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**Vancouver, BC**  
**February 21, 2012**

**(PROCEEDINGS RESUMED AT 9:32 A.M.)**

THE REGISTRAR: Order. This hearing is now resumed.

MR. GREENSPAN: Mr. Commissioner, I would briefly like to raise an issue with you that came up yesterday afternoon when my friend Mr. Ward was responding to certain questions by you and he said, which led me to respond -- and I apologize if my response was somewhat angry -- but he did say this, he said that he has given over the name of a witness, and then he said a reliable witness, and reliable to me as a lawyer has a meaning, as I'm sure it does to you, sir, and to everyone in this room. So he attested to the reliability of this witness, who we don't know whose name it is, and he said he gave over that information to Mr. Vertlieb. Well, my client is on the stand, he's going to be cross-examined by Mr. Ward today and if Mr. Ward is going to be making reference to some document he has, whether he discloses he's referring to the document or not, to this witness who has not had an opportunity to see it before he is testifying to consider his response, or not being told that in fact it is a document, it is

1           unfair and it may offend the rule in *Browne and*  
2           *Dunn* and I'm concerned very much about that.

3           So what I would like to do as quickly as I  
4           can, and I have thought through how we can  
5           expeditiously deal with it is this. I'd like to  
6           ask through you, Mr. Commissioner, if Mr.  
7           Vertlieb could respond to several questions that  
8           might assist all of us in terms of witnesses that  
9           are going to be called. When did this name come  
10          to Mr. Vertlieb's attention? How long did Mr.  
11          Ward have that name before? Did he give Mr.  
12          Vertlieb a written statement or a signed  
13          statement by the witness? How many times has Mr.  
14          Ward personally spoken to this alleged witness in  
15          terms of trying to determine the so-called  
16          reliability as a matter of law of this proposed  
17          witness? In terms of whether there is some  
18          document signed or not, and I don't need the name  
19          of it, but if there's a document with information  
20          I would like to be able to have an opportunity to  
21          review that with my client. This was obviously  
22          never intended to be a trial by ambush or Royal  
23          Commission by ambush, that's not how Mr. Vertlieb  
24          operates and I know well, sir, that's not how you  
25          operate. It's only a matter of fairness. He

1 makes this statement which leaves me in a  
2 position where at one point last night I was  
3 wondering how acting in my own client's best  
4 interests I could just sit here silently and let  
5 this cross-examination go, so I'm inviting  
6 through you for Mr. Vertlieb to respond without  
7 in any way giving us the name of this witness and  
8 when the witness is going to be -- the alleged  
9 witness is going to be interviewed and briefly  
10 give us some heads-up rather than what we heard  
11 yesterday.

12 THE COMMISSIONER: Thank you. Mr. Vertlieb.

13 MR. VERTLIEB: I'm happy to oblige that request if you would  
14 like me to and it's not unreasonable. I need  
15 some time to get the letter and some of the  
16 e-mails that have been exchanged. I've asked Mr.  
17 Boddie, our executive director, to deal with it  
18 now and that's why he's left, so I'll need just a  
19 bit of time to deal with it.

20 THE COMMISSIONER: There is a witness, is that what you're  
21 saying?

22 MR. VERTLIEB: Let me get what information we've had and I'll  
23 tell you what we're doing.

24 THE COMMISSIONER: Thank you. Mr. Gratl.

25 MR. GRATL: Mr. Commissioner, Jason Gratl for Downtown

1 Eastside interests. About two weeks ago Mr. Ward  
2 introduced into evidence an interview conducted  
3 by RCMP Port Coquitlam of Robert William Pickton  
4 and his companion Gina Houston. In the course of  
5 that interview Mr. Pickton and Ms. Houston  
6 repeatedly refer to the female individual who is  
7 variously described as "best friends" and  
8 "roommate" of Gina Houston and someone Robert  
9 William Pickton had picked up in the Downtown  
10 Eastside and had seemingly made repeated trips to  
11 the Downtown Eastside to pick up. That person's  
12 name is concealed in the transcript of the  
13 interview and in the video recording of the  
14 interview under the heading STW1768. I've asked  
15 my friends from the institutional participants  
16 for the name of STW1768 and the VPD has no  
17 problem disclosing that name to me. The  
18 Government of Canada, on the other hand, sees it  
19 appropriate to conceal the name of STW1768 from  
20 me purportedly on the footing that the person's  
21 privacy interests are intersected. Of course the  
22 RCMP has had an opportunity to interview this  
23 person but now the RCMP is concealing the name  
24 from other participants so as to prevent them  
25 from interviewing the witness. I'd like to make

1 application to have the Government of Canada  
2 reveal the name of STW1768 and if we could set  
3 aside some time for that.

4 THE COMMISSIONER: I appreciate that, but that's a different  
5 issue from the one that Mr. Greenspan has raised.

6 MR. GRATL: It is, but it is important, the note of  
7 concealment and obstructionism that ought to be  
8 addressed.

9 THE COMMISSIONER: I'll hear that application. I don't know  
10 if you're prepared to deal with that today.

11 MR. GRATL: Perhaps we can wait for the first available  
12 opportunity. Sometimes there are lulls in  
13 cross-examination.

14 THE COMMISSIONER: Obviously I want to give the Department of  
15 Justice full opportunity to reply to this.

16 MS. HOFFMAN: I will be brief, Mr. Commissioner. Yesterday we  
17 wrote a letter to Mr. Gratl and the basis upon  
18 which we are not in a position to reveal the  
19 name --

20 THE COMMISSIONER: I'll deal with it later. We're dealing  
21 with another issue now.

22 MS. HOFFMAN: Fair enough. I want it to be clear we do have a  
23 basis for our position and we are happy to argue  
24 that.

25 MR. VERTLIEB: Perhaps we can finish with this witness. We

1           need to keep it on track, please. I agree with  
2           your comments, Mr. Commissioner.

3 THE COMMISSIONER: All right.

4 MR. WARD: Mr. Commissioner, Cameron Ward, counsel for the  
5           families of 25 missing and murdered women. First  
6           I'd like to assist my friend Mr. Greenspan and  
7           hopefully put his mind at ease with respect to  
8           the witness issue he raised this morning.

9           The witness I am seeking to call on the  
10          issue of adequacy of VPD document disclosure is a  
11          woman named Darcy Sarra, S-A-R-R-A. She was  
12          included in my list of witnesses that I was  
13          seeking by way of written application delivered  
14          to the commission before Christmas and which I  
15          understand was circulated to all the counsel at  
16          that time. That application I don't think has  
17          been determined yet, although one of our  
18          newspapers keeps reporting that it has been  
19          determined but certainly that witness is the  
20          witness I seek for the reasons I set out in my  
21          written material. I expect my friend Mr.  
22          Greenspan would have a copy of that. If he  
23          doesn't, I can certainly provide it.

24          As I understand Ms. Sarra's role in this,  
25          she was tasked by Mr. Blythe's successor Chief

1 Constable Jamie Graham to gather the documents to  
2 assist Doug LePard in a review of the matter and  
3 I'm seeking to have her testify in order that I  
4 can cross-examine her with respect to the  
5 adequacy of that exercise.

6 THE COMMISSIONER: All right. Thank you.

7 MR. VERTLIEB: Let me just assist since Mr. Ward made those  
8 comments, and I don't have the e-mails but this  
9 will assist you in hearing a bit more about this  
10 concern. I just want to go back to the December  
11 date when you heard submissions from Mr. Ward  
12 about his witness list and at the end of that you  
13 made no decision and you said nothing about what  
14 your thoughts were, it was left open. It was  
15 left that Mr. Ward would provide written material  
16 which he's done and I'm going to deal with in a  
17 moment, and also we could discuss the witness  
18 list if need be and that's been ongoing. I want  
19 to have you be very clear that you have never for  
20 a moment said you've made any decision about the  
21 final witness list.

22 Let me just tell you what you we did  
23 receive. It came on the 23rd of December 2011 to  
24 the commission office and I want to deal with the  
25 person Darcy Sarra who is referred to in here and

1           there's a few paragraphs. I'll just read this  
2           and this may assist Mr. Greenspan and others.

3           On the information number 13 VPD, meaning  
4           Vancouver Police Department, Detective Constable  
5           Darcy Sarra, so here's what we were told.

6           On October 18, 2002, Chief Constable Jamie  
7           Graham distributed an e-mail to all VPD  
8           sworn and civilian staff with the subject  
9           line "Preparation regarding Pickton civil  
10          litigation". This document has been  
11          disclosed to us on the Concordance database,  
12          and the number is given. In this e-mail the  
13          Chief Constable, that's of course Graham,  
14          not this witness, identifies Sarra as being  
15          the officer tasked with "gathering all the  
16          documents that might relate to this matter".  
17          That's the first paragraph.

18          The second paragraph:

19               As the commission is well aware, the  
20               families of 25 murdered and missing women,  
21               our clients, remain concerned about the  
22               adequacy of disclosure by the VPD in this  
23               inquiry. We submit that the Detective  
24               Constable Sarra should be called to testify  
25               regarding the adequacy of disclosure by the



1           VPD and obstacles faced in collecting all  
2           relevant materials."

3           That's the second paragraph.

4           The next paragraph:

5           Sarra is in a unique position to describe  
6           what actions were taken to ensure all  
7           relevant documents were collected and  
8           preserved. Sarra might be aware of  
9           documents that were known to have existed  
10          but which could not be located. Sarra  
11          might be able to provide evidence of what  
12          steps were employed to ensure that critical  
13          documents were not destroyed. We submit  
14          that Sarra's evidence would assist the  
15          commission in achieving its mandate."

16          That's what we were told. Keep in mind that  
17          we already had been -- have heard and you've  
18          heard and everyone has heard that there was a  
19          request by the police department to keep  
20          documents and it's obvious that not everything is  
21          available and we've heard much about that. You  
22          heard even again yesterday from VPD about their  
23          e-mail retention. So when one reads this  
24          paragraph, you would never in my view as -- maybe  
25          I'm missing it entirely -- I would never read

1           some allegation of cover-up or destruction of  
2           documents or anything nefarious in that. That's  
3           what this information suggested and it wasn't  
4           particularly new information given what we were  
5           learning about all of the documents.

6           So then what happened -- and I don't have  
7           the e-mails but I do want to address it now. Not  
8           too long ago Karey Brooks and I met with Mr. Ward  
9           and Neil Chantler because of this cover-up  
10          allegation and I wanted to know what the evidence  
11          was. Ultimately, a couple of days later Mr. Ward  
12          sent me an e-mail saying he forgot to mention  
13          that Darcy Sarra would have information about  
14          this issue. Naturally if I hear there is a  
15          witness that might have evidence about a  
16          cover-up, as commission counsel I'm going to  
17          follow that up. Why wouldn't I? It would be  
18          terrible not to. I wrote back by e-mail to Mr.  
19          Ward asking for contact information for this  
20          person and if he had any "will says" or evidence  
21          from her and that didn't help me because nothing  
22          was provided, no information, contact  
23          information. So then I said if I'm not getting  
24          it from Mr. Ward I'm not going to get into an  
25          argument about that. I went to the VPD and said

I want contact information for Ms. Sarra. The result is I understand Ms. Brooks had spoken to Neil Chantler and what I'm told from Ms. Brooks is Mr. Ward and Ms. Chantler have not interviewed this woman. That's what I'm told -- I don't know, I wasn't party to that discussion. So we were going to interview her, but I just wanted you and everyone here to understand that's the factual underpinning to this Detective Constable Darcy Sarra. So she's apparently not been interviewed, unless Ms. Brooks completely misunderstood her discussion with Mr. Chantler. I gather obviously there are no notes of meetings with her.

Our plan -- she is on disability and apparently she has children and so to accommodate her, normally we would meet at the end of the day after these sessions but we're doing it midday and the plan that I believe has been confirmed to accommodate all the convenience that needs to be accommodated is she's going to be interviewed tomorrow during the break of your session. I just wanted you to hear that and Mr. Greenspan has requested that through you I deliver that. That's everything we know about Detective

1           Constable Darcy Sarra and there it is. That's  
2           the only person that Mr. Ward mentioned in his  
3           e-mail back on this cover-up issue. Karey Brooks  
4           and I were very concerned about that as you would  
5           expect us to be.

6 THE COMMISSIONER: All right. Mr. Greenspan.

7 MR. GREENSPAN: I'll be brief and calm. It is, as I said  
8           yesterday, making the comment that he did, Mr.  
9           Ward, he gives his own statement, or attempts to  
10          give his own statement some credibility by  
11          calling her reliable, or calling the witness  
12          reliable, and as I say, as a lawyer we're trained  
13          when police officers get search warrants in terms  
14          of referring to information, reliability is a  
15          pretty important matter. If I'm being told now  
16          that Mr. Ward has not even spoken to this  
17          witness, I'm troubled by a representation to you  
18          that he says she's reliable which I think is an  
19          inflammatory statement to make, an incendiary  
20          statement to make in the face of the fact that he  
21          does not know about her reliability.

22                 But, more importantly, and this is where I  
23                 think we're getting to the heart of what I  
24                 believe is the tactic that should not be  
25                 permitted before you, sir, or before any Royal

Commission or before any court, is that before you make an allegation the lawyer has some duty and some responsibility to make that allegation in good faith. To make it based upon something that if -- just the simple thing if he believes it -- if he happens to be a lawyer who believes in conspiracy theories and wants to advance that, that would not form a legal basis according to the Supreme Court of Canada to make some kind of assertion. He mixes things and what he does is dangerous. It is McCarthyism, and what it is that he stood before you today in response and said, "We want her to talk about the adequacy of the collection," well, that's different than what he said yesterday, that this will expose a conspiracy of cover-up, a conspiracy of -- let's not make any bones about it -- the conspiracy is a conspiracy to interfere with the administration of justice. You can't ask for a more serious allegation to be made against somebody involved in the administration of justice or not involved in the administration of justice. It's a very serious allegation. He can't make it, he cannot support it, unless he stands up and says, you know what, I really did talk to her, I really did

1           take a statement, and she can talk about going to  
2           a bonfire and burning documents -- he's so far  
3           away from that, he's so far away from anything  
4           that is having a basis. Again, I repeat, if  
5           that's the best he has to offer, it's  
6           irresponsible, it's inappropriate, it's conduct  
7           that should not permitted by you or this Royal  
8           Commission and it's conduct on behalf of my  
9           client I have to stand and simply say it is  
10          intolerable. It's intolerable. I've not seen  
11          conduct by counsel of this fashion. We've all  
12          made allegations in a court of law on behalf of  
13          our clients, but the allegations have to have  
14          some basis in reliability, not some kind of  
15          reality in the mind of the person who gets up and  
16          irresponsibly and recklessly makes statements.  
17          This man was the chief of police. He's entitled  
18          to some respect and dignity. Cross-examine him,  
19          cross-examine him as tough as you can, but it has  
20          to be a level playing field. The law is what  
21          gives us that level playing field. It's supposed  
22          to be fair to everyone that appears before you.

23                 In my respectful submission he crossed the  
24                 line miserably on this. It's disappointingly,  
25                 but more importantly, when I stood up yesterday I

1 was concerned when I walked in the room, he's  
2 tainted every police officer, everyone involved  
3 in policing that had anything to do whatsoever  
4 with this case with some gigantic conspiracy.  
5 Never mind that, he has nothing against my  
6 client, no evidence to offer. And, again, I  
7 repeat, I demand that apology from him now,  
8 now -- not some day in the future, now. He can't  
9 stand there -- this inquiry has been going on for  
10 a long time and I think it's time that he has to  
11 say that because if he doesn't I will have to do  
12 what I have to do.

13 THE COMMISSIONER: Thank you, Mr. Greenspan. Mr. Ward.

14 MR. WARD: Thank you. I don't expect, Mr. Commissioner, that  
15 you want me to take up your time addressing my  
16 friend's flights of hyperbole. Let me just make  
17 a couple of remarks.

18 If I understood my friend correctly, he  
19 suggested that my describing VPD Detective Sarra  
20 as a reliable source of information about the  
21 document disclosure issue was an inflammatory and  
22 incendiary thing for me to say. With the  
23 greatest of respect, I disagree. It may have  
24 been a naive statement on my part but until a  
25 sworn member of a police force demonstrates

1 otherwise I assume that they have got some  
2 reliability by virtue of the office they hold.

3 With respect to these notions of conspiracy  
4 that my friend tosses around, I have never  
5 suggested anything of the sort. I am not going  
6 to apologize for anything I have said or done in  
7 this proceeding. I've been involved in this  
8 proceeding for considerably longer than my friend  
9 has and I started expressing concerns in the  
10 gravest possible terms as soon as I received  
11 access to the document disclosure. I have made  
12 my position about document disclosure very clear.  
13 My position, in a nutshell, is that both police  
14 forces have failed to comply with the duties upon  
15 them to disclose relevant information to the  
16 commission. It doesn't matter what I say. The  
17 commission's witness, Jennifer Evans, described  
18 document disclosure during her sworn testimony in  
19 the most negative of negative of terms. She said  
20 she had no confidence that all of the relevant  
21 documents had been produced to her. She said the  
22 document disclosure was, to use her words, block  
23 letters in her notes, "ridiculous". She  
24 confirmed that the documents had been produced to  
25 her, much to her surprise, given that eight to



1           nine years elapsed since the investigation was  
2           over, in a jumbled, disorganized fashion that  
3           made it very difficult for her to find things.  
4           Those are her words, not mine. I concur with  
5           those statements. I've had the same  
6           difficulties.

7           One of the problems in our working on this  
8           file is that for whatever reason -- and my friend  
9           Mr. Chantler took you through in great detail the  
10          ongoing difficulties we've had in obtaining  
11          relevant documents that will assist this  
12          commission in its fact finding mission -- is the  
13          document disclosure by these institutions who one  
14          would suspect would be sophisticated  
15          record-keepers has been gravely and woefully  
16          inadequate. I have never laid that problem at  
17          the foot of my friend Mr. Greenspan's client.  
18          It's an institutional issue on the part of both  
19          institutions. Yes, this man was the chief  
20          constable. He left that post in August 2002 and  
21          once I have the opportunity to resume my  
22          cross-examination I will probe this issue of his  
23          involvement in document disclosure issues in  
24          further detail. Thank you.

25 THE COMMISSIONER: Unfortunately you haven't answered any of

1 the serious concerns or allegation that have been  
 2 raised by Mr. Greenspan. You have talked about  
 3 another issue regarding disclosure which may or  
 4 may not been relevant. The fact that full  
 5 disclosure hasn't been made to your satisfaction  
 6 is a far cry from alleging that there's been a  
 7 cover-up. Because you haven't had all the  
 8 documents that you think may be relevant does not  
 9 mean that there's any kind of a conspiracy or a  
 10 cover-up.

11 Having said that, I'm going to reserve my  
 12 comments until after I hear what commission  
 13 counsel has to say with respect to this witness  
 14 that you rely on, the witness Sarra, and I am a  
 15 bit concerned that you did raise -- you made the  
 16 comments yesterday about the role that Ms. Sarra  
 17 played in all of this and apparently you haven't  
 18 interviewed her. In any event, I'm not going to  
 19 take up more time of the commission's hearing in  
 20 the view of the fact I want cross-examination  
 21 here to proceed, but I am a bit disappointed in  
 22 your reply, I'll say that -- your  
 23 cross-examination.

24 MR. WARD: Let me say, it is my considered professional  
 25 opinion based on more than 15 years of litigation

1           involving internal police affairs and allegations  
2           of police misconduct that in this case documents  
3           that are relevant to this commission's work have  
4           been suppressed, have not been disclosed, have  
5           been withheld from this commission. It is  
6           further my considered professional --

7 THE COMMISSIONER: Mr. Ward --

8 MR. WARD: May I finish? You asked for an adequate response  
9           and I'd like to provide it. It is my considered  
10          professional opinion from the moment I became  
11          involved in this matter that your commission  
12          counsel's staff was not exercising the powers of  
13          this commission in a manner that would obtain  
14          adequate and sufficient disclosure of the  
15          relevant information and I raised that repeatedly  
16          on an ongoing basis and it culminated in our  
17          application last week. I remain gravely  
18          concerned that documents that were in existence  
19          that would be critical to the fact-finding  
20          exercise you must fulfil continue to have been  
21          withheld. Whether they were withheld  
22          inadvertently or deliberately is something that  
23          you might be able to ascertain once all the  
24          evidence is in. I know what my opinion is and  
25          I've expressed it, but that's just based on, as I

1 say, 15 years of dealing with both of these  
2 institutions in other matters. Thank you.

3 THE COMMISSIONER: I have to decide what is relevant and what  
4 isn't. You may think material is relevant, you  
5 might think that a particular witness is  
6 relevant. You thought that Robert William  
7 Pickton should be called here as a witness, you  
8 thought he would be a relevant witness. I happen  
9 to disagree with that. I don't think he would  
10 add anything more to it. I'm digressing. My  
11 point in making that comment is to show that  
12 maybe your idea of relevance isn't the same  
13 perception or idea of relevance that the rest of  
14 us have. In any event, get on with your  
15 cross-examination.

16 MR. WARD: Yes, sir. Reasonable people can certainly disagree  
17 on these matters. I would only point out with  
18 respect to that last remark, Mr. Commissioner,  
19 your commission executive director and expert  
20 considered Robert William Pickton a potential  
21 witness because they travelled to Kent to  
22 interview him.

23 THE COMMISSIONER: They travelled to Kent to interview him  
24 because you wanted him called as a witness. When  
25 they got there they found out apparently that he

1 had no relevant evidence to give. In fact, he  
 2 said he was innocent of all the crimes. That's  
 3 my point in raising that issue. They went out  
 4 there because you insisted that Robert William  
 5 Pickton be called as a witness. You wanted his  
 6 sister to be called as a witness and their  
 7 concern was that -- their concern was that we  
 8 wanted to comply with all the witnesses who had  
 9 relevant evidence to give. We wanted from you a  
 10 position as to what witnesses you wanted called.  
 11 That's why they went out there. They didn't go  
 12 out on their own.

13 In any event, you wanted to say something?

14 MR. HERN: Sean Hern for the VPD. I just wanted to draw your  
 15 attention to the remarks of Mr. Ward have again  
 16 demonstrated what Mr. Greenspan spoke about this  
 17 wavering or moving target that Mr. Ward presents  
 18 in terms of his conspiracy theory, and the point  
 19 of the remarks yesterday was to force the issue  
 20 to have Mr. Ward put it on the table what his  
 21 allegations are so we can deal with it. Now I  
 22 just want to note for the record he is backing up  
 23 into giving a professional opinion and turning  
 24 himself almost into a witness from other  
 25 proceedings that he has been in outside of this

1                   courtroom as supporting the basis of his  
2                   conspiracy theory and in my opinion that is not  
3                   acceptable.

4 THE COMMISSIONER: Thank you.

5                   Go ahead with your cross-examination, Mr.  
6                   Ward.

7 MR. WARD: Thank you very much.

8                   **TERRY BLYTHE: Resumed**

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

10           Q     Sir, I'm producing a binder of documents I  
11                 prepared in an endeavour to assist this  
12                 commission with its fact-finding role in respect  
13                 of some matters I wish to question you about.  
14                 Could you please turn to tab 10.

15                 Perhaps before doing that, Mr. Commissioner,  
16                 can we please mark this as the next exhibit?

17 THE COMMISSIONER: I assume nobody has any objections? Does  
18                 anybody have any objections.

19 MR. HERN: We just got the index circulated by e-mail a few  
20                 moments ago. They can go in probably as NR.

21 THE COMMISSIONER: Does anybody else have any concerns? Why  
22                 don't we mark them for identification.

23 MR. GREENSPAN: Again, the only comment I want to make is that  
24                 apparently we got an index last night -- this  
25                 morning -- and we have as counsel for our client

1 not had an opportunity to look at it so I don't  
2 know whether that's in accordance with the rules  
3 or not but it wouldn't be in accordance with fair  
4 play where I believe it should be, but if he  
5 proceeds and I have to stop I don't think -- I  
6 don't think we even have a copy of the documents  
7 here but I may be saying things -- I apologize in  
8 advance, I just don't know what he's giving him.

