And they don't have a phone. Well, we had an
23 office sitting there with an officer. You can
24 walk in and they say, "Okay. Then we'll make a
25 call upstairs to see if we can get you in front of

1 Missing Persons or have a detective come down."

2 If you report a sex offence thing, we would phone
3 for the Sex Offence Squad to come in and talk to
4 you.

5 MR. CHANTLER: The VPNLS was put out to the public as another
6 door, another access point to the Police
7 Department?

8 MR. BATES: Yes.

9 MR. CHANTLER: But the bridge between you and the Vancouver
10 Police Missing Persons Unit, it wasn't much of a
11 bridge?

12 MR. CHANTLER: No.

13 MR. BATES: No.

14 MR. CHANTLER: It was a drawbridge. It was open sometimes and
15 it was closed a lot of the time; is that right?

16 MR. BATES: Yes.

17 MR. CHANTLER: I'm going to ask Constable -- Detective
18 Constable Jay Johns a few questions relating to
19 the missing person investigation into Tanya Holyk.

20 MR. JOHNS: Okay.

21 MR. CHANTLER: As you may know, we represent the family of
22 Tanya Holyk. She was originally from the Skatin
23 Nation near the Mount Currie/Pemberton area. She
24 was 20 years old when she disappeared from the
25 Downtown Eastside in October, 1996. Constable --

1 Detective Constable Johns, do you have any
2 recollection of dealing with her particular file?

3 MR. JOHNS: Not her file, but I read my report yesterday. I
4 was given a copy.

5 MR. CHANTLER: Well, according to the documentary record -- and
6 you can just take it from me. By the time you got
7 involved in her file, her original missing person
8 file had already been opened and closed by Sandy
9 Cameron. Now, I can take you to those documents
10 if we need to, but the initial events of the file
11 are essentially this: Miss Holyk was reported
12 missing by her mother, Dorothy Purcell, to the
13 Vancouver Police Department's Missing Person Unit
14 on November 3rd, 1996, which is only a couple of
15 days after she was last seen. Miss Cameron
16 completed a missing person report. And these
17 documents, Mr. Commissioner, are in the brief.
18 That missing person report is at Tab 11. And Miss
19 Cameron had some dealings with Miss Purcell over
20 the next three or four weeks. Ultimately Miss
21 Cameron received information from Miss Purcell
22 that she received a prank call, Miss Purcell, a
23 hang up phone call. Miss Purcell obtained a
24 number for that call, gave it to Sandy Cameron.
25 Sandy Cameron called that number and a woman

1 answered and Sandy Cameron asked the woman if
2 she'd seen Tanya Holyk and the woman had said,
3 "Yes. She was here last night at a party." And
4 based on that information Sandy Cameron closed the
5 file. All of this is documented in the record.
6 And Miss Purcell was upset with Sandy Cameron and
7 ultimately wrote a letter describing these events
8 as well from her perspective. Now, after Miss
9 Purcell had these dealings with Miss Cameron, she
10 went on her own search, heard about the Vancouver
11 Police Native Liaison Society and ended up at your
12 office. And the record suggests that you,
13 Detective Johns, got involved.

14 MR. JOHNS: Okay.

15 MR. CHANTLER: And -- now, that second missing person report --
16 when you got involved, you completed a second
17 missing persons report. That's at Tab 13, so we
18 can turn to that. Now, I gather from your earlier
19 evidence yesterday that this wouldn't have been
20 something that you typically did?

21 MR. JOHNS: I might have -- sure. We could do this or we might
22 have got a call saying -- from radio dispatch
23 saying, you know, "Go on in to Native Liaison.
24 There's a missing person report that you have to
25 take. We can meet him outside." It could be -- I

1 have an incident number here, so either I phoned
2 up and got an incident number from radio or they
3 provided me with one.

4 MR. CHANTLER: Do you recall dealing with Miss Purcell and
5 filling out this report?

6 MR. BATES: I'm sorry. I don't.

7 MR. CHANTLER: Would you agree with me that this would not have
8 been typical for you to fill this report out and
9 rather you would normally send such a person to
10 the Missing Person Unit to have it dealt with in
11 the usual course?

12 MR. JOHNS: No. I wouldn't agree with that. If I were to take
13 a missing person report, then I would take a
14 detailed report and submit it to Missing Persons.

15 MR. CHANTLER: And do you recall whether you did that in this
16 case?

17 MR. JOHNS: That would be procedure.

18 MR. CHANTLER: Now, what the record seems to show is that you
19 may have assumed responsibility for this missing
20 person file. And I'll take you to the documents
21 in a moment. Is that something that you would
22 have -- you recall that?

23 MR. JOHNS: No. We don't take files. So, you know, if I can
24 go out and help find Tanya or help find other
25 missing individuals, and that's what we would do.

1 MS. ENS: Can I just step in here and just say what happened
2 that day?

3 MR. CHANTLER: Yes.

4 MS. ENS: That I recall was that Dorothy had come into the
5 office. She was very upset. She had been looking
6 from the time Tanya had gone missing through the
7 Christmas holidays and that. And after she had
8 been treated the way she had been by the Missing
9 Persons, as I stated yesterday, the runaround we
10 got trying to get a missing persons on Mary and
11 Dorothy and the 12-year-old girl, when Miss
12 Purcell came into the office and she was so upset,
13 I was like, wow. Like, this is -- and she had
14 gone in to Morris. And I thought, like, wow, this
15 is still happening. So then we asked Jay, you
16 know, like, because Jay was familiar with what had
17 happened with Dorothy and Mary and the issue that
18 we were having. I mean they knew the
19 frustrations. So then Dorothy went in to his
20 office and he took his report. So that's what I
21 recall of that.

22 MR. CHANTLER: Okay. And if we actually look after the missing
23 persons report at that same Tab 13, there's a
24 supplementary report, and there's quite a lot of
25 information. Is that your handwriting, Mr. Johns?

1 MR. JOHNS: It is.

2 MR. CHANTLER: So it looks like Miss Purcell gave you quite a
3 bit of information about Tanya Holyk's boyfriend
4 at the time, her ex-husband and some other --
5 well, essentially those were some good places to
6 start in any missing person investigation?

7 MR. JOHNS: It's pretty well detailed, yes.

8 MR. CHANTLER: Interview those two potential suspects?

9 MR. JOHNS: Yes.

10 MR. CHANTLER: Now, at Tab 14 there's some handwritten notes
11 here. And it's been difficult for us to tell in
12 most cases where these documents originated and
13 whose handwriting they are, but I think what we've
14 discerned is that this is a series of notes
15 between the Missing Person Unit, perhaps Sandy
16 Cameron, and her dealings with you on the Tanya
17 Holyk file. So the very first entry, "Called
18 mother. She filed report with Native Liaison
19 Unit. They've been looking for daughter since
20 October," that date accords with the missing
21 person -- the second missing person report for
22 Tanya Holyk. Further down the page there's some
23 references to the writer discussing -- or having a
24 conversation with you. Two-thirds of the way down
25 the page:

1 Call from Johns. Discussed. They are aware
2 and making inquiries.

3 At the very bottom of the page, last entry:

4 Paged Constable Johns. Discussed in person.
5 Sergeant Cooper.

6 That's something to do with the Lidguerre death.

7 Over the page, first entry:

8 Contacted Johns. Asked if they had
9 interviewed boyfriend yet. Said they got
10 beat guys looking for him. Haven't found him
11 yet.

12 So it looks to me like you're actually assuming
13 some responsibility in this particular case to
14 carry out some of those initial investigative
15 steps?

16 MR. JOHNS: Sure. Assistant.

17 MR. CHANTLER: That can't have been typical. You said that
18 wasn't something that you did?

19 MR. JOHNS: No, no. When you have missing persons -- for
20 example, the schools would turn around and phone
21 and say, "Okay. This person's not attending, that
22 person's not attending," so we would go and find
23 the kids who weren't attending, and we found out
24 that it was from -- oh, let's say September,
25 October, November, we'd get phone calls from all

1 sorts of principals and teachers saying look for
2 these kids, and then after that funding was
3 provided and then we never got anymore phone
4 calls. So you're looking for people all the time
5 or -- and assisting agencies in finding them. But
6 did we take a file and go, okay, yes, I'm going to
7 go and look for Tanya? No.

8 MR. CHANTLER: But it appears here that you did take the file
9 and take the responsibility of investigating and
10 interviewing the boyfriend and the ex-husband in
11 relation to her disappearance; do you agree?

12 MR. JOHNS: No. It says here that I referred to the beat guys
13 to find the boyfriend. And then I could have
14 interviewed or they could have asked.

15 MR. CHANTLER: Okay. Were you aware when you accepted this
16 file or had some responsibility over the file of
17 the circumstances of Sandy Cameron taking it and
18 closing -- taking the initial report and closing
19 it?

20 MR. JOHNS: I may have at the time, but I don't recall.

21 MR. CHANTLER: You don't recall.

22 MR. JOHNS: In saying that, in my opinion that's despicable.

23 MR. CHANTLER: After that note I last read out where I believe
24 it's Miss Cameron contacted PC Johns and asked if
25 you'd continue the investigation, the next note we

1 have related to this file is at Tab 15. And this
2 is in '98, March 16th, '98. And we believe these
3 to be Detective Al Howlett's notes. So it appears
4 that 11 months later, Detective Al Howlett picked
5 up the file, and a brief review of those notes
6 reveals that the boyfriend and the ex-husband had
7 not yet been interviewed. It appears that -- that
8 those really important first steps were not done.
9 Now, do you have any recollection of why they
10 might not have been done?

11 MR. JOHNS: No. None at all. I mean is it a matter of me
12 finding them? I may not have been able to locate
13 them or thinking that maybe the beat guys or --
14 there's all sorts of circumstances.

15 MR. CHANTLER: You don't have any specific recollection of
16 steps that were taken to look for those people?

17 MR. JOHNS: I'm sorry.

18 MR. CHANTLER: The documentary record just leaves us in the
19 blank. We don't have any clue what happened.

20 MR. JOHNS: I wish I did.

21 MR. CHANTLER: Normally steps to investigate a missing person
22 report would be documented; would you agree?

23 MR. JOHNS: I don't know how Missing Persons does theirs. I
24 mean I know that if I was talking to somebody
25 about Tanya or something like that, it would be

1 noted in notebooks, so I would have notes.

2 MR. CHANTLER: Do you have any notes related to this case?

3 MR. JOHNS: No. Because of my accident the -- my notebooks,
4 all 42 of them, have gone missing.

5 MR. CHANTLER: So we're left now, years later, looking back at
6 the documentary record and led to believe that
7 nothing happened for 11 months. Would you accept
8 that that is a possibility?

9 MR. DICKSON: I don't think he can answer that question, Mr.
10 Commissioner.

11 THE COMMISSIONER: You're asking for him to answer questions
12 that are really properly put to the police. You
13 have to -- you have to remember what their
14 particular role is and their role, according to
15 the evidence that I gather here, is somewhat
16 limited.

17 MR. CHANTLER: All right. And just to be clear to wrap up on
18 this point, you accepted some responsibility for
19 the file. You completed the missing person
20 report, but you're suggesting to me that it would
21 never have been your job to go off and interview
22 the husband and ex-boyfriend. You had the beat
23 guys doing that and --

24 MR. JOHNS: No.

25 MR. CHANTLER: -- that wasn't your job?

1 MR. JOHNS: That's not what I'm saying. I'm saying that if I
2 went out and looked for them, I would have -- the
3 husband or the boyfriend, then I would have made
4 note of it. And if I couldn't locate them, then I
5 would have the beat guys -- because when you're
6 walking the Downtown Eastside, you should know all
7 the people that are down there and that's your
8 job. And -- or friends of all the people down
9 there so that you can look for them. And if they
10 reside or if they're from the Downtown Eastside,
11 then the beat guys are the guys that you'd want to
12 talk to.

13 MR. CHANTLER: You have no further recollection of steps that
14 were taken or dealings with this file?

15 MR. JOHNS: No, I don't.

16 MR. CHANTLER: Miss Ens, I have a couple of questions for you
17 before I finish. We also represent the family of
18 Cara Ellis and her sister-in-law, Lori-Ann Ellis,
19 is here today and she's been here throughout the
20 inquiry. In the summer of 2004 -- I know you've
21 had various dealings with Miss Ellis throughout
22 the history of this situation, these files, but in
23 the summer of 2004, if we can focus in just on
24 that one period of time, you attended a memorial
25 service for Cara Ellis in Calgary. Do you recall

1 that?

2 MS. ENS: Yes.

3 MR. CHANTLER: And you visited Calgary for that purpose, for
4 the purpose of meeting with the family at least?

5 MS. ENS: Well, we were going to visit with the family. It
6 just happened that the memorial was happening at
7 the same time.

8 MR. CHANTLER: Right. And that was with Marilynne Johnny and
9 Murray Lund?

10 MS. ENS: Yes. That was still a long time ago. How clear is
11 your memory of that visit?

12 MS. ENS: It's fairly clear.

13 MR. CHANTLER: Do you recall meeting with Lori-Ann Ellis in her
14 home in Calgary?

15 MS. ENS: Yes.

16 MR. CHANTLER: She made you coffee?

17 MS. ENS: I don't -- I don't recall the coffee.

18 MR. CHANTLER: Do you recall the details of what was discussed
19 that visit? Just generally do you recall?

20 MS. ENS: Generally, yes.

21 MR. CHANTLER: Did you take any notes at that meeting at the
22 house with the families?

23 MS. ENS: No.

24 MR. CHANTLER: Did you have a tape recorder? Was there any
25 other sort of documentary record of that meeting

1 you had with the family?

2 MS. ENS: I believe at that time what we were doing with the
3 families at that time was to visit with families
4 to see what they had in place for a crisis plan.
5 Like, just say all of a sudden everything broke
6 and hit the news as to evidence and that. Did
7 they have a family doctor? Did they have a
8 priest? Was there somebody that -- that they had?
9 Like, you know how you have your things on the
10 fridge for emergency contacts? Just in case at
11 that time the family members needed, like, the
12 victim -- local victim service worker, that kind
13 of thing. That would have been what we'd have
14 been looking at. So giving the families the forms
15 to take to fill out if they wanted to -- to fill
16 that out as to who -- who their contact people
17 would be in those situations, like just kind of
18 suggestions.

19 MR. CHANTLER: Okay. And were you aware when you made that
20 visit of the circumstances in which Cara Ellis had
21 disappeared, a time frame when she disappeared and
22 what the family had done to report her missing?

23 MS. ENS: I -- if they were having the memorial and that for
24 Cara at that time, then there probably was the
25 information. I don't recall exactly.

1 MR. CHANTLER: Would you have been briefed? Were you briefed
2 before the meeting perhaps by someone else at
3 Project Evenhanded or someone from the VPD on the
4 circumstances for that particular family and that
5 missing person before you went to meet with them
6 in Calgary?

7 MS. ENS: Not necessarily, no.

8 MR. CHANTLER: On October 25th, 2011 at this inquiry Lori-Ann
9 Ellis testified about that visit and I'm just
10 going to read a passage from the transcript of
11 that testimony. October 25th, 2011 transcript,
12 page 32 starting at line 11:

13 Miss Ellis --

14 Or line 9 I asked the question:

15 Q You held a memorial service for Cara in 2004.
16 Can you tell us about that?

17 A We held a memorial service, even though we
18 didn't have any of her remains back. What we
19 had done was we had chosen a date, and by
20 coincidence, it actually happened when three
21 workers from the Missing Women's Task Force
22 came to the house -- Freda Ens, Marilyn
23 Johnny and Murray Lund -- came to the house
24 on -- I can't remember the date now, July --
25 June or July -- you will have to help me with

1 this. I'm sorry. I gave you the date, but I
2 forgot.

