

1 February 22, 2012

2 Vancouver, BC.

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

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

5 **TERRY BLYTHE:** Resumed

6 THE COMMISSIONER: Mr. Gratl.

7 **CROSS-EXAMINATION BY MR. GRATL (Cont'd):**

8 Q Chief Constable Blythe, I wanted to speak with you
9 this morning about community engagement during
10 your tenure as the chief of the Vancouver Police
11 Department. To begin, you're familiar with the
12 organization PACE, Prostitution Alternatives
13 Counselling Education?

14 A Yes.

15 Q You recall that PACE attended the Vancouver Police
16 Board to attempt to get board approval for a sex
17 worker liaison officer in December of 2000,
18 correct?

19 A I believe I remember that, yes.

20 Q And your officers and yourself advocated against a
21 sex worker liaison position at that time before
22 the board; isn't that correct?

23 A I believe we did, yes.

24 Q Okay. In part on the footing that you said that
25 all the work was already getting done. Sex

1 workers were already being protected sufficiently
2 in your view?

3 A That is correct, yes.

4 Q Now, you will recall that PACE representatives
5 also released a report on violence against sex
6 workers in the Downtown Eastside in 2001?

7 A I believe they did, yes.

8 Q Okay. And it said that violence against sex
9 workers in the Downtown Eastside is extreme and a
10 large number of serious assaults against sex
11 workers. Sex workers specifically were canvassed,
12 correct?

13 A Yes.

14 Q And they released that report publicly and the
15 media picked up on that report; isn't that right?

16 A Yes.

17 Q Now, at that time the VPD responded to that report
18 by attacking the report's conclusions and its
19 authors; isn't that correct?

20 A I believe we did, yes.

21 Q All right. And you did so on the basis that the
22 sex workers' own reports of violence against them
23 had no credibility; isn't that right?

24 A Well, I wouldn't agree with that.

25 Q No?

1 A The credibility issue.

2 Q Well, wasn't the VPD line that the reports of
3 violence against sex workers were unsubstantiated?

4 A Do you have that document that I could see?

5 Q I'm just asking you for your recollection.

6 A My recollection is we would have, of course, been
7 on side with investigating any issue they brought
8 to our department that required a follow up.

9 Q I'm asking about the Vancouver Police Department's
10 official response to the report of violence
11 against sex workers released by PACE in 2001. VPD
12 attacked the report and its authors and said that
13 the allegations of violence against sex workers,
14 in particular by police officers, were
15 unsubstantiated; isn't that right?

16 A I don't recall that.

17 Q You, though, were responsible for the formulation
18 of the Vancouver Police Department's response; is
19 that correct?

20 A The media people would have, yes.

21 Q Yes. In consultation with you. You would have
22 approved that message before it went out, correct?

23 A Not necessarily, no.

24 Q You can't recall?

25 A No.

1 Q So it might have been the media liaison people
2 acting alone without consulting with you first?

3 A Well, in all likelihood, from my recollection,
4 they would have at least consulted with the
5 management of District 2, which would have been,
6 you know, originally Inspector Greer, and there
7 wouldn't have been a release of anything from the
8 media without consultation with one of the
9 supervisory people.

10 Q During your tenure, the VANDU, the Vancouver Area
11 Network of Drug Users, needle exchange at the
12 corner of Hastings and Main was shut down; isn't
13 that right?

14 A I believe it was, yes.

15 Q Now, that was a needle exchange designed to reduce
16 HIV and Hep C epidemics, correct?

17 A Yes.

18 Q And you decided that it was inappropriate to have
19 a needle exchange in a public place like Hastings
20 and Main and ordered it shut down, correct?

21 A I can't remember that either, no.

22 Q You can't recall? It made the papers, didn't it?

23 A It could have, but unless you're going to produce
24 something for me to refer to, I'm doing it
25 strictly on recall.

1 Q Okay. Well, you recall that it happened during
2 your tenure, but you can't remember whether you
3 made the decision to shut it down; is that right?

4 A No. I'm sure I didn't make the decision.

5 MR. PECK: Mr. Commissioner.

6 THE COMMISSIONER: Yes.

7 MR. PECK: I don't understand what this line of questioning has
8 to do with the terms of reference.

9 THE COMMISSIONER: Well, one of the issues here relates to the
10 police response to the conditions that existed at
11 the time the women went missing and I think it may
12 be going a bit beyond the terms, but this has been
13 out there now that the -- the allegations have
14 been that the -- that the Vancouver Police were
15 not as vigilant as they ought to have been to have
16 prevented -- so as to prevent women from going
17 missing or, at the very least, the investigations
18 into missing women.

19 MR. PECK: This is dealing with needle exchange.

20 THE COMMISSIONER: Yes. No. Your point is well taken as far
21 as the needle exchange is concerned. You're
22 right. Tell me how that's relevant about the
23 needle exchange.

24 MR. GRATL:

25 Q Sure. Chief Constable, you appreciate that sex

1 workers, survival sex workers in the Downtown
2 Eastside were often intravenous drug users?

3 A Yes.

4 Q Okay. So they would have been among the community
5 that would benefit from a needle exchange?

6 A Sure, they would have.

7 Q So in terms of Jamie Lee Hamilton, you mentioned
8 during your direct examination that Grandma's
9 House was a valuable resource in the community?

10 A Yes.

11 Q That was in effect a brothel run by Jamie Lee
12 Hamilton on a non-profit basis?

13 A I wouldn't necessarily agree with the brothel, but
14 it was a drop-in facility that served that
15 community and seemed to be helpful.