9 THE COMMISSIONER: If anybody wants an opportunity for me to  
10 stand down now so you can look at the documents  
11 I'm prepared to do that.

12 MR. VERTLIEB: Why don't we just proceed. If it turns out  
13 that there's some issue Mr. Greenspan has I'm  
14 sure we can accommodate that. I would suggest we  
15 marked it as NR, non-redacted.

16 THE COMMISSIONER: Okay.

17 THE REGISTRAR: It will be marked as Exhibit 102NR.

18 **(EXHIBIT 102NR FOR IDENTIFICATION: Binder of**  
19 **Documents Prepared by Cameron Ward)**

20 MR. WARD:

21 Q Could you turn to tab 10, please. Sir, yesterday  
22 you will recall that I questioned you about the  
23 circumstances immediately following the  
24 revelation that Mr. Pickton's Port Coquitlam  
25 property was the subject of a massive search.

1           You recall those questions?

2           A    Yes.

3           Q    And the day of that of course was February 5,  
4                2002.  What I'm showing here at tab 10 is a copy  
5                of a fax that apparently was delivered by  
6                Inspector Beach to Deputy Chief Unger on February  
7                19, 2002.  Do you see that, the cover page, the  
8                first page of tab 10?

9           A    Yes, that's accurate.

10          Q    And my understanding is that you received this  
11                because up in the upper right it appears that  
12                Deputy Chief Unger has noted, "cc Blythe.  
13                Forwarded for your information and discussion."  
14                Is that correct?

15          A    Yes, it is.

16          Q    In the lower right I believe that's your  
17                handwriting, "Rosie, to our missing women  
18                confidential file please," and your initials?

19          A    Yes.

20          Q    So you did receive this fax on or about February  
21                19, 2002; right?

22          A    Yes.

23          Q    And I'm referring to document VPD-006-003472 for  
24                the benefit of my friends.  What was the missing  
25                women confidential file that your office



1 maintained?

2 A Well, everything to do with this file or  
3 investigation would be confidential. That would  
4 be my interpretation of the confidential notation  
5 by myself.

6 Q Can you assure this commission that the contents  
7 of what you describe as "our missing women  
8 confidential file" have been fully disclosed to  
9 it?

10 A I don't understand your question.

11 Q Can you confirm or assure us that the missing  
12 women confidential file in its entirety has been  
13 disclosed to this commission?

14 A Yes.

15 Q Thank you. Can you turn over the page please.  
16 The fax cover sheet enclosed a memorandum from  
17 Inspector Beach to John Unger and you read this  
18 as well in the third week of February 2002, after  
19 Pickton's farm was being searched; right?

20 A You're talking about the attachment?

21 Q Yes.

22 A I would assume I did.

23 Q This, sir, goes to what I suggest was a major  
24 issue of internal Vancouver Police Department  
25 concern in the few weeks following the search of

1           the Pickton property, namely, some internal  
2           discussion and analysis of the issue of what the  
3           VPD knew about Pickton and when they knew it;  
4           fair?

5           A    I'm not sure I'd agree with your interpretation  
6           of "concern".

7           Q    All right. Let me draw your attention to the  
8           first paragraph of the memorandum. Beach to  
9           Unger, your deputy. I quote: "There has been  
10          much criticism levelled at our organization,  
11          through the media, about the timeliness of  
12          Project Evenhanded. This criticism has increased  
13          recently with the widespread criticism  
14          surrounding events at the Pickton farm." Do you  
15          see that?

16          A    Yes, I do, you're accurate.

17          Q    So is it fair to say that at senior managerial  
18          levels, your level, Unger's, Beach's, in the  
19          aftermath of the Pickton search, you had concerns  
20          about the public criticism directed to the  
21          Vancouver Police Department relating to the  
22          timeliness of their investigation of the missing  
23          women's disappearances?

24          A    I wouldn't say that, no.

25          Q    So it wasn't a concern to you?

1           A   Well, certainly the whole investigation and the  
2               facts we had gathered and what the public knew  
3               would be -- I wouldn't say concerning but the  
4               fact that we should be getting a message out to  
5               the media that is accurate about what we did  
6               positively and since I took over.

7           Q   Getting a message out to the media about what you  
8               did positively, that was your objective?

9           A   Yes.

10          Q   As opposed to telling the media where you may  
11               have lapsed or conducted yourselves in a way that  
12               could attract negative attention; right?

13          A   That appears to be what you're suggesting. I'm  
14               not saying we did anything negative. In fact, I  
15               stated in my testimony that from what I was aware  
16               of we did everything positively and we were  
17               informative.

18          Q   If you had to do it all over again you would have  
19               done it exactly the same way, handled the missing  
20               women's cases the same way?

21          A   That's a ridiculous statement. In hindsight of  
22               course we might have done things differently.  
23               Hindsight is 20/20. From what I knew and what I  
24               was advised by my senior executive, we did  
25               everything imaginable.

1 Q Just to be clear on what you knew and when you  
2 knew it, you were not aware of Robert Pickton's  
3 name as a person of interest or suspect in  
4 connection with the missing women's  
5 disappearances until one to two weeks prior to  
6 February 5, 2002; that's your sworn testimony?

7 A That's what I have said, yes.

8 Q The next paragraph of this memorandum reads as  
9 follows, Beach to Unger: "I think it would be  
10 prudent for our executive to understand some of  
11 the historical events involved in this  
12 investigation, and further, to meet with  
13 Assistant Commissioner Busson, "E" Division,  
14 RCMP, to discuss our joint activities." Do you  
15 see that?

16 A Yes, I do.

17 Q In fact, there was such a meeting shortly after  
18 this date with Assistant Commissioner Bev Busson  
19 of the RCMP?

20 A Yes.

21 Q I've looked -- maybe you can help me with this --  
22 are there records of that meeting with Assistant  
23 Commissioner Busson?

24 A Not that I am aware of.

25 Q That's what I thought.

1 A You're right.

2 Q Look at the timeline that Geramy Field has  
3 provided to Beach for the purpose of Beach's  
4 memorandum to Unger in February of 2002, and I  
5 just want to draw your attention to some of these  
6 references. The second entry, July 27, 1998:  
7 "Detective Constable Shenher receives a call from  
8 a source about thirdhand information regarding  
9 Willie Pickton. CrimeStoppers received a tip at  
10 the same time believed to be from the same  
11 person. Another tip was received later, in  
12 August, from CrimeStoppers, from the same party."  
13 That's the first knowledge, according to this  
14 timeline, a member of the Vancouver Police  
15 Department has about Willie Pickton's connection  
16 with the missing women's disappearances; right?

17 A That appears to be factual, yes.

18 Q Look at the entry for August 7, 1998: "Corporal  
19 Connor, Coquitlam RCMP, calls Detective Constable  
20 Shenher and briefs her about Pickton from  
21 information received in the STW328 investigation.  
22 She is a prostitute that was taken to the farm by  
23 Pickton in 1997. She was stabbed by Robert  
24 Pickton and attempted murder charges were filed,  
25 but later stayed." Do you see that?

1 A Yes, I do.

2 Q By August 7, 1998, according to this, Shenher and  
3 probably Field are aware that an informant has  
4 provided three tips linking Pickton to the  
5 disappearances, and further, that Pickton had  
6 stabbed a sex trade worker the year before in  
7 March 1997 and had been the subject of attempted  
8 murder charges as a result of that; right?

9 A I see that.

10 Q Your evidence is that you knew none of this?

11 A As I've stated in my previous evidence, I was in  
12 another division in charge of the patrol members  
13 that work on the street, I was not in the  
14 investigation area.

15 Q You were deputy chief in the Vancouver Police  
16 Department; correct?

17 A That is correct.

18 Q Reading in the daily newspapers headline stories  
19 on a recurring basis about the missing women from  
20 the Downtown Eastside; right?

21 A You're assuming I did that.

22 Q Well, I'm either assuming you did that or that  
23 the -- I forget the name of it -- media relations  
24 unit the Vancouver Police Department forwards  
25 clippings of items of interest to the police to

1 the attention of management. Let me stop there.

2 That is something they do, isn't it?

3 A Close, you're close.

4 Q Why don't you explain how that works.

5 A They didn't forward clippings. They brought to  
6 me topical issues, as I said yesterday, that the  
7 media would come into my office with myself and  
8 the executive and discuss any issues that were in  
9 the media and there would be a myriad of issues,  
10 not just one.

11 Q And I've seen somewhere, you actually called  
12 Lindsay Kines in at some point to speak with him  
13 about the missing women issues, didn't you?

14 A I recall a meeting we had with the entire press  
15 group in our 2120 boardroom where a number of  
16 press people came in and we talked to them and  
17 answered questions in that regard, yes.

18 Q The point being, as a deputy chief in the  
19 Vancouver Police Department you were well aware  
20 of the media coverage, some of which I showed you  
21 yesterday in Exhibit 35, to the effect that the  
22 disappearances of the sex trade workers from the  
23 Downtown Eastside was an issue of increasing  
24 public concern through 1997, 1998, 1999 and 2002;  
25 correct?

1 A I agree, yes.

2 Q Back to the timeline, September 22, 1998:

3 "Special "O" contacted to do surveillance on  
4 Pickton." Do you see that?

5 A The date again, please.

6 Q 98 09 22.

7 A Yes, I do.

8 Q You were unaware of that at the time?

9 A At the time I'd say yes, I was unaware.

10 Q The next entry, October 4, 1998: "Detective  
11 Constable Shenher advises Corporal Connor that  
12 Staff Sergeant Giles has offered to make funds  
13 available to advance the investigation." Do you  
14 see that?

15 A You're at what date?

16 Q 98 10 04.

17 A Yes, I do.

18 Q Staff Sergeant Giles was with the Vancouver  
19 Police Department; correct?

20 A Yes.

21 Q And that entry indicates that funds were made  
22 available by the VPD to advance the investigation  
23 that Shenher and Connor of the RCMP were working  
24 on with respect to Robert William Pickton,  
25 doesn't it?



1           A    With respect to the investigation it says. It  
2                doesn't mention Pickton. So I wouldn't have been  
3                aware of that. Again, I was a deputy in another  
4                division but that is in the timeline here, yes.

5           Q    I'm not going to take you to every one of these  
6                but you see of course that Pickton's name is  
7                sprinkled throughout the timeline. Look at the  
8                bottom, 99 07 19, this entry for July 19, 1999.  
9                Do you see that?

10          A    Yes.

11          Q    "Detective Constable Chernoff meets new source.  
12                It is obvious that Pickton is the suspect." Do  
13                you see that?

14          A    Yes.

15          Q    Detective Constable Chernoff is Mark Chernoff of  
16                the Vancouver Police Department?

17          A    Yes.

18          Q    The author indicates that at this date, July 19,  
19                '99, it's obvious that Pickton is not "a", not  
20                one of 300, but he is the suspect in the missing  
21                women investigation; correct?

22          A    That's what this states, yes.

23          Q    And you remain, by this time chief of police,  
24                unaware of this fact; that's your evidence?

25          A    In 99 07 19 --

1 Q You remain unaware that Pickton is the suspect in  
2 the missing women investigation; is that your  
3 evidence?

4 A My evidence is as I stated yesterday, there were  
5 a number of suspects and I wasn't privy to all  
6 the names. Some of them obviously would have  
7 been mentioned but there were a number of  
8 suspects.

9 Q Turn over the page please to the next page.

10 A Yes.

11 Q Again, there seems to be lots of activity  
12 throughout the summer of 1999 with respect to the  
13 investigation. You see at the top entry July 28,  
14 '99, all these people -- I'll list them --  
15 Inspector Fred Biddlecombe, Geramy Field,  
16 Detective Ron Lepine, Detective Constable  
17 Chernoff and Detective Constable Shenher meet to  
18 discuss Pickton. Lepine and Chernoff cancel  
19 their annual leave to begin their investigation;  
20 do you see that?

21 A Yes, I do.

22 Q All of those people are Vancouver Police  
23 Department members under your supervision  
24 ultimately as their chief of police?

25 A Not exactly. That's a bit of a

1 misinterpretation. They're not under my  
2 supervision. They're under my command, they're  
3 within my organization. They're working for a  
4 group, some of them mentioned here as supervisory  
5 people, in the Investigation division.  
6 Ultimately the division of Deputy Chief  
7 McGuinness.

8 Q You see, here is what I'm struggling with, Mr.  
9 Blythe. You've got an inspector from the  
10 Vancouver Police Department, Biddlecombe, meeting  
11 with the two principal investigators, Field and  
12 Shenher, and two other detectives, Lepine and  
13 Chernoff, who have cancelled their holidays to  
14 investigate Pickton on July 28, 1999 and your  
15 evidence, despite all of the media coverage of  
16 the importance of the issue of the  
17 disappearances, is that you were unaware of this  
18 fact; do I have that right?

19 A I'm not saying that. I am aware of the  
20 investigation. I don't believe everything I read  
21 in the media. I rely on what my officers would  
22 report to me. I had full confidence in all the  
23 investigators that were working on this project,  
24 up to the level of Deputy Chief Brian McGuinness.

25 Q What I'm challenging, sir -- please bear with me

1           because this might be important sometime -- I'm  
2           challenging your assertion that the name Pickton  
3           did not appear in your sphere of knowledge, did  
4           not appear on your radar screen until one to two  
5           weeks before his farm was searched. I suggest  
6           you're simply wrong about that, that you had to  
7           know of Pickton sooner than what you've said;  
8           agreed?

9           A   There's a possibility his name came up indicating  
10           -- as indicated in this record, but I can't  
11           remember any specific suspects. There's one  
12           other individual as well whose name came up that  
13           Inspector Adam mentioned in his evidence. I do  
14           remember that individual's name. I don't  
15           remember this individual's name until very close  
16           to the arrest of him, as I stated. There  
17           certainly is a possibility that yes, they looked  
18           at him, and obviously they did, I'm not denying  
19           that, and so they should have been.

20          Q   In the aftermath of the search when you're  
21           getting this timeline you must be saying to  
22           yourself, jeez, when did I hear of this guy  
23           before? You must be asking yourself that  
24           question in the third week of September 2002,  
25           once you learned that this man, this monster as

1           you've put it, may be responsible for the deaths  
2           of all the sex trade workers who went missing  
3           from the downtown?

4           A   You're a bit confused. I didn't call him a  
5           monster. I recall Inspector Adam calling him a  
6           monster but I was aware of a number of things  
7           going on in the investigation. No, I didn't  
8           scratch my head and wonder if Pickton had been  
9           mentioned. My concern is that my people were  
10          doing a thorough job and committed to doing this  
11          investigation from my level in the organization.  
12          If that wasn't my concern I'd be very concerned  
13          right now sitting here and I'm not.

14          Q   I'll just take you to the last couple of entries  
15          on this page. By September and October -- you  
16          see the last two entries -- September 15, '99:  
17          "Liaison with Coquitlam RCMP continues as they  
18          are doing Pickton follow-up." Do you see that?

19          A   Yes.

20          Q   So VPD still is working with Coquitlam on the  
21          Pickton investigation as of September 15, '99;  
22          right?

23          A   It's not the Pickton investigation. That's  
24          misleading. They're working on an investigation  
25          based on missing women from the Downtown

1 Eastside. This is a person of interest or a  
2 suspect or whatever you want to call him, but  
3 that's misleading what you're asking me.

4 Q Sorry, I didn't mean to do that. October 15,  
5 1999: "Pickton discussed at Major Crime  
6 Investigators Profiling Conference in Kelowna.  
7 Coquitlam RCMP advised they are still working on  
8 file." Do you see that?

9 A I see that.

10 Q Were you at that conference in Kelowna?

11 A Not that I remember, no.

12 Q In any event, this timeline I suggest discloses  
13 that VPD investigators were taking all these  
14 steps in consideration of Willie Pickton as the  
15 suspect responsible for the disappearances of the  
16 women from the Downtown Eastside between July 27,  
17 1998 and October 15, '99; right?

18 A He's one of the suspects, yes, I do agree with  
19 that.

20 Q No other suspect mentioned in this timeline  
21 document as far as I can see. I stand to be  
22 corrected.

23 A I think you're right in that. I don't see any  
24 other names either. I think you're accurate.

25 Q Let me ask you to turn next to tab 8, please.

1 This is a little earlier in time. The first page  
2 of this tab is a memorandum to yourself from  
3 Deputy Chief Unger to you as chief constable with  
4 a copy to Deputy Chief Greer. Do you see that?

5 A Yes, I do.

6 Q And it's another one of Geramy Field's timelines  
7 delivered to you on or about that day; correct?

8 A I'm just looking at the attachment. Yes, it  
9 appears to be, yes.

10 Q You would have reviewed this document when it  
11 came in?

12 A I would have read it, yes.

13 Q And, again, I don't mean to belabour this point,  
14 but in July of 2001, the issue of the women  
15 disappearing from the Downtown Eastside and  
16 possibly coming to harm was a matter of  
17 significant public concern, wasn't it, still?

18 A Yes.

19 Q Turn to page 6 in the upper right-hand corner  
20 please. Half way down the page there's an entry  
21 for August 3, 1999. Do you see that?

22 A I see that.

23 Q I'll read it to you. It says: -- this is  
24 Field's timeline: "Meet with Coquitlam RCMP and  
25 RCMP Serious Crime and PUHU regarding Pickton who

1 is a strong person of interest. Part VI, U/C all  
2 discussed." That entry indicates that Pickton is  
3 a strong person of interest and that wiretapping  
4 and undercover operations are discussed in August  
5 of 1999; right?

6 A What you just said to me is not in the date.  
7 Where did you get it, the other piece of  
8 information from?

9 Q '99 08 03.

10 A Yes.

11 Q Do you want me to read it again?

12 A You're talking about the V -- Part VI, U/C all  
13 discussed?

14 Q Yes. Undercover.

15 A Yes, I see that. I would think so, yes,  
16 undercover.

17 Q This document with Pickton as a strong POI  
18 described in it where I just directed you to is  
19 delivered to you in mid-July 2001, about six  
20 months before the farm is searched; correct?

21 A POI being person interest, yes, it looks like it.  
22 It was delivered to me on July 13, 2001.

23 Q In light of your evidence that you received this  
24 and reviewed it, your testimony yesterday and  
25 this morning that you didn't learn Pickton's name



1           until one or two weeks before the farm was  
2           searched is mistaken; correct?

3           A    I'm telling you what I remember.  I'm telling you  
4           very clearly and to this room and to the inquiry,  
5           what I had remembered is one to two weeks before  
6           he was down to the number one individual  
7           responsible.  Like I said, there's a number of  
8           suspects that were discussed openly and that's  
9           what I do remember very clearly.

10          Q    Sir, I'd like to direct your attention to tab 6  
11           please, next.

12          A    Yes.

13          Q    This is an administrative report from Deputy  
14           Chief McGuinness to the chair and members of the  
15           police board.  Do you see that?

16          A    I do, yes.

17          Q    If you could turn please to the third page.  This  
18           is an important document submitted to the police  
19           board and it is intended to update them on two  
20           concurrent investigations, the missing women and  
21           what is described as the home invasions of the  
22           elderly; right?

23          A    Yes.

24          Q    The third page, bottom paragraph, second bullet  
25           I'll read this passage, the author of this report

1 writes: "The RCMP are going to submit a proposal  
2 to their boss, Chief Superintendent Gary Bass,  
3 asking for funding and resources for the  
4 following: 1. To attempt to profile the suspect  
5 or suspects. 2. To re-open the Pickton file,"  
6 and so on. Do you see that?

7 A I see that.

8 Q So clearly the author of this document had some  
9 familiarity with the Pickton file in connection  
10 with the missing women cases as of February 2000;  
11 right?

12 A Yes.

13 Q And if we go to the end, the detective constable  
14 says on the last page, that this was  
15 "respectfully submitted by the chief constable,"  
16 and signed by yourself; correct?

17 A Yes.

18 Q So in light of this document, you have to agree  
19 that your testimony yesterday and this morning  
20 that you learned of the name of Pickton only one  
21 to two weeks before his farm was searched was  
22 mistaken or wrong; this document shows you  
23 learned of him in connection with the  
24 investigation about two years before his farm was  
25 searched; correct?

1           A    I would say yes, his name was brought up earlier  
2                    obviously. I haven't seen these documents since  
3                    I left the organization and since that date in  
4                    2000. My evidence is, as I remember it, when he  
5                    became the number one individual that they were  
6                    looking at as responsible for these crimes, and I  
7                    stand by that evidence.

8           Q    We have the evidence of one of your detectives,  
9                    Lori Shenher, on whatever priority she may have  
10                  given Mr. Pickton and I expect we'll be receiving  
11                  the evidence of Geramy Field, her boss.

12          A    Yes.

13          Q    One last document on this point. If you can turn  
14                  please to tab 1, this is a memorandum dated  
15                  September 1, 1998, I believe we touched on it  
16                  yesterday, it's directed it yourself, then deputy  
17                  chief of police, with copies to Greer, Rossmo,  
18                  Biddlecombe and it's from Brian McGuinness,  
19                  another deputy, enclosing or attaching a report  
20                  from Detective Constable Lori Shenher, Missing  
21                  Persons; do you see that?

22          A    I do.

23          Q    You received this and your handwriting appears on  
24                  it, doesn't it?

25          A    Yes, it does.

1 Q It looks like you've signed -- initialled and  
2 dated it September 3, '98?

3 A That's correct, yes.

4 Q Turning over to the second page, Shenher writes  
5 to Field in this memo that is passed up the chain  
6 -- I'll take you to the second to last paragraph  
7 on page 2: "I have received several anonymous  
8 tips generated by the publicity in the Sarah de  
9 Vries case which have led to two persons of  
10 interest and my follow-up on those is ongoing."  
11 Do you see that?

12 A Yes.

13 Q You agree that you became aware in early  
14 September 1998 that Detective Shenher had these  
15 two persons of interest and she was following up  
16 with respect to them?

17 A Yes. I remember that also in her evidence.

18 Q And you met with her around this time you said  
19 yesterday; correct?

20 A I met with her.

21 Q I believe you said you first met Lori Shenher  
22 around the time this memo was delivered to you?

23 A You asked me when I first met her and I asked you  
24 in relation to this investigation and you said  
25 no, just -- I think basically generally. And I

1           had met her probably more than once our paths had  
2           crossed, but I met her officially when she, I  
3           believe, came to one of those meetings. It could  
4           have been around the 21st, I believe, whatever  
5           was entered yesterday in evidence.

6           Q    21st of?

7           A    Whatever we talked about yesterday. I'd have to  
8           look up the date. Perhaps I could go to a tab in  
9           our document.

10          Q    I may have misunderstood. I understood you to  
11          suggest that your first meeting with Lori Shenher  
12          in connection with the missing women  
13          investigations was around the time you received  
14          the memo I've shown you. That's my recollection  
15          of what you've said. I may have it wrong.

16          A    You might have it wrong. I never would have met  
17          her individually to talk about this  
18          investigation, other than when she would have  
19          come to one of our collective meetings to do a  
20          presentation. I think by your inference it  
21          sounds like I've met with her personally to  
22          discuss the research or investigation she'd done  
23          to date. That's the implication I'm hearing.

24          Q    The transcript will indicate what you said  
25          yesterday. I will not belabour that point. Did

1           you ask anyone in early September, given the  
2           notoriety issue and the content of this  
3           memorandum, who are persons of interest, who are  
4           we looking at as suspects or persons of interest  
5           in the disappearance of Sarah de Vries? Did you  
6           ask anyone?

7           A    No, not that I remember.

8           Q    You became familiar with the name Sarah de Vries  
9           and Maggie de Vries, didn't you?

10          A    Yes.

11          Q    Maggie de Vries was writing letters to the editor  
12               and the mayor and to the Attorney General and  
13               making a lot of public noise about her concerns  
14               that her sister's disappearance wasn't being  
15               adequately handled; right?