3 Q I don't remember.

4 A But it was in mid-summer. I could check my
5 notes here to clarify the date. But the date
6 before the memorial, they had come to get
7 some information, including DNA, from my
8 husband and his brother for the
9 investigation, and I was in the middle of
10 making coffee for everyone and serving them
11 cookies and whatnot, being a good hostess,
12 and Murray Lund turned to me and he said, "By
13 the way, Lori-Ann, I found that missing
14 persons report that you put in in '98. It
15 was in a filing drawer and it had never been
16 actioned," I almost dropped the coffee pot.
17 I'll stop there. My question for you, Miss Ens,
18 is simply do you recall that conversation?

19 MS. ENS: No. I don't recall that conversation.

20 MR. CHANTLER: No recollection at all of it? Were you aware --
21 did Murray Lund ever say anything to you about a
22 missing persons report for Cara Ellis from 1998?

23 MS. ENS: No, because -- well, for me, I would just think,
24 okay. Murray Lund is an RCMP officer. Cara Ellis
25 went missing from Vancouver. That would be a

1 Vancouver Police Department Missing Person's file.

2 Murray would not have access to that unless -- I

3 mean, like, that would be just my --

4 MR. CHANTLER: So you don't recall --

5 MS. ENS: No.

6 MR. CHANTLER: -- in the course of that visit overhearing that

7 conversation or having any subsequent conversation

8 with Murray Lund about --

9 MS. ENS: No.

10 MR. CHANTLER: -- that conversation taking place?

11 MS. ENS: No.

12 MR. CHANTLER: And he never told you anything about finding a

13 missing person report for Cara Ellis?

14 MS. ENS: No. Not that I can recall.

15 MR. CHANTLER: All right. One question for the panel. You

16 were all quite intimately connected with the

17 Downtown Eastside. And we've heard evidence at

18 this inquiry, at least from some of the families,

19 that there were rumours as early as 1998 about a

20 pig farmer and a farm where some of the women

21 might be ending up. This seems to have been the

22 word on the street, at least according to some

23 people who we've heard from at this inquiry. Did

24 any of you hear anything about a pig farmer or a

25 farm in Port Coquitlam or Robert Pickton in those

1 years '97, '98, '99 or earlier?

2 MS. ENS: No. I say that to say that we heard about a wood
3 chipper, and those -- those came from Bernie
4 Williams. And I know that I was asked the
5 question by Lynn Frey when did we meet. Was it in
6 1998? And at first I thought, yes, it was in
7 1998, but then I remembered I didn't meet Lynn
8 Frey or some of the other family members until the
9 memorial at the first United Church in May of
10 1999. And so those families -- because Bernie and
11 Diane had asked could they facilitate meeting with
12 the families at our office. And because I was
13 already meeting with some of the other families,
14 like Mrs. Olajide and that that maybe they had --
15 Bernie and Diane had information for those
16 families, right? And so I said, "Sure. You know,
17 I don't see any problem." I didn't have contact
18 information for those families at that time, so I
19 didn't see any problem of combining the families
20 and them meeting. But this was after May of 1999.
21 And then Bernie and Diane came to me specifically
22 and -- because they had been talking at those
23 support group meetings about the chipper, about
24 the hotel in the Downtown Eastside that they felt
25 that this chipper was, wood chipper was. And then

1 things started happening at the support group
2 meetings where -- because we had them on Saturday
3 nights at our office in the Downtown Eastside.
4 And a couple of times people had come up to us at
5 coffee break and made comments, and basically when
6 I asked, well, what was that, because seeing their
7 looks, they were quite upset, was they were told
8 that we were getting too close and to back off.
9 And a couple of the family members had been
10 approached at the bus stop after the support group
11 meeting. And then Bernie asked me -- she said --

12 MR. CHANTLER: By who?

13 MS. ENS: By just people in the community making comments to,
14 "Oh, we know you're there about your missing loved
15 one for a meeting." And so I was a bit concerned
16 because I thought, well, if it's that -- if Bernie
17 and Diane are being threatened or there's threats
18 being made and we're having meetings on a Saturday
19 night in the Downtown Eastside, maybe we need to
20 look at another time and place. And then Bernie
21 asked me -- she said, "We have information, but
22 none of this can get back to the Vancouver Police
23 Department. We have women that are willing to
24 come forward. They have information about the
25 missing women. They have information about where

1 bodies are buried." And the reason that they
2 could not have any involvement through the
3 Vancouver Police Department was because the word
4 on the street were that there were Vancouver
5 Police officers involved. So I'm part of the
6 Vancouver Police Department. Vancouver Police and
7 Native Liaison, we have two officers working out
8 of our office. How am I supposed to deal with
9 that? We're dealing with the situation where
10 we've got all of these missing women. There's no
11 answers to that. I'm asked to find somebody that
12 they can meet, that they can give this information
13 to so they can do an investigation, but none of it
14 can involve anybody from the Vancouver Police
15 Department. So I approach a couple of aboriginal
16 RCMP officers that I'm -- I know and let them know
17 and I said, "These people are really concerned
18 about their safety." I approached the Aboriginal
19 Justice people, Renee Taylor, and asked, "What
20 kind of protection is there if these women come
21 forward? What is there for them to come forward?
22 They're afraid. Their lives are at stake." So
23 this was in 1999. And so I'm assured. We set up
24 meetings with an RCMP officer -- well, first I
25 take Bernie and Diane to meet Tom Swan and Wayne

1 Price, who are two aboriginal RCMP officers. They
2 give them the information. My next meeting is
3 with somebody named Gary Burke, who is also RCMP.
4 He sets up meetings with the families. And at
5 that time there's the talk about the wood chipper.
6 There's talk about the Vietnamese gang that at
7 that time Mrs. Frey felt was responsible for her
8 step-daughter's disappearance. Somebody mentioned
9 a farm on the Sunshine Coast -- not a farm, but a
10 property on the Sunshine Coast, but that wasn't a
11 farm. They just mentioned that sometimes girls go
12 to the Sunshine Coast for more like a treatment --
13 retreat kind of thing. And that was what I
14 recalled for that.

15 MR. CHANTLER: Okay. Can I direct the question to the two
16 detective constables? Did you hear anything about
17 a Port Coquitlam pig farmer? Did you ever hear
18 the name Pickton in those early years?

19 MR. LAWSON: Not at all.

20 MR. CHANTLER: Did you ever hear rumours on the street about
21 this serial killer that we now know is
22 responsible?

23 MR. JOHNS: No.

24 MR. CHANTLER: And Mr. Bates?

25 MR. BATES: You could -- there were posters in the Downtown

1 Eastside, just mostly at the American, in the
2 Ivanhoe and the Cobalt. Okay. And there was just
3 posters of -- just like this, a poster, and it
4 used to have Piggy's Palace on it. And it was
5 \$10. He gave you a little address and a map and
6 \$10, and you could go out there for a pig
7 barbecue -- barbecue sort of thing and live music.
8 \$10. This would be -- I wouldn't say plastered
9 down there, but they'd have them, mostly in the --
10 in the American, which was frequented by quite a
11 few motorcyclists, and also the Ivanhoe and
12 Cobalt, that area.

13 MR. CHANTLER: Okay. And were those posters ever connected in
14 any way to the disappearance of the women from the
15 Downtown Eastside?

16 MR. BATES: Not at the time. In fact, I rode a motorcycle. I
17 just about went out one time, but -- a guy was
18 convincing -- trying to convince me to go out
19 there, but it was just too far of a ride to go out
20 there and come back to Vancouver.

21 MR. CHANTLER: So you knew about the pig farm. You knew
22 about --

23 MR. BATES: Well, I knew the place called Piggy's Palace. That
24 was Dave Pickton's booze can right about two
25 kilometres down from where Willie had his farm.

1 That was -- it was common knowledge in the
2 Downtown Eastside that that place existed. And it
3 was common knowledge in Port Coquitlam and the
4 surrounding areas.

5 MR. CHANTLER: Thank you, Mr. Bates, and thanks to the panel.
6 Those are my questions.

7 THE COMMISSIONER: Thank you, Mr. Chantler.

8 MR. COOPER: Mr. Commissioner, Seth Cooper, articling student
9 for Jason Gratl. I have about, I'd say, 20
10 minutes of questions. I'm no expert in estimating
11 these things.

12 THE COMMISSIONER: You're no expert in?

13 MR. COOPER: In estimating time.

14 THE COMMISSIONER: I don't think anyone else is either. I've
15 been in this profession a long time.

16 MR. COOPER: But I'm in your hands.

17 THE COMMISSIONER: Let's. We have 15 minutes.

18 **CROSS-EXAMINATION BY MR. COOPER:**

19 Mr. Commissioner, panel, my name's Seth
20 Cooper. I'm an articling student for Jason Gratl
21 representing affected Downtown Eastside
22 organizations and individuals. I've handed up
23 just a small document and I'll turn to that
24 document right now. The document for the panel.
25 This appears to be a Vancouver Police and Native

1 Liaison Society evaluation dated 1997. Miss Ens,
2 I think the bulk of these questions will be for
3 you. Are you familiar with this document?

4 MS. ENS: I'd have to look at it.

5 MR. COOPER: Okay.

6 MS. ENS: And who did the evaluation?

7 MR. COOPER: It appears to be a joint review conducted by the
8 Vancouver Police Department and the Province of
9 British Columbia. It was done by -- it was
10 authored by Ken Lemckert, who I believe is a VPD
11 representative, and Melita Vicovic on behalf of
12 the provincial government.

13 MS. ENS: I do remember the meetings with Ken and Melita, yes.

14 MR. COOPER: And both you and Mr. Bates were in attendance at
15 that meeting?

16 MS. ENS: Yes.

17 MR. COOPER: Is it true that this review is intended to ensure
18 that the VPMLS was conducting their office in a
19 manner that accorded with the Province's criteria
20 for funding, which was in turn formed by the VPD's
21 strategy for community policing?

22 MS. ENS: I guess so.

23 MR. COOPER: The VPMLS received much of its funding through the
24 Provincial Community Safety Funding Program, did
25 it not?

1 MS. ENS: I believe so, yes.

2 MR. COOPER: And that provides funding for various community
3 policing initiatives, including neighbourhood
4 safety offices?

5 MS. ENS: Yes.

6 MR. COOPER: And so it's true that the Province of British
7 Columbia as well as the Vancouver Police
8 Department both viewed the VPNLS as a community
9 policing entity rather than merely as a victim
10 services entity?

11 MR. DICKSON: Mr. Commissioner, I'm sorry. Perhaps the
12 question could be rephrased, but I think it's
13 asking for whether the VPD and the Province viewed
14 the VPNLS in a particular way and I'm not sure
15 Miss Ens is in a position to answer that.

16 THE COMMISSIONER: Go ahead, Mr. Cooper.

17 MR. COOPER: Did you understand the VPNLS as having a dual
18 function, both as a community policing entity as
19 well as a victim services entity?

20 MS. ENS: Well, the way I looked at it was me as victim service
21 worker. Morris, Marilynne and I were the victim
22 service component and the constables were the
23 Vancouver Police Department's component because
24 that's the way it was set up, was that the in kind
25 support from the City of Vancouver would have been

1 the constables, both positions full time.

2 MR. COOPER: I see. So you didn't understand your position at
3 the VPNLS as having anything to do with community
4 policing?

5 MS. ENS: Well, that's what we -- I mean along with the
6 officers, it was community policing with what they
7 did. We were there to enhance the services there
8 for victims.

9 MR. COOPER: I see. Okay. Could you please turn to page 3 of
10 the review? At the top there's a black line.

11 MS. ENS: Are they numbered?

12 MR. COOPER: They are. I'm sorry. Could you please turn,
13 rather, to page 9?

14 MS. ENS: Yes.

15 MR. COOPER: Now, is it true that the authors of this review
16 are somewhat critical of the VPNLS as not being
17 enough like other neighbourhood safety offices?

18 MS. ENS: What was the difference, if you can explain that?

19 MR. COOPER: Well, under "Concerns" -- you'll see it's sort of
20 just about a third of the way down the page. The
21 authors write:

22 In the context of a Neighbourhood Safety
23 Office serving the urban First Nations
24 community, this office defined itself as a
25 victim assistance service. If they plan on

1 continuing to offer a crime prevention
2 aspect, they must devote more time and effort
3 to developing crime prevention
4 programs/services/initiatives.

5 And they define those programs and services as --
6 under "Services". They're generic in nature and
7 not specific to one office, but they include
8 things such as the taking of reports, providing
9 training for a specific program, drop-in
10 assistance and referrals to other agencies and
11 organizations.

12 MS. ENS: But we were doing the -- the referrals, et cetera to
13 other -- like, if people came in and needed that,
14 yes. That was some of what we did.

15 MR. COOPER: But they highlighted that as a concern. And did
16 you understand that they had a concern that you
17 weren't doing enough of that?

18 MS. ENS: Of the referrals?

19 MR. COOPER: Of providing community policing services.

20 MS. ENS: I guess that was their opinion, but I -- the way I'm
21 looking at this and reading that and the way our
22 funding was, our funding was to provide services
23 to victims. That was the way -- when you look at
24 our mandate and what we were there to do was to
25 provide the services. Yes, there was an issue

1 when it came to crime prevention, because under
2 crime prevention they said that -- and that was
3 all the way wording was when it came to how
4 funding was given. Under crime prevention you
5 couldn't use the word victim under crime
6 prevention. That was dealt with by another
7 agency. So for us to say that what we were doing
8 as our youth at risk and those programs, they
9 didn't want to hear about that because that was a
10 whole other funding strain. So that was where the
11 concern came in. But our mandate was to provide
12 services to victims and witnesses of crime and
13 that was what we were doing. The whole thing
14 about the community policing, I don't quite
15 understand that.

16 MR. COOPER: So there wasn't any pressure on you as director to
17 offer more -- to enhance your services especially
18 in terms of the taking of reports of crime?

19 MS. ENS: Well, we have officers there to take the reports. We
20 had officers there that -- that if -- and if not,
21 that was where we used the Major Crime. If we had
22 a victim -- like, I talked earlier about our
23 victim of the sexual assault. She came into our
24 office. It was a lot easier for the victim to not
25 have to keep telling her story to have somebody

1 come from the Sexual Offence Squad to come down
2 and take her report. So that was how we did that.
3 It was a lot easier to work directly with the
4 Major Crime Section, to work with Sexual Offence
5 Squad to come and take reports.

6 MR. COOPER: I'd like to ask a few questions about the taking
7 of reports other than missing persons. Mr. Bates,
8 you've given evidence about the difficulties
9 people had in taking -- in getting a missing
10 persons report filed. What about the other kinds
11 of reports such as assaults and robberies? How
12 did this happen? Now, Miss Ens -- Mr. Bates,
13 maybe I'll direct this question to you. In terms
14 of having other reports filed such as assaults and
15 robberies, now people would routinely come off the
16 street and they would report all kinds of crimes,
17 not just missing persons reports; is that correct?