16 Q Well, you surely knew that there was some sex work
17 being conducted. It was in the nature of a safe
18 work -- safe sex work house?

19 A We eventually determined that, yes.

20 Q Did you -- I mean did you determine that from
21 Jamie Lee Hamilton's public pronouncements of that
22 fact?

23 A No. No, we didn't. I don't believe so. I wasn't
24 involved in that investigation, so I couldn't
25 really give you any explicit details.

1 Q You appreciate that it was a safe house for
2 survival sex workers?

3 A Yes.

4 Q So it provided a safe haven for sex workers who
5 were obviously under threat of serious violence?
6 You knew that?

7 A It was a safe place for them to go, which I think
8 is beneficial to them in that community. That was
9 my comment.

10 Q You appreciate that charge approval has two
11 aspects: Significant likelihood of conviction and
12 a public interest in prosecution, correct?

13 A Yes.

14 Q And obviously when Jamie Lee Hamilton's totally
15 public about her constituents engaging in sex work
16 at Grandma's House, the significant likelihood of
17 conviction is not an issue, is it?

18 A The likelihood of conviction is not an issue?

19 Q Yes. When you have somebody confessing to all and
20 sundry that sex work is happening at the house, a
21 likelihood of conviction is not an issue?

22 A Well, I can't really comment on that.

23 Q All right. Well, I'm putting it to you that
24 somebody at the Vancouver Police Department must
25 have concluded that there was a public interest in

1 shutting Grandma's House down, correct?

2 A For that illegal purpose, I would agree.

3 Q All right. So the consequence of that, shutting
4 down Grandma's House, would have been a loss of a
5 safe haven for survival sex workers, correct?

6 A A loss of one facility for them, yes.

7 Q Which would have increased the level of danger and
8 risk to which they were exposed?

9 A Well, that's a pretty narrow window you're
10 describing. As I've mentioned in my evidence,
11 there were many other safe havens for them to go
12 to. This wasn't the only one available to the sex
13 trade workers.

14 Q What was the other safe haven that was available
15 in the late evening for survival sex workers?

16 A The safety office in the -- I believe it was the
17 unit West -- or East Hastings -- pardon me -- was
18 certainly one place they could go.

19 Q At night?

20 A I'm not sure what the hours are. I can't recall
21 at this date. And the other one was the Native
22 Liaison Unit run by Freda Enns, but that strictly
23 was a daytime operation, but there was a second in
24 charge there, Morris. I forget his last name.
25 And he had access to the street and they often

1 worked the street in the evening.

2 Q So in terms of safe havens, you're not sure that
3 you can even mention one that's opened at night
4 for survival sex workers?

5 A I can't recall right now, but I can tell you that
6 with Grandma's House if there was an illegal
7 activity, the police are going to step in, do an
8 investigation and if the end result of it meant
9 closing it down, then that was the consequence
10 they faced. If it wasn't an illegal activity,
11 then Grandma's House would have stayed open. I
12 mean I'm sure Jamie Lee Hamilton or another
13 designate could have opened another facility
14 immediately after.

15 Q So Grandma's House was open from 1996 to the year
16 2000. You're aware of that?

17 A That would be approximate, yes.

18 Q And really it only ever got closed because -- or
19 after Jamie Lee Hamilton started raising the
20 public spectre of a serial killer in the Downtown
21 Eastside in 1999?

22 A No. That's not accurate. The fact that it became
23 an illegal brothel, as you described, led to the
24 close of that residence. That's my information.

25 Q Well, I put it to you that Jamie Lee Hamilton was

1 one of the very strong advocates for the missing
2 women poster and when she succeeded in her
3 political endeavour to find support for that
4 poster campaign, it was after that that Grandma's
5 House was shut down; is that correct in terms of
6 sequence?

7 A Totally separate issues, Mr. Commissioner. She
8 did a lot of good work and I was complimentary of
9 her for the good work she did in the community.
10 If she or any other person in a position of
11 authority, such as running that house, entered
12 into illegal activity, then that's a separate
13 issue.

14 Q All right.

15 A And it's unfortunate if it resulted in the closing
16 of that facility because, like I said, she did a
17 lot of good work in the community and we fully
18 supported her.

19 Q Right. It's unfortunate because it increased the
20 risk to survival sex workers in the Downtown
21 Eastside, didn't it?

22 A Well, I would hope she realized the consequence of
23 that from her actions and what occurred there.

24 MR. GRATL: You really taught her a lesson there, didn't you,
25 chief? Now, I'm showing you a document --

1 THE COMMISSIONER: You see, that doesn't help at all when
2 you -- that little aside that you make. You know,
3 stick to the question.

4 MR. GRATL: I'm sorry, Mr. Commissioner. I'm just -- when I
5 hear answers like that --

6 THE COMMISSIONER: Sorry?

7 MR. GRATL: When I hear answers like that, they're just --

8 THE COMMISSIONER: Well, look, it's for me to decide whether
9 the answers are satisfactory or not, but I mean --

10 MR. GRATL: I understand.

11 THE COMMISSIONER: You don't --

12 MR. GRATL: I apologize.

13 THE COMMISSIONER: A little editorializing doesn't help
14 anybody.

15 MR. GRATL:

16 Q I know. Thank you. In -- in February of 1997 a
17 fax was brought to your attention, a letter from
18 First Nations Summit. You have that before you,
19 do you?