16          A    I met her at a police board meeting, and like I  
17               said to you previously, I'm not -- I don't rely  
18               on what is printed in the media but I do rely on  
19               what my investigators and my superiors would tell  
20               me.

21          Q    Did you have an interaction with her there where  
22               she described her concerns to you?

23          A    She described her concerns to the group that were  
24               present, not to me individually, and I believe I  
25               did meet her.

1 Q Simply put, she was concerned that not enough was  
2 being done to investigate her sister's  
3 disappearance; correct?

4 A I would agree with that.

5 Q So when you became aware there were persons of  
6 interest who might be linked to her  
7 disappearance, weren't you concerned to find out  
8 if those leads were valid, what might be done to  
9 buttress that work, anything like that?

10 A Like I've said, I'm not a micro manager. I have  
11 full faith and trust in the officers assigned to  
12 this investigation and who led this investigation  
13 and were committed to do the good work that they  
14 did. That's what I rely on.

15 Q So you left it to others to investigate?

16 A Exactly. I oversaw everything and it was their  
17 responsibility and I was very pleased with what  
18 they did.

19 Q You were very pleased with what they did. They  
20 accomplished nothing from the date that they  
21 received information that Willie Pickton the Port  
22 Coquitlam farmer might be responsible for Sarah  
23 de Vries's disappearance, that date being July  
24 27, 1998, until February 5, 2002, when others  
25 found evidence of the women's disappearances

1 while conducting an investigation into an  
2 unrelated matter; isn't that the case?

3 A I was reassured that my people were doing a good  
4 job with what they had, the resources they had,  
5 and that's what I'm relying on and that's the  
6 testimony I'm giving.

7 Q Who was giving you that reassurance?

8 A From the deputy chief level and he was receiving  
9 it from all those involved in this investigation  
10 directly.

11 Q Who was that?

12 A Deputy McGuinness and then Deputy Unger.

13 Q Thank you. Sir, if I can move to a different  
14 point and ask you to please turn to tab 13 in the  
15 same binder, Exhibit 102.

16 A Yes.

17 Q I showed you this yesterday. I'm going to show  
18 it to you again and ask you a few more questions  
19 about this document. It's a memorandum dated  
20 April 3, 2002, from Deputy Chief Unger to  
21 Inspector Beach with copies to yourself, Deputy  
22 Chief Daley, Deputy Chief Greer and chair and  
23 members of the Vancouver Police Board. Do you  
24 see that?

25 A I do.



1 Q I'll read a couple of paragraphs. Firstly, it  
2 says this: "As the investigation of Project  
3 Evenhanded (MWTF) continues, the media will  
4 undoubtedly fuel an atmosphere of police inaction  
5 and incompetence relative to our previous lengthy  
6 investigation of missing women from the Downtown  
7 Eastside." Do you see that?

8 A Yes, I do.

9 Q What is being referred to there is the fact that  
10 the investigation had been under way since 1998,  
11 a period of over three and a half years, prior to  
12 the identification and apprehension of Robert  
13 Pickton as the suspect?

14 A Yes.

15 Q The last paragraph on this page: "To prepare for  
16 the inevitable review, I am directing you to take  
17 whatever steps are necessary to preserve  
18 documents and/or notes relative to all previous  
19 MWTF investigations, including Project Amelia.  
20 These steps should include, but not be restricted  
21 to." And then turning over the page, I'll draw  
22 your attention to paragraphs 4 and 5: "Serving  
23 police members' personal notes need to be  
24 preserved," and, "Retired police members'  
25 personal notes relative to the MWTF need to be

1           secured and cataloged." Do you see that?

2           A    Yes.

3           Q    To your knowledge as chief until August 2002,  
4           those steps in respect of the personal notes were  
5           not followed; correct?

6           A    I wouldn't agree with that.

7           Q    Where are they, sir, the personal notes of the  
8           members? Like, for instance, Dave Dickson, who  
9           apparently kept a lengthy multi-year log but  
10          we've only been able to identify seven pages.

11          A    I have no idea.

12          Q    What about the personal notes -- just on this  
13          point you've agreed and it's clear in the policy  
14          and procedure manual of the VPD that members have  
15          an obligation, a duty to keep personal notes of  
16          their daily activities; correct?

17          A    Yes.

18          Q    What about on this issue of who knew what when  
19          about Pickton, what about notes from a  
20          brainstorming session on May 13, 1999, the  
21          personal notes of these members of the VPD,  
22          Geramy Field, Ron Powell, Al Howlett, Stu  
23          Cunningham, Brock Giles, Barry Pickerill, Raymond  
24          Payette, Oscar Ramos, Don Schmidt, Axel  
25          Hoffbrender, Dan Dickhout, Dave Dickson, and Doug

1           LePard, can you explain why no notes of any of  
2           those members have been disclosed to this  
3           commission as of this date?

4 MR. HERN: That's not accurate. Sergeant Field's notes were  
5           disclosed. I'd ask that the question to be put  
6           properly to this witness.

7 MR. WARD:

8           Q I want to make it clear I'm questioning this  
9           witness about handwritten notes. We have one  
10          document, it says virtually nothing, that is  
11          typewritten, presumably made from a handwritten  
12          note. I'm asking you about handwritten notes.  
13          You know members of the VPD, based on the  
14          cumulative experience of yourself and your father  
15          over 65 years, invariably keep daily notes in  
16          their handwriting of their activities; right?

17          A I would hope so.

18          Q Indeed. So my question is, in respect of these  
19          members of the VPD can you explain why we have no  
20          handwritten notes of this May 1999 meeting for  
21          these members, Geramy Field, Ron Powell, Al  
22          Howlett, Stu Cunningham, Brock Giles, Barry  
23          Pickerill, Kim Rossmo, Raymond Payette, Oscar  
24          Ramos, Don Schmidt, Lori Shenher, Axel  
25          Hoffbrender, Dan Dickhout, Dave Dickson and Doug

1           LePard?

2           A    I cannot explain that but I'm very happy with the  
3               fact that this memo went out and instructed them  
4               to keep their personal notes and to gather all  
5               documents.

6           Q    The memo went out but what steps did you take as  
7               the chief to ensure that the personal members'  
8               handwritten notes were actually preserved and  
9               secured so that at the inevitable review, which  
10              may be a public inquiry, into the department's  
11              handling of the matter they would be available  
12              for scrutiny?

13          A    I was assured by this memo that that would be  
14               done. That was good enough for me. As I've  
15               already stated, I had complete faith in the  
16               investigators, the supervisors and leaders in  
17               this. I can't confirm that enough.

18          Q    The memo gave you the necessary satisfaction you  
19               needed as police chief that somebody would be  
20               handling this important task?

21          A    Absolutely.

22          Q    You, of course, appreciated the importance of  
23               retaining and preserving contemporaneous records  
24               for later scrutiny by a quasi-judicial body like  
25               this one?

1 A Yes, I agree.

2 Q I'll ask you to turn please to tab 14.

3 A Yes.

4 Q This is an e-mail, a copy of an e-mail from the  
5 Vancouver Police Board to Mayor Owen, it looks  
6 like the other members of the board and yourself.  
7 Do you see that?

8 A Yes, I am copied on this.

9 Q It's dated April 29, 2002, so it's about two and  
10 a half months after Pickton's farm is searched  
11 and it's in the middle of the activity generated  
12 by that search; correct?

13 A Yes.

14 Q And it's described as the subject being "de Vries  
15 FYI" and the author writes: "For your  
16 information, Maggie de Vries, sister -- one of  
17 the missing women, called the board office today.  
18 She advised that some of the missing women  
19 families met around 10 days ago and they  
20 discussed their feeling that a public inquiry  
21 should be held about what happened with the early  
22 part of the investigation into the missing women.  
23 With suits being filed by some of the families  
24 and no inquiry announced, their frustration is  
25 increasing." Do you see that?

1 A Yes, I do.

2 Q So you as chief were aware as of April of 2002  
3 that there was a clamor from some quarters of the  
4 public, and in particular the families of the  
5 murdered women, for a public inquiry into the way  
6 the Vancouver Police Department had handled the  
7 early part of the investigation?

8 A Yes, and we welcomed that.

9 Q So I suggest when you had that knowledge in April  
10 and prior to your departure as chief in August of  
11 that year, you appreciated the significance and  
12 the importance of ensuring that all of the  
13 records in existence then with respect to what  
14 had happened between 1997 and February 5, 2002  
15 had to be secured and preserved for later  
16 inspection?

17 A Yes.

18 Q You heard your counsel say yesterday, if I  
19 understood him correctly, in February of 2003,  
20 e-mail records were purged and no longer exist  
21 after that date?

22 MR. HERN: That is not accurate. That is not accurate.

23 There's no purging of e-mail s. The e-mail  
24 system was not a historical archiving system, so  
25 the system that was in place did not preserve

1 e-mails for a lengthy period of time. It would  
2 keep them for 30 days and it would roll over the  
3 tapes and move on. Many institutions had that  
4 kind of system. That changed in February of 2003  
5 and that's why the retention policy is different.

6 MR. WARD: Thank you. I am grateful for the explanation.

7 MR. GREENSPAN: I want to make sure the record is clear that I  
8 didn't say it at all. I made no comment about  
9 it.

10 MR. WARD: I misspoke. Sometimes I can't keep all the lawyers  
11 straight and I'm used to having my friend Mr.  
12 Hern represent the interests of the Vancouver  
13 Police Department in the several months we've  
14 been working on it.

15 MR. GREENSPAN: I don't know whether a play by play is  
16 necessary by my friend.

17 THE COMMISSIONER: Let's get to the point here.

18 MR. WARD:

19 Q In any event, sir, recognizing that a public  
20 inquiry may be inevitable, recognizing the  
21 importance of preserving records, did you take  
22 steps to ensure that interoffice communications  
23 between Shenher and others were preserved,  
24 printed off and retained for later inspection and  
25 scrutiny?

1           A    From the memo we just previously referred to, I  
2                    was assured that that was being done.

3           Q    By whom?

4           A    By the deputy chief and his staff.  He sent that  
5                    memo out to everyone that was involved in this.

6           Q    So beyond the memos that recommend that these  
7                    steps be taken, you have no personal knowledge of  
8                    whether anybody actually undertook to copy Lori  
9                    Shenher's regular e-mails, other e-mails that  
10                  were exchanged between investigators on the  
11                  subject of the missing women investigations;  
12                  correct?

13          A    Like I said, I was assured it was being done.

14          Q    And the deputy chief's name again on this point?

15          A    Deputy Unger.

16          Q    Thank you.  Sir, do you have Exhibit 101 before  
17                  you from yesterday?  If not, I'd ask Mr. Giles to  
18                  provide it to you please.  Could you turn please  
19                  to tab 6.

20          A    Yes.

21          Q    I may well have misunderstood your testimony  
22                  about this document, but is this a record of one  
23                  of the Wednesday management meetings that you  
24                  described occurring on a weekly basis while you  
25                  were deputy chief and later acting chief and



1 later chief?

2 A It appears to be, yes.

3 Q Just so I understand this, it was a regular part  
4 of the Vancouver Police Department's executive  
5 business to conduct a formal meeting on Wednesday  
6 mornings to go over issues of concern to the  
7 management team; correct?

8 A Yes. It wasn't just the executive committee, the  
9 three deputies and the chief. It was a number of  
10 supervisors and others that participated. So it  
11 was quite a large group, as you can see in this  
12 document.

13 Q These meetings would be held every week in the  
14 7th floor boardroom of 2120 Cambie Street?

15 A Yes.

16 Q You would have a scribe, in this case Leah  
17 Kelsey, there to record the minutes of the  
18 meeting and keep track of the motions that were  
19 made and carried and the like?

20 A There was always a scribe, yes.

21 Q These meetings were important because they  
22 considered the latest issues of police, VPD  
23 concern that were happening in the community and  
24 steps that might be taken to address those?

25 A Yes, and it was enlightening to everybody that

1           was present in the room.

2           Q   Now, sir, you've seen Exhibit 35, the collection  
3           of newspaper articles. I don't need to turn that  
4           up again. We've discussed how obviously the  
5           missing women case and the missing women issue  
6           was attracting a lot of public attention over a  
7           period of three or four years; right?

8           A   Yes.

9           Q   And so the issue of the handling of the  
10          investigation into the missing women must have  
11          come up frequently at these management meetings?

12          A   There might have been -- there would have been a  
13          discussion or an update with information that  
14          could be shared. Whether it was every week, I  
15          couldn't say. It may not have been if that's  
16          what you're inferring.

17          Q   Here's what I want to ask you about. By my  
18          count, from the period of the commencement of the  
19          terms of reference, January 27, 1997, until the  
20          time you left your post as chief in August of  
21          2002, there would have been about 267 of these  
22          weekly meetings. That's a rough estimate. Maybe  
23          there were less than 52 per year, maybe there  
24          were only 50, in which case the number would be  
25          slightly less. If they're held on a weekly

1 basis, that time span would generate about 267  
2 meetings of this nature?

3 A The average is one a week, yes.

4 Q With my limited staff searching for literally  
5 months, we've found 17 minutes like this. Can  
6 you -- if I'm right and I haven't overlooked  
7 them, can you explain where the other 250 meeting  
8 minutes of these management meetings are?

9 A I can't explain that, but in the context of your  
10 question, that doesn't mean that this issue was  
11 not discussed outside of this formal meeting once  
12 per week. As I've stated, the executive, the  
13 three deputies and the chief met every morning,  
14 Monday to Friday. There were seldom ever, if  
15 any, time I can remember where any notes were  
16 taken, no scribe. So it could have been  
17 discussed often in those sessions and maybe not  
18 as often in these formal sessions.

19 Q Let me put a couple of propositions to you, if I  
20 may. If we had the minutes of these weekly  
21 management meetings over the time period I've  
22 indicated, a binder of 267 minutes starting in  
23 January of '07 and ending when you left as chief,  
24 we could tell, and perhaps by comparing them to  
25 the news coverage, we could tell how often the

1           issue of the missing women's investigation came  
2           up at the management level, couldn't we?

3           A    I think they're pretty accurate with these  
4           meetings and the minutes.  I would say they're  
5           very accurate.

6           Q    All right.  So you would agree with me that if  
7           those minutes were available they would disclose  
8           how often management considered the issue of the  
9           missing women's investigation to be worthy of  
10          their attention at a weekly meeting of this  
11          nature?

12          A    At the weekly meeting?

13          Q    Yes.

14          A    It would be an indicator, yes.

15          Q    Further, if they were available they might shed  
16          some light on what senior management members knew  
17          of the details of the investigation and when they  
18          knew them; fair?

19          A    Details, again, as I've said previously, a lot of  
20          this information is confidential.  Certainly the  
21          fact that there's a team together, they're  
22          working towards a common purpose, but to give  
23          explicit details that you might be inferring to,  
24          would not occur at this meeting.

25          Q    Here's what I'm struggling with, sir.  As best I

1           can tell I've been given access to 17 minutes of  
2           management meetings of the 267 or so that should  
3           exist and be filed somewhere. So I can't tell,  
4           acting for my clients, how often, how regularly  
5           management considered the missing women  
6           investigation to be important enough to attract  
7           their discussion and consideration. Do you  
8           accept that's a reasonable state to find myself  
9           in?

10          A    I accept what you're saying but I think the  
11               interpretation of what you're saying is  
12               important. If you're putting very low emphasis  
13               or concern on this issue by what you're saying,  
14               that's improper. Because this was ongoing, it  
15               was discussed many times, and it was of vital  
16               importance to us. So I'm hearing from you that  
17               there's a suggestion that we didn't discuss this  
18               very often.

19          Q    Not at all, sir. I'm sorry if I inadvertently  
20               gave you that misapprehension. What I'm  
21               suggesting to you is that without the management  
22               meetings -- sorry, without the minutes of the  
23               weekly management meetings during the time period  
24               under consideration by this commission of  
25               inquiry, I cannot test the evidence of yourself

1           and others about the level of management  
2           engagement with this issue, which seems to me to  
3           be, and perhaps I'm wrong, but it seems to be one  
4           of the important issues under consideration here.  
5           Do you accept that?

6           A    I accept you're frustrated but if you took a leap  
7                and started to believe our testimony perhaps that  
8                would help you in this regard.

9           Q    Thank you for asking me to take that leap.  I'm  
10               sorry, I've got a character flaw, maybe other  
11               lawyers have it, I like to see documentary  
12               records of things from 10 or 15 years ago in  
13               order to provide what I consider to be the best  
14               evidence of what happened then.

15           A    And I agree, I like to see that as well.

16 THE COMMISSIONER:  I think it would work a lot better if you  
17                would ask the questions straightforward and if  
18                you would just answer.

19 MR. HERN:  Mr. Commissioner, I'd like to speak to something  
20               here.  We seem to have slipped from  
21               cross-examination of this witness back into a  
22               documents application and we have a general trend  
23               to turn this inquiry into the missing documents  
24               inquiry as opposed to the missing women inquiry  
25               and that's a concern for all of us.

1                   With respect to these management meeting  
2 documents, what I'm guessing is that the 17 that  
3 have been produced have reference to missing  
4 women in it. I'm hearing from Mr. Ward that he  
5 would like to see all of them so that he can  
6 prove the absence of the reference to the missing  
7 women in the other ones. That is the first  
8 request I've had of this. If commission counsel  
9 agrees that is something that should be produced,  
10 I'm happy to go look for them.

11 THE COMMISSIONER: There's two ways to handle this. When you  
12 examine this witness -- or you can deal with Mr.  
13 Ward -- but there's nothing wrong with his  
14 cross-examination on this issue about the notes.

15 MR. HERN: All I want to highlight is that this is the first  
16 I've heard of it. The suggestion is being made,  
17 the evidence is attempted to be led that furthers  
18 the document application and the suggestion is  
19 being made there's more missing documents here.  
20 I'm saying for the benefit of this witness who is  
21 being questioned about this, who has no  
22 knowledge, he left before the document collection  
23 begins, so he doesn't know what is collected and  
24 what isn't, this is the first request I've heard  
25 about this collection of documents and I'm happy

1 to deal with it.

2 THE COMMISSIONER: Maybe that will put this issue to rest.

3 MR. WARD: Let me ask one more question and then I suggest it

4 might be a convenient time for the break.

5 Q Sir, knowing what you do about VPD record keeping

6 practices, you would expect that all minutes of

7 these Wednesday management meetings would be in

8 existence and filed somewhere?

9 A Definitely. Yes.

10 THE COMMISSIONER: We'll adjourn.

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

12 **(PROCEEDINGS ADJOURNED AT 11:05 A.M.)**

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

14 THE REGISTRAR: This hearing is now resumed.

15 MR. WARD:

16 Q Sir, do you still have Exhibit 102 before you,

17 the binder I produced this morning?

18 A I believe so.

19 Q Could you please turn to tab 5. I noticed this

20 document was also in Exhibit 101, there has been

21 some duplication. I don't need to go to it, it's

22 the same document. But it exists, it's at tab 10

23 of 101 as well. This is a copy of an e-mail from

24 Brian McGuinness to yourself dated April 16, 1999

25 and it's copied to Al Boyd, Lori Shenher, Al



1           Howlett, Lynn Kimmins, Brock Giles, Geramy Field,  
2           and the subject line says: Meeting with Terry  
3           Blythe Re Missing Women DES, Downtown Eastside;  
4           correct?

5           A    Yes.

6           Q    Just to put this in temporal context, this would  
7           be in the spring of 1999, around the time that  
8           there was consideration of a \$100,000 reward  
9           being offered by a joint effort of the province  
10          and the city; right?

11          A    Yes.

12          Q    We've seen evidence, heard evidence, that about a  
13          week before this date, around April 9, 1999,  
14          there was a meeting with Attorney General  
15          Dosanjh, some other cabinet ministers and some  
16          senior management personnel from both the RCMP  
17          and the VPD as well as Detective Shenher to  
18          discuss the missing women matter?

19          A    Yes.

20          Q    So what is happening here it seems is that a  
21          meeting is being set up with you and these  
22          investigative personnel and other senior VPD  
23          members for five days hence, April 21, in the  
24          boardroom on the fourth floor of the 312 Main  
25          Street office; correct?

1 A Yes.

2 Q I take it given the nature of the e-mail and the  
3 subject matter and those invited that this was an  
4 important meeting concerning the issues  
5 surrounding the status of the Missing Women  
6 Investigations; is that fair?

7 A It is, and in this memo I observe on the last  
8 line, close to the last line, that the chief  
9 constable was also invited.

10 Q At that point in time it was Chief Chambers?

11 A Yes.

12 Q Did he attend?

13 A I don't recall. He could have. I can't say.

14 Q What happened at this meeting, this important  
15 meeting?

16 A This was a bit of an update for my division and  
17 my people from the Op Support Division as to some  
18 of the progress they were making in this  
19 investigation.

20 Q And Lori Shenher and her supervisor Geramy Field  
21 had by this point in time done considerable leg  
22 work on investigating Robert William Pickton as a  
23 suspect in conjunction with the RCMP's Coquitlam  
24 detachment; correct?

25 A Yes, as well as other individuals of interest.

1 Q And they must have brought you up to date on the  
2 status of the Pickton investigation, I suggest?

3 A Well, like I said, on everybody that was  
4 suspected or might have been a person of  
5 interest. I can't recall the specific details as  
6 to discussion about any individual person.

7 Q You would expect at an important meeting like  
8 this, involving police officers who are under a  
9 departmental obligation to keep records and  
10 notes, that someone would have made notes of this  
11 meeting, wouldn't you?

12 A Yes, and I believe that's why Lynn Kimmins would  
13 have been invited. She would have been the  
14 scribe for the chief constable at the time.

15 Q Have you been able to in the course of your  
16 preparation identify where the notes of this  
17 meeting are?

18 A I haven't seen any of those notes.

19 Q And I haven't either. Where would one expect  
20 now, given your knowledge of the VPD's internal  
21 record-keeping processes, to find notes that may  
22 have been created by Lynn Kimmins or others in  
23 respect of this meeting?

24 A I would say because the meeting was called by the  
25 Op Support Division, being Brian McGuinness's

1           division, they would have a record of this  
2           meeting and notes.

3           Q   You would also suspect that any of the individual  
4           members who were in the habit or practice of  
5           keeping notes in their personal VPD-issued  
6           notebooks would have handwritten notes as well?

7           A   They may have noted the meeting on some of the  
8           details. To what extent -- but I would agree  
9           some of them certainly would have.

10          Q   You're not able today, some 13 years later, to  
11          give us any sense of what was discussed at this  
12          meeting because you haven't seen any of the  
13          meeting minutes to refresh your memory; is that  
14          fair?

15          A   Not that I recall. That's fair.

16          Q   Could I ask you to skip ahead next please to tab  
17          11 of the same brief.

18          A   Yes.

19          Q   And it appears to be an e-mail from John McKay to  
20          yourself, Gary Greer, Carolyn Daley, John Unger,  
21          and a copy to Al Niedtner. What was his rank?

22          A   John McKay?

23          Q   Niedtner.

24          A   Niedtner --

25          Q   McKay was inspector, wasn't he?

1           A   Eventually he was. On this date he could have  
2               been a sergeant. I'm not sure. I'm not positive  
3               but he was one or the other. Al Niedtner, I'm  
4               not sure what his rank would have been on that  
5               date.

6           Q   Do you recall what this e-mail reference is, what  
7               this is all about? There's some criticism of  
8               members of the department, it would seem. McKay  
9               says: "Doug MacKay-Dunn and Kim Rossmo; both  
10              stalwarts who proved time and time again neither  
11              could cut it...Rossmo couldn't get promoted no  
12              matter how he tried to manipulate the promotion  
13              competition as a union rep and MacKay-Dunn who  
14              got further up the ladder than his intelligence  
15              and personality would have indicated." That's a  
16              bit harsh, isn't it?

17          A   It is, and it's his opinion, possibly not shared  
18               by anyone else. It certainly didn't influence  
19               me.