18 MR. BATES: We were specialized victims assistance workers.
19 One of our mandates was to provide criminal injury
20 compensation. We do not take -- if you were
21 assaulted, we do not take the assault. The
22 assault -- if you got assaulted in -- in front of
23 the Balmoral Hotel, then an officer there would
24 take the report. We don't go out and take
25 reports. We don't -- I mean usually by the time

1 they get to us, they have to have an incident
2 report to ensure the incident happened. Then we
3 fill out criminal injury compensation. Okay.
4 That's part of victim service that we did. For
5 us, we don't run around and look at assaults and
6 people kicking their cats and stuff. We don't do
7 that kind of stuff. You have to talk to a police
8 officer. There's got to be an incident report so
9 we know it happened. That wasn't our job to be
10 taking this. And if a person came in that had an
11 assault, then I would probably ask Constable Jay
12 Johns or I would have somebody come down from
13 upstairs. I don't -- you've got to get incident
14 reports from upstairs. You've got to phone it in.
15 They've got to give you a number. And I can't do
16 that. I can't get incident numbers because I'm
17 not a cop.

18 THE COMMISSIONER: I think we'll stop there for the luncheon
19 break.

20 THE REGISTRAR: The hearing is now adjourned until 1:45.

21 **(PROCEEDINGS ADJOURNED AT 12:27 P.M.)**

22 **(PROCEEDINGS RESUMED AT 1:48 P.M.)**

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

24 MR. COOPER: Mr. Commissioner, before I forget, I'd ask that
25 the document that I handed up at the beginning of

1 my cross-examination be marked the next exhibit.

2 THE COMMISSIONER: All right.

3 THE REGISTRAR: That will be marked as Exhibit Number 124.

4 **(EXHIBIT 124: Document entitled "Vancouver Police**
5 **and Native Liaison Society Evaluation 1997")**

6 MR. COOPER: It's true that the Vancouver Police Native Liaison
7 Society dealt with a very specific population in
8 that they were marginalized people, vulnerable
9 people, largely aboriginal, although not
10 exclusively; is that correct?

11 MS. ENS: Right.

12 MR. COOPER: I just want to go through what would happen when a
13 victim of an unreported crime came through the
14 door at the VPNLS and they were looking for an
15 alternative to going to the VPD in order to report
16 what happened to them. I suggest one of two
17 things might happen. Would they speak to either
18 you, Miss Ens, or Mr. Bates initially or would it
19 be perhaps a volunteer?

20 MS. ENS: It depended. If we were involved in a court case and
21 we were away from the office, sometimes we did
22 have our secretary and maybe a volunteer. So if
23 we were at the office, then they would speak to
24 one of us. They would just be referred to one of
25 us. But if we were involved in a court case or

1 something like that, then yes. They would just be
2 asked what they needed and then referred to the
3 appropriate worker.

4 MR. COOPER: I see. And the appropriate worker might be -- if
5 it was reporting a crime, say a serious assault or
6 a sexual assault, it might be an actual police
7 officer, one of the detectives, although perhaps
8 not necessarily so?

9 MS. ENS: Well, that -- like I said earlier, it depended.
10 Sometimes if it was an historical sexual assault,
11 one of our officers would take a report and then
12 forward the report on to whichever jurisdiction
13 the victim may have been from.

14 MR. COOPER: Okay. And if it was in Vancouver, they might
15 actually take the police report right there at the
16 VPNLS, one of the detectives? Sorry.

17 MS. ENS: They have.

18 MR. JOHNS: We have.

19 MR. BATES: Jay. When it came in like that, I'd refer them
20 directly to Jay and he would take the report and
21 then it goes up to SOS upstairs. Sex Offence
22 Squad comes down and moves to a detective.

23 MR. COOPER: I see. And we heard -- there was evidence
24 yesterday -- you gave evidence yesterday. I can't
25 remember who said it, but, Detective Lawson and

1 Detective Johns, you spent much of the day outside
2 the office; is that correct?

3 MR. LAWSON: That is correct.

4 MR. COOPER: And so in that instance they would be -- the
5 victim would be speaking to either the secretary,
6 a volunteer or either you, Miss Ens, or Mr. Bates.
7 In that instance what would occur?

8 MR. JOHNS: A lot of times we got called back, went back to the
9 office.

10 MR. BATES: Just page Jay. He'll be back in two minutes.

11 MR. COOPER: So you would never -- the VPNLS --

12 MR. BATES: We don't take reports. We don't give incident
13 numbers. It's got to go through the police
14 department.

15 MR. COOPER: So you might refer them to the appropriate VPD
16 unit or even the appropriate officer within a
17 unit?

18 MR. BATES: Yes. I've had instances where -- like, on the Mona
19 Wilson case, I phoned upstairs. It was getting
20 pretty pathetic by that time with no response, but
21 I did have a detective and he came down and gave
22 me his card and, you know, like, we met, I think,
23 twice just -- just for maybe 30 seconds. He says
24 okay. He just started working with the missing
25 women and I thought that was pretty -- I thought

1 that was great. And when the case happened, the
2 Mona Wilson case, I called upstairs. I took basic
3 information to see what's going on, okay? I mean
4 if we've got something here, then -- there's no
5 use bothering everybody until it looks like we've
6 got something here, okay? So once I got his name,
7 address, some of the particulars on an
8 information, then I -- I phoned upstairs and, to
9 my surprise, a guy from Missing Persons showed up
10 and that was the first case that I -- that's the
11 first case I had that came down from upstairs, and
12 that was the Mona Wilson case.

13 MR. COOPER: But it didn't -- obviously it didn't always happen
14 that way?

15 MR. BATES: No.

16 MR. COOPER: It seldom did. And often times you might
17 investigate them yourselves as a last resort?

18 MR. BATES: It had to go upstairs. I mean if you want to
19 report somebody missing, you've got to go up to
20 Missing Persons. I was there at the particular
21 time and I happened to call. I think the guy had
22 been upstairs already a couple times trying to get
23 Missing Persons to respond. He wasn't getting
24 anything there. He talked to Dave Dickson on the
25 street. The girl went missing, like, a day before

1 welfare Wednesday, so he'd already -- he's been
2 using the resources around there and nothing was
3 happening, so he came into me -- the first day he
4 came into me to tell me that she was missing and I
5 says, "Well, let's sit down and talk about it."
6 He was a bit wired. So he said -- next day he
7 came back around and he was, like, running around
8 for anybody to talk to. So he came back into me
9 and sat down with me and I wrote out the report.
10 I said -- I asked Tony Sartori if he would go down
11 and see if the girl had picked up her methadone,
12 which she hadn't. He said that they got the
13 information that she didn't get her cheque from
14 Social Services. I phoned upstairs. He came
15 down. And that was the first time I think that a
16 woman in the Downtown Eastside had ever been
17 missing in record time of seven days.

18 MR. COOPER: Okay. Thank you.

19 MR. BATES: And then she turns out to be the first of the girls
20 found on the Pickton farm.

21 MR. COOPER: Okay. Thank you. Just going back to there was
22 somebody, a victim of crime -- an unreported
23 crime, say a sexual assault or an assault. Was
24 there, to your knowledge, a formalized process for
25 dealing with those types of things if somebody

1 came into the VPNLS office? Do you know if it was
2 formalized or was it just sort of -- it depended
3 on the situation?

4 MR. BATES: Well, I mean if you're coming in to report a crime,
5 you've got to go to the police department. You've
6 got to have a report. You've got to get an
7 incident number. Once you've got an incident
8 number, then we will deal with victim of crime and
9 you can get compensation for that, but you've got
10 to have a police report. You have to have an
11 officer there taking down the information in his
12 book that gives you a police incident number.
13 That's where it's got to start.

14 MR. COOPER: I understand that. And the VPNLS would -- could
15 often facilitate that by phoning the appropriate
16 unit or appropriate officer within that unit so
17 they can facilitate the getting of an incident
18 report?

19 MR. BATES: He'd have to come down physically and do it
20 himself. Like, Jay would have to come in there,
21 sit down and make a report and give him an
22 incident number. You just can't get an incident
23 number over the telephone or something like that.
24 A police officer has to get that report. You've
25 got to talk to a constable.

1 MR. COOPER: Okay. So the formalized process was always to
2 phone --

3 MR. BATES: No. You go talk to a police officer.

4 MR. COOPER: Who would go talk to a police officer?

5 MR. BATES: If you got assaulted, then -- if he was assaulted
6 there, you call 911. A squad car comes there and
7 they deal with the situation there and that's
8 where it all starts.

9 MR. COOPER: So the onus would be on them to phone the police
10 themselves?

11 MR. BATES: Well, yes, unless they were unconscious or somebody
12 else would phone them and say, "Look, there's a
13 guy laying in the middle of the street here," and
14 they'd come down and there would be an incident
15 report about this whole situation.

16 MR. COOPER: And, Miss Ens, you referred to an incident that
17 involved Detective Keen from the Sexual Offence
18 Squad?

19 MS. ENS: Right.

20 MR. COOPER: Was that an incident -- was that a time where you
21 actually phoned the unit itself or the officers
22 themselves and got them to come down?

23 MS. ENS: Well, when I talked to Detective Keen, that was after
24 we were really frustrated with the Missing Persons
25 and not being able to report Mary Lidguerre as

1 missing and Jack not being -- Jack Spence not
2 being able to report his sister Dorothy as missing
3 and the 12-year-old -- the grandmother of the
4 12-year-old. We can't get those missing persons
5 taken and you can't get past Sandy Cameron in the
6 Missing Persons Section. So because Trish Keen
7 had known Mary and had worked with Mary on another
8 file, I just called and said, "Look, we have no
9 idea. Nobody seen's Mary. Nobody's heard from
10 Mary. We can't get a missing person. I can't do
11 a missing persons report because I'm told I'm not
12 a family member. And Jack couldn't report his
13 sister missing. She was going to turn up behind a
14 pint of beer." And so because of the connection
15 we had with Trish Keen in Sexual Offence Squad,
16 she said that she would take the report for us and
17 go and talk to her supervisor to see if that would
18 be something she would be able to do.

19 MR. COOPER: I see.

20 MS. ENS: And we did eventually get the missing posters and --
21 but that was, like, in November.

22 MR. BATES: We just had it circumvented because we couldn't get
23 it there, so we had to go in the back door to
24 police officers that were sympathetic to the
25 Native Liaison, that they could get it in there.

1 MR. COOPER: So these were extraordinary circumstances then?

2 MR. BATES: Yes. I mean we couldn't get there, so it was
3 important that we had to go and say, "We've got a
4 friend that's a detective. Can you look into this
5 because we can't get it to this level," so we had
6 to go in the back door to get this process
7 started.

8 MR. COOPER: So is it fair to say, then, if somebody who was
9 afraid to go the Vancouver Police Department for
10 fear of repercussion, either real or perceived, if
11 they came to the Vancouver Police Native Liaison
12 Unit, the extent of the assistance in reporting
13 their crime would be to talk to the VPD?

14 MR. BATES: I don't think they're -- I mean they could come in
15 there and we can get a constable down there. We
16 can get a constable. We have two constables
17 there. And Jay and George can write a report. If
18 there's an incident, they will write a report and
19 send it to the appropriate people.

20 MR. COOPER: Okay. And once you gave that information, once
21 the -- once it was out of the victim's hands and a
22 report was supposedly filed and there was an
23 incident report, rather, you couldn't tell if that
24 had happened at the VPNLS office. You couldn't
25 tell if a report had been filed?

1 MR. BATES: We couldn't -- once the incident number was on, the
2 follow-up was not made by us. Whoever the report
3 was in Sex Offence Squad, the Sex Offence had it.
4 It was in the burglary or B and E. It was -- that
5 squad would move into their desk and then that's
6 their -- that's their job as detectives.

7 MR. COOPER: Now, it was common, then, for the victim to come
8 back to the VPNSL once their crime was reported to
9 find out more information about the report or the
10 progress of the file; is that correct?

11 MR. BATES: Most things were victim's compensation.

12 MR. COOPER: I see.

13 MR. BATES: Back in the days we were doing this, if you were
14 assaulted or anything, you got -- you got victim's
15 compensation. If you got knocked down -- a lady,
16 she was walking into her room in the hotel. A guy
17 ran by and grabbed her by the -- grabbed her arm
18 through her purse, dragged her, knocked her down.
19 She hung on. And she got a police report and then
20 came into me and I fill out the paperwork and I
21 forward it into a Workmen's Compensation, who
22 handles it, so she gets -- she makes -- she gets
23 victim's compensation money. And that -- we done
24 a real lot of that. For them to come back into
25 our office and follow up, no. The victim would

1 have to talk to the constable who's handling the
2 case. She'd have a case number and have his pager
3 number. That was then. It's got nothing to do
4 with us once the case happens unless she wants
5 victim's compensation.

6 MR. COOPER: Miss Ens, this question is for you. Could you
7 please turn to the commission counsel brief of
8 documents, Tab 11?

9 MS. ENS: I don't have anything with tabs.

10 THE REGISTRAR: 19?

11 MR. COOPER: Could the panel be shown the commission's brief?

12 THE REGISTRAR: That's 119.

13 MR. COOPER: 119. Thank you. Miss Ens, these are annual
14 reports that you made; is that correct?

15 MS. ENS: Yes.

16 MR. COOPER: And it was to -- and who did these reports go to?

17 MS. ENS: To the Provincial Victim Services Division.

18 MR. COOPER: Okay. And in these reports -- if you could please
19 turn to the report that you made April 1st, 2000
20 to March 31st, 2001. I suppose it would be then
21 in March, 2001.

22 MS. ENS: What tab would that be under?

23 MR. COOPER: It's under the same tab, Tab 11. It's a bit
24 further on. The number at the top is VPNLS
25 00100306 -- 000306. At the top it says: "Annual

1 Descriptive Report Form, April 1st, 2000 to March
2 31st, 2001."

3 MS. ENS: Yes.

4 MR. COOPER: About three-quarters of the way down the page you
5 say:

6 The demand due to VPD's letter sent to every
7 victim to come to our office for forms or
8 assistance can at times be overwhelming.

9 MS. ENS: Yes. Usually if there was -- there was an assault or
10 some crime that happened in Vancouver, the
11 Vancouver Police Department would actually send a
12 letter to those victims to come in to see us and
13 that would usually be because there was already a
14 report taken. There was an incident. There was
15 already a report, so they would come in to see us
16 for -- to assist with their criminal injury
17 compensation.

18 MR. COOPER: I see. And you found this to be a challenge -- a
19 challenge to direct service or delivery in that it
20 was a further strain on your resources to have
21 them send out these letters?

22 MS. ENS: Well, especially because we didn't have a
23 secretary/bookkeeper and we didn't have a
24 receptionist. We were just three staff trying to
25 do the different programs that we had at the time.

1 And as I said yesterday, there were sometimes that
2 we had seven hundred -- seven to eleven hundred
3 calls and walk-ins for service in a month. So
4 trying to deal with that and especially if you had
5 a court case happening and one or two of your
6 staff would be away from the office assisting at
7 the court case, then that would be a real strain,
8 yes.

9 MR. COOPER: Okay. And we've heard sort of repeatedly that --
10 how busy the VPNLS was. And I realize this is a
11 general question, but can any of you chance a
12 guess as to how busy the storefront was at its
13 peak compared to the VPD storefront at 312 Main,
14 particularly in regards to the reporting of
15 crimes, unreported crimes, people coming in with
16 assistance to report crimes?

17 MR. BATES: Say that again.

18 MR. COOPER: How busy was the VPNLS storefront in comparison to
19 the VPD storefront, which was just next door,
20 particularly with respect to people coming in with
21 crimes that they'd like assistance to report?