20 A I do have a letter here. I'm just looking to see
21 if I received this letter.

22 Q Yes. I'll just read that out to you. It's from
23 Karen Isaac, who's a representative of the First
24 Nations Summit. You understand First Nations
25 Summit? It's one of the advocacy organizations

1 for aboriginal interests?

2 A Yes.

3 Q They do some urban aboriginal advocacy?

4 A Yes.

5 Q Among other things. Here Karen Isaac is writing
6 to Sergeant Cooper of the Major Crime Section of
7 the Vancouver Police Department. It says:

8 Dear Sergeant Cooper:

9 Thank you for taking my call yesterday and
10 the offer to help with this information
11 request. As discussed, please find attached
12 a list with the names of forty-eight homicide
13 victims believed to be of First
14 Nations/Aboriginal ancestry.

15 In your response, please provide the
16 following information:
17 number of deaths that were not investigated
18 (and, if possible, why, e.g. lack of
19 evidence, witnesses, et cetera)
20 number of unsolved deaths under active
21 investigation.
22 number of cases considered "closed" and
23 whether any deaths ruled accidental.

24 Correct?

25 A I see that.

1 Q All right. And if you turn the page, there's a
2 victim list?

3 A Yes.

4 Q Number of them 48, and there's some notes there,
5 handwritten notes?

6 A On the last page?

7 Q Yes. On the last page.

8 A Yes, there is.

9 MR. GRATL: Now, Mr. Commissioner, I'm asking that this
10 document be marked as the next exhibit.

11 THE REGISTRAR: It will be Exhibit 103.

12 THE COMMISSIONER: I take it there are no objections. All
13 right.

14 (**EXHIBIT 103**: First Nations Summit fax
15 transmission dated February 7, 1997)

16 MR. GRATL:

17 Q Now, I'd like to turn to your brief of authorities
18 at Tab 2 -- or your binder delivered by your
19 counsel at Tab 2. I think it's Exhibit 101. And
20 you'll see there's a letter to you from Sergeant
21 Honeybourn. Do you see that?

22 A Yes, I do.

23 Q All right. So there's -- there's Sergeant
24 Honeybourn tells you that:

25 Karen Isaac of First Nations Summit has

1 kindly provided me with a list of 55 names of
2 Native Indian females that have not been seen
3 by relatives, friends or their normal habitat
4 for an unreasonable period of time. As such
5 there is a concern that many of those listed
6 may have become the victims of homicide. In
7 order to research each of these names in an
8 effort to address this issue, I requested the
9 services of Constable Dave Dickson for a
10 period of a maximum of two weeks. This
11 should be ample time to complete the research
12 necessary and prepare a concluding report.

13 And that's what you did; is that right?

14 A I loaned him to this project, yes.

15 Q And you'll see that Sergeant Honeybourn, he just
16 has it wrong. That's not what Karen Isaac asked
17 for. She didn't say there's a concern that many
18 of those listed may have become the victims of
19 homicide. She says that these are the names of 48
20 homicide victims believed to be of First
21 Nations/Aboriginal ancestry and then asks for
22 information specifically about those
23 investigations, the number of cases considered
24 closed, whether the deaths are ruled accidental,
25 whether they're under active investigation, and if

1 they were not investigated, why. Your department
2 didn't direct Dave Dickson to go and find the
3 information requested by Karen Isaac, did it?

4 A Well, let me clarify this. You've just previously
5 handed me a document from Sergeant Cooper. First
6 of all, as I've given in evidence, I was the
7 deputy chief in charge of patrol operations. I
8 was not in the investigative area. This letter
9 I've never seen before. Now you're asking me to
10 compare the contents of this document with a memo
11 from Sergeant Honeybourn from the Unsolved
12 Homicide Unit. I can't do that. I can't compare
13 that. So the evidence I'm giving is based
14 strictly on Sergeant Honeybourn's memo.

15 Q Okay. You're saying you never saw the Isaac
16 letter before today?

17 A That's right.

18 Q So you didn't know when you sent Dave Dickson to
19 do research that he was researching for
20 information other than what Ms. Isaac had
21 requested?

22 A I sent him to this project based on what Sergeant
23 Honeybourn's memo said, which you just read out to
24 this inquiry.

25 MR. GRATL: Okay. So somewhere between the receipt of Isaac's

1 letter by Cooper and the memo sent to you by
2 Honeybourn, the message got totally garbled and
3 Dickson was sent off to research things other than
4 what Ms. Isaac requested?

5 THE COMMISSIONER: Well, there's no evidence that the message
6 got garbled. This is a letter that Karen Isaac
7 sent to Sergeant Cooper and as the witness has
8 said, he never -- he would never see this letter,
9 for two reasons. One is it goes to Cooper and the
10 second reason, he's an entirely different
11 department. So in fairness --

12 MR. GRATL: And that's fine. If this witness hasn't seen it,
13 he obviously can't be --

14 THE COMMISSIONER: Well, he can't be taken to task for it.

15 MR. GRATL: He can't be at fault. All he was involved is in
16 assigning Dickson to a task, and what he's saying
17 is he didn't know that Dickson was being assigned
18 to a task other than what the First Nations Summit
19 was asking.

20 THE COMMISSIONER: First of all, you might want to ask him
21 whether it was within his authority to have
22 assigned Dave Dickson. I mean I haven't got that
23 yet. Did Dave Dickson report to you?