20          Q   What McKay is apparently addressing is the post-  
21               search climate, if I can call it that, where  
22               criticism was being levied at VPD management for  
23               their inability to catch Pickton sooner; isn't  
24               that what he's referencing?

25          A   No.

1 Q Well, it's -- he writes in the beginning: "It is  
2 truly wonderful to see the usual suspects paraded  
3 out as so-called experts who love to say 'If I  
4 was in charge it would have turned out  
5 different.'" It's a reference to the missing  
6 women investigation, right?

7 A I'm sure it is, yes, but you're -- management --  
8 for clarification -- is an issue with me.

9 Q When you say management, we're talking about Doug  
10 MacKay-Dunn who is a staff sergeant, Kim Rossmo  
11 who is a detective inspector; correct?

12 A Yes.

13 Q All right. Is it fair to say that there was some  
14 degree of finger pointing going on within the  
15 department after the search of Pickton's property  
16 and the knowledge became evident that he was  
17 likely indeed the person responsible for the  
18 disappearances and murders of the women?

19 A There could have been a mild form of finger  
20 pointing. What I was concerned about was  
21 certainly the accolades that all our  
22 investigators and everybody involved in this and  
23 their commitment to do an excellent job. I was  
24 far more aware of that than any personality  
25 difference or a lower level rumour.

1           Q   All right.  Sir, I'd ask you to turn next to tab  
2               15, the final tab in this brief.  Your counsel  
3               referred you to some newspaper articles and I  
4               intend to do the same but with some different  
5               ones in which you're quoted.  The first one at  
6               tab 15 is from the *Vancouver Sun* of September 26,  
7               2001.  You were commenting on a *Sun* series -- I'm  
8               in the middle of that page -- "*Sun* series on the  
9               police investigation into the disappearance of  
10              more than 40 women from Vancouver's Downtown  
11              Eastside in recent years."  Do you see that  
12              statement?

13          A   Yes, I do.

14          Q   And then *The Sun* describes its findings as:  "The  
15               number of the missing women included may rise  
16               from 31 to 45, but police haven't publicly  
17               disclosed the new names.

18               "The original Vancouver Police investigation  
19               into the case, launched in 1998, was  
20               deficient, assigned to inexperienced and  
21               overworked officers, some of whom were  
22               fighting with each other.

23               In one case, a suspect in the sexual assault  
24               of a Vancouver prostitute was not arrested.  
25               for more than two months and went on to rape

1                   and kill another Vancouver woman."

2                   And that: "Vancouver Police resources are  
3                   strained because of budget cuts."

4                   Do you see those matters described as *The*  
5                   *Sun's* finding?

6           A    I do.

7           Q    You were asked to comment on this for the purpose  
8                   of this story; correct?

9           A    Yes.

10          Q    You said that *The Sun* series overall -- in the  
11                   next paragraph this quote is attributed to you,  
12                   "did a fairly good job in outlining the sequence  
13                   from the beginning to right now and I have to say  
14                   that we believe we have acted very responsibly".  
15                   That's an accurate quote?

16          A    Yes.

17          Q    So I take it then that *The Sun's* conclusion that  
18                   the original Vancouver investigation launched in  
19                   1998 was deficient is something that you more or  
20                   less agree with?

21          A    I thought that the article they did on the  
22                   sequence of events, which is nice to see in the  
23                   media occasionally be quite accurate about what  
24                   they were printing and that's what I agreed with.

25          Q    Over on the next page you are quoted as referring



1           to the resources and this appears: "Again, we  
2           have tapped into all resources available and  
3           there is always a question about whether there  
4           were sufficient resources put into this  
5           initiative or not. I have to say ideally we  
6           would always like more resources, more people,  
7           more investigators." Do you see that?

8           A    Yes, I do.

9           Q    Was that an accurate quote of your statements in  
10           September of 2001?

11          A    Yes, it is.

12          Q    Sir, on the resources issue, you recall speaking  
13           with Deputy LePard on that issue when he  
14           interviewed you in the company of Mr. Hern at  
15           Farris's offices in February of 2004?

16          A    Yes.

17          Q    What you said to LePard in a statement that was  
18           reduced to writing was that if McGuinness, Brian  
19           McGuinness, had come to you and said, "There's a  
20           serial killer out there," that you as chief would  
21           have found the resources necessary, even to the  
22           point of hiring back retired members, that you  
23           would do whatever it took, you would have found  
24           the resources?

25          A    Yes.

1 Q And that was true?

2 A Absolutely.

3 Q So I suggest that there were adequate resources  
4 within the Vancouver Police Department at your  
5 disposal if you had decided that they were  
6 necessary to divert to this investigation; right?

7 A No, not right. To find resources means depleting  
8 another section, a division, and removing people  
9 and shutting something down which we would  
10 actively be doing as a police organization, so I  
11 wouldn't agree with everything you said in that  
12 question.

13 Q All right. I interpreted your remarks I just  
14 referred to as meaning that if you believed that  
15 a serial killer was responsible you would have  
16 sought and found more resources to devote to the  
17 investigation?

18 A That's right.

19 Q Thank you. Sir, also on this question of  
20 resources, I've had a couple exhibits entered  
21 earlier, Exhibits 37 and 38, and these were  
22 newspaper articles two days apart in early 1999,  
23 March 1st and 3rd, 1999. The first of which is  
24 addressed LePard's home invasion task force and  
25 its resources and the second of which addressed

1           the case of the missing women. I'd like to ask  
2           you now about the resources that the department  
3           had allocated to LePard's task force and I'm  
4           afraid -- I suspect the copy of the exhibits  
5           you've got are not very easy to read so I've got  
6           another one that you can follow along with if  
7           that's helpful.

8           A   That would be helpful. Thank you.

9           Q   This is Exhibit 37. It's a story by Lindsay  
10          Kines in the *Vancouver Sun* -- pardon me, I  
11          misspoke, it's March 2nd, 1999. "Police Push the  
12          Hunt For Home Invaders." It appears on the front  
13          page of that newspaper. If you look down about  
14          four paragraphs from the bottom, I'll read you  
15          this and ask you if this accords with your  
16          recollection of the circumstances in the  
17          department. I'm going to start a little higher  
18          up with a quote from Mr. LePard:

19               The chief constable has made it clear that  
20               whatever resources we need for this  
21               investigation he will provide, LePard said  
22               in a recent interview. To date, not one  
23               request that we've made has been turned  
24               down. The veteran investigator, LePard, 37,  
25               previously worked sex offences and mostly

1 recently headed the Criminal Harassment  
2 Unit. He also is one of only two people in  
3 the entire department trained in major case  
4 management, a system for handling large or  
5 complex cases such as serial homicides and  
6 rapes.

7 So far do you agree those are accurate  
8 statements?

9 A Yes.

10 Q This story is of course about his task force that  
11 is looking into the break and enters on the west  
12 side of Vancouver?

13 A Yes, a task force that took place in the Ops  
14 Support Division and I was in the other division  
15 at that time, as indicated previously.

16 Q Fair enough. The next line:

17 LePard said the department takes the home  
18 invasions so seriously, investigators are  
19 treating the case as if they were tracking a  
20 serial predator. To that end, he has  
21 plucked seasoned officers from all sections,  
22 strike force, general investigation, sex  
23 offences, robbery and the Coordinated Law  
24 Enforcement Unit.

25 Just stopping there, that's your recollection

1           while you were deputy chief of how that task  
2           force had been set up?

3           A    It sounds familiar to me, yes.

4           Q    Then it goes, continuing over to the next page:

5                   Although the core team consists of 10  
6                   investigators, LePard said the Patrol  
7                   Division has also created a separate team  
8                   for canvassing neighbourhoods or saturating  
9                   particular areas of the city. Other members  
10                  are used for surveillance, while one member  
11                  of the Forensic Identification Unit has been  
12                  specifically assigned to the case dubbed  
13                  Project Guardian. There is literally  
14                  hundreds and hundreds of officers out there  
15                  that are involved to some extent, LePard  
16                  said.

17                  Again, does that accord with your recollection?

18           A    Yes.

19           Q    And apparently each morning all these detectives  
20                  would meet for a debriefing session in a war room  
21                  on the third floor of the Main Street station.  
22                  Do you see that?

23           A    I see that.

24           Q    One last quote from this article, about half way  
25                  down the page, attributed to Doug LePard:

1                   In my 18 years I can guarantee to you that  
2                   there has been not one single case that guys  
3                   want to solve as badly as this one, he said,  
4                   so everybody is out there looking and  
5                   cultivating their informants to try and  
6                   generate information about these suspects.

7                   Is it your recollection that members involved in  
8                   this investigation were treating it with that  
9                   type of seriousness?

10           A    I would hope they would treat every serious  
11                investigation just like this.

12           Q    At this very same point in time, as ***The Globe and***  
13                ***Mail*** points out on page A3 the next day, there's  
14                a great deal of public concern about women who  
15                have gone missing from the Downtown Eastside and  
16                who might have fallen victim to a serial  
17                predator; correct?

18           A    Yes.

19           Q    You know from your experience within the  
20                department that the unit that was attempting to  
21                investigate the disappearances was essentially  
22                two people and a civilian working in a small  
23                office just down from LePard's war room, badly  
24                overworked and under-resourced; correct?

25           A    You're partially accurate. I have mentioned in

1 my evidence that we also contributed personnel to  
2 the Professional Unsolved Homicide Unit, which  
3 you didn't just mention, as well as committing  
4 people to the Missing Persons Section, I think  
5 you're just talking about those individuals. And  
6 I couldn't tell you, because I wasn't in that  
7 division as the superior, I couldn't tell you how  
8 many detectives were assigned on this right at  
9 that point in time.

10 Q All right. But a few months later you became  
11 acting chief?

12 A Yes.

13 Q June of 1999?

14 A Yes.

15 Q Did you consider when you assumed the position of  
16 acting chief, given the notoriety of the missing  
17 women cases, reallocating resources, perhaps  
18 taking some of these seasoned investigators with  
19 experience in tracking down sexual predators,  
20 perhaps taking even LePard with his major case  
21 management experience, and putting them to work  
22 on the issue of the missing women?

23 A Again, that proposal and that structure by  
24 somebody as talented as Sergeant LePard at that  
25 time would have come from him to his immediate

1 bosses and hopefully right up to the deputy chief  
2 level in that division, and I would agree, if it  
3 was specified and they were definite about their  
4 feelings and the seriousness of the  
5 investigation, which obviously the missing  
6 persons is, they would have committed more  
7 resources.

8 Q But no such request came up the chain of command  
9 to you after you had assumed the position of  
10 acting chief; right?

11 A No, that's right.

12 Q Sir, the next article is one that was written  
13 later in that same year, 2001, in light of your  
14 impending retirement. Do you see that -- I'm  
15 back at -- I'm now moving to tab 15, back to tab  
16 15, the last document in that tab, the last  
17 newspaper article I wish to refer to.

18 A It the last page?

19 Q No. It's actually three pages from the back.  
20 The headline says "Vancouver's police chief to  
21 leave post in June: Terry Blythe denies recent  
22 controversies influenced move."

23 A I have that.

24 Q December 5, 2001, *Vancouver Sun*.

25 A Yes.



1 Q The article -- I won't read it but it refers to  
2 you having weathered a series of controversies in  
3 your two and a half years as chief. I'm down at  
4 the bottom of the first page. I'll just list  
5 them. According to the article your first crisis  
6 was December 1999, after a provincial court judge  
7 found several Vancouver Police officers had  
8 trashed a suspect's apartment in March of '98.  
9 The judge said the officers' testimony was  
10 "completely lacking in credibility". Was that  
11 essentially the first crisis you dealt with?

12 A You know, again, from memory, there's all kinds  
13 of levels of crisis in any organization. Some  
14 preceded my leadership and some have certainly  
15 followed my leadership. So to bring these out as  
16 though they're only issues I had to deal with  
17 would be misleading.

18 Q I'm just asking you to comment on whether or not  
19 the newspaper has summed up your experience as  
20 chief accurately?

21 A I wouldn't say they have because I probably had  
22 far more, if you want to call them crises, in my  
23 leadership than what is quoted here.

24 Q These are only the crises that became public  
25 knowledge. Is that fair?

1 A Partially fair.

2 Q There's something about the conduct of the VPD's  
3 Grow Busters team. Then there's something  
4 described as a "bombshell" involving Detective  
5 Constable Murray Phillips and this suggestion  
6 that he had engaged in unprofessional behaviour,  
7 including cavorting with a prostitute, dabbling  
8 in drugs and conducting illegal searches. Was  
9 that a crisis you had to deal with during your  
10 time as chief?

11 A It was an internal matter that did attract some  
12 notoriety and I'm proud to say that we as an  
13 organization, the Vancouver Police Department,  
14 shared these with the media and showed how we  
15 would bring them to light and we would deal with  
16 them in a public forum. I think that's  
17 excellent. We're not hiding anything, we're very  
18 open and we're publicly telling the community  
19 we're dealing with these issues.

20 Q What actually happened in the Phillips' case is  
21 that you reached a deal with him that he could  
22 receive his full pay until retirement and escape  
23 discipline after retiring?

24 A That's interesting.

25 Q Is that correct?

1           A    It could be close to being accurate.  I can't say  
2                fully.

3           Q    Sir, the third so-called crisis or issue that you  
4                had to deal with is what is characterized this  
5                way:  "The department has also been criticized  
6                recently for not doing enough to investigate the  
7                disappearance of 45 women on the city's Downtown  
8                Eastside."  This is written in of December 2001,  
9                a couple of months before Pickton's farm is  
10              searched and he's arrested, and it refers again  
11              to *The Sun* investigation that says that the case  
12              was assigned to inexperienced and overworked  
13              officers without the time or resources to do a  
14              thorough job.  Is *The Sun* article fair in  
15              describing that issue as one of the serious  
16              matters, crises, problems you had to face during  
17              your two-and-a-half-year tenure as chief?

18          A    Certainly one of the issues that came to light.  
19                I'm not sure it was a crisis.

20          Q    Lastly it says this:  "By far the most difficult  
21                time for the department came this fall during  
22                Rossmo's wrongful dismissal trial."  And you  
23                recall that of course, it was the subject of  
24                spectacular media attention, you testified at  
25                that trial and you're well aware of the

1           allegations raised about the old boys' network  
2           and the like?

3           A    It wasn't spectacular but it certainly was a  
4           media event.

5           Q    I use that word because the article said, "The  
6           trial contained many embarrassing allegations  
7           against the department and the spectacle of  
8           senior officers -- including Blythe -- accusing  
9           their subordinates of lying on the stand."

10          That's why I used "spectacle" you'd agree it  
11          generated a lot of media attention at the time?

12          A    Certainly unnecessary attention, yes.

13          Q    It's accurate that you at that trial said that  
14          Inspector Doern was lying with respect to some of  
15          the evidence, didn't you?

16          A    I'm not sure I said lying but he could have been  
17          untruthful or misleading in his evidence.

18          Q    Unger played a prominent role in that case as a  
19          defendant; you recall that?

20          A    Yes, I do.

21          Q    Rossmo, both here and at his civil trial,  
22          describes Deputy John Unger as a prolific note-  
23          taker; do you recall that being said about him?

24          A    Yes.

25          Q    That accords with your own personal knowledge and

1 experience about Unger, doesn't it?

2 A I would agree with that.

3 Q You no doubt have spoken to him about this  
4 commission of inquiry in the years since the  
5 Pickton case has unfolded?

6 A With my counsel, yes.

7 Q Do you know whether Unger, the prolific note-  
8 taker, has retained his personal notes with  
9 respect to that April 2002 memorandum that  
10 directed people to do so?

11 A I can't answer that. He would have at the time.  
12 Whether he has the notes now you're asking me?

13 Q Yes.

14 A You'd have to ask him. I have no idea.

15 Q Did you have the opportunity to review his  
16 personal notes to refresh your memory to prepare  
17 to testify here this week?

18 A No, I did not.

19 Q I'll just -- since you have the same counsel --  
20 invite you to ensure that my ongoing request that  
21 Deputy Unger and other VPD members bring their  
22 notes is complied with.

23 MR. GREENSPAN: Can I have your indulgence please?

24 THE COMMISSIONER: Yes.

25 MR. WARD: May I continue my cross?

1 THE COMMISSIONER: Just a minute.

2 MR. WARD: I gather we're waiting for Mr. Greenspan. It's  
3 cross-examination. Is there an objection?

4 THE COMMISSIONER: Maybe he's responding to your request.

5 MR. GREENSPAN: I asked for an indulgence from the

6 commissioner in order to determine what, if any,

7 response I should give. You made the point that

8 I am counsel to both of these gentlemen. That is

9 something that has only occurred recently, that

10 they were both represented, as my friend was so

11 quick to point out earlier, by other counsel, and

12 I just want to find out if I can very quickly

13 whether or not that question about the fact that

14 I'm now counsel hasn't been dealt with by earlier

15 counsel. Just give me one moment, please.

16 That's all I ask.

17 THE COMMISSIONER: All right.

18 MR. GREENSPAN: All I can indicate is that the question of

19 meeting with counsel, and both Deputy Chief Unger

20 and Chief Blythe met with the counsel, Vancouver

21 Police counsel, dealt with the question of

22 disclosure of documents. That's all I can say at

23 this time.

24 THE COMMISSIONER: Thank you. Mr. Ward.

25 MR. WARD: Thank you. Before moving on, I'll just express the

1           fervent hope that the notes of Deputy Chief  
2           Unger, described by this witness and others as a  
3           prolific note-taker, that relate to his  
4           involvement in the case be available prior to his  
5           testimony.

6           Q   Sir, you mentioned yesterday and as well when you  
7               were interviewed by Deputy LePard that Sandy  
8               Cameron, a civilian member of the Missing Persons  
9               Unit, was clearly a problem?

10          A   From what I heard she -- there was some issues  
11               with her, yes.

12          Q   And they were serious ones; correct?

13          A   I would say they were certainly concerning  
14               issues, yes.

15          Q   And they were issues that were so concerning that  
16               they may well have affected the Missing Persons  
17               Unit's ability to deal effectively with reports  
18               that women were going missing; right?

19          A   I can't comment on that. I wasn't a supervisor  
20               there. I was not her boss. I couldn't tell you  
21               what she did or didn't do directly. I'm only  
22               relying on information that was conveyed to me.

23          Q   Once you became aware of the problems that were  
24               concerning, why didn't you relieve her of her  
25               duties and put someone else in that department

1           who could provide more effective support and  
2           assistance to the unit?

3           A    I know she was moved from that unit.  I can't  
4           give you the date that she was moved but, again,  
5           in my position, once I became the acting chief  
6           and the chief, those duties and responsibilities  
7           would be that of her immediate supervisor, the  
8           inspector and the deputy chief in that division.

9           Q    Sir, you mentioned in your interview with LePard  
10          something that happened with respect to another  
11          member of the Vancouver Police Department who was  
12          working on the missing women cases, in fact, he  
13          was working on the joint force operation in the  
14          latter part of the time period under review, and  
15          that's Scott Driemel.  Did you relieve him of his  
16          duties?

17          A    No, I did not.

18          Q    He was relieved of his duties, was he not?

19          A    He was moved to another position by my successor,  
20          yes.

21          Q    That was because he had a problem -- according to  
22          you, he had a problem with jokes?

23          A    He had -- he made an inappropriate comment at a  
24          meeting -- at a presentation, I believe, at the  
25          Justice Institute.



1 Q And the inappropriateness was that he made jokes  
2 that were described as sexist and insensitive,  
3 referred to parts of women's anatomy and included  
4 a play on the word "hooker"; right?

5 A I don't recall the "hooker" comment and you're  
6 saying plural jokes. I understood it was one  
7 comment, one joke.

8 Q Driemel was the spokesperson for the department  
9 at the time this conduct occurred, wasn't he?

10 A Yes, he was.

11 Q To your knowledge, based on your long history  
12 with the department, his sexist and inappropriate  
13 remarks about women were reflective of the  
14 attitude that male members of the department held  
15 then, weren't they?

16 A No, I wouldn't agree with that at all.

17 Q Just last week, sir, there was a story in the  
18 media about 15 male members of the VPD being  
19 disciplined for --

20 THE COMMISSIONER: How is that relevant?

21 MR. GREENSPAN: I would rise on the question of relevancy,  
22 something that happened last week.

23 THE COURT: You're free to ask about the environment that  
24 existed at that time but I'm not really concerned  
25 about what is happening there now.

1 MR. WARD: Fair enough.

2 Q At the time, '97 to 2002, the environment was  
3 such that male members considered sex trade  
4 workers, or as they called them, hookers, to be  
5 objects unworthy of serious investigative work  
6 when they went missing, considered them people of  
7 little value, and that attitude was why so many  
8 more resources were devoted to investigating  
9 break-ins on the west side garages; isn't that  
10 fair?

11 A No, it's not fair at all. It's totally  
12 inaccurate.

13 Q Now, sir, you worked with the executive director  
14 of this commission for about 16 years at the  
15 Vancouver Police Department, didn't you?

16 A Approximately I would think, yes.

17 Q That's Mr. John Boddie?

18 A Yes, as a police officer.

19 Q And you must have renewed his acquaintance  
20 through your appearance before this commission in  
21 recent weeks?

22 A I met him once, and he left I don't know how many  
23 years ago, and that was recently since he left  
24 the department.

25 Q That's what I meant, you renewed your

1 acquaintance when you knew you were coming to  
2 testify here?

3 A I met with him for a meeting, yes.

4 Q In that meeting did he tell you what role he  
5 played in the creation of Deputy Chief Evans'  
6 report?

7 A No.

8 Q Did he tell you in that meeting how many times he  
9 travelled to Toronto to meet with Deputy Chief  
10 Evans while she was preparing her report?

11 A No, he did not.

12 Q Sir, you spoke from time to time yesterday about  
13 your pride in the Vancouver Police Department;  
14 right?

15 A Yes.

16 Q We know now that Robert Willie Pickton and his  
17 accomplices took up to 49 women from the Downtown  
18 Eastside, literally from within the shadow of the  
19 police building at 312 Main Street, killed them  
20 and disposed of their bodies out in Port  
21 Coquitlam. We know now that the Vancouver Police  
22 Department knew that Mr. Robert William Pickton  
23 was the likely perpetrator of the disappearance  
24 of Sarah de Vries on July 27, 1998, and we know  
25 that the Vancouver Police Department failed to

1           take any effective steps to stop this man from  
2           killing the dozens of women he killed between  
3           that date and the time he was finally  
4           apprehended. Do you consider the department's  
5           role in the handling of Canada's worst ever  
6           serial murder case to be worthy of pride today?

7 MR. HERN: I'm going to rise to object to that question on the  
8           basis that it starts -- I understand what he's  
9           getting at, but laying the foundation with a  
10          statement such as the Vancouver Police Department  
11          over that lengthy period of time taking no  
12          effective steps --

13 THE COMMISSIONER: I understand.

14 MR. HERN: I think that's unfair.

15 THE COMMISSIONER: I understand the limitations of the  
16          question and the answer and it's  
17          cross-examination and I'm going to let him ask  
18          it.

19 MR. WARD: Thank you.

20          Q    You're still proud of the department despite the  
21          way it handled the investigation of these women  
22          and the role the department played in the worst  
23          serial killing in Canadian history?

24 MR. GREENSPAN: If I can rise to object. The question  
25          includes "despite the way the force handled it"

1 and in my respectful submission that's not a  
2 question that allows the witness to answer. It's  
3 argumentative, and to say despite the way they  
4 handled it, lay out the way things that were done  
5 or weren't done, that's fair. But it's not fair  
6 to just have an open-ended kind of a question for  
7 the media by saying "despite the way they handled  
8 it". That's a conclusion you have to come to.  
9 That's not a conclusion he can come to.

10 THE COMMISSIONER: I agree with you and that's what I said in  
11 response to Mr. Hern's objection, there are a  
12 number of faulty premises here and I don't know  
13 if the answer is going to help me at all --

14 MR. GREENSPAN: I don't know if he can answer it fairly. In  
15 terms of being fair to the witness, he's got to  
16 give an answer to a question if you permit it.