22 MR. BATES: You mean our storefront as opposed to -- okay. We
23 were at 324 main and 312 Main is the PIC counter.
24 Just not even halfway in this room there's a PIC
25 counter. Our hallway was there. Our comparison

1 to that? I'd say that --

2 THE COMMISSIONER: Well, there can't be any comparison, can
3 there? You're asking him to compare what they
4 were doing to the main counter at 312 Main Street?

5 MR. COOPER: Yes. In terms of people coming in with unreported
6 crimes saying "We would like assistance reporting
7 these to the VPD", about how busy was it -- how
8 much traffic was coming in there for that reason
9 as opposed to 312 Main, which was solely for the
10 purpose of people coming in to report those
11 crimes?

12 MR. JOHNS: You would have to work the PIC in order to know
13 that, Public Information Counter, but sometimes
14 the Public Information Counter would refer them to
15 Native Liaison down the hallway.

16 MR. BATES: Our office was busy also because we had free
17 coffee.

18 MR. COOPER: Okay.

19 MR. BATES: So sometimes they would just come in to say, you
20 know, "Hi. I'm here," or they're coming in
21 because they've got a cheque, because we would get
22 cheques from victim's compensation. If they had
23 an address and it takes, like, three or four
24 months or six months to get the cheque and if they
25 moved from the rooming house to another one and

1 you don't put a change of address in, so our
2 office was used as -- we'd have a file there, so
3 when the cheque could come, it could go into their
4 file. So they might drop in, like, every once
5 every three or four days to see if that cheque
6 showed up and be there for two minutes and leave
7 and that was just a stat that came in. It was
8 a -- like, everybody didn't come through the door
9 going I've been -- it wasn't a major crime every
10 time. It was a very social place. But people
11 could come and even sometimes when they came in to
12 be sociable, it ended up they wanted to talk about
13 something. Sometimes they'd come in three or four
14 times just to get the zing of how you are and they
15 said, "By the way, I want to talk about this."
16 So, again, we're trying to compare the PIC counter
17 as to our Native Liaison. It's different. They
18 never went to the PIC counter for a cup of coffee
19 and socialize.

20 MR. COOPER: Okay. Miss Ens, those annual reports that you
21 made to the Victim Services Division at the
22 Attorney General, you were always the one as
23 director to fill out those reports, correct?

24 MS. ENS: Sometimes I did. Sometimes if I wasn't available,
25 our -- later on when we had a

1 secretary/receptionist, they would do that, but
2 these are my handwriting, yes.

3 MR. COOPER: Okay. And I think we have four years' worth of
4 those reports stemming from 1996 to 2000, correct,
5 2001?

6 MS. ENS: Yes.

7 MR. COOPER: And each in those of reports you cite a lack of
8 funding and a need for more staff in the
9 challenges that you faced; is that correct?

10 MS. ENS: Yes.

11 MR. COOPER: Did you ever feel that you got the funding that
12 you requested?

13 MS. ENS: Actually, right --

14 MR. BATES: Nobody does.

15 MS. ENS: I think right at the time we were -- towards the end
16 there was a change in funding, the way they funded
17 programs, and so we were going to be getting an
18 increase in funding, which would have been a
19 bit -- helped a bit, but it still wouldn't have
20 been enough. And I don't know of any organization
21 really that does. I mean --

22 MR. COOPER: But proper funding -- proper funding between those
23 years 1996 to 2000 would have helped the VPNLS
24 provide their services to the Downtown Eastside
25 community?

1 MS. ENS: Well, we did the best that we could with what we had
2 and -- yes.

3 MR. COOPER: Okay. Thank you. Just one more area. And these
4 questions are for you, Miss Ens. Could you please
5 turn to the commission counsel brief, Tab 1? This
6 is the letter that you sent to Chief Constable
7 Canuel in January of 1997 regarding Sandy Cameron?

8 MS. ENS: Yes.

9 MR. COOPER: You say:

10 We have recently received a complaint from a
11 mother that I feel is very serious. It is
12 regarding Sandy Cameron from the Missing
13 Persons Department. This is not the first
14 time we have had complaints about her.

15 Now, you felt that this was a serious matter?

16 MS. ENS: Yes.

17 MR. COOPER: And it was because there was a strong possibility,
18 if not a likelihood, that many of the missing
19 persons you were dealing with, Tanya Holyk,
20 Dorothy Purcell, Mary Lidguerre, had met with foul
21 play, correct?

22 MS. ENS: Right.

23 MR. COOPER: And Sandy Cameron was refusing to take those
24 reports, right?

25 MS. ENS: Yes.

1 MR. COOPER: And you gave evidence yesterday that after this
2 letter of complaint, you had a meeting with VPD
3 Sergeant Bob Cooper in March, 1997?

4 MS. ENS: I believe there was a meeting in March, '97 with
5 Dorothy Purcell, Tanya Holyk's mother, and I where
6 he came to the office and some of the things that
7 he discussed was Sandy Cameron's disappointment
8 that I would -- that I would feel she would be
9 racist in any way.

10 MR. COOPER: Okay. Mr. Registrar, could the witness be shown
11 Mr. Chantler's document brief? I believe it was
12 120.

13 THE REGISTRAR: 123 NR.

14 MR. COOPER: Would you please turn to Tab 20, please? And
15 that's the interview that you did with Jennifer
16 Evans of the Peel Regional Police?

17 MS. ENS: Yes.

18 MR. COOPER: Could you please turn to page 36 of that
19 interview? And I'm going to refer you to line --
20 starting at line 12 and I'm going to read a
21 passage from that. You say:

22 And that's where, when I had that meeting
23 with Bob Cooper --
24 Jennifer Evans says:
25 Um-hum.

1 And you say:

2 I thought he was going to come over the desk
3 at me because he was so mad, that I would
4 insinuate it was a race thing.

5 Referring -- and I'll stop there. And that's
6 referring to the issues that you were having with
7 Sandy Cameron?

8 MS. ENS: Yes.

9 MR. COOPER:

10 Because I, I thought that it was a race
11 thing. I mean, you know, that, that not
12 wanting to take these reports, you know,
13 that --

14 Jennifer Evans says:

15 Because these women were First Nations?

16 And you say:

17 Yeah. Yeah. And so for me, I, I thought
18 that was Sandy's issue.

19 MS. ENS: And at that time, yes, I did feel that, but, as I
20 said yesterday, after I got to meet other family
21 members and had the -- my support group with
22 family members who were not aboriginal, I found
23 that every one of those family members were
24 treated in the same manner, so it wasn't a race
25 issue as an aboriginal, but every one of those

1 families, whether they were white or black or
2 Metis, were treated the same.

3 MR. COOPER: In terms of Sergeant Cooper's response that you
4 felt that he was going to come over the desk at
5 her because he was so mad, what did you mean by
6 that?

7 MS. ENS: It's been a few years now, but I remember him just
8 getting really red and he was just like fuming
9 mad. And at that point I think it was when
10 Dixie -- Dorothy Purcell had talked about the tape
11 that -- because the way the conversation was
12 going, he wasn't -- it seemed like he wasn't
13 believing that Sandy Cameron was treating Dorothy
14 in this way, and at one point Dorothy said that
15 she had a tape. And I said, well, maybe she
16 should release that tape to the media. And the
17 tape was Dixie's -- Dorothy's home phone where
18 Sandy Cameron had called Dorothy back asking her
19 for the first incident number of when Tanya went
20 missing because she had misplaced it, and that was
21 the one where she called back and told Dorothy
22 that Tanya was just out having a good time and she
23 was closing the file.

24 MR. COOPER: Okay. And given the seriousness of the complaint,
25 you would expect at minimum that your complaints

1 about Miss Cameron would have been fully
2 scrutinized by the VPD, correct?

3 MS. ENS: Well, at that time I thought that's what Bob Cooper
4 was there to talk to us about. I thought that
5 they were looking into that and the behaviour of
6 Sandy Cameron towards -- and -- I mean just not
7 long after that, my understanding -- because we
8 used to have to call communications. You'd call
9 communications. And -- like, which is 911. And
10 if you didn't have a fixed address to -- for
11 somebody that was missing or to report a crime,
12 like, you would be asked to call Missing Persons
13 directly. So that was -- that was when you would
14 be dealing with Sandy Cameron directly. Missing
15 Persons at that time was not being taped. 911 was
16 always taped, but Missing Persons wasn't being
17 taped. And my understanding after the meeting
18 with Bob Cooper, because of Dorothy Purcell's
19 complaint, they were now putting in a system
20 within Missing Persons where all calls would be
21 taped. And so to me that felt like some kind of a
22 step in the positive direction; that at least now
23 there would be some kind of a monitoring where
24 Sandy Cameron's actions would be monitored.
25 There's a taping system. But I -- I heard through

1 sources within there that she had ways of getting
2 around it by call forwarding and that, so I don't
3 know how -- how successful that would have been if
4 that was the situation.

5 MR. COOPER: And despite what you heard, the issues with Sandy
6 Cameron continued from January of 1997?

7 MS. ENS: Yes.

8 MR. COOPER: And fast forward now to 2001 when you were
9 involved with -- you were involved with several
10 meetings with members of Project Evenhanded.
11 Those were family meetings with Project Evenhanded
12 late in 2001; is that correct?

13 MS. ENS: Yes.

14 MR. COOPER: And one was on November 3rd, the other on November
15 25th, 2001?

16 MS. ENS: Yes.

17 MR. COOPER: And is it fair to say that the topic of Sandy
18 Cameron dominated the discussion at those
19 meetings?

20 MS. ENS: Well, I'd say the October 14th, 2001 meeting, that
21 was a real eye opener because that's where a lot
22 of that really came out about all of the families
23 that were present there and that's where for me as
24 an aboriginal person where I said that I felt it
25 was a race issue before, it became really

1 evident -- when you looked at the families that
2 were there, many of them were upper middle class,
3 white families, stable homes, but those families
4 said that they could not report their loved ones
5 as missing and had tried for -- for -- on many
6 occasions. So for me that was a real eye opener.

7 MR. COOPER: And at the time of those meetings it's your
8 understanding that Sandy Cameron was still in the
9 position at the Missing Persons Unit?

10 MS. ENS: Yes.

11 MR. COOPER: Thank you. Those are my questions.

12 THE COMMISSIONER: Thank you, Mr. Cooper. Any further -- Mr.
13 Dickson.

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

15 Thank you, Mr. Commissioner. Tim Dickson for
16 the Vancouver Police Department. And I want to
17 thank the panel for coming and testifying the last
18 couple of days, especially Miss Ens and Mr. Bates.
19 On behalf of the department I want to thank you
20 for your work with the Native Liaison Society.
21 There was some discussion yesterday about when the
22 Native Liaison Society was formed. And, Ms. Ens,
23 I think you said it was formed in 1991.

24 MS. ENS: No. The office opened its doors in April of 1991,
25 but I believe that the work to bring the office

1 into fruition started in somewhere around 1988.

2 MR. DICKSON: Yes. Okay. And I want to clarify that a little
3 bit because my understanding is that the Native
4 Liaison Society was formed in 1981.

5 MS. ENS: The society.

6 MR. DICKSON: Yes. The society. And the storefront, which is
7 the office that you've been speaking of, that
8 opened for the first time in 1991. And I want to
9 show you some documents and see if we can get to
10 common ground on that. Mr. Registrar, it's the
11 commission's binder, Exhibit 119.

12 THE REGISTRAR: They have it.

13 MR. DICKSON: That may be in front of them.

14 MS. ENS: And where is that?

15 MR. DICKSON: So, Ms. Ens, if you go to Tab 17, you'll see a
16 document called "Vancouver Police and Native
17 Storefront Evaluation" and it's dated 1994.

18 MS. ENS: Right.

19 MR. DICKSON: And if we go to -- the number's in the top right
20 corner and you see the long VPNLS number. I'm
21 going to the page that ends 476. And this is
22 setting out the history a little bit, a summary of
23 the history of the storefront. It says:

24 The Vancouver Police and Native storefront
25 resulted from the work of the Vancouver

1 Police and Native Liaison Society which was
2 established in 1981.

3 Oh, I'm sorry. Ms. Ens, are you not there? I
4 should say bottom right -- bottom right corner.
5 It should be page 1 on the bottom right or top
6 right. The number ends 476.

7 MS. ENS: Right.

8 MR. DICKSON: Do you see that?

9 MS. ENS: Yes.

10 MR. DICKSON: And there's a heading there that says "History".

11 MS. ENS: Um-hum.

12 MR. DICKSON: And it says there in the first sentence:

13 The Vancouver Police and Native storefront
14 resulted from the work of the Vancouver
15 Police and Native Liaison Society which was
16 established in 1981.

17 MS. ENS: I think that might be a misprint there.

18 MR. DICKSON: I see. Okay. I'll take you to another document
19 in a moment. But let's just continue here while
20 we are here. The next sentence says this:

21 The society is composed of 13 board members:
22 9 individuals from the community and 4
23 members of the Vancouver Police Department.

24 Ms. Ens, is that -- does that accord with your
25 understanding, that the board is a mix of members

1 from the community and members from the
2 department?

3 MS. ENS: Yes.

4 MR. DICKSON: And when I looked through the documents, it seems
5 that the members of the community are always more
6 than the members from the department. Is that in
7 keeping with what you understood?

8 MS. ENS: Yes, because usually there was -- because I didn't
9 understand why our constables couldn't be
10 president -- or present at our board meetings. I
11 thought it would be good for them to be there.
12 But it was usually an inspector or someone at that
13 rank that would be.

14 MR. DICKSON: Right. And so my understanding here is on the
15 governance of the society, it's governed by a
16 board and then it has staff and that staff
17 includes an executive director, and you came to
18 fulfil that role?

19 MS. ENS: Yes.

20 MR. DICKSON: And the board is again comprised of members of
21 the community and members of the department,
22 correct?

23 MS. ENS: Yes.

24 MR. DICKSON: I just -- I just stress that point, Mr. Bates,
25 because in your testimony, I think, as I heard it,

1 you were saying that the Vancouver Police
2 Department controlled the society and I'm not sure
3 that's accurate, actually, because I think there
4 were a minority of board members from the
5 department. Do you accept that?

6 MR. BATES: The community may not have been -- it may have been
7 outnumbered, but we were controlled by the
8 Vancouver Police Department. We got inspectors on
9 it. It's not -- the community is there to
10 interject, but because it's the Vancouver Police,
11 they are -- there might only have been four there,
12 but their weight packed a lot more than eight
13 others. What they said went down. Now, you could
14 interject stuff, but it was the Vancouver Police
15 Department was -- their board of directors.
16 Although they may have been smaller in numbers,
17 they definitely outpowered the community part.

18 MR. DICKSON: I see. Mr. Bates, did you attend board meetings?

19 MR. BATES: No. Staff was not allowed to attend board
20 meetings.

21 MR. DICKSON: All right. So if we continue in this paragraph,
22 the next sentence says:

23 Representatives from the Federal Solicitor
24 General and the Provincial Attorney General
25 are also present at the monthly board

1 meetings.

2 Miss Ens, was that correct as you understood it?

3 MS. ENS: Well, the first three years of the Vancouver Police
4 and Native Liaison storefront office, when that
5 opened in April of 1991, the first three years it
6 was a pilot project funded by three levels of
7 government, which would have been the federal, the
8 provincial and municipal, yes.

9 MR. DICKSON: Right. And primarily the funding that -- that
10 the society received was coming from the Province,
11 Victim's Services?