24 THE WITNESS: He did, Mr. Commissioner, yes.

25 THE COMMISSIONER: Oh, I see. Okay.

1 THE WITNESS: He was working within my division. He didn't
2 report to me directly.

3 THE COMMISSIONER: He would have reported up the line
4 somewhere?

5 THE WITNESS: Exactly.

6 THE COMMISSIONER: So who would -- who would he have -- to whom
7 would he have reported?

8 THE WITNESS: Well, Gary Greer ultimately in District 2, who is
9 the inspector in charge, but ultimately it would
10 have been to his immediate supervisor, who would
11 have been a sergeant, and I don't recall today who
12 that was.

13 THE COMMISSIONER: But would you be in a position of assigning
14 Dave Dickson or would the sergeant assign him to a
15 particular task and a particular area to patrol?

16 THE WITNESS: Well, that is accurate. The sergeant would be
17 the one making the determination with his or her
18 superior, being right up to the inspector in
19 charge of that district, who would have to release
20 Dickson.

21 THE COMMISSIONER: Okay. So a sergeant would tell Dickson what
22 his duties would -- and that sergeant would then
23 be accountable to a staff sergeant?

24 THE WITNESS: Or the inspector.

25 THE COMMISSIONER: Or an inspector.

1 THE WITNESS: That is correct.

2 THE COMMISSIONER: And you're above that as a deputy?

3 THE WITNESS: Yes.

4 THE COMMISSIONER: I see. Okay. All right.

5 MR. GRATL: All I'm trying to do, Mr. Commissioner, is trying
6 to get at this myth within the Vancouver Police
7 Department that First Nations Summit asked the VPD
8 to find missing women, because they didn't do
9 that. They just -- the First Nations Submit said,
10 "How come there's so many First Nations homicide
11 victims who are being investigated?"

12 THE COMMISSIONER: Well, that's a fair question. That's what
13 we're here for. But you have to be fair to the
14 witness because this isn't within his personal
15 knowledge, even within his institutional
16 knowledge, it appears.

17 MR. GRATL:

18 Q Thank you, Mr. Commissioner. In terms of resource
19 allocation, I'd like to take to you Exhibit A if I
20 could and just start with the Street Safety
21 Expansion Project.

22 A On page?

23 Q 25.

24 A Yes.

25 Q Now, the Street Safety Expansion Project is

1 something that was -- that came out of the
2 Hastings North Community Policing or Neighbourhood
3 Office, Police -- Neighbourhood Policing Office,
4 isn't that right, Hastings North Neighbourhood
5 Policing Office?

6 A It looks like, according to this memo, that it
7 originated in the Street Safety Project, so I'm
8 assuming it probably came from the safety office
9 in the Downtown Eastside and then went to the
10 other office.

11 Q That was part of your mandate as deputy chief of
12 operations, correct?

13 A Yes.

14 Q That was part of D2, District 2, was the
15 Neighbourhood Safety Office. It wasn't just for
16 patrol. It was also the Neighbourhood Safety
17 Office?

18 A That's right.

19 Q So this initiative here, street safety initiative,
20 expansion project, that would have been under your
21 command?

22 A Yes.

23 Q Resource allocation decision made by yourself?

24 A By the immediate supervisors and the inspector in
25 charge of the district, and in all likelihood they

1 would have consulted with me.

2 Q More than -- more than that. At page 25 you can
3 see it's a memo dated February 18th, 1997 from
4 Sergeant McKellar to yourself?

5 A Yes. And he's telling me about their deployment
6 model and what they're doing with this project.

7 Q Sure. It's a form of accountability. He's
8 letting you know how he's allocating resources?

9 A That's right.

10 Q And you could have countermanded that if you had
11 wanted to?

12 A Yes.

13 Q Okay. So in effect you're acquiescing to this.
14 I'm not saying you came up with the idea yourself,
15 but you're acquiescing to it?

16 A I'm agreeing with the model that they've proposed
17 to me, yes.

18 Q Okay. And the model consists of deployment of
19 extra officers in service of a no tolerance
20 approach to enforcement of disorderly conduct
21 involving sex work?

22 A Where are you reading extra officers? I'm seeing
23 they deployed a number of officers.

24 Q All right. Well, I'll take you to the extra
25 officers then. It will come up in due course.

1 The next document I wish to take you to is at page
2 31. This document begins at page 28, a memo from
3 Constable Mitchell to Inspector Greer. It's dated
4 February 23rd, 1997. And at page 31 you'll see
5 that activity mandate of the Hastings North
6 Neighbourhood Safety Office?

7 A Yes.

8 Q The activity mandate was to attempt to keep the
9 sex trade away from the most sensitive community
10 interests identified as follows: Residential
11 areas, schools, parks, playgrounds and high
12 traffic retail service areas such as hotels and
13 stores?

14 A Yes.

15 Q Okay. So you appreciate that that's in effect a
16 policy of displacing sex workers from these areas,
17 these sensitive areas?

18 A What is the policy?

19 Q To displace sex work from these sensitive
20 community interests: Residential interests,
21 schools, parks and playgrounds and high traffic
22 retail service areas such as hotels and stores.

23 A Well, what happened here, again opening up this
24 small window you're presenting to the bigger
25 picture, is when we put additional police

1 personnel into the Downtown Eastside, Mr.
2 Commissioner, there was -- we noticed as a result
3 of that, the additional officers, you know, in the
4 East Hastings area, that a number of the sex trade
5 workers did move out of the area. Part of that
6 consequence was they moved further east on
7 Hastings and, as I recall today, we got several
8 complaints from the residential community they'd
9 moved into. So, as you just indicated, the
10 residential areas, the schools, the parks, the
11 playgrounds, there were community groups coming to
12 us that were extremely concerned about, if you
13 want to call it, displacement. I think it was the
14 additional resources probably led to, if you want
15 to call it, displacement. There was no intention
16 to do that, but that was the end result.