17 THE COMMISSIONER: I agree, and not only that, but this  
18 witness has said he found nothing improper in the  
19 way the Vancouver Police conducted the  
20 investigation. So I don't know what the purpose  
21 of the question is but it's cross-examination and  
22 I'm going to let him ask it.

23 MR. GREENSPAN: Thank you.

24 THE COMMISSIONER: Go ahead, Mr. Ward.

25 MR. WARD: I'm a little leery because I don't know which

1 lawyer will pop up next.

2 THE COMMISSIONER: Just ask the question. Are you able to  
3 answer the question?

4 A I think I can answer it without him asking it  
5 again. Of course I have a lot of pride in the  
6 organization, immense pride. For me to sit here  
7 today and not say that we wished we had caught  
8 him earlier would not be the right answer. I  
9 absolutely wish we'd caught him earlier. Of  
10 course I do, and of course every individual  
11 police officer that was involved in this would  
12 have wanted to do that. So what you're saying is  
13 very misleading to the community that we live in.  
14 You've got a very dedicated police organization.  
15 I wished we'd caught him earlier.

16 MR. WARD:

17 Q Sir, I'll suggest --

18 THE COMMISSIONER: I'm going to stop you now. We're going to  
19 adjourn now until 1:45. I have a practice  
20 directive to give at this stage so we'll adjourn  
21 and we'll come back at 1:45.

22 MR. VERTLIEB: Mr. Commissioner has a directive to give.

23 MR. WARD: Could we ensure the witness is given the usual  
24 caution.

25 THE COMMISSIONER: You're under cross-examination and because

1                   you're under cross-examination you can't talk to  
2                   anybody about your testimony or the case.

3 THE WITNESS:   Yes.

4 MR. GREENSPAN:  When you come back at 1:45 --

5 THE COMMISSIONER:

6                   1.  This is Process Management Directive #3.  In  
7                   my two Process Management Directives issued on  
8                   January 11 and January 24, 2012, I emphasized  
9                   three overriding principles:

10                   - the need to focus on my mandate to make  
11                   recommendations that will make a real  
12                   difference in practical terms to the  
13                   pressing and continuing concern of missing  
14                   and murdered women;  
15                   - the need to focus on systemic dimensions  
16                   of any police failures rather than finding  
17                   individual scapegoats; and  
18                   - the need to carry out the hearing aspects  
19                   of my mandate in an effective manner and  
20                   ensure important attention is given to  
21                   the study commission aspect of my mandate.

22                   2.  After the passage of four weeks of  
23                   evidentiary hearings since Directives #1 and #2  
24                   were issued, I remain focused on these three  
25                   principles and will be moving forward to

1 strategically manage the inquiry process in line  
2 with these previous directives.

3 3. Important information has been learned during  
4 the 53 days of hearings thus far, including from:

5 - evidence from nine members of victims'  
6 families, Liliane Beaudoin, Marion Bryce,  
7 Lorraine Crey, Lori-Ann Ellis, Lynn Frey,  
8 Margaret Green, Donalee Roberta Sebastian  
9 accompanied by Anne Marie Sebastian, and Angel  
10 Wolfe;

11 - extensive expert evidence about the conditions  
12 of the lives of women who are involved in the sex  
13 trade in the Downtown Eastside of Vancouver from  
14 Professor John Lowman, Dr. Thomas Kerr and Dr.  
15 Kate Shannon;

16 - evidence from Elaine Allan, former coordinator  
17 of WISH, and former street nurse in the Downtown  
18 Eastside, Catherine Astin -- both of whom provide  
19 services to many of the missing women;

20 - evidence from a former survival sex trade  
21 worker, Susan Davis;

22 - evidence from the lead investigator in the  
23 Vancouver Police Department missing women  
24 investigations - Detective Constable Shenher;

25 - evidence from the lead investigator in the



1 Pickton investigation led by the Coquitlam RCMP -  
2 Corporal Connor;

3 - evidence from Kim Rossmo who is an expert in  
4 the investigation of serial killers and was  
5 involved in the missing women investigations;

6 - evidence from the Team Commander of Project  
7 Evenhanded - Sergeant Don Adam (retired) (his  
8 testimony is currently ongoing);

9 - evidence from Chief Constable Terry Blythe  
10 (retired) (his testimony currently ongoing);

11 - extensive evidence from three police review  
12 witnesses - Deputy Chief Constable Doug LePard,  
13 Superintendent R.J. Williams, and the  
14 Commission's independent expert, Deputy Chief  
15 Jennifer Evans, all of whom are highly  
16 experienced and carried out detailed reviews of  
17 the missing women investigations based on an  
18 extensive review of documents and numerous  
19 interviews with those directly involved in all  
20 levels of the investigations.

21 4. I would like to thank all the witnesses for  
22 their participation and for the assistance that  
23 they have provided to me. Together this evidence  
24 is helping build a broad and detailed factual  
25 framework for my report.

1           5. I expect to hear from additional senior  
2 members of the RCMP and the Vancouver Police  
3 Department. I have not yet come to any  
4 conclusions on the facts and appreciate that  
5 these witnesses will continue to contribute to my  
6 ongoing fact finding.

7           6. I will also be hearing from witnesses  
8 regarding the decision of the Criminal Justice  
9 Branch to enter a stay of proceedings against  
10 Robert Pickton pursuant to paragraph 4(b) of my  
11 terms of reference during the week of March 26,  
12 2012.

13          7. While being helped by our fact-finding  
14 progress I must remain vigilant and mindful that  
15 my mandate also involves making recommendations  
16 to help save the lives of marginalized women. I  
17 believe this can best be accomplished by working  
18 with the participants and the broader community,  
19 particularly women who are street-involved and  
20 engaged in the sex trade, who on a daily basis  
21 face the highest risk from all forms of violence,  
22 including serial predation. I cannot imagine  
23 anyone would seriously disagree that this is my  
24 most important task.

25          8. From the very beginning of this commission, I

1 have emphasized the need to work together in as  
2 many ways as possible to ensure this tragedy is  
3 never allowed to happen again. I continue to  
4 believe that working together is vital to our  
5 success.

6 9. We have spent much time and learned a lot  
7 about what went wrong and it is now time to focus  
8 more actively on any investigative failures and  
9 how they can be prevented in the future.

10 Therefore, in addition to the more traditional  
11 evidentiary hearings that are underway, we will  
12 be introducing a more co-operative approach to  
13 allow us to pursue this aspect of the mandate.

14 10. It is for these reasons I set out additional  
15 steps that the commission will be taking in the  
16 Process Management Directive. To achieve this I  
17 am implementing several strategic approaches.

18 All of these approaches have a common purpose:  
19 working collaboratively with communities, police  
20 agencies, government and women at risk to develop  
21 new strategies to protect women at risk. I am  
22 asking for help from all these affected,  
23 including victims' families, community members  
24 and leaders, First Nations community members and  
25 leaders, political leaders, police and policing

1 institution.

2 11. Accordingly, one approach will be to receive  
3 information from groups of witnesses which will  
4 be constituted as "panels", which I expect to  
5 include the following:

- 6 - Victims' family (the following family members  
7 have stated they would like to give evidence:  
8 Bonnie Fowler, Lisa Bigjohn, Marilyn Kraft,  
9 Daphne Pierre, Lila Purcell, and Sandra Gagnon) -  
10 This inquiry has provided for the first time an  
11 opportunity for families of victims to be heard;  
12 - the Downtown Eastside Community;  
13 - Aboriginal Interests;  
14 - District 2 Police;  
15 - Vancouver Police Department and RCMP  
16 supervisors; and  
17 - Vancouver Police Board and Other Officials.

18 12. The purpose of these panels will be to  
19 inform the development of recommendations in the  
20 three core categories which I identified in  
21 Process Directive #2:

- 22 - the difficult interface between the policing  
23 authorities and the marginalized community of  
24 these victims.  
25 - inter-jurisdictional difficulties between

1 different police forces; and

2 - shortcomings in organizational systems.

3 13. The panels will enable us to develop this  
4 information in an effective and efficient manner  
5 across a broad range of perspectives. The panels  
6 will consist of people who are able to provide  
7 experience based on insights and ideas to assist  
8 me to develop practical and effective steps for  
9 change. Counsel will be given an opportunity to  
10 ask questions of the panel members within the  
11 spirit of the purpose for which these panels are  
12 being constituted.

13 14. I am hopeful that individuals who have  
14 important information to contribute will be more  
15 willing to come forward and participate in this  
16 less adversarial hearing process.

17 15. Second, I would like to understand the  
18 impact the failed missing women investigations  
19 have had on individuals and the community at  
20 large. It is critical that I have the  
21 information required to allow me to assess the  
22 harms experienced, including the magnitude of the  
23 harm caused to the families and the community  
24 beyond the crime and sentencing of Robert  
25 Pickton. I need to gain a better understanding

of what will be required to build trust and positive community police relationships in the Downtown Eastside. This renewed relationship is essential for the implementation of workable protection and prevention measures of vulnerable and marginalized women as well as to support effective future investigations.

16. To this end, I am asking aboriginal leaders and other community leaders to assist in developing a process whereby this can occur. I wish to meet with family members as a group to hear from them directly about the harms they have experienced and their recommendations to improve the safety and security of vulnerable women.

17. Third, I would like to focus on how the relationship between the community and the police can be improved. The commission will be exploring with key organizations and institutions the potential for developing a dialogue to support the work of the commission, to voice and address their own concerns and to advance their mutual interests that what happened here will never happen again. One specific step that I would like to see considered is the organization of an information sharing workshop that will also

1 include learning more about programs and  
2 approaches that have worked elsewhere so as to  
3 increase our understanding of ideas and options  
4 that should be considered here in BC. I also  
5 envision that this dialogue initiative will  
6 provide support and bridge the commission's  
7 ongoing research, consultations and the already  
8 scheduled policy forums.

9 18. Currently, the study commission has  
10 undertaken a number of research and consultation  
11 activities. Detailed reports of these activities  
12 have been published on the commission website. I  
13 would like to highlight three of the reports  
14 which are now available on our website:

- 15 - a report on the northern communities forums  
16 that I held last September in seven communities  
17 along Highway 16, the Highway of Tears;
- 18 - a report on consultations in the Downtown  
19 Eastside held by commission staff last fall; and
- 20 - a policy discussion report on the police  
21 protection of vulnerable and marginalized women.

22 These reports contain a great deal of information  
23 about the scope and nature of the issues that I  
24 must address and upon which I am considering  
25 making recommendations for change. I will not be

making any findings of fact based on those reports, but they will inform my analysis and provide important policy advice. I am hopeful that these reports and any additional commission reports that will be published will stimulate further public discussion, additional input from interested parties and the formulation of recommendations for reform.

19. As previously announced, I will be holding policy forums in early May. These forums will be an opportunity to bring together the various aspects of the study commission's research and consultations, the workshop and written submissions received from interested members of the public and organizations. I encourage all interested individuals and organizations to make written submissions to me. My commitment to the safety and security of women, especially marginalized ones, have never wavered. I am determined to ensure that these women did not die in vain and that positive change resulting in saving of lives will be the lasting memorial for the missing and murdered women. Thank you.

We'll adjourn.

THE REGISTRAR: The hearing will resume at 1:45.



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

2                   **(PROCEEDINGS RESUMED AT 1:45 P.M.)**

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

4 THE COMMISSIONER: Is Mr. Ward finished?

5 MR. ROBERTS: I believe so, Mr. Commissioner.

6 THE COMMISSIONER: Mr. Chantler?

7 MR. CHANTLER: Mr. Commissioner, Mr. Ward has no further  
8                   questions.

9 THE COMMISSIONER: I see. I was going to apologize for  
10                   interrupting his cross-examination. I thought  
11                   we'd stand down momentarily.

12 MR. CHANTLER: I will accept his apology.

13 THE COMMISSIONER: Relay it for me.

14 MR. GRATL: Mr. Commissioner, Jason Gratl for Downtown  
15                   Eastside interests. I know Mr. Roberts expressed  
16                   an interest in going next but I'm requesting that  
17                   after Mr. Roberts we resume the usual order and  
18                   the Vancouver Police Department carry on with  
19                   their cross-examination followed by myself and  
20                   Ms. Gervais.

21 MR. HERN: I don't know what --

22 MR. ROBERTS: I think Mr. Gratl misunderstands. The witness  
23                   is here as a private person and is represented by  
24                   counsel.

25 THE COMMISSIONER: Commission counsel can straighten all this.

1 MR. VERTLIEB: We'll sort this out. Let's move on. Mr.

2 Roberts is up first. Please carry on. I will

3 help sort this out.

4 MR. ROBERTS: Mr. Commissioner, Darrell Roberts on behalf of

5 Marion Bryce and I will endeavour to be done in

6 an hour, Mr. Commissioner.

7 **CROSS-EXAMINATION BY MR. ROBERTS:**

8 Q Good day, sir. I'm going to call you "chief"

9 even though I usually refer to witnesses by "Mr."

10 whatever their rank, but you are retired for some

11 time now and you've earned your chief status.

12 I'm going to try and take a little bit of air out

13 of the tires which is often a good thing to do.

14 I'll ask you to agree with this if you can.

15 My strong impression, sir, is that from your

16 evidence your -- it is your sense of duty to the

17 public that has been a strong and guiding force

18 throughout your career in policing; is that fair?

19 THE COMMISSIONER: Excuse me. Mr. Greenspan is gone too?

20 MS. CHRISTIE: Yes, Mr. Commissioner, Vanessa Christie. Mr.

21 Greenspan is gone and he sends his apologies for

22 not being able to continue but --

23 THE COMMISSIONER: He didn't even say good-bye.

24 THE REGISTRAR: He did to me.

25 MS. CHRISTIE: He tried to interrupt your practice directive

1 but I tried to stop him from doing that, Mr.  
2 Commissioner.

3 THE COMMISSIONER: I should have put in the practice directive  
4 that all lawyers who are leaving are to say  
5 good-bye.

6 MS. CHRISTIE: I'll make sure I tell him that.

7 THE COMMISSIONER: Give him my concerns.

8 MS. CHRISTIE: I certainly will.

9 THE COMMISSIONER: Thank you. Mr. Roberts, I'm sorry --

10 MR. ROBERTS:

11 Q I'm not sure I had an answer to that home run  
12 question. My sense again is from your evidence  
13 both in chief and during the course of this  
14 morning, is that you have a very strong sense of  
15 duty to the public and it's been a guiding force  
16 throughout your career?

17 A Yes.

18 Q It is, of course, one of the fundamental purposes  
19 of policing to keep the public safe?

20 A Absolutely.

21 Q And as part of that duty it's also the duty of  
22 the police to investigate crime?

23 A Yes, it is.

24 Q And generally speaking, that starts with  
25 suspected crime?

1 A Yes.

2 Q And I get a sense also from your evidence that  
3 you very much adhere to the view that one can  
4 have a suspected crime without there being  
5 obvious evidence of a body or forensic evidence  
6 such as blood or hair or fibre; correct?

7 A Yes, that's accurate.

8 Q There can be circumstantial evidence of various  
9 kinds sufficient to give rise to a suspected  
10 crime?

11 A Yes.

12 Q That lies behind, I understand -- incidentally, I  
13 have a couple spare copies of my documents. I  
14 tried to provide some to everyone. If anyone  
15 wants one they're up here available.

16 I got a sense of that from your evidence.  
17 If you could have before you, sir, Mr. Registrar  
18 Exhibit 101NR, Mr. Greenspan's documents at tab  
19 7. I'll go through this quickly because you've  
20 gone over it before. This is your hand note on  
21 the bottom of this e-mail, sir?

22 A Yes, it is.

23 Q And you made this note: "Constable Shenher has  
24 prepared an informative report that outlines our  
25 position clearly. On page 2 the sentence I have

1 highlighted -- are we safe saying such a thing?  
2 You can better answer this from an investigative  
3 point of view than I." Turn the page please to  
4 tab 8. You have in the e-mail at the top: "Are  
5 we safe saying such a thing"?

6 A Yes, I do.

7 Q And the basis for you asking that question is  
8 answered already: "There can be a suspected  
9 crime without there being this obvious evidence  
10 that seems to be required by that document."

11 A That's right.

12 Q Also having in mind your high sense of public  
13 duty, I take it that's behind your evidence in  
14 answer to questions by Mr. Green where you said  
15 that the crimes or the situation -- I think you  
16 used the word "case" -- I'm not a great  
17 note-taker so you correct me if I'm wrong -- but  
18 I believe you said the case was primarily a  
19 Vancouver case. Do you remember saying that?

20 A Yes.

21 Q You said it was "our case," right?

22 A Yes.

23 Q And Mr. Greenspan then asked this question, and I  
24 did take a note of this: If you want funding is  
25 there an obligation to be satisfied it is a

1 Vancouver issue? Do you remember being asked  
2 that question?

3 A Yes.

4 Q And my note of your answer is: Yes,  
5 jurisdictionally it was our issue, the women were  
6 missing from Vancouver. The fact it involved  
7 other areas is irrelevant. That's my note of  
8 your evidence. Do I have that correct?

9 A Yes.

10 Q Those answers, will you not agree, respond also  
11 to your sense of duty to the public you serve or  
12 served which was Vancouver?

13 A Yes.

14 Q A good point to perhaps reinforce that is will  
15 you turn in the book of documents -- I handed up  
16 a book of documents, one for the witness, and do  
17 you have that before you? It's cerloxed. It's  
18 like this, chief.

19 A Yes, I believe so.

20 Q Could you turn to tab 14, some excerpts from the  
21 *Police Act* of this province. Turn to the third  
22 page -- sorry, fourth page you'll find section 26  
23 at the top of the page. This is section 26, Mr.  
24 Blythe, from the municipal -- from the *Police Act*  
25 and I'm just going to go down to subsection (2):

1                   "The duties and function of a municipal  
2                   police department are, under the direction  
3                   of the municipal police board, to  
4                   (a) enforce, in the municipality, municipal  
5                   bylaws, the criminal law and the laws of  
6                   British Columbia."

7                   You had that in mind when you gave your answers  
8                   to Mr. Greenspan?

9                   A    I'm sure I did.

10                  Q    "generally maintain law and orders in the  
11                   municipality," that's subsection (b), and (c)  
12                   prevent crime." That's the full statement of  
13                   section 2 which sets out not only the mandate or  
14                   duties of the police in a municipality but it  
15                   also sets out the mandate of a police board and  
16                   the limits of the police board?

17                  A    It does include the police board, yes.

18                  Q    The police board only has jurisdiction for the  
19                   municipality that it serves?

20                  A    Yes.

21                  Q    It's sort of a like a board of directors in its  
22                   governance position over the police?

23                  A    Yes.

24                  Q    I want to come to the subject of a reward. I  
25                   wonder if you could turn to, again, Mr.

1 Greenspan's documents, Exhibit 101NR, to tab 12.

2 Do you have the document there?

3 A Yes, I do.

4 Q You remember Mr. Greenspan addressed this with  
5 you briefly when he took you through your  
6 evidence in chief?

7 A Yes.

8 Q Let me just back up for a minute. The subject  
9 matter of a reward was on the table for a little  
10 time in 1999, this was when you were still deputy  
11 chief constable?

12 A Yes.

13 Q And the sequence of events as I understand it --  
14 I do this only by way of background -- the  
15 then-Attorney General Mr. Dosanjh indicated to  
16 the public that he might be agreeable to  
17 providing a reward for the investigation of the  
18 disappearance of the missing women from the  
19 Downtown Eastside?

20 A Yes, he did.

21 Q Then his municipal counterpart, if you will,  
22 Mayor Owen indicated that perhaps it wasn't a  
23 good idea from his point of view but eventually  
24 he came around to it?

25 A Yes.



1 Q From the police point of view, the police  
2 discussed it at length --- and I'm summarizing  
3 and I don't mean to get this wrong -- they  
4 discussed it at length internally and then asked  
5 Sergeant Field to prepare a document, a report on  
6 the pros and cons of such an idea?

7 A Yes.

8 Q It ended up being somewhat negative to the idea  
9 of a reward?

10 A Yes, I saw that.

11 Q Again, you're deputy chief of police but  
12 generally speaking, they canvassed it thoroughly  
13 but felt on balance felt it wasn't a good idea  
14 and that was the position of police as matters  
15 came to this meeting on the 28th of April?

16 A Yes.

17 Q All right. Now, I don't mean anything untoward  
18 about the police position, but it was not an easy  
19 issue to deal with?

20 A No, and some agreed to it and some didn't.

21 Q I understand that. But at this meeting I'll come  
22 to in a moment the police board actually passed a  
23 resolution unanimously agreeing to this reward?

24 A They did.

25 Q Directing there be such a reward?

1 A Yes.

2 Q Using \$30,000 of the city's money and \$70,000 of  
3 the province's money through the Attorney  
4 General?

5 A Yes.

6 Q But Mr. Dosanjh directed that the province's  
7 money would be under the control and direction of  
8 the police board; that's your memory?

9 A I would imagine he would have done that. I  
10 wouldn't disagree with that.

11 Q I'll come to that in a moment. So we come to  
12 this meeting -- actually, before I turn past the  
13 first page, this is a pretty full representation  
14 of the Vancouver Police Department at this  
15 meeting starting with Chief Constable Bruce  
16 Chambers, you're next under him on the list,  
17 Deputy Chief Terry Blythe and a number of other  
18 people, and over on the other side we see  
19 Sergeant Field is there, Staff Sergeant Brock  
20 Giles and some of the investigating officers;  
21 right?

22 A Yes, that is accurate.

23 Q So there's great interest in this meeting of the  
24 police board?

25 A Yes.

1 Q It's at this board that the police position was  
2 put forward?

3 A Yes.

4 Q Can I turn to the resolution, it's on page 2,  
5 under, "Moved by L. Williams and seconded by J.  
6 Pozer," it reads: "That the Vancouver Police  
7 Board authorized the posting of a \$30,000 reward  
8 related to the missing women in the Downtown  
9 Eastside and that the board requests the Attorney  
10 General to post an additional \$70,000 to augment  
11 the reward for a total of \$100,000 reward. And  
12 that, the Vancouver Police Department work with  
13 the City of Vancouver legal department and  
14 Ministry of the Attorney General to develop an  
15 appropriate structure and wording of the reward."  
16 I stop there. I've read that and you've followed  
17 along while I read that?

18 A Yes.

19 Q That's your memory of course of what was passed  
20 on that day?

21 A Yes.

22 Q And from that day forward it took a couple months  
23 to actually work out the wording of the reward?

24 A It could have been that length of time.

25 Q When you became acting chief, which I think you

1 told us was in June of 1999, you got behind this  
2 idea and you supported it?

3 A Yes, I did.

4 Q Because this is -- you were responsive to your  
5 public duty to work with the police board and  
6 carry out their resolution?

7 A Yes, and I did support it at this time as well.

8 Q That's my understanding also. Could I ask you to  
9 turn to the report -- it's a different book of  
10 documents. It's my book of documents for  
11 cross-examination. Could you turn to tab 9 in  
12 which I put a few pages from Mr. LePard's report.  
13 LePard's report is Exhibit 1 on this inquiry.  
14 Mr. Blythe, could you turn to page 112. These  
15 don't go in any numerical sequence. You'll find  
16 112 is the second page from the end.

17 A Which document are you in now?

18 Q The cerlox binder, tab 9.

19 A The first page.

20 Q The first page is 87. Go to the second page from  
21 the end of the tab, page 112. Have you got it?  
22 112 at the bottom left-hand corner. Let me help  
23 you. I have trouble doing these things, too.  
24 Yours has been put together wrong. I don't know  
25 what happened to your copy. Never fails that

1 things go wrong. Page 112, you'll see a heading  
2 called "The Missing Women Reward Poster is  
3 Released".