12 MS. ENS: Province and the feds and most of the municipal
13 contribution was our officers in kind
14 contribution.

15 MR. DICKSON: Right. So you're saying there the City's
16 contribution, the department's contribution was
17 having officers like Constable Johns and Constable
18 Lawson attend at the storefront?

19 MS. ENS: Yes.

20 MR. DICKSON: Okay. Now, just to finish off this paragraph
21 here, it says:

22 Initial meetings between the Vancouver Police
23 Department and members of the First Nations
24 community began in 1980 --

25 Do you see that?

1 -- to discuss: a) the overrepresentation of
2 the First Nations community in criminal
3 offences and, b) to prevent the
4 revictimization of First Nations persons in
5 Vancouver.

6 MS. ENS: What page are you looking at? I've been turning
7 pages, so I'm kind of lost.

8 MR. DICKSON: Okay. Going back to the page we were on before,
9 again if you look in the top right --

10 MS. ENS: 476?

11 MR. DICKSON: You've got it.

12 MS. ENS: Okay. When I said I believe that was the wrong
13 number, I'm looking down further and it did say
14 that there were things happening in '83, '84. So
15 there was -- probably was the society, but there
16 wasn't the storefront, which I'm referring to as
17 opening the doors of 19 -- April 1st of 1991.

18 MR. DICKSON: Exactly. And so my point is that the society
19 existed, as I understand it, from 1981 and then
20 the storefront is a particular project of the
21 society?

22 MS. ENS: Yes.

23 MR. DICKSON: And that opened in 1991?

24 MS. ENS: Yes.

25 MR. DICKSON: Yes. And if we go over the next tab, Ms. Ens,

1 we'll see an annual report from the Native Indian
2 Liaison Unit of 1992, and this also sets out a bit
3 of history. And can I take you, please, to page
4 8? And so that's the bottom right if you can find
5 that number.

6 MS. ENS: Okay.

7 MR. DICKSON: Do you have that?

8 MS. ENS: Yes.

9 MR. DICKSON: And so this is speaking of, as you can see from
10 the heading at the top, the Vancouver Police and
11 Native Liaison Society. And you can see just in
12 the first sentence there that talks begin in the
13 spring of 1980?

14 MS. ENS: Yes.

15 MR. DICKSON: Looking at forming the society. And then -- and
16 then if we go over to page 10, it starts to set
17 out the initiatives of the society and it says
18 this:

19 The following is a list of programs and
20 projects that have been undertaken by the
21 VPNLS over the last 10 years.

22 And then a number are listed. And if you go over
23 the page, the last bullet point on page 11 speaks
24 to the storefront opening up in 1991?

25 MS. ENS: Yes.

1 MR. DICKSON: Again, we can see that this is a particular
2 initiative of the society and there were indeed
3 other initiatives?

4 MS. ENS: Yes.

5 MR. DICKSON: Now, this document also speaks a bit to the
6 history of the Native Liaison Unit?

7 MS. ENS: Yes.

8 MR. DICKSON: And if you just turn to page 14, please.

9 MS. ENS: Yes.

10 MR. DICKSON: It says this:

11 On the inception of the Vancouver Police &
12 Native Liaison Society in 1981 the Vancouver
13 Police Department assigned two members
14 holding the rank of constable to the
15 "operational arm" of the Society.

16 MS. ENS: Right.

17 MR. DICKSON:

18 The tenure for this position is approximately
19 three years. The two constable positions
20 were staggered. This would give the newest
21 assigned constable sufficient amount of time
22 to work with the native
23 community/organizations and the people within
24 them receive frontline cross-cultural
25 training and receive the expertise of the

1 senior member prior to him leaving the unit.
2 And then it goes on about some administrative
3 matters. And does that accord with your
4 understanding of the history of the Native Liaison
5 Unit, Ms. Ens?

6 MS. ENS: Pretty much, yes.

7 MR. DICKSON: And so we can see here that the Native Liaison
8 Unit existed from the early 1980s, from 1981.
9 Constable Johns, are you aware of that?

10 MR. JOHNS: I'm not sure when it started, no.

11 MR. DICKSON: Perhaps, Ms. Ens, you could pass the binder over
12 to Constable Lawson and Constable Johns. This
13 page we're on here, page 14 of this tab, it
14 includes a mission statement for the unit and
15 it's -- it says this:

16 To develop a better relationship between
17 native people and the Vancouver Police.
18 Constable Lawson, is that your understanding of
19 the general mission of the unit?

20 MR. LAWSON: Yes, it is.

21 MR. DICKSON: Then the mandate says:

22 Maintain an ongoing relationship with the
23 different native organizations through
24 informal contact in order to further open the
25 lines of communication between native people

1 and the Vancouver Police Department.

2 And is that in general terms the mandate as you
3 saw it?

4 MR. LAWSON: Yes, it was.

5 MR. DICKSON: And if you turn over the page, this document
6 discusses the duties and responsibilities of the
7 unit and it's got eight duties there listed. And
8 I'll try and summarize them quickly. The first
9 one is: Referring clients to the storefront and
10 social service agencies. And, Constable Lawson,
11 was that part of the -- part of your duties?

12 MR. LAWSON: Yes, it was.

13 MR. DICKSON: And then 2 it's:

14 Maintain an ongoing working relationship with
15 the native storefront staff so to improve
16 accessibility of police services for native
17 people.

18 And you saw that as part of your work?

19 MR. LAWSON: I did.

20 MR. DICKSON: And then 3:

21 Assist First Nations people with the
22 opportunities for employment in
23 police-related careers.

24 Were you involved in that?

25 MR. LAWSON: At times we do mentorships or even attend some of

1 the education centres and give them information
2 with regards to types of education required to
3 involve themselves in policing.

4 MR. DICKSON: And then 4:

5 Maintain --

6 I see the numbering is actually a little out of
7 order. There's two 2's. But, anyway, the fourth
8 paragraph here:

9 Maintain an ongoing relationship with First
10 Nations organizations and social service
11 agencies to alleviate the extreme social
12 dislocation experienced by native people --
13 by many native people in the urban
14 environment.

15 And were you working on those ongoing
16 relationships with First Nations organizations?

17 MR. LAWSON: We were.

18 MR. DICKSON: And then the fifth paragraph there says:

19 Provide easier access for First Nations
20 people to the police department through
21 informal contacts -- contacts and speaking
22 referrals.

23 Constable Johns, was that part of your work?

24 MR. JOHNS: It was.

25 MR. DICKSON: And the next paragraph says:

1 Enforce all the statutes, focusing on the

2 Downtown Eastside area.

3 Did you engage in much enforcement activity?

4 MR. JOHNS: We did some, yes.

5 MR. DICKSON: And then the next paragraph says:

6 To aid social services agencies in resolving

7 problems with First Nations people in

8 conflict with the law.

9 Did you work with social service agencies in that

10 respect?

11 MR. LAWSON: Yes, we did.

12 MR. DICKSON: Can you give an example?

13 MR. LAWSON: Whenever we had to give our briefings or meetings

14 or presentations that we had to any one of the

15 agencies, if there were people there actually

16 inquiring as to how to resolve a police issue,

17 whether it be a breaching, whether the conditions

18 on there, they were discharged from court or a

19 warrant, they would often ask in that environment

20 because they felt that -- or they understood that

21 we were not going to arrest them or take action at

22 that time. We gave them an opportunity to turn

23 themselves in as opposed to having more negative

24 police action.

25 MR. DICKSON: Right. And then the second-to-last paragraph

1 there says:

2 Develop statistical data on First Nations
3 incidents requiring police attendance,
4 reports or preliminary contacts.

5 Were you involved in that?

6 MR. LAWSON: I'd have to admit we didn't do very much in the
7 way of statistics.

8 MR. DICKSON: Okay. And then the last paragraph there says:

9 Maintain an ongoing informal relationship
10 with First Nations youth in order to project
11 a more positive image of the police.

12 I think we heard that you organized sports teams
13 and the like. Is that true?

14 MR. LAWSON: That's true. And we'd also attend a number of the
15 powwows, family nights and -- yes.

16 MR. DICKSON: Yes. And I want to ask you just a little bit
17 more about that in a second, but just while we're
18 on the society and the Native Liaison Unit, it's
19 my understanding these are two separate entities
20 that are working together in the same office, in
21 the storefront; is that fair?

22 MR. LAWSON: That is correct.

23 MR. DICKSON: The two constables assigned -- the two constables
24 in the Native Liaison Unit assigned to work with
25 the storefront -- you were not governed by the

1 Native Liaison Society, were you?

2 MR. LAWSON: We were not. We took a number of direction from
3 them. We worked as a team with them. So we were
4 still employed and as a Vancouver Police and we
5 were sort of directed by them as well.

6 MR. DICKSON: Okay. Thank you. And I just want to go back,
7 then, to that comment you were making about going
8 to powwows, going to family nights. Family
9 nights, was that at the Aboriginal Friendship
10 Centre?

11 MR. LAWSON: Yes. Aboriginal Friendship Centre at 1607 East
12 Hastings.

13 MR. DICKSON: And there's been -- well, did you also go to
14 funerals?

15 MR. JOHNS: I attended a few.

16 MR. DICKSON: There's been suggestion that the Vancouver Police
17 Department should attend such functions, powwows,
18 family nights, cultural events in order to -- to
19 establish a more positive relationship with First
20 Nations communities. That was, I take it, part of
21 your function?

22 MR. LAWSON: That's correct.

23 MR. DICKSON: Now, is it fair to say that during your work,
24 constables, with the Native Liaison Unit, you
25 learned a great deal about ways to interact with

1 people down there, with victims, say, of crimes,
2 of people coming in and reporting incidents?
3 You -- I suggest you must have learned a lot on
4 the job as to how to approach people coming in
5 when they're vulnerable and needing to talk to
6 someone; is that fair?

7 MR. JOHNS: I would say so, yes.

8 MR. DICKSON: And I wonder if you could share with the
9 commission a little bit some of the lessons you
10 may have learned about how to assist that
11 communication process.

12 MR. JOHNS: Okay. Very lengthy. It's very lengthy. I would
13 say that patience is very important because
14 there's -- they may see blue or no trust there.
15 It may have to take and maybe meet two or three
16 times to -- for them to see us as people.
17 Patience. Mostly listening and hearing what
18 they're saying. You can listen to people, but
19 it's to hear what they're trying to say.

20 MR. DICKSON: Do you agree with that, Constable Lawson?

21 MR. LAWSON: I do. I do. And saying that, and anything that
22 we had to do in an official capacity that they can
23 report from someone -- it doesn't have to be
24 specific as to what the report was about, but it
25 was important for us to sit there and actually,

1 like he says, listen and not try to dictate the
2 time, the tempo of the interview. If we started
3 pressing for answers like policemen do, they just
4 shut down. They won't talk to us anymore. They
5 just look at us and think, well, he's not
6 interested in hearing what I'm saying. He's more
7 interested in finding out more information that
8 doesn't really seem relevant to them.

9 MR. DICKSON: Would you agree that's important, Ms. Ens?

10 MS. ENS: Yes.

11 MR. DICKSON: Now, Ms. Ens and Mr. Bates, is it fair to say you
12 have a high opinion of Constables Lawson and
13 Johns?

14 MS. ENS: For sure, yes.

15 MR. DICKSON: Mr. Bates, is that so?

16 MR. BATES: Totally. Totally. I'm just teasing. Yes.

17 Totally. I thought the greatest team that
18 complemented the Vancouver Police Native Liaison
19 and exactly what we're saying. Their presence
20 made it so -- the community just seemed to have a
21 nicer spot because when Jay and George were out,
22 you know, they knew that they could go and talk
23 to them. Just seeing them at the powwows or the
24 family nights, just having their presence there
25 made the native community -- the aboriginal

1 community just feel nice. They used to make
2 George have to dance. So I mean it was that kind
3 of a thing where they were very well respected in
4 the community. I remember when -- when -- when
5 Jay finally made detective and he got into a suit
6 and he moved upstairs, we had people -- people
7 coming on the street say, "What happened to Jay?
8 He's in a suit now. Has he changed?" It was
9 just -- they were a very warm figure on the
10 Downtown Eastside to see them come.

11 MR. DICKSON: And is it also fair to say that you had high
12 opinions of the other officers who were assigned
13 to the Native Liaison Unit with whom you worked at
14 the storefront?

15 MR. BATES: Totally. Totally. Mike MacDonald worked there,
16 Tony Sartori. Excellent.

17 MR. DICKSON: And then there were Mark and Mark, I think.

18 MR. BATES: Well, I didn't -- I only met them just in the
19 beginning. I just met them -- I only met them a
20 couple times. They were changing over and our
21 office was going through a bit of a transition.
22 But -- so my first was with Jay came in and then
23 George came in and they were there. And then I
24 think Jay graduated or something. And, anyway, he
25 went upstairs and then there was Mike, make

1 MacDonald and George. And then George was moved
2 to Musqueam. But everybody stayed in touch with
3 each other. I mean instead of just having two
4 constables, now we had Mike MacDonald, we had Tony
5 Sartori and we still had Mark and Mark, you know,
6 so that whole unit sort of -- we got to know the
7 community pretty good. It was a pretty incredible
8 environment, you know.

9 MR. DICKSON: And, Ms. Ens, did you work with -- it's Officers
10 Mark and Mark. I think Mark Jarvie and --

11 MR. BATES: Mark Graf.

12 MR. DICKSON: And Mark Graf. And did you work with them, Ms.
13 Ens?

14 MS. ENS: Yes, I did.

15 MR. DICKSON: And what was your opinion of them?

16 MS. ENS: I liked them. And in all fairness to Dave Dickson, I
17 actually did like Dave Dickson. I just didn't
18 like the way he worked.

19 MR. DICKSON: Okay. And, you know, I'll ask you a little bit
20 more about him. And so it seems that the officers
21 who were assigned to the Native Liaison Unit, you
22 had very good relationships with them. And, Ms.
23 Ens, I took it from your testimony earlier that
24 you would sometimes have Major Crime investigators
25 come in to your office to do an interview. You

1 recall that testimony?

2 MS. ENS: Yes.

3 MR. DICKSON: And that would happen from time to time, I take
4 it?

5 MS. ENS: Yes.

6 MR. DICKSON: And those relationships with Major Crime, with
7 Trish Keen, for instance, out of SOS, those were
8 generally good working relationships?

9 MS. ENS: Yes.

10 MR. DICKSON: And, Mr. Bates, clearly you had a very close
11 working relationship with Ed Tempest, the
12 coroner's liaison?

13 MR. BATES: Yes. Ed. Yes, we did. He -- I just got lucky one
14 day when he was looking for somebody that had
15 passed away and he needed to notified next of kin,
16 and I just managed to have all these numbers about
17 every Indian band on my wall right there, and I
18 looked and we got a number and within two minutes
19 it's on a videotape. He says, "Within two minutes
20 I did find it. We found the band. We got next of
21 kin." So right away there we became each other's
22 resource. So if he needed something, he'd just
23 give me a holler and if I had to find out if
24 somebody may have died or something there, I could
25 call him in a second. A very excellent working

1 relationship.

2 MS. ENS: And there were a lot of, actually, officers that
3 worked within the Downtown Eastside or Vancouver
4 that would sometimes refer clients to the office,
5 actually bring them in, that we had a good close
6 relationship with. But I have to state that with
7 Trish Keen, she went above and beyond and we
8 really felt that there was times that she stuck
9 her neck out to assist us because we couldn't get
10 beyond Sandy Cameron.