17 Q And you did have -- I mean there were petitions
18 signed by 3,000 residents and neighbourhood safety
19 offices. Cindy Piper Chan's name might ring a
20 bell?

21 A Piper?

22 Q Yes.

23 A Yes. That's right.

24 Q Sure. There was no shortage of advocacy by
25 merchants groups and resident groups to try to

1 displace sex workers out of residential and retail
2 areas?

3 A That's correct.

4 Q And so what happened was that the -- and this is
5 just one example of a larger phenomenon -- that
6 the Hastings North Neighbourhood Safety Office,
7 part of their mandate included moving sex workers
8 away from residential areas and retail service
9 areas, correct?

10 A Yes. And I can say you can't physically move
11 them. All you can do is interact with them and
12 request. You can't make them move. You have to
13 encourage them to -- if they're going to work on
14 the street and they're going to be in that area to
15 move away from the residential complainants, the
16 schools, the playgrounds, all very obvious
17 concerns with the community.

18 Q Sure. And you as deputy chief knew about this
19 policy?

20 A Yes.

21 Q And you approved it?

22 A Yes.

23 Q Okay. And you appreciate that it left sex workers
24 with only industrial areas?

25 A That was probably the end result. You're

1 accurate, yes.

2 Q And those industrial areas tend to be darker, more
3 secluded, away from people?

4 A Some of them could be. Not all of them, but yes.

5 Q All right. And then I'd like to take you next to
6 page 44. It's a memo from Sergeant McKellar to
7 Inspector Greer --

8 A Yes.

9 Q -- dated March 13th, 1997. And there you'll see
10 that it's a record of the number of sex workers
11 checked overnight on the 12th of March, 1997. It
12 indicates 35 sex workers checked and it indicates
13 where they're from?

14 A Yes.

15 Q Okay.

16 A 24.

17 Q So obviously officers here are approaching sex
18 workers and asking them about their place of
19 residence?

20 A Yes.

21 Q Okay. And they're doing that at night. You're
22 aware of that, night-time street check policy?

23 A Yes.

24 Q All right. Over the page is a memo from Sergeant
25 McKellar to Inspector Greer dated March 15th,

1 1997. It says "Overnight Report on SSU Project."
2 This is still the same project then. You're aware
3 of this project?

4 A Yes.

5 Q And the date is -- it records overnight statistics
6 concerning sex trade workers on March 14th, 1997.
7 And you'll see again you've got sex workers listed
8 according to their place of origin, the total
9 number checked, correct?

10 A Yes.

11 Q And then it also lists the number of intravenous
12 drug users?

13 A Yes.

14 Q 21 of 36 checked?

15 A Yes.

16 Q And so -- and by comparison you'll see that three
17 johns were checked?

18 A Yes.

19 Q Okay. So you have questioning, obviously, of sex
20 workers not only as to their place of residence
21 but also whether they're intravenous drug users?

22 A Yes.

23 Q And then over the page to page 47, you'll see
24 another record, this time from March -- overnight
25 checks on March the 15th, 1997, and you'll see

1 that not only is the number of intravenous drug
2 users recorded but also the number of sex workers
3 who were HIV positive is recorded?

4 A Now, which page are you on? 46?

5 Q 47.

6 A 47. Sorry. Yes.

7 Q So obviously officers are approaching to find out
8 place of residence, whether the sex workers are
9 intravenous drug users and also whether they're
10 HIV positive?

11 A Yes.

12 Q Over the page at -- and you're aware of this
13 program?

14 A I am.

15 Q And you're aware of this questioning?

16 A Yes.

17 Q All right. So over the page at page 48 is a memo
18 from Sergeant McKellar to all districts. I take
19 it that means to everybody under your command?

20 A Yes. All four districts.

21 Q It's dated March 20th, 1997. And you'll see there
22 Sergeant McKellar is saying not only will there be
23 a displacement of sex workers, but all members of
24 patrol are not to tell sex workers to simply stay
25 five to six blocks away from schools to ply their

1 trade, but rather it's not going to be tolerated
2 anywhere in the city of Vancouver?

3 A Your last statement there I disagree with
4 according to this report, and it says:

5 I would ask that all of our members be aware
6 of this initiative and advise any sex trade
7 worker and john that they may deal with of
8 this policy. Please do not tell them to
9 simply stay five to six blocks from schools
10 to ply their trade as it is not going to be
11 allowed.

12 Q Yes. And that when the passage you just read says
13 "this initiative", the phrase "this initiative"
14 refers to the sentence immediately preceding it,
15 which says:

16 This type of behaviour --

17 Namely sex work

18 -- will not be tolerated on ANY STREET IN THE
19 CITY OF VANCOUVER.

20 And the words "ANY STREET IN THE CITY OF
21 VANCOUVER" is in all caps?

22 A It says:

23 The unacceptable behaviour and conduct of the
24 street sex trade workers or their johns.

25 MR. GRATL: Yes. I'm just reading this whole memo as a whole

1 and saying, well, doesn't this say that Sergeant
2 McKellar is asking all districts for their
3 assistance in driving all sex workers out of the
4 City of Vancouver?