4 A Yes.

5 Q We'll get to the poster in a moment. Drop your  
6 eyes to the second paragraph which reads:

7 "Months of work had gone into finalizing of the  
8 wording on the poster with considerable  
9 correspondence between the VPD, City of Vancouver  
10 lawyers, and Ministry of Attorney General staff.  
11 The reward was unprecedented," et cetera, et  
12 cetera. I'll stop reading there. Can you tell  
13 us who actually were the lawyers who assisted in  
14 the drafting of the language of the reward?

15 A I couldn't tell you that. I don't know that.

16 MR. ROBERTS: I'm going to leave that as a request, Mr.  
17 Commissioner, and I'm happy to receive the answer  
18 from counsel for the Vancouver Police Department.  
19 It doesn't have to come through this witness.

20 THE COMMISSIONER: All right.

21 MR. ROBERTS:

22 Q Mr. LePard has captured it correctly there was  
23 considerable backing and forthgoing between the  
24 Attorney General's office and the lawyers for the  
25 City of Vancouver in the drafting of the language

1 of the reward?

2 A Yes.

3 Q Let me turn to the reward, please. I believe it  
4 is at tab 8 of your binder that you've got. Do  
5 you have it?

6 A Yes, I do.

7 Q It looks like this?

8 A Yes.

9 Q That's your signature at the bottom of the page,  
10 Terry Blythe, Chief Constable?

11 A Yes.

12 Q Above that is the signature of Ujjal Dosanjh, QC,  
13 Attorney General?

14 A There is a signature there, yes.

15 Q I'm not asking you to identify his signature.  
16 There's a signature there?

17 A Yes.

18 Q It reads: "The Ministry of the Attorney General  
19 and Vancouver Police Board have authorized a  
20 reward of up to \$100,000 for information leading  
21 to the arrest and conviction of the person or  
22 persons responsible for the unlawful confinement,  
23 kidnapping or murder of any or all of the listed  
24 women, missing from the streets of Vancouver.  
25 Upon the arrest and conviction of a person or

1 persons responsible for the unlawful confinement,  
2 kidnapping or murder of any one or more of the  
3 women listed as missing in this reward poster, a  
4 reward will be decided by the Vancouver Police  
5 Board in its sole discretion and that decision is  
6 final, binding and not reviewable. Only those  
7 people who come forward and volunteer information  
8 which is received by the Vancouver Police  
9 Department on or before May 1, 2000, will be  
10 eligible to receive a reward." The last  
11 paragraph: "Any persons having information  
12 regarding the unlawful confinement, kidnapping or  
13 murder of any of the missing women listed in this  
14 poster are requested to communicate that  
15 information immediately the Vancouver Police  
16 Department Missing Persons Unit." You followed  
17 while I read that?

18 A Yes.

19 Q And the language of this reward is what was a  
20 matter of drafting between the lawyers for the  
21 Vancouver Police Department or City of Vancouver,  
22 whichever -- I better get it correct. Just a  
23 moment. The document from Mr. LePard says City  
24 of Vancouver lawyers so I'll stay with that. It  
25 was the interaction between they and the Attorney

1           General which came up with the language I've just  
2           read?

3           A    Yes.

4           Q    It identifies three crimes in Vancouver for  
5           investigation: unlawful confinement, kidnapping  
6           and murder and you've penned your name to this?

7           A    Yes.

8           Q    It was your expectation that these are crimes  
9           within the jurisdiction of the City of Vancouver?

10          A    They are, yes.

11          Q    And it is your expectation that these crimes were  
12          being investigated or would be investigated by  
13          the good police force of the City of Vancouver?

14          A    Yes.

15          Q    These crimes referred to here, unlawful  
16          confinement and kidnapping, it is your  
17          understanding that they go together; confinement  
18          is the first stage of kidnapping?

19          A    Yes.

20          Q    Transportation is the second stage?

21          A    Could be.

22          Q    Could be.  There has to be transportation from  
23          point A to B point for there to be a kidnapping?

24          A    Yes, unless point B is point A.

25          Q    Then it's unlawful confinement?



1 A Okay.

2 Q So there could be a bit of confusion there for  
3 some folks but it may well be that a witness  
4 might have or someone might have information on  
5 the unlawful confinement aspect of the crime?

6 A Certainly.

7 Q Another witness or somebody else might have some  
8 information about the transportation aspect of  
9 the crime?

10 A Certainly.

11 Q And another witness possibly could have some  
12 information about the death caused during either  
13 one of these crimes?

14 A Yes.

15 Q And, of course, if death is caused during either  
16 one of these crimes it is deemed by Section  
17 231(5) (e) to be first degree murder?

18 A Yes.

19 Q Known commonly as the felony murder provision?

20 A Okay.

21 Q We'll just stay with first degree murder. If  
22 death is caused during kidnapping that murder is  
23 Vancouver's crime, too?

24 A Yes.

25 Q And it was your expectation that these crimes

1           would be investigated by the Vancouver Police  
2           Force when you were chief?

3           A    Yes.

4           Q    These weren't in here as window dressing in any  
5           sense of the word; right?

6           A    No.

7           Q    I'll come to it in a moment.  This reward was  
8           then renewed in subsequent years?

9           A    It was, yes.

10          Q    In the very language of the reward?

11          A    I believe so, yes.

12          Q    And you attended on more than one occasion -- on  
13          at least one occasion for that renewal?

14          A    Yes.

15          Q    And help me out, Mr. Blythe, if these were the  
16          crimes in Vancouver to be investigated for the  
17          missing women in 1999 at the time of this reward  
18          and following, it would be your expectation,  
19          correct me if I'm wrong, that they were also the  
20          crimes in 1998 during the course of women going  
21          missing at that time?

22          A    Yes.

23          Q    It would be your expectation as deputy chief  
24          constable, albeit for another division, that  
25          those responsible for investigating and keeping

1           the public safe in Vancouver with respect to  
2           crimes against the person that they would be  
3           investigating these crimes in relation to the  
4           missing women in 1998?

5           A    Yes.

6           Q    As I understand your evidence, even as chief of  
7           police you really depended upon your forces to do  
8           their job?

9           A    Yeah, the members of the force I did.

10          Q    In particular, the division responsible for the  
11          missing women of course was the division under  
12          Deputy Chief McGuinness?

13          A    Yes.

14          Q    And that's where the major crime section was  
15          staffed by, among other people, I believe Fred  
16          Biddlecombe, Inspector?

17          A    Biddlecombe, yes.

18          Q    That's where the missing unit was, was tied to  
19          his Major Crime Section?

20          A    It was, yes.

21          Q    And it would be your expectation that if tipster  
22          information was received by an officer in that  
23          division that it would be investigated -- as to a  
24          suspect -- it would be investigated in relation  
25          to the crimes in the jurisdiction of Vancouver?

1 A That is my expectation, yes.

2 Q And that if there was a potential at any time for  
3 a search warrant, the search warrant would be  
4 considered in relation to the crimes for which  
5 Vancouver had jurisdiction as identified in this  
6 reward?

7 A Certainly if there was evidence or the potential  
8 of that, I would think you're right.

9 Q And you would expect of course that the officers  
10 engaged in any investigation with respect to  
11 these crimes of unlawful confinement and  
12 kidnapping would know the constituents of the  
13 crime?

14 A They would, yes.

15 Q It would be the expectation of the police board  
16 that that would be known before they could  
17 possibly advance their reward for information  
18 leading to arrest or conviction in relation to  
19 these crimes?

20 A Yes.

21 Q Take a moment please and turn to tab 10 -- sorry,  
22 11. This is a CPIC posting by Corporal Connor as  
23 he then was of the RCMP. It was received by  
24 Sergeant Field. Do you have the document at tab  
25 11?

1 A Yes.

2 Q At the top it says: "CPIC Message to all Lower  
3 Mainland Detachments"?

4 A Yes.

5 Q I'm assuming you didn't see this document?

6 A No, I didn't.

7 Q It is addressed to Sergeant Field. Attention:  
8 Sexual Assault Co-ordinators or Plainclothes  
9 Unit, Sergeant Field, Vancouver Police Department  
10 Sexual Offence Squad.

11 A Yes, it begins with Sexual Assault Coordinators,  
12 you're right.

13 Q And then it refers to Victim '97, we know who it  
14 was, I don't need to mention her name. It then  
15 refers to Pickton, and then go to the paragraph  
16 which says: "A deal was made for sexual favours.  
17 \$100 was offered by Pickton but on the condition  
18 she go to his residence. She was hesitant but  
19 agreed. At one point in time en route to Port  
20 Coquitlam she felt uneasy and asked Pickton to  
21 pull over at a local gas station so she could use  
22 the facilities. However, he refused to pull  
23 over." I won't read the rest. I'll summarize.  
24 They then go to Pickton's property and a sex act  
25 takes place and then he seeks to handcuff her and

1           there's a violent interaction.

2           A    I see that.

3           Q    It would be your expectation in 1997, 1998 when  
4                you were deputy chief constable that a police  
5                officer at Vancouver, someone at the level of  
6                Sergeant Field, in looking at this document  
7                should have noted that -- could have noted at  
8                least that the victim was from Vancouver, picked  
9                up on the Downtown Eastside?

10          A    Yes.

11          Q    That's in Vancouver's jurisdiction?

12          A    Yes.

13          Q    It would be your expectation that having received  
14                this CPIC there's nothing to prevent the good  
15                sergeant from looking at it as perhaps a  
16                kidnapping by reason of a sex trade transaction  
17                to get confinement of the person as a potential  
18                kidnapping in Vancouver?

19          A    Well, I don't have the definition out of the  
20                *Criminal Code* of kidnapping in front of me, but  
21                what I would suggest is if the victim got into  
22                the vehicle willingly, with no force involved,  
23                and proceeded outside of Vancouver, that is not a  
24                kidnapping.

25          Q    But you understand that kidnapping can take place

1           by fraud?

2           A    Perhaps you better explain that to me.

3           Q    Do you not understand the definition of  
4           kidnapping?

5           A    I don't have the full -- like I just said, I  
6           don't have it in front of me out of the *Criminal*  
7           *Code* but I wouldn't mind seeing it.

8           Q    It's not in the *Criminal Code* but kidnapping  
9           itself is defined -- and you can take this from  
10          me as correct -- in the Oxford Dictionary as by  
11          force or fraud.

12          A    Okay, that makes sense.

13          Q    It also is defined by our Court of Appeal in a  
14          case called *Metcalf* that it can take place by  
15          force or fraud.

16          A    Yes, that's what I just mentioned.

17          Q    So your previous answer was based on an  
18          assumption by you you can only kidnap by force?

19          A    No. I'm saying if somebody got into the vehicle  
20          willingly it doesn't sound like a forcible  
21          incident.

22          Q    One might agree with that but you haven't  
23          addressed the question of a sex trade bargain as  
24          a strategem to get confinement so he could attack  
25          her?

1 A What's your question now?

2 Q Do you not understand that kidnapping can take  
3 place by force or fraud, that is to say by that,  
4 a strategy, a strategem that gets somebody  
5 willingly into their custody in order to then  
6 attack them?

7 A I'm not a legal counsel but I do understand the  
8 definition of kidnapping. To me, at first blush,  
9 I wouldn't suggest it was a kidnapping if  
10 somebody willingly got in the vehicle based on an  
11 agreement for sex. So I don't know where this  
12 changed in transportation of that victim.

13 Q We'll take it in stages and I won't dwell on  
14 this. Once a person gets into the car of another  
15 that is a position of close enough confinement to  
16 be confinement. They don't have to be tied up to  
17 be confined.

18 A Okay.

19 Q You accept that?

20 A Okay, I do accept that.

21 Q If a stratagem is used to get them into that  
22 confinement, in other words, as device, a  
23 deception to get that confinement, are you  
24 willing to acknowledge that too can be  
25 kidnapping, at least an unlawful confinement?



1 A Unlawful confinement I would agree with.

2 Q The next stage is to then transport them from  
3 that place to another place. Doesn't that make  
4 up the crime of kidnapping?

5 A In my mind as an investigator, I wouldn't be  
6 looking at that. I would probably be looking at  
7 the bigger picture, which is what the  
8 investigators were doing. They were looking at  
9 missing women with the potential of there having  
10 a homicide been committed. I'm not sure they'd  
11 be looking at -- I can't answer for them, believe  
12 me -- but I can't say to you they were thinking  
13 of a kidnapping at that time.

14 Q I understand what you're saying but I take it you  
15 would expect as acting chief of police that  
16 whoever came up with the language that went into  
17 this reward knew what they were talking about by  
18 saying that for purposes of investigating the  
19 missing women the crimes in Vancouver were  
20 unlawful confinement, kidnapping and murder?

21 A From the legal perspective, yes.

22 Q But also from your point of view from the  
23 enforcing perspective, you expected the police in  
24 Vancouver to enforce those crimes?

25 A Yes.

1 Q To investigate those crimes?

2 A Which I know they were doing, yes.

3 Q I see. But as to what their knowledge was of  
4 kidnapping and the law of kidnapping, is it your  
5 evidence you're unsure?

6 A No. I'm saying I cannot answer for them and what  
7 they were thinking.

8 Q All right. At least this much is clear, it was  
9 your full expectation as chief that the crimes  
10 that went into this reward poster were being  
11 investigated by Vancouver?

12 A Yes, and I said that earlier.

13 Q The Vancouver Police Department?

14 A Yes.

15 Q And that all appropriate resources were being  
16 applied to that investigation?

17 A All available resources, yes.

18 Q And if I understood your evidence correctly  
19 yesterday, if someone felt -- if Deputy Chief  
20 McGuinness felt that he needed more homicide  
21 detective resources all he had to do was ask?

22 A Yes.

23 Q Short-staffed or not short-staffed, I understand  
24 your evidence to be that there were enough  
25 competent people within the Vancouver Police

1 Department that if a request had been made for  
2 something as significant as this you would have  
3 done your best to comply with it?

4 A Yes, I would have.

5 Q Can we turn please to tab 1 of the cerlox binder.  
6 I haven't been able to find all of the Police  
7 Board minutes that trace this through, but on  
8 April 26, 2000 at 3:25 in the afternoon you  
9 attended as chief constable -- you became that in  
10 December 1999?

11 A Yes, I did.

12 Q And you attended together with, amongst other  
13 people, Sergeant Field and Inspector Doug LePard  
14 for a renewal of the reward?

15 A That was one of the reasons I believe we had  
16 this, yes.

17 Q Let's go to the missing women reward renewal,  
18 paragraph 3(5): "Sergeant Geramy Field advised  
19 that the department was seeking a one-year  
20 extension to the missing women reward, thus  
21 extending the reward to May 1, 2001. She noted  
22 that the investigation was far more complex than  
23 originally envisioned. Through the reward  
24 poster, they did receive tips and they hope the  
25 renewal will result in further tips. Four women

1 have been located and they hope to locate more  
2 women. The mayor commented that the Police Board  
3 contribution to the reward was \$30,000 and the  
4 balance of \$70,000 came from the Ministry of the  
5 Attorney General. He said that the Ministry of  
6 the Attorney General had advised it supported an  
7 extension of the reward." So that's what  
8 happened?

9 A Yes.

10 Q You see that it was carried unanimously?

11 A Yes, it was.

12 Q Go to tab 2, please. This is minutes of a  
13 Vancouver Police Department meeting on the 16th  
14 of May 2001. You're there as chief constable,  
15 Mr. Blythe?

16 A Yes.

17 Q And Mayor Philip Owen as well?

18 A Yes.

19 Q Go down to the paragraph Posting of Rewards.  
20 Missing Women Reward - Renewal. "Deputy Chief  
21 Constable John Unger outlined the unique nature  
22 of the reward and how the reward posting was  
23 composed of \$30,000 commitment from the Vancouver  
24 Police Department and 70,000 from the province."  
25 Actually, that should be "Vancouver Police Board"

1 but that's all right. "Renewal of the commitment  
2 from the Attorney General is expected." Then  
3 there's a motion. Let me read what the motion  
4 says. "And that the Vancouver Police Board  
5 approve a one-year renewal of the reward posting  
6 of \$30,000 from the Vancouver Police Board for  
7 the information leading to the arrest and  
8 conviction of the person or persons responsible  
9 for the unlaw" -- it is mistyped -- it should say  
10 "unlawful confinement, kidnapping or murder of  
11 any or all of the listed women, missing from the  
12 streets of Vancouver, subject to confirmation of  
13 the \$70,000 commitment from the Ministry of  
14 Attorney General, thus comprising a total reward  
15 of \$100,000 related to Missing Women," and it's  
16 carried. You still expected -- here we are, May  
17 16, 2001, Pickton hasn't been caught yet, that  
18 happened February of 2002. I take it it remained  
19 your expectation that the crimes of unlawful  
20 confinement and kidnapping and possibly murder by  
21 reason of death caused during kidnapping were  
22 still being investigated by the Vancouver Police  
23 Department?

24 A Yes.

25 Q With all appropriate resources?

1 A Yes.

2 Q Tab 3, please. Here is the next renewal, May 15,  
3 2002. You're in attendance, Mr. Blythe?

4 A Yes, I am.

5 Q The paragraph reads: That, as presented in  
6 report #0225: "Missing Women Reward -- Renewal,  
7 the Vancouver Police Board approves renewing of  
8 their \$30,000 contribution to the reward for  
9 information leading to the arrest and conviction  
10 of the person or persons responsible for the  
11 unlawful confinement, kidnapping or murder of any  
12 or all of the listed missing women from the  
13 streets of Vancouver." That, too, was carried?

14 A Yes.

15 Q This is after Pickton has been caught under a  
16 search warrant from a young officer in the RCMP.  
17 I would assume, perhaps you'll agree with me,  
18 that the renewal of the reward is to still seek  
19 information to assist in the investigation of  
20 those crimes not knowing to what extent Pickton  
21 is responsible for all or how many of the missing  
22 women he is responsible for?

23 A That's good logic, yes.

24 Q And also perhaps to provide information for the  
25 subsequent prosecution of Pickton?

1 A Yes.

2 Q Tab 4. I haven't been able to find the  
3 intervening years. This one is July 20, 2005 so  
4 I'm missing 2003 and '04, but we'll stay with  
5 this one. Go to page 2 please. These are  
6 minutes of the Vancouver Police Board. You're no  
7 longer with the Vancouver Police Force, it's  
8 Chief Constable Jamie Graham, but this is renewal  
9 of the same reward you sign off on in June or  
10 July, whichever it is, of 1999; am I right?

11 A Yes, it appears to be.

12 Q That is presented -- I'm on page 2 of 3: "That,  
13 as presented in report #0556, the Vancouver  
14 Police Board renew its portion of \$30,000 of the  
15 existing reward of \$100,000 for information  
16 leading to the arrest and conviction of the  
17 person or persons responsible for the unlawful  
18 confinement, kidnapping or murder of any or all  
19 of the missing women missing from the streets of  
20 Vancouver. That repeats the same language from  
21 the reward poster you signed off on?

22 A Yes.

23 Q And that you sought the renewal of in 2000?

24 A Yes.

25 Q And 2001?

1 A Yes.

2 Q Turn to tab 5, please. This is Vancouver Police  
3 Board minutes of a regular meeting, December 13,  
4 2006. Down to paragraph 4. "That the Vancouver  
5 Police Board renew its \$30,000 commitment to the  
6 existing reward of \$100,000 for information  
7 leading to the arrest and conviction of the  
8 person or persons responsible for the unlawful  
9 confinement, kidnapping or murder of any or all  
10 of the women listed on the current reward poster;  
11 the reward offer to expire on December 31, 2007."  
12 Again, of course those are the three crimes that  
13 are in Vancouver's jurisdiction; correct?

14 A Yes.

15 Q This is simply a continuation of the reward that  
16 you signed off on in 1999?

17 A Yes.

18 Q And I take it again it's probably being renewed  
19 to assist in the prosecution of Pickton and in  
20 the absence of information that he's responsible  
21 for all of the missing women?

22 A I assume it would be helpful in that regard, yes.

23 Q The prosecution, however, was taking place in  
24 Coquitlam; correct?

25 A Yes.



1 Q It was a prosecution of the crime of first degree  
2 murder by reason of deliberation and planning?

3 A Yes.

4 Q Did you know that?

5 A I'm sure I did, yes.

6 Q There was no prosecution of the crime in  
7 Vancouver of murder, being first degree murder?

8 A Yes.

9 Q One last renewal, tab 6 -- I went too fast. I  
10 was at 6. 6 is dated the 4th of December, 2007.

11 MS. CHRISTIE: Mr. Commissioner, I don't mean to interrupt Mr.  
12 Roberts' cross-examination, I understand that,  
13 it's just that these documents are far beyond  
14 where Chief Blythe retired. The document speaks  
15 for itself as to what happened at the meeting and  
16 I think we can probably all accept that. I'm  
17 just not sure what former Chief Constable Blythe  
18 is really adding to any of this as far saying  
19 it's renewed or not. He wasn't there. He's  
20 assuming that's what happened. We're all doing  
21 that based on the document but I'm not sure it  
22 adds anything.

23 THE COMMISSIONER: I don't know what I'm supposed to draw from  
24 this either. I haven't interrupted your  
25 cross-examination but, as Ms. Christie said, the

1 documents speaks for themselves and I can read  
2 them and you can read them as well as anyone  
3 else.

4 MR. ROBERTS: Point well taken, sir.

5 THE COMMISSIONER: Obviously this is something you'll make  
6 reference to in your closing argument.

7 MR. ROBERTS: Yes, I will.

8 Q Can I ask you this much, Mr. Blythe, in the  
9 document at tab 6, this is actually a review of  
10 the reward itself. If you go to page 2 of the  
11 document at the top of the page there it says:  
12 "That the Vancouver Police Department conducted  
13 an investigation into the disappearance of a  
14 number of sex trade workers from the Downtown  
15 Eastside at Vancouver. On May 31, 1999,  
16 Vancouver Police Board and the Ministry of  
17 Attorney General collaborated on a reward  
18 committing \$30,000 from the Vancouver Police  
19 Board and \$70,000 from the Ministry of the  
20 Attorney General." I stop there. I would like  
21 to correct a date there. It's your understanding  
22 that that was as a result of a resolution that  
23 took place on the 28th of April, 1999?

24 A Yes.

25 Q Then it says this: "This reward was for

1 information leading to the arrest and conviction  
2 of a person or persons responsible for the  
3 unlawful confinement, kidnapping or murder of any  
4 or all of the women listed as missing, the  
5 majority of whom were associated with the  
6 Downtown Eastside." My question to you is -- Mr.  
7 LePard is writing this, as I understand it. If  
8 you turn over to the next page you'll see a  
9 signature there. It looks like it says "DCC  
10 LePard" under submitting executive member?

11 A I really can't make that out. I couldn't tell  
12 you who signed that.

13 Q Was Mr. LePard part of the work which went into  
14 drafting the language of the reward back in 1999?

15 A Not that I remember. I don't believe so.

16 Q Who had charge of that in the police department?

17 A I would imagine it would have been Deputy  
18 McGuinness and afterwards of course Deputy Unger.

19 Q I'm going to leave that as my second question  
20 that can be answered by Vancouver Police  
21 Department counsel. I'd like to know whether Mr.  
22 LePard had a hand in the drafting of the language  
23 for the reward that is signed off by Chief  
24 Constable Terry Blythe on the date that it is  
25 signed, I think it's sometime in June or July of

1 1999, and I'm happy to take that answer by letter  
2 of counsel for Vancouver Police Department.

3 I'll simply note for the record that the  
4 last renewal, Mr. Commission, is at tab 7, and it  
5 is dated the 12th of December 2007 and it also  
6 repeats the same language that is in the reward  
7 regarding the Vancouver crimes of unlawful  
8 confinement, kidnapping or murder of any of the  
9 women listed by the missing women's task force.  
10 It says that the reward will expire on December  
11 31, 2008, and I assume that's probably what  
12 happened because I cannot find any renewal after  
13 that date.

14 Would you be good enough to turn, sir, to  
15 tab 14 -- sorry, 15.

16 A Yes.

17 Q This is a memorandum between Chief Constable  
18 Graham and Mr. LePard, it's from Mr. LePard, and  
19 it's the background document to his review  
20 report. My note of your evidence is you retired  
21 just about a month before?