11 MR. DICKSON: Yes. And the road block there that you couldn't
12 get through was the Missing Persons Unit?

13 MS. ENS: Yes.

14 MR. DICKSON: And that was -- that was the major road block you
15 encountered with the department?

16 MS. ENS: Yes.

17 MR. DICKSON: Is that fair?

18 MS. ENS: Yes.

19 MR. DICKSON: And, Constable Johns, as part of your work, you
20 would take reports in the storefront on such
21 things as, say, an assault, and I understand then
22 you would write the report up. You'd get an
23 incident number and it would go to Major Crime; is
24 that correct?

25 MR. JOHNS: Well, an assault wouldn't go to Major Crime, but

1 sexual assault or such would -- you wrote the
2 report and then it would go through the chain.

3 MR. DICKSON: Okay. And so Mr. Cooper was asking you, you
4 know, was this a formalized process. And I take
5 it there was a protocol for dealing with these
6 reports that would come in to the office. A
7 constable, a police officer would take the report,
8 an incident number would be assigned and then
9 there was a channel for it going up into the
10 department; is that correct?

11 MR. JOHNS: There's a procedure, yes.

12 MR. DICKSON: Okay. And did you hear of any road blocks in
13 that procedure, such reports going up to the
14 department?

15 MR. JOHNS: Not in sexual offences, no, but I wouldn't follow
16 the chain.

17 MR. DICKSON: Okay. Now, I want to turn just briefly to Elsie
18 Sebastian. Mr. Bates, did you know that the VPD
19 took a missing person report for Miss Sebastian,
20 in relation to Miss Sebastian in 1993?

21 MR. BATES: No.

22 MR. DICKSON: Okay. Well, perhaps we could turn to Exhibit 123
23 NR. Mr. Registrar, I don't know if they have
24 that.

25 THE REGISTRAR: I think they have that. He has it.

1 MR. DICKSON: Okay. And if you just go to Tab 1, Mr. Bates.
2 And this is -- appears to be the Vancouver Police
3 Department's Missing Persons report, and it's for
4 Elsie Jones, but that was -- that was a name that
5 Elsie Sebastian also used, correct?
6 MR. BATES: Who was this taken by? Mark Jarvie? Oh, okay.
7 Oh, Mary Jones. Okay. Well, if that was the
8 case.
9 MR. DICKSON: Yes.
10 MR. BATES: Then -- I never saw this document before. And I
11 never knew that Mark Jarvie was -- ever took this
12 report. If he did, I don't know where it went to.
13 MR. DICKSON: Okay. In the bottom right -- I appreciate you
14 haven't seen it before. Bottom right it says:
15 September 14th, 1993.
16 It says:
17 Info is she has been seen by relatives.
18 You see that?
19 MR. BATES: No.
20 MR. DICKSON: Right in the bottom right corner of that report.
21 MR. BATES: "She has been seen by relatives."
22 MR. DICKSON: Yes.
23 MR. BATES: And who wrote that?
24 MR. DICKSON: Well, I'm not certain. But had you heard that in
25 1993?

1 MR. BATES: No. Not this. You're saying this is a '93. See
2 my relatives it says in '95. It says 95.09.14.
3 What's that?
4 MR. DICKSON: Oh, I see. I read it as 93.09.14.
5 MR. BATES: Okay. Well, it looks like -- '93 is over there?
6 '93 is over there. And this one looks like
7 95.09.14, info that she's been seen by relatives.
8 I was looking for her in '94.
9 MR. DICKSON: Yes. I understand it. You and I might --
10 MR. BATES: So I guess somebody must have saw her.
11 MR. DICKSON: And, Mr. Bates, I look at that and I see '93 and
12 you see '95.
13 MR. BATES: Okay. But it's '93. Okay. 93.09 -- 08, 09.
14 Okay. Well, if you want to look at it as '93,
15 then it's info that she was seen by relatives, but
16 I was looking for her in '94.
17 MR. DICKSON: Yes. Okay.
18 MR. BATES: I've never seen this before.
19 MR. DICKSON: Okay.
20 MR. BATES: And she may have been. I'm not saying that this is
21 not true, but in '94 we couldn't -- we couldn't
22 get a missing persons report. That's when her
23 family was trying to do this. Who filed this
24 report?
25 MR. DICKSON: Well, let's just turn to Tab 2, Mr. Bates. And I

1 just want to ask a couple of follow-up questions.
2 Now, you were taken by Mr. Chantler to this -- to
3 your notes here behind Tab 2, right?

4 MR. BATES: Tab 2, yes. Yes.

5 MR. DICKSON: Yes. And you told Ann Livingston that Elsie
6 Sebastian was around Oppenheimer Park and she was
7 living in the Sunrise Hotel, and your evidence is
8 you got that from Constable Dickson?

9 MR. BATES: Yes.

10 MR. DICKSON: And my understanding is that that information,
11 that turned out to be about another woman with the
12 same name. Did you hear that later on?

13 MR. BATES: No. I mean we're looking for Elsie Jones Sebastian
14 and I'm looking for Bobby Sebastian's wife. And I
15 know Ann Livingston and Danny Mack is her --
16 playing in my band as a guitar player and Ann
17 knows me really well. She came over. And the
18 girls were trying to get -- find her mother. And
19 then Ann came to me and then I -- that's what
20 information I got. Next thing I go is that -- I
21 go out and I do the checking around and then I was
22 told by Dave Dickson that she's hanging around
23 Oppenheimer Park, and that was on June 21st.

24 MR. DICKSON: And I just want to ask did you ever hear a
25 suggestion later on down the road, maybe perhaps

1 years down the road, that that information about
2 Oppenheimer Park and the Sunrise Hotel was
3 relating to a different woman with the same name
4 and there was a mistake there? Did you ever hear
5 that?

6 MS. ENS: I heard that. I believe we had gone to Port Alberni
7 to do a presentation and the police officer there
8 was somebody that had assisted, I believe, the
9 brother and that's what they had been told. There
10 was a mistaken identity on the Elsie Sebastian
11 Jones. The person that they thought was Elsie
12 Sebastian Jones actually was an Elsie Jones.

13 MR. BATES: But where is Elsie Jones Sebastian?

14 MR. DICKSON: So -- okay. Now, Mr. Bates, turning to 1999, you
15 had those conversations over the phone with
16 Donalee Sebastian, correct?

17 MR. BATES: Do I have it?

18 MR. DICKSON: I'm just asking you. Mr. Chantler was asking you
19 about your calls in August.

20 MR. BATES: I can't remember what I had for breakfast here, so
21 slow down.

22 MR. DICKSON: Okay. 1999 you spoke with Donalee Sebastian?

23 MR. BATES: Yes. '99 she would have called me again because
24 she had a little baby boy, and the baby boy, and
25 she wanted to tell her grand -- tell her mother

1 that she had -- she had a grandson.

2 MR. DICKSON: Yes. I know. So, Mr. Bates --

3 MR. BATES: That was that conversation. Then they opened it up
4 all again and about that time we got another
5 thing, I think, that she's in Seattle. Then we
6 start the whole process again.

7 MR. DICKSON: So I want to ask you just a specific thing, Mr.
8 Bates. And that's -- Mr. Chantler showed you her
9 testimony in this inquiry and you agreed that you
10 were telling her that the VPD would not be
11 interested in taking a missing persons report in
12 respect of her mom. And here's the question: Did
13 you think about going to one of the Native Liaison
14 Unit constables and trying to get one of them to
15 take the report because --

16 MR. BATES: You've got to go to Missing Persons. You don't go
17 to -- it's got to go to Missing Persons.

18 MR. DICKSON: Right.

19 MR. BATES: The person who wants the person to be found has to
20 go to Missing Persons. It's not our job to start
21 running around to different constables. I mean I
22 went out and I talked to Dave Dickson. Dave
23 Dickson, he's a cop. He's out there in the street
24 every day, hangs around WISH every night. He
25 knows every woman in the Downtown Eastside. So if

1 Dave doesn't know she's around, I don't know who
2 does.

3 MR. DICKSON: Okay. That was in 1994, Mr. Bates. I'm talking
4 about 1999, five years later. And the reason I
5 ask you this, Mr. Bates, is because in 1997,
6 that's what was done with respect to the missing
7 persons report about Tanya Holyk. Constable
8 Johns -- Detective Johns took that report, as we
9 saw earlier today. That was in 1997. This is in
10 1999 and I'm --

11 MR. BATES: Okay. But you understand -- understand she's
12 calling me from Kamloops, BC. Now, right there
13 the report has got to come out of Kamloops to the
14 RCMP. This is not a Vancouver PD issue, okay? I
15 mean they -- you can't even talk to anybody about
16 it. We might be able to keep an eye out for her,
17 but she's in Kamloops and that's where -- and her
18 family's actually from Hazelton, so that report
19 has got to start -- that's what they're telling
20 you. It's got to start in -- she's got to go to
21 the RCMP in Kamloops to make that report.
22 Kamloops may say, "Okay. Well, this is next of
23 kin, but she's originally from Hazelton." I was
24 assuming Hazelton. So it should establish from
25 Hazelton possibly or -- either Hazelton or

1 Kamloops. It's not going to come down to
2 Vancouver PD. She's calling from Kamloops. She's
3 not sitting in front here. I can't say okay.
4 Mark Jarvie might have took this other one if
5 somebody was standing in front of him, but we
6 can't go and take missing persons report from
7 Kamloops or Kelowna. They've got to come up
8 there. That's what they've got the RCMP up there
9 for.

10 MR. DICKSON: Okay. So -- so, Mr. Bates, are you saying that
11 actually what you were telling Donalee Sebastian
12 is not that the VPD don't want to take your report
13 because of who your mother is, but it's the RCMP
14 in Kamloops that has to take it? I'm confused.

15 MR. BATES: All I knew of the experience by that time, I knew
16 it was going to be really hard to get a case
17 opened about a lady that's been missing and -- a
18 middle-aged First Nations woman that possibly be
19 working on the Downtown Eastside, possibly in the
20 drug trade or whatever, and for the Vancouver PD
21 that's going to open up the file and work on it,
22 it's probably -- they're going to say right there
23 it's got to come out of Kamloops. That's an RCMP
24 file. That's what I felt -- that's what I knew
25 was going to go down.

1 MR. DICKSON: You didn't speak to anyone in the department
2 about that. That was what you believed would
3 happen?

4 MR. BATES: Well, Donalee, she had already been calling the
5 Vancouver PD about it. That's why she's trying to
6 talk to Sandy Cameron and anybody down there.
7 Nobody's going to listen to her down there.

8 MR. DICKSON: I'm going to move on and I want to turn to
9 Constable Dickson. He's been criticized a fair
10 amount by this panel. Ms. Ens, you said a few
11 minutes ago that you liked Constable Dickson
12 despite your -- some misgivings you've expressed.
13 Is it fair to say that he -- he did do a lot of
14 good work in the Downtown Eastside?

15 MS. ENS: I -- I'm just going by what I saw of him and for
16 what -- from what I saw of him the way he carried
17 himself, it was all about Dave. It wasn't about
18 the work. It was about Dave and it was like a
19 popularity contest almost. And that's -- and to
20 me the job shouldn't be about us. The job should
21 be about the people we are there to serve.

22 MR. DICKSON: Right.

23 MR. BATES: I'd like to comment on this also.

24 MR. DICKSON: Yes.

25 MR. BATES: I have nothing against Dave, you know. I mean I

1 think he's a nice guy. I've known him for a few
2 years. I think if you want to ask how Dave
3 Dickson was doing his job and how good he was
4 doing it, I think you should subpoena all those
5 little books that he has and how many reports did
6 he make about those missing women. Ask him to
7 show his stuff, which he's got to have. He was --
8 he was down there for 25 years. He's got to have
9 some kind of a paper trail. Go chase down his
10 paper trail and he can tell you how great he was.
11 It's not for us to do. I don't know how many
12 reports he made.

13 MR. DICKSON: Okay.

14 MR. BATES: So if you find out -- ask for his reports and then
15 you'll answer your own questions.

16 MR. DICKSON: Okay. Constable Lawson, Constable Johns, do
17 you -- do you want to chime in on this? Did
18 Constable Dickson do good work in the Downtown
19 Eastside? And I ask it that way not to dispel
20 evidence that was given here earlier, but just to
21 balance it out. Did he also do good work in the
22 Downtown Eastside?

23 MR. JOHNS: For sure. I worked with Dave for a year and a
24 half. Dave had his style, I had my style and we
25 worked pretty good. And Dave was the one that

1 introduced me to the employees of the storefront
2 and that's where I got my interest from.

3 MR. DICKSON: Yes. And yesterday there was some mention of the
4 politics of the Downtown Eastside among the social
5 service organizations and you mentioned John
6 Turvey and Deb Mearns and Judy McGuire and they
7 were large forces among the social services
8 organizations down there. That's fair, Ms. Ens?

9 MS. ENS: Yes.

10 MR. DICKSON: And they were big supporters of Dave Dickson,
11 correct, Ms. Ens?

12 MS. ENS: They always put up protests when he was going to be
13 moved or whatever, whatever.

14 MR. DICKSON: Yes. And I wanted to ask about that because, Mr.
15 Bates, yesterday you mentioned that Constable
16 Dickson worked in the Downtown Eastside for many,
17 many years?

18 MR. BATES: 25 plus, I think.

19 MR. DICKSON: Whereas the usual course is that the department
20 will move officers around?

21 MR. BATES: Yes.

22 MR. DICKSON: And I think you were critical of Constable
23 Dickson being down there for so long?

24 MR. BATES: Well, I wasn't critical, but I mean he's down there
25 by himself for 25 years. Now, when you're down

1 there for a couple years, you move over to
2 Traffic. You move over here. You're moved
3 around, you know, like -- and so he worked down
4 there for 25 years. Except for the year and a
5 half that he was with Jay Johns, he didn't have a
6 partner and I don't know who he was accountable
7 to.

8 MR. DICKSON: Okay.

9 MR. BATES: And I don't know what he was doing down there.

10 MR. DICKSON: Okay. And, Ms. Ens, you just mentioned that when
11 the department would try to move him, some members
12 in the community would protest?

13 MS. ENS: Can I just talk specifically about Native Liaison and
14 that when Dave was being moved out of Native
15 Liaison?

16 MR. DICKSON: Sure.

17 MS. ENS: When Dave was being moved out of Native Liaison, we
18 as staff within the Native Liaison felt it was a
19 really good idea that, you know, new officers come
20 in. They learn more about the community. They
21 educate other members, et cetera, et cetera. And
22 so it was kind of a bit of a shock to us to read
23 Bob Stall's article about the aboriginal community
24 not trusting the new officers that had come in,
25 which wasn't our experience. And nobody came and

1 talked to us about what we thought or felt as
2 staff working within Native liaison.

3 MR. DICKSON: And just going back to the reaction when the
4 department would try and move Dave Dickson out of
5 the community. There's an example during the
6 years of this inquiry, 1997 to 2002. The
7 department tried to assign him to the missing
8 women investigation and there was a petition and a
9 planned protest and ultimately the compromise was
10 that he would work 50/50 on the investigation and
11 down at the neighbourhood safety office. Did you
12 hear about that, Ms. Ens?

13 MS. ENS: Yes.

14 MR. DICKSON: Now, just I want to turn to this question of
15 whether everything had to be reported through Dave
16 Dickson. You recall what I'm speaking of there,
17 Ms. Ens. You were saying that at one of the
18 family meetings with Evenhanded, one of the
19 questions was, you know, is it a VPD policy or is
20 it a WISH policy that everything be reported
21 through Dave Dickson. And I suggest the answer is
22 it's -- it was not a VPD policy?