5 THE COMMISSIONER: Don't answer. Yes?

6 MS. CHRISTIE: Mr. Commissioner, this is exactly the problem,
7 as I see it, in putting a document to somebody
8 that they did not author and asking them to
9 interpret it. I have no problem and it makes
10 perfect sense for Mr. Gratl or anyone, frankly, to
11 ask a witness, you know, if he knows about this
12 issue or what he knew about the message that was
13 being sent out there. As the deputy chief, that
14 may be a fair question, but asking Former Chief
15 Blythe to interpret what somebody else is saying
16 in a memo -- and I don't have this document in
17 front of me, but apparently not quoting the entire
18 document and then asking Former Chief Blythe to
19 comment on what somebody meant by it is unfair.

20 THE COMMISSIONER: I agree. You have to lay some groundwork.
21 I mean you can ask him whether or not he agrees
22 with that policy, but to suggest to him something
23 other -- Miss Christie's point is well taken.

24 MR. GRATL:

25 Q Sir, you would have received this memo from

1 Sergeant McKellar?

2 A I see I have no notations on any of these
3 documents here, but I was aware of what they were
4 doing. In all likelihood these documents wouldn't
5 have come to my level, but I'm not going to sit
6 here and deny that I didn't know what they were
7 doing because I did.

8 Q Well, here Sergeant McKellar is communicating with
9 every single one of the officers under your
10 command. Surely he's not doing that without you
11 knowing about it?

12 A He can do that through his inspector. Like I
13 said, we had morning meetings every day with all
14 four district leaders. I was well aware of
15 everything that was going on in Vancouver,
16 including this program.

17 Q All right.

18 A But I'm saying to this inquiry today that doesn't
19 mean I sat there and read every document like this
20 one.

21 Q Fair enough. But you approved of this program
22 generally?

23 A Yes. And I have to say this: There never was any
24 intention for our police members to drive these
25 individuals outside of this city. The issue, as I

1 stated earlier, was with the community and the
2 complaints we were dealing with. There were other
3 safe places for them to be and that's what we
4 encouraged them to do, to go to those safe places.

5 Q And that would have been the industrial areas?

6 A Yes. And, you know, your comment about them not
7 being well lit, that's erroneous. I mean most of
8 the industrial areas in Vancouver, and even at
9 that time, were extremely well lit because of
10 breaking and entering issues. And in another
11 prevention program we went around to all the
12 proprietors, owners of those buildings, and
13 encouraged them to light their premises in the
14 lanes and on the front streets, and if you drive
15 into those lanes today and then, you'll see
16 there's street lights in the lanes as well as on
17 the front street. So I wouldn't agree with the
18 dark, dangerous environment that you said. We'd
19 never do that to them.

20 Q Fair enough.

21 A I want to clarify that.

22 Q Over the page at page 49 is an indication of how
23 many resources were assigned to this Street Safety
24 Unit Expanded Project Team. You see this is a
25 memo from Sergeant McKellar to the sergeant in

1 charge of the Communications Centre dated March
2 27th, 1997. The number of members assigned is
3 designated there as seven, one NCO and six PCs?

4 A I see that, yes.

5 Q And duration of the project is listed as possibly
6 three or four months?

7 A Yes.

8 Q These officers are assigned from six o'clock in
9 the evening till four o'clock in the morning, four
10 days a week, Wednesday through Saturday?

11 A Yes. That's accurate.

12 Q And if we can move to page 88. You see there's a
13 memo dated March 9th, 1998 from Constable Mitchell
14 to Sergeant Frail, then Sergeant Frail?

15 A Yes.

16 Q And at the third bullet point under
17 "Prostitution", you can see that Constable
18 Mitchell says:

19 I've been starting to really catalogue the
20 prostitutes, for both updating the photo
21 books as well as provide information for
22 undercover targets and community impact
23 statements.

24 You see where he says that?

25 A Yes. I see that.

1 Q You were aware that photos were being taken of sex
2 workers?

3 A I knew that from the DISC program, yes.

4 Q And they were being put into books, these
5 photographs?

6 A It looks like it, yes.

7 Q Yes. And they were colloquially referred to as
8 the hooker books?

9 A I couldn't comment on that. I don't know.

10 Q So what we've got in terms of the interaction that
11 sex workers are having with this -- with -- with
12 police officers is they were being checked. They
13 were asked about their place of residence. They
14 were asked about whether they're HIV or whether
15 they're HIV positive. They were asked about if
16 they're drug users and their photos are taken and
17 put into books?

18 A Yes.

19 Q Now, can we move to page 91, please? This is a
20 memo from Constable Mitchell to then Sergeant
21 Frail dated July 2nd, 1998?

22 A Yes.

23 Q And under "Prostitution", the second bullet point
24 you'll see:

25 More of the prostitutes are getting the

1 message that working during business hours is
2 not acceptable. I have noticed far fewer
3 during the day, although there are still a
4 number out from time to time.

5 Do you see that?

6 A Yes I do.

7 Q And that is emblematic of a policy to make sure
8 that sex workers don't work during the day?

9 A There's no policy in that regard. That's
10 misleading.

11 Q Okay. You're saying that there's no message going
12 out to sex workers that working during business
13 hours is not acceptable?

14 A There's no policy. This is under --
15 "Prostitution" is the caption. There's no policy
16 created by the Vancouver Police Department to
17 encourage them to work at night rather than the
18 day --

19 Q Okay. Let's say practice.

20 A -- if that's where you're heading.

21 Q Is there a practice, then, of messaging that
22 working during business hours is not acceptable?

23 A You just read out the deployment model a few
24 minutes ago, and in that model you notice that the
25 team was deployed after four o'clock in the

1 afternoon. My position, reading this and trying
2 to read through the -- all these documents right
3 now, is that there wouldn't have been an
4 initiative to start this deployment model up in
5 the morning and try to drive these people to work
6 at night. I mean that appears to be what you're
7 asking me about.