22 A Yes.

23 Q Were you part of any discussion leading to the  
24 decision to have this review report?

25 A No, no, no, I wasn't.

1 Q Once it was embarked on by Mr. LePard did you  
2 know it was under way?

3 A I did know they were doing a review, and like I  
4 said in evidence, I supported that review when I  
5 was in the office. We didn't do it at that time  
6 but I understood it was done immediately after  
7 and I fully supported it.

8 Q You totally supported it you said when you were  
9 in the office. I take it you meant the idea of a  
10 review?

11 A Yes.

12 Q And it was then carried out after you left?

13 A Yes.

14 Q After you submitted your retirement?

15 A That's correct.

16 Q I take it you have since -- because the review  
17 covers much of the period you were chief --  
18 acting chief from I think it was April 1999 or  
19 June 1999?

20 A Yes.

21 Q Right through to when you became -- until your  
22 retirement in 2002, it covers much of the period  
23 of your time as chief. Did you read the report  
24 when it came out, the review report?

25 A By LePard?

1 Q Yes.

2 A The full report?

3 Q Yes.

4 A I read it much later, of course, when it was  
5 finished. I believe that was in '04, 2004.

6 Q In reading it, the crimes that you signed off on  
7 as Vancouver's crimes, unlawful confinement,  
8 kidnapping and murder presumably caused during  
9 one of those two offences, did you find any  
10 discussion of that in the report?

11 A I don't understand -- you said "signed off on".  
12 I'm not sure what you --

13 Q In the reward, you signed the reward with those  
14 being the crimes in Vancouver for which  
15 information was sought to assist in the  
16 investigation and conviction?

17 A Yes.

18 Q You told us earlier that these are crimes were  
19 responsible to Vancouver's jurisdiction as a  
20 municipality under Section 26 of the *Police Act*?

21 A I agree, yes.

22 Q All right. Did you find any discussion of those  
23 crimes in the sense of what was the conduct --  
24 what investigation did Vancouver do with respect  
25 to those crimes during the period of the missing

1 women, did you find that in the report?

2 A I don't think so, no.

3 Q Could you turn please to page 300. Could you put  
4 before him please, Mr. Registrar, the LePard  
5 report which is Exhibit 1. Would you go to page  
6 300, please.

7 A Yes.

8 Q Can you tell me when you're there.

9 A I am.

10 Q Thank you. On page 300 Mr. LePard says:

11 "The *Police Act* sets out the jurisdictional  
12 responsibilities of municipal police  
13 agencies in British Columbia. (The RCMP are  
14 both the provincial police in BC, and also  
15 provide municipal policing services by  
16 contract to those municipalities that do not  
17 have an independent police force, such as  
18 Coquitlam/Port Coquitlam)."

19 He then sets out Section 262 of the *Police*  
20 *Act* -- and maybe I'm summarizing -- he says:

21 "Amongst others, to: (a) to, enforce in the  
22 municipality," which he's bolded, "(emphasis  
23 added) municipal bylaws, the criminal law  
24 and laws of British Columbia."

25 Stopping there, I read that section to you this

1 morning -- a moment ago?

2 A Yes.

3 Q "By law and convention, the police agency of  
4 jurisdiction is responsible for crimes that  
5 occur in its jurisdiction. When a crime  
6 occurs in one jurisdiction, e.g., Vancouver,  
7 but the investigation requires follow-up in  
8 another jurisdiction, then the original  
9 jurisdiction can request assistance from  
10 another jurisdiction or pursue the  
11 investigation itself. Both scenarios  
12 happened regularly."

13 I take it of course you agree with that?

14 A Yes.

15 Q Then talks about an example of a break and enter  
16 in the next paragraph and over on the next page.  
17 Then I want to take you to the bottom of the next  
18 column. He says:

19 "The fact that many of the missing women  
20 lived and/or worked in the Downtown Eastside  
21 has no legal bearing on the responsibility  
22 of the RCMP to investigate crimes believed  
23 to have taken place within their  
24 jurisdiction. The determining factor is  
25 where the crime took place,"



1           And then he goes on to identify the crime of  
2           murder taking place in Coquitlam. So I stop  
3           there. If unlawful -- are you with me? I have a  
4           question for you.

5           A    I sure am.

6           Q    If unlawful confinement and kidnapping and death  
7           caused during kidnapping being murder are crimes  
8           in Vancouver, the Vancouver Police Force is to  
9           investigate, which is your evidence?

10          A    Yes.

11          Q    Would you not expect to see some discussion of  
12               that in his report?

13          A    Well, I didn't do the report and I'm not sure of  
14               his logic in doing what he did here but I trust  
15               that --

16          Q    That makes two of us.

17          A    I trust that he did what he expected were all the  
18               right things.

19          Q    When he talks about with respect to Section  
20               26(2), by law and convention the police agency of  
21               jurisdiction is responsible for crimes that occur  
22               in its jurisdiction, your response to that  
23               earlier was that unlawful confinement, kidnapping  
24               and murder by reason of death caused during  
25               either of those crimes are crimes within

1 Vancouver's jurisdiction?

2 A Yes.

3 Q Which you expected the police force when you were  
4 chief of police to investigate?

5 A Yes.

6 Q Appropriately?

7 A Exactly.

8 Q Competently?

9 A Of course.

10 Q This report you understand is an internal review?

11 A Yes, I understand that.

12 Q An internal review often is associated with  
13 internal discipline matters?

14 A It can be, yes.

15 Q There is an actual designation for that under the  
16 *Police Act*?

17 A Yes.

18 Q I'm not suggesting there can't be internal review  
19 for other purposes such as quality assurance as  
20 indeed probably there should be, but  
21 nevertheless, it's intended for internal  
22 purposes?

23 A Yes.

24 Q It would not be within Mr. LePard's authority, or  
25 even I suppose the chief of police, to make this

1 report public, to present it to the public.

2 Would it be your expectation that authority has  
3 to come from elsewhere?

4 A I don't think it was the intention to make it a  
5 public document at that time.

6 Q Yes. Do you have an understanding as to what the  
7 purpose was of the document before you left?

8 MS. CHRISTIE: Mr. Commissioner, I don't like to interrupt  
9 cross-examination but it seems like former Chief  
10 Blythe is being asked to answer for this report  
11 that he obviously -- he had a part in as other  
12 people did but certainly not the drafting of  
13 decision making, where it goes.

14 THE COMMISSIONER: Counsel's point is well taken, Mr. Roberts.  
15 I think the most you can ask him is whether he  
16 agrees with certain comments, certain findings of  
17 fact and conclusions or opinions that have been  
18 reached by LePard.

19 MR. ROBERTS: With respect, Mr. Commissioner, this is relevant  
20 evidence. He is the chief of police whose  
21 conduct of his forces are under review in the  
22 time period covered by this report. I  
23 respectfully submit this is proper  
24 cross-examination.

25 THE COMMISSIONER: What do you want to know here?

1 MR. ROBERTS: I've lost sight of my last question. The  
2 question is, should not the subject matter of the  
3 crimes of Vancouver be under consideration in  
4 this report?

5 MR. HERN: In my respectful submission when it strays into the  
6 question of the purpose or the role or the  
7 mandate or the jurisdiction of this report, that  
8 is far outside this witness's capacity. If we're  
9 talking about the merits of something said in the  
10 report, as you just said, Mr. Commissioner, that  
11 is fair game.

12 THE COMMISSIONER: I think as a proper case for argument you  
13 could say it should have been in the report and  
14 it should have been commented on.

15 MR. ROBERTS: Argument is always best when it's well supported  
16 by evidence.

17 THE COMMISSIONER: I know, but you're asking his opinion and  
18 he doesn't know. He's unfamiliar with a lot of  
19 it.

20 MR. ROBERTS: Maybe I can phrase the question so he does know.  
21 He is the chief of police. There's nobody better  
22 to know what it should be for purposes of the  
23 period of time he was chief than this gentleman  
24 right here.

25 THE COMMISSIONER: How much longer are you going to be?

1 MR. ROBERTS: About 10 minutes.

2 THE COMMISSIONER: I want you to know the last time I let you  
3 go on for an hour and I was taken to task by Mr.  
4 Gratl, for good reason I might add, for letting  
5 you go on a lot longer. You went on for an hour  
6 longer and you left and I was left here to incur  
7 the wrath of Mr. Gratl, so you better be 10  
8 minutes because I don't want to get Mr. Gratl  
9 upset at me again letting you go longer than I  
10 should.

11 MR. ROBERTS:

12 Q My question is simply this: Did you have an  
13 expectation that this review report would address  
14 the crimes which you say were in Vancouver's  
15 jurisdiction to investigate during the time you  
16 were chief of police?

17 A I had no idea what this review would entail until  
18 I actually read through the document after it was  
19 prepared. So I was not asked for input. What  
20 you're saying and asking me could have been  
21 included, that was not my decision, but I don't  
22 have any objection to that but I had no say in  
23 that and, like I said, I didn't put this document  
24 together.

25 Q In terms of your long-standing objective of

1 transparency and duty to the public, is it not  
2 your expectation that in fulfillment of the duty  
3 to the public by policing in Vancouver it should  
4 address the crimes that were in Vancouver's  
5 jurisdiction to investigate?

6 A I agree with that, but remembering, backing up a  
7 little bit, this was not prepared as a public  
8 document.

9 Q That leads me to where I think the interruption  
10 occurred. Who would have authority to make this  
11 available to the public?

12 A I would suggest the police board together with  
13 the chief of police of the day.

14 Q One more question on the report itself. Was it  
15 your understanding that in part at least this  
16 report was prepared as a position paper for an  
17 eventual position as to policing in British  
18 Columbia when the RCMP contract came to an end?

19 A I wouldn't agree with that.

20 Q There's a lot of finger pointing at the RCMP in  
21 this document; you know that?

22 A Yes, I do.

23 Q You've read it?

24 A Yes, I did.

25 Q And that finger pointing I think you now agree

1           with me appears to take place in the absence of  
2           any discussion in the report on the crimes in  
3           Vancouver that Vancouver was supposed to be  
4           investigating?

5           A    Again, I can't comment on the intention of the  
6           report and the aftermath of policing and the  
7           structure for Vancouver or Lower Mainland. I  
8           really can't comment on that.

9           Q    One more question. Turn to tab 16.

10          A    Which document?

11          Q    The cerlox binder. The last tab. This is a  
12          release, a press release I suppose, when the  
13          report was made public -- when Mr. LePard's  
14          report was made public. I have two paragraphs I  
15          want to refer to you. Half way down the page,  
16          after it says, "This Can Never Happen Again,"  
17          this document says: "The families and the public  
18          have a right to know why police didn't stop him  
19          sooner, what went wrong," and I'll stop reading  
20          there and turn the page please. Half way down  
21          the page this document reads: "This report sheds  
22          a harsh cold light into every corner of the  
23          process, outlining every failure regardless of  
24          where it occurred. I will spare you the details  
25          at this time since you can find those facts in

1           the report." You've read those two paragraphs  
2           along with me?

3           A    I just did, yes.

4           Q    The fact of the matter is the LePard report  
5           doesn't shed a harsh cold light on any aspect of  
6           the investigation on the crimes of unlawful  
7           confinement, kidnapping or murder being the  
8           crimes in Vancouver that the Vancouver police  
9           were investigating, as put it, you hoped  
10          competently during the time you were the chief of  
11          police?

12          A    Yes, I wouldn't disagree with that.

13          Q    Back to the first paragraph. This report does  
14          not tell us anything that went wrong during the  
15          course of the Vancouver Police Department's  
16          investigation of the crimes of unlawful  
17          confinement and kidnapping and potentially murder  
18          in Vancouver, being the crimes it was their duty  
19          to investigate?

20          A    Yes.

21          Q    Under Section 26 of the *Police Act*?

22          A    Yes.

23          Q    You agree with that?

24          A    Yes.

25 MR. ROBERTS: I want to thank you for your evidence and the



1           very straightforward way in which you've given  
2           your evidence. Thank you, sir, those are my  
3           questions. Mr. Commissioner, can I have the  
4           document marked for identification. That's all  
5           that really is required of it.

6 THE REGISTRAR: It will be marked for identification AA.

7           **(EXHIBIT AA FOR IDENTIFICATION: Binder of**  
8           **Documents entitled Documents for the**  
9           **Cross-Examination of Terry Blythe by D.W.**  
10          **Roberts, QC)**

11 MR. GRATL: I'm wondering, Mr. Commissioner, if over the break  
12           the witness could have access to the packages of  
13           documents marked as A and J. That might speed  
14           things along.

15 THE COMMISSIONER: All right. You want to break?

16 MR. GRATL: Yes.

17 THE REGISTRAR: The hearing is now recessed for 15 minutes.

18           **(PROCEEDINGS ADJOURNED AT 2:54 P.M.)**

19           **(PROCEEDINGS RESUMED AT 3:13 P.M.)**

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

21 **CROSS-EXAMINATION BY MR. GRATL:**

22           Q   Witness, my name is Jason Gratl. I'm counsel for  
23           Downtown Eastside interests and in particular the  
24           interests of sex workers and drug users. I know  
25           Mr. Roberts referred to you as "chief". Would

1           you prefer that designation?

2           A    Sounds good to me.  Thank you.

3           Q    I'll carry on with that then.  You were the  
4           Deputy Chief of Operations for a period?

5           A    Yes, I was.

6           Q    What was that time span again?

7           A    From '96 to '99.

8           Q    What month in 1999?

9           A    I was made the acting chief on January 28 of '99.

10          Q    And when did you become the full chief?

11          A    In December of '99.

12          Q    And then when did your position as chief end?

13          A    In August of 2002.

14          Q    Do you remember the exact date in August?

15          A    No.  I think it was near the end.

16          Q    I take it as acting chief you didn't have any  
17               inhibitions to exercising the full powers of  
18               chief?

19          A    No.

20          Q    You didn't proceed cautiously or forebear from  
21               doing anything that you would do as chief just  
22               because you were acting chief?

23          A    That's right.

24          Q    As Deputy Chief of Operations you had command of  
25               four inspectors, each with a designated district?

1 A Yes.

2 Q Did you have any duties aside from that?

3 A Certainly in the community, and yes, is the short  
4 and to that.

5 Q So you had community -- I just mean in terms of  
6 the Vancouver Police Department hierarchy as the  
7 Deputy Chief in charge of Operations, did you  
8 have under your command any other inspectors  
9 aside from those four?

10 A Yes, I did. One of them being my executive  
11 officer who was an inspector rank as well, and  
12 that's close to the number, five.

13 Q The executive officer, what was his or her  
14 function, what were their duties?

15 A They worked immediately next to my office and did  
16 all the administrative paper flow coming in and  
17 out of my office and organizing meetings and my  
18 schedule around the department.

19 Q And aside from the executive officer -- and who  
20 was your executive officer?

21 A There were a few different ones. The long-term  
22 one was Inspector Wayne Holland.

23 Q Did you have anybody else between '96 and '99?

24 A Yes, Inspector Hutchinson and there might have  
25 been one very short-term, Staff Sergeant

1           Borglund, but that's about it.

2           Q   As acting chief and chief, you had an executive  
3           assistant as well; correct?

4           A   Yes.

5           Q   Who would that have been?

6           A   Inspector Holland.

7           Q   Throughout the time as acting chief and chief?

8           A   The majority of it, yes.

9           Q   He was, in effect, an operating assistant. He  
10          made it possible for you to carry on with all the  
11          meetings you had to have?

12          A   Yes.

13          Q   I don't say he was your handler but he organized  
14          your life in many ways?

15          A   I think he was a handler as well -- just about  
16          everything.

17          Q   As chief you didn't have any direct investigative  
18          functions?

19          A   No.

20          Q   You weren't out interviewing suspects or  
21          witnesses or anything like that?

22          A   That's right.

23          Q   But you would get involved in investigative files  
24          when those investigative files rose to the level  
25          where they engaged your function?

1           A    Get involved -- I should get you to just explain  
2                   that.  Are you talking about reviewing, reading,  
3                   making decisions on investigative issues?

4           Q    That would vary according to the file.  The  
5                   nature of your involvement in an investigative  
6                   file would vary from case to case, it just  
7                   depends what kind of file and the extent to which  
8                   your function is engaged?

9           A    I wouldn't get involved in directing an  
10                  investigative file.  I might have a look at a  
11                  portion of it if the deputy chief brought an  
12                  issue to me but my function was not to read and  
13                  investigate and look at files, look at  
14                  investigative files.

15          Q    You dealt with the police board on a policy  
16                  basis?

17          A    Yes, I did.

18          Q    And they, like you, would get involved in an  
19                  investigative file if it intersected their  
20                  mandate?

21          A    Really that isn't their responsibility.  They  
22                  would only be given certain details about an  
23                  investigation.  They're basically a policy and  
24                  budget board.

25          Q    From time to time they would take reports on

1           investigative files?

2           A    Yes, as in evidence in the last two days, what  
3           we've talked about.

4           Q    You're responsible to report to the board?

5           A    Yes.

6           Q    You're also dealing with the city hall from a  
7           budgetary point of view?

8           A    Correct.

9           Q    Sometimes you need to divulge details of  
10          investigations to the extent that it's necessary  
11          in order to deal with them on a budgetary level?

12          A    Yes, respecting the confidentiality of the  
13          investigative issue, yes.

14          Q    In addition to the board and city hall you also  
15          have a function of dealing at a high level with  
16          other investigative authorities in British  
17          Columbia and in Canada?

18          A    Yes.

19          Q    And aside from those functions, you're also  
20          dealing with the public through the media?

21          A    Yes, and directly with the public at community  
22          forums and those sorts of things.

23          Q    The office of the chief constable is, among other  
24          things, it's a bit of a political office. You  
25          can't be causing problems for the mayor -- the

1           mayor is the chair of the Police Board?

2           A    It has a political side to it I would agree.

3           Q    Budgetary concerns, those are a political matter  
4           as well?

5           A    They can be.

6           Q    And of course media relations have a political  
7           angle as well?

8           A    A portion of it would, yes.

9           Q    And sometimes the police department can get in  
10          front of the media and sometimes the police  
11          department will be driven by the media, what's  
12          sometimes called "wagging the dog"?

13          A    I'm not sure how much they would drive us. I  
14          don't know if I'd agree with that.

15          Q    You don't agree with that, that the media can  
16          sometimes --

17          A    That they're leading or directing us. They do  
18          report on issues, obvious issues we're engaged  
19          in. They may make an erroneous statement or  
20          comment in the media and we may respond to that  
21          if that's what you're referring to.

22          Q    I'm referring to that but I'm also referring to a  
23          larger picture issue that the matters that are  
24          reported in the media can exert a pressure on the  
25          police department to devote resources in this

1 area or that area or to concentrate efforts on  
2 some social problem or another social problem?

3 A They could influence us somewhat, yes.

4 Q That is something, dealing with those pressures,  
5 sometimes of a political nature, it's part of  
6 your obligation to --

7 A It could be, yes.

8 Q In dealing with those issues you were in your  
9 role as acting chief and in your role as chief in  
10 more or less constant contact with the media  
11 liaison officer for the Vancouver Police  
12 Department?

13 A That's accurate.

14 Q In the course of your tenure as acting chief and  
15 chief you had a number of different media liaison  
16 officers?

17 A A few different ones, yes.

18 Q Who were they?

19 A Anne Drennan, Sarah Bloor, Scott Driemel. Those  
20 would be the main individuals, the front and  
21 centre ones.

22 Q I don't mean to interrupt. You say they were the  
23 main individuals, front and centre?

24 A Yes.

25 Q I take it you had ongoing contact with them?



1 A Yes, I did.

2 Q And you communicated with them through e-mail?

3 A I communicated with them verbally every morning.  
4 In fact, they were often included in our morning  
5 executive sessions on a daily basis. But by  
6 e-mail, no.

7 Q Sorry, you didn't --

8 A I didn't. Very few e-mails back and forth with  
9 them. There might be a few but overall it was a  
10 face-to-face interaction.

11 Q When the media liaison officers made statements  
12 to the press it was well nay equivalent to the  
13 chief constable making statements to the press.  
14 That's why they were so closely involved with you  
15 and your senior management team?

16 A Yes. On occasion there would be comments made by  
17 the media person independent of me but they would  
18 know -- probably they'd better know what I was  
19 going to say is maybe a better way to put it, but  
20 normally they would interact with me first and  
21 then report on whatever they were interacting  
22 with the media on.

23 Q So I take it that if we find a report in a  
24 newspaper or we find a television broadcast that  
25 came from the Vancouver Police Department from

1           June 28 until August of 2002, you were involved  
2           in selecting the language and reviewing it after  
3           publication or broadcast to ensure its veracity  
4           and appropriateness?

5           A    I wouldn't agree with that.  I would say the  
6           times I was misquoted or messages from the police  
7           department was distorted was far more often than  
8           not, so the accuracy of some of those messages I  
9           would disagree with.  There was no editing  
10          involved in the -- after the delivery of that  
11          message.

12          Q    It was within your power to correct messages that  
13          were inaccurate, isn't that right?

14          A    The media only print what they print, and if  
15          they're going to quote me, that's wonderful if  
16          they're accurate, but what I'm saying is not  
17          everything they printed that we told them or  
18          conveyed to them was accurate.  That's my  
19          position.

20          Q    What I'm suggesting is not that they are always  
21          accurate?

22          A    Right.

23          Q    But rather, that it's within your power to  
24          correct inaccurate messages?

25          A    It is, but maybe not within the media circuit.  I

1           might be able to make a public statement on T.V.  
2           or on radio but the print media could be an  
3           issue. Generally I agree with what you're  
4           saying.

5           Q   Part of the reason I ask that is following the  
6           arrest of Mr. Pickton there was an outcry in the  
7           media in part because the Vancouver Police  
8           Department never conceded up until the arrest of  
9           Robert William Pickton on February 5, 2002 that  
10          there was any evidence of a serial killer; isn't  
11          that right?

12          A   Is there a document I can refer to that you're  
13          talking about?

14          Q   Are you saying that you don't remember that media  
15          line?

16          A   I'm saying that I think we were very honest and  
17          very open with the media. I don't think we  
18          attempted to conceal anything if that's what  
19          you're inferring.

20          Q   After Robert William Pickton's arrest you were  
21          asked by the media -- the Vancouver Police  
22          Department was asked by the media what happened?  
23          A serial killer was arrested but you've been  
24          saying for years there's no evidence of a serial  
25          killer, isn't that right?

1           A    I relied on everything I got told by the deputy  
2                    chief in the investigation division. He relied  
3                    on everything that got conveyed to him by his  
4                    investigators. So the message I was delivering  
5                    at any time I went to the media would have been  
6                    with the knowledge I had.

7           Q    That's not my question. I just want to get at  
8                    this, what happened after the arrest business.  
9                    After the arrest the media was asking the  
10                   Vancouver Police Department and yourself, how is  
11                   it possible, you kept assuring us that there was  
12                   no evidence of a serial killer; isn't that right?

13          A    I believe they made that accusation, yes.

14          Q    I take that your response to that question did  
15                   not include the suggestion that, in fact, you had  
16                   said all along that there was a serial killer?

17          A    And we hadn't said that all along.

18          Q    That's right?

19          A    That's right.

20          Q    That was really the problem that created a  
21                   separate scandal or public controversy, that you  
22                   hadn't said all along there was evidence of a  
23                   serial killer, then lo, in February of 2002 a  
24                   serial killer was arrested?

25          A    Yes.

1 Q And the Vancouver Police Board wanted to know why  
2 that was so?

3 A Why the public weren't told earlier?

4 Q Yes. They were taken by surprise, too, I'm  
5 putting it to you.

6 A Again, huge investigation, involved many  
7 suspects, as the years went on and the  
8 investigation got more into depth we of course  
9 learned more information. As we did, we released  
10 whatever we thought was appropriate to the media.