23 MS. ENS: No. And Chris Beach did say that at that meeting,
24 that, no, it was not a Vancouver Police Department
25 policy.

1 MR. DICKSON: Yes. And I believe Constable Dickson has
2 testified to the same effect here. Now, the --

3 THE COMMISSIONER: How much longer are you going to be?

4 MR. DICKSON: I'm going to be 15 minutes.

5 THE COMMISSIONER: We'll take the break.

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

7 (PROCEEDINGS ADJOURNED AT 3:05 P.M.)

8 (PROCEEDINGS RESUMED AT 3:20 P.M.)

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

10 MR. DICKSON: Yes, Mr. Commissioner. Again, Tim Dickson for
11 the department. Panel members, before the break I
12 was turning to the Vancouver Aboriginal Community
13 Policing Centre because the storefront closed down
14 in 2003; that's correct, Ms. Ens?

15 MS. ENS: Yes.

16 MR. DICKSON: Indeed, the society closed down in 2003 as well,
17 the overall society, not just the storefront?

18 MS. ENS: I guess so, yes.

19 MR. DICKSON: I think you have to turn on your mike.

20 MS. ENS: I believe so, yes.

21 MR. DICKSON: And all of you have said, I believe, that the
22 storefront was very worthwhile?

23 MS. ENS: Yes.

24 MR. DICKSON: It did good work?

25 MR. JOHNS: I agree.

1 MR. DICKSON: All of you agree with that?

2 MR. BATES: Totally.

3 MR. DICKSON: And are any of you familiar with the Vancouver
4 Aboriginal Community Policing Centre?

5 MS. ENS: Yes. I am.

6 MR. DICKSON: And I understand that that started up in 2006.
7 Are you aware of that, Ms. Ens?

8 MS. ENS: Yes. I know it started up after Native Liaison, yes.

9 MR. DICKSON: And it has an office on East Hastings between
10 Hawks and Campbell Avenue?

11 MS. ENS: Yes. They recently moved, yes.

12 MR. DICKSON: And I think it has a mandate similar to the
13 Native Liaison Society. The mandate is that it
14 will -- it was developed to provide a safe place
15 where community members could gather to identify,
16 discuss and address justice and safety issues in
17 Vancouver. It will also serve as a positive link
18 between the Vancouver aboriginal community and the
19 Vancouver Police Department. "We will provide an
20 avenue to engage and support people to better
21 understand and utilize the services of the VPD and
22 to rebuild a healthier relationship with the
23 aboriginal community and the VPD." Ms. Ens, you
24 may not know that specific wording, but in general
25 terms does that accord with your understanding of

1 its role?

2 MS. ENS: In general terms I -- I believe so. But at the same
3 time I don't believe that they have designated
4 like Native Liaison did where there were the two
5 constables full time designated to the office
6 to -- to do the work that they did, because my
7 understanding is that it was still one officer.
8 25 percent of his time was to that position.

9 MR. DICKSON: Yes.

10 MS. ENS: And not specifically out of that office either.

11 MR. DICKSON: Okay. And so my understanding is that there is
12 now a centre that serves a similar role to the
13 Native Liaison Society, but there is not as much
14 in the way of the Native Liaison Unit in the sense
15 of now there's only one officer and -- and is not
16 based in that office; is that -- is that a fair
17 summary?

18 MS. ENS: Yes.

19 MR. DICKSON: Okay. Now, just turning to the closure of the
20 society in 2003. Mr. Bates, you said in your
21 evidence yesterday that you thought perhaps the
22 Native Liaison Society was an embarrassment to the
23 VPD because the society was actually finding
24 people and so that's perhaps why the department
25 shut it down. Do you recall saying that?

1 MR. BATES: Well, I'm not saying it was an embarrassment. I'm
2 saying we had a whole lot of files in that office
3 and we had them for years, okay? I knew just
4 about half of these women there. And when they
5 shut it down, they seconded Mike MacDonald, our
6 officer, to go work for the task force.

7 MR. DICKSON: You mean Evenhanded?

8 MR. BATES: Evenhanded. They seconded him to go and work. So
9 they took our staff -- well, Freda went, Marilynne
10 Johnny went, and Constable Mike -- Mike MacDonald
11 went. Okay. So I was the only one that didn't go
12 and so I -- by that -- I mean here you -- they
13 take our whole staff out of there basically and
14 shut it down, that's it.

15 MR. DICKSON: Okay. And I want to be clear on who the they is.

16 MR. BATES: Well --

17 MR. DICKSON: Hang on, Mr. Bates, because -- because my
18 understanding is that the society ultimately shut
19 down because Victim Services Division of the
20 Province did not renew the funding for various
21 reasons and it was not the department that shut it
22 down, but the funding was not renewed. And do you
23 accept that?

24 MR. BATES: Well, Freda's a victim worker, so she goes to
25 Evenhanded. Marilynne's a victim worker and we

1 have our other -- Mike MacDonald went over there.
2 So there's nobody in there, so they might as well
3 shut it down.

4 MR. DICKSON: I see. Okay. Well -- and so I want to go
5 back --

6 MR. BATES: You can slice it any way you want, but they went
7 all to work over there and they shut it down.

8 MR. DICKSON: Very well. So I don't need to pursue that
9 further if we're on common ground that it is not
10 the case that the department shut the Native
11 Liaison Society down because -- because of your
12 suggestion that it was an embarrassment to the
13 department.

14 MR. BATES: Well, they yanked -- well, there was -- we only had
15 one constable left and he went back in patrol and
16 they took Mike MacDonald, and they took two other
17 staff and there was nobody left there, so there
18 was no reason for Victim Service to fund it. And
19 I think Bob Rich went and got the office that we
20 were in, so it's all -- they just made it
21 disappear.

22 MR. DICKSON: Okay. Just tell me this: Do you withdraw the
23 statement that the VPD shut down the Native
24 Liaison Society because it might have been an
25 embarrassment to the VPD because you were finding

1 people, the statement you made yesterday?

2 MR. BATES: Yes. I think that's -- that was a lot of reason to
3 do with it.

4 MR. DICKSON: You think -- you stand by that statement, do you?

5 MR. BATES: Yes.

6 MR. DICKSON: Okay. I just need to hand up a document. So,
7 Mr. Bates, if we just look on the first page of
8 this package of documents I handed you. This is
9 from the Victim Services Division. And that's
10 a -- that's a provincial entity, isn't it, Miss
11 Bates -- or sorry -- Ms. Ens?

12 MS. ENS: Pardon?

13 MR. DICKSON: You see on the first page of this document
14 "Victim Services Division". That's a provincial
15 entity, correct?

16 MS. ENS: Yes.

17 MR. DICKSON: Okay. And these documents are from the Victim
18 Services Division's file?

19 MS. ENS: Yes.

20 MR. DICKSON: And if we turn over to the second page, there's a
21 bit of a chronology. And, Ms. Ens, what I
22 understand happened is -- is that, as I say,
23 Victim Services Department ultimately chose not to
24 renew the funding of the Native Liaison Society.
25 That's true, isn't it, Ms. Ens?

1 MS. ENS: Yes, it is.

2 MR. DICKSON: And what seems to have happened is that in the
3 spring of 2003 there were resignations among staff
4 and board members at the Native Liaison Society
5 and the Victim Services Division lost confidence
6 in the ability of this society to perform its
7 duties. That's a very general statement, but is
8 it generally true, Miss Ens?

9 MS. ENS: Yes. They actually fired me.

10 MR. DICKSON: Yes, they did. And just drilling down a little
11 further, the catalyst, Ms. Ens, for the
12 resignations appeared to have been an alleged
13 breach of confidence by a staff member and that
14 appears to have caused a great deal of discord
15 between the board and the staff as to how that
16 ought to be handled. Is that a fair summary, Ms.
17 Ens?

18 MS. ENS: That was a part of it, yes.

19 MR. DICKSON: And, Ms. Ens, it was alleged that Mr. Bates was
20 the one who breached the confidentiality?

21 MS. ENS: Yes.

22 MR. DICKSON: Mr. Bates, please see here page 2 of this package
23 of documents. I'm going to show you what I mean
24 by this. If we look at the fourth bullet on this
25 second page, it says this:

1 Advised by ED --

2 And I think that means executive director and I
3 think that means --

4 MR. BATES: Which one?

5 MR. DICKSON: The second page of the package, Mr. Bates. Do
6 you see the fifth bullet there?

7 MR. BATES: Yes.

8 MR. DICKSON:

9 Advised by ED on --

10 And, again, we're on common ground that's
11 executive director, Ms. Ens?

12 MS. ENS: Yes.

13 MR. DICKSON: That's you?

14 On April 10th, 2003 of an alleged breach of
15 confidentiality which came to her attention
16 in a letter to the program dated February
17 17th, 2003. Business resulted in
18 considerable discord between the executive
19 director and the board as to how this matter
20 should be addressed.

21 And, again, that's true, Ms. Ens?

22 MS. ENS: Yes.

23 MR. DICKSON: And then the next bullet it says:

24 Board members resigning. Unsure of
25 sufficient numbers left to constitute a

1 board.

2 And so the situation caused some acrimony within
3 the society and a number of people left; isn't
4 that true, Ms. Ens?

5 MS. ENS: Yes.

6 MR. DICKSON: And then if we go the next bullet point:

7 Victim Services Division called a meeting
8 with the board and the VPD.

9 And just to summarize there, there was this
10 meeting and they're trying to figure out a way
11 forward. And then, Ms. Ens, part of the solution
12 was to give some interim funding, three months of
13 interim funding; is that true? Do you recall
14 that?

15 MS. ENS: That's what the document says.

16 MR. DICKSON: And, Mr. Bates, if we look three bullets from the
17 bottom on this page:

18 May 16, 2003. Victim Services Division
19 received an e-mail from Joy Ward --
20 Who was the board contact.

21 -- advising that she --

22 Oh, sorry.

23 Advising that she was our board contact. She
24 advised that a letter was being placed on
25 Morris Bates' file with reference to the

1 breach of confidentiality and that Victim
2 Services Division would be provided with a
3 copy within the next week.

4 Do you see that?

5 MR. BATES: Yes.

6 MR. DICKSON: Okay. And then if you go over in this package of
7 documents to -- the numbers are at the top right
8 corner and it ends in 189. And you'll see that
9 heading is "Rationale For Not Continuing Funding
10 For Vancouver Police And Native Liaison Society."
11 And then the first bullet says:

12 Status of board and membership presented -
13 mass resignations.

14 And then the fourth bullet is:

15 Allegation of breach of confidentiality
16 identified as catalyst for present situation.

17 And then there was a healing circle that was
18 being -- Ms. Ens, do you recall that? There was a
19 healing circle being -- being organized, but that
20 was cancelled by the board?

21 MS. ENS: Well, can I just state for the record that during all
22 of this I was on a medical leave when they sent me
23 a letter to tell me I was terminated. And there
24 was -- I did receive phone calls, et cetera that
25 there was the healing circle.

1 MR. DICKSON: I see. Okay. And, Mr. Bates, looking at this
2 document, do you accept that this is Victim
3 Services Division setting out their reasons for
4 not continuing funding for the society?

5 MR. BATES: Yes. That's what it says right there.

6 MR. DICKSON: And do you accept that as a result of that
7 funding not being renewed the society ceased to
8 exist?

9 MR. BATES: There was nobody left in the staff. It was all
10 gone.

11 MR. DICKSON: Indeed there were these mass resignations?

12 MR. BATES: There was -- I mean they dismembered it inch by
13 inch, so yes. There was nothing there to fund
14 because they had taken the staff out and -- I
15 mean -- and then Evenhanded got just about our
16 whole crew out there.

17 MS. ENS: Well, just to set the record straight, they fired me.

18 THE COMMISSIONER: Why does it matter why --

19 MR. BATES: They fired Freda and hired her out there and then
20 hired our co-worker Marilynne Johnny and seconded
21 Mike MacDonald.

22 MS. ENS: Mike was gone long before though.

23 MR. BATES: Yes. They got him prior to that.

24 THE COMMISSIONER: So why does it matter why it was shut down?
25 It appears that the society did some good work

1 according to all four of the witnesses and there
2 appears to be some controversy as to what
3 happened. In any event, at the end of the day
4 funding was withdrawn. The police that were there
5 were taken away or withdrew their services and the
6 society was wound up. Isn't that what happened?

7 MR. DICKSON: That's exactly what happened, Mr. Commissioner.

8 THE COMMISSIONER: And all of you say that it did good work
9 while it was operating?

10 MR. BATES: Yes.

11 MR. JOHNS: That's correct.

12 MR. DICKSON: And I'm content to leave it there. I just wanted
13 to dispel that notion that it was the department
14 seeking -- seeking to collapse the --

15 THE COMMISSIONER: All right.

16 MR. DICKSON: Constable Johns or Constable Lawson, were you
17 seeking to say something or did I see that wrong?

18 MR. LAWSON: No. That was in response to the last statement.

19 MR. DICKSON: I intend to leave it there, then, Ms. Ens and Mr.
20 Bates, unless you wanted to say more on this.
21 Those are my questions. Thank you.

22 THE COMMISSIONER: Okay. Thank you, Mr. Dickson. Any other
23 cross? Yes.

24 **CROSS-EXAMINATION BY MR. MAKOSZ:**

25 Mr. Commissioner, Roy Makosz for the

1 Government of Canada. I expect to be about 10
2 minutes in cross-examination. I'm going to be
3 focusing my questions solely to Miss Ens. I'm
4 sorry to leave the rest of the panel out, but,
5 Miss Ens, you had involvement and continue to have
6 involvement with Project Evenhanded if I
7 understand that right?

8 MS. ENS: Yes.

9 MR. MAKOSZ: And that began back, I believe, in the fall of
10 2001?

11 MS. ENS: Yes.

12 MR. MAKOSZ: And what I want to explore with you essentially is
13 the skills that you bring -- or brought, I should
14 say, from the Native Liaison Society through to
15 your work with Evenhanded. And I think we've
16 touched on a lot of that in the course of the
17 panel's testimony to this point, so I just want to
18 go over with you some of the main areas and skills
19 that I think that as a liaison you developed and
20 brought to the work with Evenhanded. So the first
21 of those, I think, is as a conduit of information
22 between the police and the community; would you
23 agree with that?

24 MS. ENS: Yes.

25 MR. MAKOSZ: And one of the reasons that you were effective in

1 that capacity really is because you're also a
2 trust builder, if I can put it that way, with the
3 community?

4 MS. ENS: If you say so.

5 MR. MAKOSZ: I think you've talked before, I think, about
6 building trust with groups who may not have a good
7 trust of the police; for example, sex trade
8 workers?

9 MS. ENS: Yes.

10 MR. MAKOSZ: And other individuals such as drug addicts who may
11 come into contact with the police in a negative
12 context?

13 MS. ENS: Yes.

14 MR. MAKOSZ: And, of course, we've heard a good deal of
15 evidence as well about the -- if I can call it
16 historical distrust in the aboriginal community
17 with respect to policing?

18 MS. ENS: Yes.

19 MR. MAKOSZ: And so you can act in that capacity. And as well
20 you're also in a sense a cultural bridge when it
21 comes to the aboriginal community; is that fair to
22 say?

23 MS. ENS: Understanding as an aboriginal person, having
24 experienced what I experienced in my life that I
25 would say yes.

1 MR. MAKOSZ: And you'd agree with me the experiences that you
2 have are not experiences that most police officers
3 would have?