8 Q We've heard evidence in that regard, that even the
9 industrial land owners were complaining about sex
10 workers working in the industrial areas during the
11 day, and in response to those complaints sex
12 workers were being asked to work at night. Is
13 that true to your knowledge?

14 A Not to my knowledge.

15 Q Is it false to your knowledge? Can you say that
16 it didn't happen?

17 A Oh, it could have happened. I would agree with
18 that.

19 Q It's just that you weren't aware of it if it was
20 happening?

21 A That's right. And I find it difficult to believe
22 that. I've worked on the street for a number of
23 years. That was never any police officer's
24 intention, to tell them when they could work.
25 Like I said, we gave them encouragement to work in

1 safe areas and eliminate the complaints and, of
2 course, they're in a position working the street,
3 they don't want the police hassling them day and
4 night either, so they were very good, I would say,
5 at following the lead of the police. They really
6 were. And I think the police had a very good
7 interaction with the sex trade workers.

8 Q You appreciate that when a police officer asks a
9 sex worker to do something, move along or
10 something like that, there's a certain amount of
11 leverage that an officer brings to that
12 conversation?

13 A There might be just because of the fact the member
14 might be in uniform, but I would say the exchange
15 between that police officer and the sex trade
16 worker was very professional and was done in an
17 encouraging way rather than demanding them to do
18 whatever.

19 Q So when a police officer asks, for example, a sex
20 trade worker whether she's HIV positive, that
21 would be, in your opinion, professional and
22 appropriate to do?

23 A Yes. And they either answered it or they didn't
24 have to answer it.

25 Q All right.

1 A Their choice.

2 Q Well, it was a choice that was maybe reflected by
3 a little bit of leverage; isn't that right?

4 A Well, that may be your opinion, but --

5 Q I'm asking about your opinion.

6 A In my opinion, no. I mean they can answer the
7 question. It's up to the individual being
8 questioned as to whether they want to answer it or
9 not.

10 Q Okay. So you don't -- I'm just saying that in
11 your understanding of interactions between sex
12 workers and police officers, you don't see that
13 the sex workers might be at a little bit of a
14 disadvantage because they're engaged in unlawful
15 activities, drug use, prostitution offences under
16 the Criminal Code. They might have outstanding
17 warrants. You don't see that it might be an
18 uneven playing field in terms of the power
19 dynamics to the point where it takes away some of
20 the choice or voluntariness of the sex worker?

21 A I would believe -- well, what you just said, I
22 would believe with the fact that they are at a
23 disadvantage, no question. But they also enjoyed
24 having the police around and that's a comment I
25 haven't heard you make yet. The police, being

1 their safety net to work on the street, was a very
2 good relationship with the Vancouver Police and
3 the sex trade workers on the street, and that's an
4 obvious one and I haven't heard you say that yet.

5 Q Well, one thing we did hear so far was that there
6 was evidence that when -- that the police would
7 park in front of sex workers while they were
8 engaged in sex work?

9 A While they were engaged in sex work?

10 Q Yes. Sure. I mean it's pretty impossible to
11 engage in sex work transactions while police
12 officers are present?

13 A That could -- anything's possible.

14 Q All right. So the presence of a police officer
15 under those circumstances would be undesirable;
16 isn't that right?

17 A To the sex trade worker it might be, yes.

18 Q Yes. All right. Now, extraordinary policing in
19 the Downtown Eastside, that was your project,
20 wasn't it?

21 A That was initiated by Inspector Greer and his team
22 came to me with the plan, which I fully supported.

23 Q All right. And you were the co-chair of the
24 committee in charge of the Downtown Eastside
25 Extraordinary Policing Project?

1 A I had a lot to do with it, yes.

2 Q And, indeed, I have a reference -- seen reference
3 to you as the operational commander at the deputy
4 chief level?

5 A Yes.

6 Q That's correct?

7 A Yes.

8 Q Okay. Now, the extraordinary policing plan was
9 part of a Downtown Eastside revitalization plan;
10 isn't that right?

11 A Yes.

12 Q And one of the objectives of DEEP were -- I just
13 call it DEEP because it's known by its acronym
14 DEEP, correct?

15 A Yes.

16 Q One was visible through reduction of visible
17 disorder and crime, correct

18 A Yes.

19 Q That includes sex work, visible disorder?

20 A It includes every -- every crime.

21 Q So reduction of visible disorder and crime,
22 including sex work?

23 A Yes.

24 Q To enhance the perception -- public's perception
25 of their own safety?

1 A Yes.

2 Q And economic revitalization and social
3 revitalization; isn't that right?

4 A That sounds logical, yes.

5 Q Part of the way that economic revitalization was
6 evaluated was by assessing the level of commercial
7 activity?

8 A What document are you reading from? Are you
9 reading from a police document? Could I ask you
10 that?

11 Q I can take you to the reference. I was hoping to
12 skip through this stuff quickly, but if you need
13 references --

14 A I'll try to be very quick.

15 Q All right. There was an evaluation of the level
16 of commercial activity every six months?

17 A Yes. I'm sure that's appropriate. Yes.

18 Q That -- but that occurred in order to evaluate the
19 Downtown Eastside extraordinary policing?

20 A I'm sure it did, yes.

21 Q Okay. And also commercial real estate surveys
22 were conducted?

23 A I don't recall that, but that's a possibility.

24 Q All right. I'll just take you to page 162 and ask
25 you if you've seen this chart before. This is

1 Exhibit -- it's Exhibit A, timeline for the
2 evaluation of the Downtown Extraordinary Policing
3 Project. You see under summer of 1999 it's a
4 baseline resident survey?