11 Q Did the Vancouver Police Board ask you as chief  
12 constable to provide an explanation --

13 A No.

14 Q -- as to why they weren't informed in advance  
15 that there evidence of a serial killer?

16 A No. They were advised we were working on a  
17 number of people of interest. They were told  
18 that.

19 Q When that was?

20 A I'd have to look back through the documents.  
21 Like I said, when this started out -- and I've  
22 given this in my evidence -- when I was in Ops as  
23 a deputy there were originally 300 individuals  
24 identified that had the potential to be on the  
25 persons of interest list. This list kept getting

1 reduced over time, like I said previously, down  
2 to a hundred, down to 20 and then down to 12 and  
3 then fewer than that. But the board were kept in  
4 the -- the board were told by myself that we had  
5 a major investigation. When we got to that and  
6 it became JFO -- I'm not sure where you're  
7 heading with this.

8 Q You are saying you recall the board being told  
9 that there was a serial killer investigation  
10 ongoing in some form?

11 A Missing persons -- missing women from the missing  
12 persons. Original commitment of people to look  
13 into this. I can't give you the exact timeline  
14 unless we start going through the documents of  
15 the board meeting.

16 Q Do you have Exhibit J before you?

17 A I believe this is J. Yes, I do.

18 Q Can I take you to page 161, please.

19 A Yes.

20 Q Right around the time that you took on the job as  
21 acting chief, taking over for Chief Chambers, the  
22 Rossmo trial was going on, the civil trial?

23 A Yes.

24 Q Rossmo had very boldly stated that he had been a  
25 proponent of a serial killer theory that had been

1 ignored by the Vancouver Police Department? I'm  
2 synopsizing.

3 A He did say that.

4 Q So that issue, whether there was a serial killer,  
5 what the Vancouver Police Department had done  
6 about that, became an issue publicly when you  
7 first became the acting chief. It was one of the  
8 first things you had to deal with?

9 A It was something that had been said by Rossmo,  
10 yes.

11 Q At page 161 of Exhibit J is a news disk print-out  
12 of a June 22, 2001, *Vancouver Sun* article.  
13 You'll see the fourth paragraph down is a  
14 reflection of the Vancouver Police Department's  
15 official response to Rossmo's allegations in the  
16 civil trial. I'll just read it out to you. "But  
17 other officers strongly objected to Kim Rossmo's  
18 suggestion so the department instead issued a  
19 news release saying the police did not believe a  
20 serial killer was behind the disappearance of so  
21 many missing women." That was back in 1998?

22 A Yes.

23 Q Then you'll see the current response, the June  
24 22, 2001, response over the page. It says in the  
25 middle of the page: "Scott Driemel, the

1 department's media liaison officer, said Thursday  
2 that he can't comment on Rossmo's allegation  
3 because the matter is before the courts. Asked  
4 if the police deliberately ignored Rossmo's  
5 warning, Driemel said there was no hard evidence  
6 of a serial killer at the time and that no bodies  
7 have turned up."

8 A Yes.

9 Q "However, he said a joint RCMP-VPD task force is  
10 still investigating the possibility. We're not  
11 going to rule that out, no."

12 A Yes.

13 Q You'll agree with me that a joint RCMP-VPD task  
14 force wasn't formed -- you'll agree that in fact  
15 the joint RCMP-VPD task force was formed on the  
16 basis that a serial killer was likely responsible  
17 for the disappearances?

18 A Certainly that would be feasible to say.

19 Q So it's -- the suggestion -- the response here  
20 that no bodies have turned up and we're not going  
21 to rule it out, that's not an accurate portrayal  
22 of the circumstances, is it?

23 A Well, again, we're in the middle of an  
24 investigation so we're going to be very cautious  
25 with the kind of information we're going to say



1 publicly. So if you're asking me to make a  
2 determination right now as to what we should be  
3 saying and what we shouldn't be saying, we  
4 weren't about to say anything that could  
5 compromise the investigation.

6 Q And you're aware -- you were obviously a deputy  
7 chief at the time that the *Jane Doe and City of*  
8 *Toronto Police Services* came out?

9 A What date was that?

10 Q It was in 1998, I believe.

11 A Yes.

12 Q You remember that case?

13 A Yes.

14 Q That was a case of a serial balcony rapist?

15 A I believe so.

16 Q Who operated in a specific neighbourhood;  
17 correct?

18 A Yes.

19 Q You were familiar with the case at the time it  
20 came out?

21 A I do recall it now, yes.

22 Q And the case stands for the proposition that  
23 police departments have a duty to warn likely  
24 victims of crime?

25 A Yes.

1 Q I take it that the understanding as of June 22,  
2 2001 was that there was an active serial killer,  
3 isn't that right, operating within a specific  
4 neighbourhood?

5 A The possibility of it, yes.

6 Q I'm saying that there was a -- the entire joint  
7 force operation was operating on the assumption  
8 that there was a serial killer --

9 A You're talking about Evenhanded?

10 Q -- targeting sex workers in the Downtown  
11 Eastside?

12 A Are you talking about Evenhanded?

13 Q Yes.

14 A Yes.

15 Q So it's understood that sex workers are at risk  
16 of predation by a serial killer as of June 22,  
17 2001, and instead of publicizing that risk to sex  
18 workers, you're saying that that's simply a  
19 possibility that you're not going to rule out?

20 A I'm saying as well as that the Downtown Eastside  
21 through the Native storefront liaison office and  
22 the other community safety office that we had in  
23 place and the interactions that Constable Dave  
24 Dickson had daily, constant interaction with  
25 them, they had been warned. Dave Dickson did a

1 lot of wonderful work, and I know, Mr.  
2 Commissioner, he hasn't been here yet, but I  
3 think he best will be able to inform this inquiry  
4 of the good work he did in that community and  
5 making them aware of the risks and potential  
6 risks that they may face.

7 Q You're saying that to your knowledge Dave Dickson  
8 and the Native Liaison Society and the community  
9 policing offices were tasked with warning sex  
10 workers of the potential of a serial killer?

11 A It was a community safety office, not a police  
12 office, and all of this together, they were  
13 warning the sex trade workers in that community  
14 of the risks and because of the obvious  
15 disappearances it was the right thing to do from  
16 the police perspective.

17 Q Chief, I'll ask my question again because it's  
18 specifically targeted towards warning about a  
19 serial killer. Is it your understanding that the  
20 Native Liaison Society and Dave Dickson and the  
21 community policing office were tasked with the  
22 job of warning sex workers of the risk of  
23 predation by a serial killer?

24 A Take out the serial killer piece of what you just  
25 said. I'm talking about the risk for them on the

1 street, and especially with the missing women  
2 situation, they weren't going around telling  
3 anybody there was a serial killer.

4 Q So to your knowledge, there were no warnings  
5 being distributed on the street through those  
6 mechanisms you mentioned about a serial killer;  
7 isn't that right?

8 A The serial killer aspect, I don't believe, no.

9 Q When your representative Scott Driemel is asked  
10 about it on June 22, 2001, about the possibility  
11 of a serial killer, the response is that the  
12 possibility is being investigated and you're not  
13 going to rule it out?

14 A Yes.

15 Q Which you'll agree with me is not a warning that  
16 a serial killer is picking off sex workers in the  
17 Downtown Eastside one by one?

18 A It's a possibility but it's not something we were  
19 going to communicate to the community at that  
20 point in this investigation.

21 Q So you were aware of Detective Constable  
22 Shenher's reassignment in July of 1998?

23 A Yes, from the strike force third team to the  
24 missing women's group, yes.

25 Q You received a memo to that effect from Deputy

1 Chief McGuinness?

2 A Yes.

3 Q I take it that's the first mention you have --  
4 the first awareness you have of the missing  
5 persons investigation?

6 A I would say so.

7 Q It comes to your awareness again, this  
8 investigation, the September 1998 memo from  
9 Deputy Chief McGuinness also refers to the  
10 formation of a working group?

11 A Yes.

12 Q You're aware of the formation of the working  
13 group in early September; correct?

14 A Yes.

15 Q And you're aware of its demise in late September?

16 A Yes.

17 Q You're aware of the reasons for its demise?

18 A Yes.

19 Q What did you understand those to be?

20 A I understand that the group was formed in my  
21 division by Gary Greer, I believe Geramy Field  
22 and Detective Constable Shenher, and it had been  
23 done I believe when Inspector Biddlecombe from  
24 Homicide was on leave, so I know there was a bit  
25 of a -- there was a discussion about that in his

1           absence and I believe that was the reason -- I'm  
2           not sure whether they fully stopped working as a  
3           group but I know they reconvened. Like I said,  
4           this was under Inspector Greer at the time.

5           Q    I take it you understood at the time that the  
6           working group was disbanded and nothing of the  
7           kind was put together again until Project Amelia  
8           was formed some eight or nine months later?

9           A    That could be, yes.

10          Q    That accords with your recollection?

11          A    Yes.

12          Q    Right about the middle of that time in February  
13               of 1999 you received word that new information  
14               had come to light in the course of Detective  
15               Constable Shenher's public presentation at  
16               Carnegie Centre; isn't that right?

17          A    At Carnegie Centre?

18          Q    You remember Detective Inspector Rossmo was at  
19               Carnegie Centre, he heard the numbers, he did a  
20               preliminary crunching of the numbers and all that  
21               came to your attention; correct?

22          A    I can't recall that. It's a possibility it did.

23          Q    You were asked to meet with Deputy Chief  
24               McGuinness?

25          A    I could have. I can't recall right now.

1 Q From what you recall, what was the outcome of  
2 these new numbers from Detective Constable  
3 Shenher?

4 A What was my reaction to this?

5 Q You must have been aware of this, chief, at the  
6 time you were the deputy chief, and the net  
7 product of this business in February of 1999 was  
8 that, in fact, Shenher had a whole bunch of new  
9 missing women on her hands?

10 A I do recall that she was very busy and, again, I  
11 knew the project she was working on. Remember,  
12 she is not working for me. This is what I want  
13 to make sure clear. I'm working in another  
14 division.

15 Q She is not working for you until June 28, 1999,  
16 we get that.

17 A Yes.

18 Q In February of 1999 you learn that Shenher has a  
19 whole bunch of new missings on her hands which  
20 jumps the number of missing women from about 17  
21 to about 27?

22 A It could be. Are you saying this is from the  
23 Carnegie meeting?

24 Q Yes. The numbers are growing and you become  
25 aware of that?

1 A Yes, and I've said that in my evidence.

2 Q So you appreciate that's what happened in  
3 February of 1999?

4 A Ongoing, on growing -- a growing number, yes.

5 Q Even knowing she doesn't work for you, you still  
6 hear about this problem, that's how critical it  
7 is?

8 A Yes.

9 Q Of course you hear about Project Amelia formation  
10 and the brainstorming session, all of those  
11 things come up at the senior management team  
12 level?

13 A I knew that was in place, yes.

14 Q Of course while all of that is happening, the  
15 media attention according to missing women is  
16 increasing?

17 A It could have been, yes.

18 Q People in the community including Jamie Lee  
19 Hamilton, including family members, they're  
20 concerned not enough is being done?

21 A I do remember that.

22 Q And the senior management team no doubt to your  
23 knowledge agrees with that proposition, they see  
24 Detective Constable Shenher working away on her  
25 own in her little windowless office and they all



1           agree we have to do something about this and we  
2           have to do it fast?

3           A    Yes.

4           Q    But in fact, nothing is done about it until  
5           Project Amelia is formed and that is four months  
6           later?

7           A    Okay.

8           Q    You agree with that timeline?

9           A    It could be close to the timeline.

10          Q    But you're aware of that shortage of personnel  
11          assigned to the task that Detective Constable  
12          Lori Shenher is dealing with?

13          A    Very aware.

14          Q    But you don't consider it your problem, you say  
15          that's some other deputy chief's problem?

16          A    Let's not say problem.  Let's say accountability  
17          and responsibility is of course with the  
18          supervisory staff in that division up to the  
19          level of the deputy chief.  I've got my own  
20          issues to deal with, which are huge as well, so I  
21          would expect them to be very responsible and  
22          accountable.  Yes, we're very interested and we  
23          have the Downtown Eastside in my division and  
24          we're very committed, as I've said, with the  
25          extraordinary policing model we put in place, we

1           did a lot of very good things in the community to  
2           make it a safer place. I'd like to see the big  
3           picture given on this rather than just the little  
4           narrow focus you seem to be putting to me. There  
5           was a lot of work done around the safety of those  
6           individuals in the Downtown Eastside and I want  
7           that to be very clear to you.

8           Q   I'll be getting to that shortly.

9           A   Good.

10          Q   I just want to say at the time you were the  
11           Deputy Chief of Operations you considered it  
12           McGuinness's problem, the staffing shortfall  
13           within the Missing Persons Unit?

14          A   It's his issue to deal with, yes.

15          Q   It doesn't become your issue until June 28, 1999?

16          A   When I become the acting chief. Not that that  
17           took away from the deputy in that division.

18          Q   I'm sorry, what does that mean?

19          A   The responsibility and accountability to carry on  
20           the investigative team work in his own division.  
21           I'm the oversight body as the acting chief. The  
22           deputy chief and his people are still in charge  
23           of this investigation.

24          Q   At around the time of the -- just before your  
25           reassignment, you're of course involved in the

1           dealings around the poster and the reward;  
2           correct?

3           A    I was involved in the reward, yes.

4           Q    Did you take the trip to the Attorney General's  
5           office on April 9, 1999?

6           A    I did not.

7           Q    Were you involved at the subsequent police board  
8           meeting in later April 1999?

9           A    Yes.

10          Q    You were in attendance there?

11          A    I believe so.  If you give me the date I'll check  
12          that right now.

13          Q    I'll give you a reference.  It's Exhibit J, page  
14          143.  It is a memo dated April 22, 1999,  
15          referring to a board meeting of April 28, 1999?

16          A    Yes.

17          Q    It's authored by Sergeant Geramy Field.  You had  
18          a look at this document before it was submitted  
19          to the police board; isn't that right?

20          A    I believe so, yes.

21          Q    You'll see at page 144 at the bottom paragraph it  
22          refers to:  "The current cases we're all looking  
23          at are disappearances, no crime scene, no victim  
24          with which to start.  In all the current cases  
25          the disappearances have been approached and

1                   subsequently investigated in the same manner,"  
2                   that is to say, the same manner as a homicide?

3           A    Okay.

4           Q    "The primary difference is that there's virtually  
5                no evidence with which to proceed. In fact,  
6                these cases are receiving a substantial amount of  
7                investigative time and energy." Isn't that  
8                right?

9           A    Just about right, but just preceding that last  
10               sentence it says: "That is not to say that we  
11               have suspended investigating," and that's very  
12               important.

13          Q    I only didn't read it out because I didn't think  
14                it was relevant. If you think it's relevant put  
15                it in.

16          A    It's relevant.

17          Q    The tenor of what is being told here to the  
18                Vancouver Police Board is that the investigation  
19                is being taken seriously and is consuming a  
20                substantial amount of time and energy; correct?

21          A    Yes.

22          Q    You knew that to be a false statement, didn't  
23                you?

24          A    Why would you say that?

25          Q    Because we just said, Detective Constable Lori

1           Shenher was working on her own on approximately  
2           30 missing womens' files in a small, windowless  
3           office and you knew she had a resource problem?

4           A   We also had the homicide unit in place.

5           Q   As of April 2, 1999 you had the homicide --

6           A   The homicide investigators work right next to  
7           her, where she was.

8           Q   Not dealing with missing women cases?

9           A   She interacts with the Sergeant Geramy Field  
10          which has come out in the inquiry, that's her  
11          immediate supervisor who was in the Homicide  
12          Unit.

13          Q   You're saying you thought Sergeant Field was  
14          contributing a significant amount of  
15          investigative energy to the investigation of the  
16          missing women? That's your testimony as of April  
17          2 -- April 22, 1999?

18          A   I'm saying Geramy Field made a statement saying  
19          she worked off the side of her desk with Shenher,  
20          I believe was her quote.

21          Q   Side of the desk means not the centre of her  
22          desk, right?

23          A   It does not mean she wasn't supervising and it  
24          does not mean she's not committed to this task  
25          working with Shenher.

1 Q This language conveys something false to the  
2 police board at a meeting you attended in a memo  
3 you reviewed prior to its submission to the  
4 police board. You allowed it to be suggested to  
5 the police board that the missing women cases are  
6 receiving a substantial amount of investigative  
7 time and energy when you knew that the sole  
8 investigator assigned to the missing women cases  
9 was under-resourced?

10 A No, I don't agree with you.

11 Q If we go back a few pages to page 140, we see the  
12 memo from Detective Constable Lori Shenher to the  
13 Attorney General Ujjal Dosanjh?

14 A Yes, I see that.

15 Q I'll just pause because there is going to be  
16 another document referred to later to note that,  
17 the third paragraph says: "In each of these  
18 files we have through interviewing family  
19 partners and friends identified as many persons  
20 of interest as we can find. All of these people  
21 we have been able to locate have been interviewed  
22 by us, in some cases more than once. There are  
23 very few people of interest to us yet to be  
24 located and interviewed." Do you see that?

25 A I do.

1 Q I'll be coming back to that later. I'll go to  
2 the third paragraph on the second page, page 141,  
3 that's the paragraph with which you took issue?

4 A Which paragraph?

5 Q "As I write this report there is no evidence of a  
6 person or persons preying on these women."

7 A No, that's not accurate.

8 Q You agree that that's inaccurate?

9 A No. You're asking -- I had an issue with this  
10 statement: "We cannot investigate a murder  
11 without a body, witnesses, time of crime, scene  
12 of crime or suspect."

13 Q And I just want to --

14 A That was my issue.

15 Q All I want to do is take that into parts and ask  
16 you, you disagreed with the phrase, "We cannot  
17 investigate a murder without a body."

18 A Yes, that's not accurate.

19 Q You disagreed with the proposition, "We cannot  
20 investigate a murder without a suspect," correct?

21 A Yes, I disagreed with that.

22 Q I take it you also disagree with the proposition  
23 that the VPD didn't have a suspect at that point?

24 A They had a number of suspects.

25 Q Then I take it that you also agree that it's

1 false to say that there's no evidence of a person  
2 or persons preying on these women. Also false,  
3 correct?

4 A Yes.

5 Q Because, in fact, as you say in your interviews  
6 with Doug LePard and Jennifer Evans, you say  
7 there were a number of suspects?

8 A You know, just going back to that first sentence,  
9 as I write this report there is no evidence of a  
10 person or persons preying on these women. I was  
11 aware of the fact at that time that they had a  
12 list of people of interest. So it might have  
13 been a very long list, might have been a shorter  
14 list, I can't remember right now, but that  
15 statement doesn't seem accurate to me looking at  
16 what she stated there.

17 Q That doesn't seem accurate to you?

18 A No.

19 Q In your interview with Deputy Chief Evans you  
20 stated that you knew at the time there were other  
21 serial killers, at around this time, April of  
22 1999?

23 A Yes.

24 Q And one of those was the suspect Fell and  
25 Wolthers brought into play?



1 A Yes, who turned out to be sought after for other  
2 reasons.

3 Q Very serious and sadistic violent sexual  
4 predation?

5 A Absolutely.

6 Q And you had the Highway of Tears?

7 A Yes.

8 Q And you also had bodies found out in Agassiz,  
9 that was a separate serial killer?

10 A Yes.

11 Q Then there was another individual you mentioned  
12 to Deputy Chief Evans who has since passed away  
13 who was of interest to the Vancouver Police  
14 Department who committed at least three  
15 homicides?

16 A That's accurate.

17 Q There are lots of serial killers?

18 A Yes.

19 Q And dealing specifically with serial killers  
20 dealing with women, killing women, who share the  
21 exact same designation as the designation which  
22 makes for missing women, that is, sex trade  
23 workers?

24 A Yes.

25 Q So this statement here, "There is no evidence of

1 a person or persons preying on these women."

2 A Right.

3 Q That indeed is an appalling false and  
4 inappropriate thing to say to the Attorney  
5 General; correct?

6 A I would agree with that now, yes.

7 Q And you saw this memo before it went to the  
8 Attorney General?

9 A I believe I did. Again, I wasn't involved in  
10 drafting this memo. I know that Deputy  
11 McGuinness was privy to it. He's probably a  
12 better person to answer this question. I believe  
13 I saw it before it went but I may not have  
14 either.

15 Q I thought your counsel took us to an e-mail that  
16 was written on your behalf, your handwritten  
17 notes on a document referring to that exact  
18 paragraph, different portions of that exact  
19 paragraph but certainly that exact paragraph.  
20 Was I wrong about that?

21 A That's right. No, you're absolutely right.

22 Q So you did see this before it went to the  
23 Attorney General; correct?

24 A But I believe that was an e-mail I'm talking  
25 about. You're talking about this document. This

1 document may have been attached to that e-mail.

2 There were two e-mails, I believe.

3 Q Sure, but you're commenting -- you're saying,  
4 "Can we get away with this?," in reference to  
5 another portion of that same --

6 A No, I didn't say that. I didn't say, "Can we get  
7 away with this?"

8 Q What were the exact words you used?

9 A I didn't think this was a proper thing to say but  
10 it was not my position to make that  
11 determination, that it would best be made by  
12 Deputy McGuinness and that's what I said in my  
13 memo.

14 Q If you're part of a senior management team --  
15 which you are at that time?

16 A Yes.

17 Q And you know that a memo that a deputy constable,  
18 even one that is not directly in your charge, is  
19 about to mislead the Attorney General, you're  
20 saying that you as a deputy chief don't have a  
21 duty to make sure that doesn't happen?

22 A As I said, I made a comment in that e-mail that I  
23 didn't agree with the comment that was being made  
24 about not investigating if they didn't have a  
25 body, et cetera. So I already disagreed with

1           that and told McGuinness -- he had solicited my  
2           opinion on this and I told him in the e-mail that  
3           I didn't agree with it and that it was his  
4           decision to make because I didn't have sufficient  
5           information about this investigation, which is a  
6           very proper thing for me to do.

7           Q   What I'm suggesting to you, Chief Constable, is  
8           that you as a deputy chief have a duty to make  
9           sure that the Attorney General is not misled by  
10          anybody in the police department?

11          A   Absolutely.

12          Q   I'm suggesting to you that you didn't go far  
13          enough. You might have written a note to Deputy  
14          Chief McGuinness but you had a duty to go further  
15          than that and make sure the Attorney General  
16          wasn't misled?

17          A   Not my responsibility. I'm in another division.  
18          He is the individual interacting with the  
19          Attorney General, not myself. I conveyed my  
20          thoughts in writing back to him expecting he  
21          would do exactly what I said.

22          Q   You effectively say: If you want to mislead the  
23          Attorney General that's going to be on you?

24          A   No.

25 MS. CHRISTIE: Mr. Commissioner, that's not fair.

1 THE COMMISSIONER: That's not even remotely close to what he  
2 said. If you're going to quote him then quote  
3 him correctly. What he said -- he said this in  
4 chief, that is, because of the line authority,  
5 the management structure of the Vancouver Police,  
6 Shenher didn't report to him, Shenher reported to  
7 McGuinness, and that's why he felt it wasn't his  
8 responsibility to get involved because it was  
9 another deputy who is responsible. That's what  
10 he's saying.

11 MR. GRATL: What I'm suggesting, Mr. Commissioner, is just  
12 like if one deputy chief is about to witness a  
13 police officer, any police officer, committing a  
14 serious crime, the deputy chief has an obligation  
15 to stop it in exactly the way Deputy Chief Blythe  
16 had an obligation to prevent misinformation going  
17 to the Attorney General.

18 THE COMMISSIONER: You might want to canvass with him about  
19 police management structures and levels and how  
20 paramilitary organizations work.

21 MR. GRATL: I'll do exactly that.

22 THE COMMISSIONER: We'll deal with that in the morning.

23 THE REGISTRAR: The hearing is now adjourned until 9:30 in the  
24 morning.

25 (PROCEEDINGS ADJOURNED AT 4:03 P.M.)

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

Margaret M. Wills  
UNITED REPORTING SERVICE LTD.

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