4 MS. ENS: Probably not.

5 MR. MAKOSZ: And even a well meaning police officer would
6 likely have misunderstandings or false assumptions
7 about aboriginal culture and the aboriginal
8 community generally; is that fair?

9 MS. ENS: Unless they've had some kind of experience of being
10 involved in the aboriginal community, whether
11 growing up near an aboriginal community or not.

12 MR. MAKOSZ: And that's something that -- that cultural
13 bridging is something that actually goes both
14 ways. And I'll allude to something that Mr. Bates
15 actually said, a story about a small boy running
16 away from a police officer. In fact, I think it
17 may have been Detective Johns that was wearing a
18 uniform and a small boy ran away because he was in
19 uniform. And so in that sense you can be a
20 cultural bridge going the other way too in terms
21 of trying to build a better relationship in the
22 aboriginal community for the police?

23 MS. ENS: Yes.

24 MR. MAKOSZ: And in that sense you're an educator as well about
25 aboriginal culture; is that not fair to say, and

1 about the police?

2 MS. ENS: Yes.

3 MR. MAKOSZ: And you can also provide information to the police
4 with respect to life in the Downtown Eastside and
5 different agencies that may be sources of
6 information to them?

7 MS. ENS: Yes.

8 MR. MAKOSZ: And what I'm getting at with this is all of these
9 things, distrust in the community or poor
10 communication between the community and the
11 police, cultural misunderstandings, lack of local
12 knowledge, all of these things could potentially
13 be a barrier to a police investigation, could they
14 not?

15 MS. ENS: Yes.

16 MR. MAKOSZ: And that would include a missing persons
17 investigation?

18 MS. ENS: Yes.

19 MR. MAKOSZ: And so I suppose you'd agree with me that the
20 effect of your liaison work insofar as policing is
21 concerned is to help overcome a variety of
22 challenges such as these?

23 MS. ENS: Yes.

24 MR. MAKOSZ: And so I want to get into your work with
25 Evenhanded because you started working with

1 Evenhanded in the fall of 2001?

2 MS. ENS: Yes. Our office did, yes.

3 MR. MAKOSZ: And that was essentially because by that point you
4 had developed a relationship with a lot of the
5 families of the missing women; is that fair?

6 MS. ENS: Yes.

7 MR. MAKOSZ: And do you recall having a meeting with Don Adam
8 on October the 9th, 2001?

9 MS. ENS: I wasn't really exactly sure on the date, but I do
10 recall a meeting with Don and his team.

11 MR. MAKOSZ: And was that the first time that you had met Don
12 and to see him?

13 MS. ENS: I thought we had met earlier, but I could be wrong.

14 MR. MAKOSZ: This was one of the initial meetings in any event?

15 MS. ENS: Yes.

16 MR. MAKOSZ: And I take it you communicated to him that there
17 was a great deal of frustration among the family
18 members; is that fair?

19 MS. ENS: Yes.

20 MR. MAKOSZ: And this is frustration that arose largely from
21 some of what we've been discussing in the last
22 couple of days, these experiences trying to report
23 loved ones missing?

24 MS. ENS: Yes.

25 MR. MAKOSZ: And would you agree with me this is -- in addition

1 to the challenges I've outlined before, this was
2 another challenge essentially that Evenhanded was
3 going to have to overcome in this investigation?

4 MS. ENS: Yes.

5 MR. MAKOSZ: In essence they were going to have to try and get
6 the trust of the families back?

7 MS. ENS: Yes.

8 MR. MAKOSZ: And would you agree with me that that was
9 something that Evenhanded and Don Adam in
10 particular acknowledged, that there was a need to
11 build that trust?

12 MS. ENS: Yes.

13 MR. MAKOSZ: And this was something that was important for them
14 to address and that they attempted to address in
15 the course of meetings that happened in October
16 and November?

17 MS. ENS: Yes.

18 MR. MAKOSZ: And one of the major focuses of the meeting on
19 October 14th -- and I think you have a fairly good
20 recollection, if I understand correctly, of that
21 meeting -- was to allow the families the
22 opportunity to provide -- to tell their stories
23 and also to provide them with information?

24 MS. ENS: Yes.

25 MR. MAKOSZ: And at that meeting it was communicated by

1 Evenhanded that -- that you along with -- I
2 believe it was Elizabeth Antunes?

3 MS. ENS: Yes. Antunes, yes.

4 MR. MAKOSZ: Were going to act as a liaison between the family
5 members and Evenhanded; is that fair?

6 MS. ENS: Yes. And Liz Antunes was actually with the Vancouver
7 Police Department's Victim Services, which is
8 something totally separate from Vancouver Police
9 Native Liaison.

10 MR. MAKOSZ: And so in that sense, just to be clear, you
11 weren't working for the RCMP at this time?

12 MS. ENS: No.

13 MR. MAKOSZ: So you weren't working for Evenhanded. You were
14 working with them?

15 MS. ENS: No. With them, yes.

16 MR. MAKOSZ: And essentially by announcing you at that meeting
17 as someone to be a contact person or an official
18 contact person, let me put it that way, for the
19 families, Evenhanded was essentially empowering
20 you to perform that function, was it not?

21 MS. ENS: Yes.

22 MR. MAKOSZ: And you had a lot of direct contact with Don Adam;
23 do I understand that correctly?

24 MS. ENS: Oh, yes.

25 MR. MAKOSZ: And he is someone that you felt you could contact

1 with any issues that you had?

2 MS. ENS: Oh, for sure, yes.

3 MR. MAKOSZ: And someone that was responsive to your concerns;
4 is that right?

5 MS. ENS: Yes.

6 MR. MAKOSZ: So you could -- and there was no need, if I have
7 it correctly, to follow any type of rank structure
8 in speaking to Don Adam?

9 MS. ENS: No. We had direct communication.

10 MR. MAKOSZ: So essentially if the family member were to raise
11 a concern with you or if you had concerns
12 yourself, you could go directly to Don with them?

13 MS. ENS: Yes.

14 MR. MAKOSZ: And when you did so, is it fair to say that Don
15 listened and treated your concerns seriously?

16 MS. ENS: Oh, yes. For sure.

17 MR. MAKOSZ: And is it fair to say generally that Evenhanded
18 recognized the value of the contributions that you
19 could make and in your role?

20 MS. ENS: Yes. And it wasn't just me. It was my staff as
21 well. There was Morris and Marilynne. It wasn't
22 just me. It was all of us.

23 MR. MAKOSZ: And there's just one point I did want to go over
24 with you that Mr. Cooper raised with respect to
25 complaints about Miss Cameron that were raised in

1 the course of the October meeting first and I
2 think at a subsequent meeting as well. They were
3 voiced quite strongly, as I understand?

4 MS. ENS: Very strongly, yes.

5 MR. MAKOSZ: And are you -- I just want to turn -- do you have
6 in front of you Exhibit 119 NR? And what we're
7 looking at here are the minutes of a meeting for
8 families that occurred on -- it looks to be
9 November 3rd. Sorry. I should direct you to the
10 right page. I'm looking -- on the bottom left
11 corner there's page numbers. I'm looking at page
12 99 of 339.

13 MS. ENS: What tab is that?

14 MR. MAKOSZ: I'm sorry. Tab 9.

15 MS. ENS: And you're looking at what page?

16 MR. MAKOSZ: It's labelled page 99 of 339 in the bottom left
17 corner.

18 MS. ENS: Yes.

19 MR. MAKOSZ: And these are minutes from meeting from November
20 3rd, 2001.

21 MS. ENS: Yes.

22 MR. MAKOSZ: And I'm looking at the third comment -- sorry --
23 fourth comment up from the bottom. And you'll see
24 that a concern was raised.

25 The issue with Sandy Cameron needs to be

1 acted on. Has Sandy Cameron taken the
2 report?

3 And there's a comment that follows that:

4 Jim McKnight took charge of Sandy Cameron.

5 She's been working 18 years.

6 And you'll know Jim McKnight. He's a VPD officer.

7 He works with Evenhanded?

8 MS. ENS: Yes.

9 MR. MAKOSZ: Were you aware that Jim McKnight was tasked with
10 following up on the complaints relating to Miss
11 Cameron?

12 MS. ENS: I recall reading that, yes.

13 MR. MAKOSZ: And this was something that came about as a result
14 of the complaints that had been voiced by the
15 families of the October and earlier November
16 meetings?

17 MS. ENS: Yes.

18 MR. MAKOSZ: And are you aware of what the result of that
19 process was?

20 MS. ENS: And this is what year? 2001?

21 MR. MAKOSZ: This is in late 2001.

22 MS. ENS: Late 2001. I heard she was later moved out of
23 Missing Persons too, but I'm not sure of the exact
24 date.

25 MR. MAKOSZ: Perhaps I can open that up as a general question

1 to the panel, if any of you are aware of what
2 happened with that process.

3 MR. LAWSON: I'd say no. Not aware of it.

4 MR. MAKOSZ: But I take it, Miss Ens, from your answer that
5 Miss Cameron did not continue in that position for
6 a great deal longer after those complaints were
7 raised in the fall of 2001?

8 MS. ENS: I am not -- I don't know when she was moved, but I
9 did hear that she had been moved out of Missing
10 Persons, yes.

11 MR. MAKOSZ: Fair enough. Thank you. Those are my questions.

12 THE REGISTRAR: Mr. Dickson.

13 MR. DICKSON: Thank you, Mr. Registrar. Mr. Commissioner, I
14 neglected to have the package I handed up marked
15 as an exhibit and I would ask that --

16 THE COMMISSIONER: Thank you.

17 THE REGISTRAR: It will be marked as Exhibit Number 125.

18 (EXHIBIT 125: Bundle of documents entitled
19 "Vancouver - Vancouver Police & Native Liaison
20 Society")

21 MR. VERTLIEB: Mr. Commissioner, Dr. Horley is next and this is
22 the cross-examination on the affidavit. And given
23 the time, perhaps we can just have the matter put
24 over rather than put her in the stand and start
25 and just carry on a few minutes.

1 THE COMMISSIONER: All right. Wait a minute. Is this panel
2 finished?

3 MR. VERTLIEB: Oh, I'm sorry. Yes. It's our understanding,
4 yes.

5 THE COMMISSIONER: I want to thank each one of you for coming
6 here the past two days. You've been informative
7 and we're grateful for the information that you've
8 given us and for all that you've done, not only
9 coming here, but all that you've done in the
10 Downtown Eastside for all the years that you have
11 worked there. I just want to thank you. Your
12 contributions mean a lot. Thank you for coming.
13 Thank you.

14 (PANEL EXCUSED)

15 MR. VERTLIEB: I'm sorry, Mr. Commissioner. I just lost track.
16 My apologies.

17 THE COMMISSIONER: I appreciate that.

18 MR. VERTLIEB: But I do think the next issue is Dr. Horley on
19 cross-examination on her affidavit, and it seems
20 wise to start it tomorrow because she can be here
21 tomorrow.

22 THE COMMISSIONER: All right.

23 MR. VERTLIEB: And I think the main cross-examiner on it is my
24 friend Mr. Ward, who wishes to ask questions. And
25 I'm not sure if there is -- if there are many

1 others, but I don't think it's going to be a
2 lengthy session. Miss Tobias, please.

3 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias. Cheryl Tobias
4 appearing for the Government of Canada. Yes.
5 With respect to Miss Horley's affidavit, just a
6 couple of things I'd like to mention. One is that
7 it has been tendered previously in these
8 proceedings. It's presently marked Exhibit Z For
9 Identification and it's NR, obviously. And so it
10 should stay NR for the time being. I
11 understand -- the second thing is that I
12 understand that Mr. Hira also wishes to
13 cross-examine Ms. Horley, but as Mr. Vertlieb
14 indicates, we don't expect her evidence to take a
15 terribly long time tomorrow morning. Also set to
16 testify this week are other witnesses who have
17 sworn affidavits and they are to be cross-examined
18 on their affidavits. And Mr. Vertlieb suggested
19 to me that you might wish to and find it
20 convenient to have an opportunity to peruse those
21 affidavits before those witnesses actually take
22 the stand and so I have the originals now and I am
23 going to ask that they be marked as exhibits NR so
24 that they are available to you should you wish to
25 look at them. I have, first of all -- and there

1 will be copies provided for Mr. Registrar and so
 2 forth tomorrow morning as usual. So I will
 3 start -- I have the affidavit of Dwight Dammann.
 4 And maybe I'll just list them all and then they
 5 can be marked consecutively. Dwight Dammann is
 6 the first one. Murray Lund is the second one.
 7 Corporal Mike Hall is the third and retired police
 8 officer Ted Van Overbeek is the fourth. These are
 9 all people that will be testifying before Mr.
 10 Commissioner for the rest of the week, so
 11 therefore I'd ask that they have the next four
 12 exhibit numbers and that they be marked NR.

13 THE REGISTRAR: The document for Dwight will be marked as
 14 Exhibit Number --

15 MR. WARD: Before they're marked -- it's Cameron Ward, counsel
 16 for the families of 25 missing and murdered women.
 17 I object to these documents being marked as
 18 exhibits. It's not at all clear to me what is
 19 going on and why. It seems as though --

20 THE COMMISSIONER: Well, that's two of us.

21 MR. WARD: It seems as though my friend Miss Tobias from the
 22 Department of Justice representing the RCMP is
 23 adducing evidence in affidavit form. It's not at
 24 all clear to me why this is happening. The
 25 primary responsibility of tendering evidence falls

on commission counsel and, as we have seen, the evidence is invariably adduced by witnesses taking the stand and being sworn and giving their evidence viva voce. So before these are marked as evidence in this proceeding, I would ask that someone explain why this extraordinary procedure is being adopted. Secondly, I'd ask that someone explain why the contents of these particular affidavits are relevant to the commission's work. And I -- in my submission it's -- I just want to be clear. If a participant has the ability to tender affidavit evidence, as the RCMP seems to be doing now, my clients may wish to tender affidavit evidence in the same way. And if commission counsel's position is that any participant can do so unchallenged, then I expect any evidence that my clients produce in affidavit form will be admitted in exactly the same fashion. But I do object to the relevance of this evidence. It does seem as though a few RCMP officers have taken issue with bits of the testimony and have addressed it in their affidavits, which have probably been prepared by my friend's office, the Department of Justice. It doesn't seem that commission counsel has played much of, if any,

1 role in this and I'm just at a loss as to why this
2 procedure is being followed and so I object to it
3 being marked now.

4 THE COMMISSIONER: Okay. Mr. Vertlieb?

5 MR. VERTLIEB: I totally understand Mr. Ward's comments.

6 Perhaps as we're at the end of the day it might be
7 helpful if Mr. Ward and Miss Tobias and I met and
8 just discussed it and see if we can deal with some
9 of the concerns. I totally understand Mr. Ward's
10 comments. Needless to say, the evidence can be
11 brought before you in many different ways.

12 THE COMMISSIONER: I have no idea why any of this is being done
13 or what's contained in the affidavits. I agree
14 with you. It's extraordinary to -- to mark the
15 affidavits as evidence as though it's viva voce
16 evidence. I'm in your hands. We'll deal with it
17 in the morning. All right. Thank you.

18 THE REGISTRAR: The hearing is now adjourned for today and will
19 resume at 9:30 tomorrow morning.

20

21 **(PROCEEDINGS ADJOURNED AT 3:59 P.M.)**

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

5 Kathie Tanaka, Official Reporter

6 UNITED REPORTING SERVICE LTD.

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