5 A I do, yes

6 Q And then at the bottom it says "Commercial real
7 estate survey." Is it the summer of 1999?

8 A I see that, yes.

9 Q And then in the summer of 2000 you've got a second
10 commercial real estate survey listed?

11 A Oh, yes.

12 Q And then in September-November, 2000 an analysis
13 of results in comparison with baseline data; is
14 that right?

15 A Yes.

16 Q So you were measuring property values to figure
17 out whether extraordinary policing was working?

18 A It would be one measure, yes.

19 Q Okay. And then what I have here is a notation
20 that the extraordinary policing program was a
21 three-year program, correct?

22 A I believe it was. It was initially intended to be
23 four years.

24 Q But it involved the deployment of 40 additional
25 officers on a full-time basis?

1 A Initially there was an additional 10 beat officers
2 put with the -- I think the original 16 officers,
3 which took it up to 26.

4 Q Okay. But as of -- when the project got off the
5 ground there were a total of 40 additional
6 officers; isn't that right?

7 A There could be. Is there a document I can refer
8 to to refresh my --

9 Q Sure. Just page 193. You'll find a reference at
10 193. Just a breakdown of where the officers were
11 deployed and the total number of officers, how
12 many inspectors, sergeants, investigators and so
13 forth. It's a report to the police board. It
14 starts at page 192.

15 A I see that. It totals 40, including many of those
16 that are already assigned to the District 2 area.

17 Q Oh, okay, because I had understood that 20 of
18 those officers were -- were funded by \$3.2 million
19 of new money from City Hall?

20 A Yes. I remember that.

21 Q And that was spread over the course of three
22 years?

23 A Yes.

24 Q And then 20 officers were reassigned from within
25 the Vancouver Police Department?

1 A There could have been as many as 20.

2 Q All right. And as it happened, on June the 6th,
3 1999 the 911 operations, the Communications
4 Department was -- of the VPD was wound up and the
5 E-COMM program, privatized 911 services went
6 online?

7 A That could be. I don't have a document here to
8 refer to, but I'm going to believe what you're
9 saying, yes.

10 Q All right. I'll just refer you to page 140 then.
11 This comes from a staffing report dated April
12 22nd, 1999 from Inspector Beach to then Chief
13 Constable Chambers. Under June 6th, 1999 it says:
14 Eighteen members will be re-assigned in the
15 Vancouver Police Department as E-COMM begins
16 operations.

17 A I see that.

18 Q
19 And replaces our current Communications
20 Section. Of these eighteen officers,
21 District 2 will receive six. The remainder
22 will be deployed elsewhere in Operations
23 Division.

24 Correct?

25 A Yes.

1 Q Okay. So as of June 6th, 1999, you have eighteen
2 officers come on line in your department?

3 A That could be.

4 Q All right. That's still your department as of
5 June 6th, 1999?

6 A Yes.

7 Q All right. So you gain eighteen new officers.
8 Six of them go to the Downtown Eastside
9 extraordinary policing operations?

10 A Yes.

11 Q And none of them go to the missing women project,
12 Project Amelia?

13 A I don't -- I don't recall that. I couldn't -- I
14 couldn't comment on that. Again, another division
15 that I wasn't responsible for. Whether the
16 additional staff were deployed at that time to
17 Amelia, I couldn't say.

18 Q The Downtown Eastside Extraordinary Policing
19 Project had a budget surplus in 1999 of \$172,000
20 and change. Do you remember that?

21 A Okay.

22 Q Do you recall it?

23 A Well, it could be correct, yes.

24 Q All right. If I take you to page 185. And here
25 you'll appreciate, Chief Blythe, that we're

1 talking about resources that were available for
2 deployment that were put into other priorities
3 rather than investigating missing women's
4 disappearances and investigating serial killers?

5 A Well, let me explain that because you haven't been
6 that clear right now. If you go back up the page
7 on the previous document to page 140, the only
8 reason we got additional personnel was because 15
9 recruits were graduating from the Justice
10 Institute of BC. Project Amelia, to begin with,
11 it wouldn't have been a wise move to put brand new
12 staff into that project. These people were being
13 deployed -- these new recruits were being deployed
14 on the street. They're brand new and they're all
15 with training officers.

16 Q That's fine. But E-COMM had a sergeant in charge?

17 A Yes, it would have. Yes.

18 Q Okay. So you've got at least one sergeant. Isn't
19 there an inspector also in charge of the
20 Communications Section?

21 A There was, yes.

22 Q Okay. So you had at least a sergeant and an
23 inspector, senior officers available for
24 deployment to wherever you wanted within your
25 operations department?

1 A What's your question?

2 Q Well, didn't you have one inspector and one
3 sergeant at least as a result of the winding up of
4 the Communications Section available to be
5 deployed as of June 6th, 1999?

6 A Oh, I see what you're saying. Yes, we would have.

7 Q Okay. Well, I'm just saying because there are
8 memos out there from Sergeant Field saying, "I'm
9 not able to supervisor Detective Constable
10 Shenher. There should be a full-time sergeant on
11 this brief."

12 A Okay. And without me referring to a document, I
13 can't tell you where that inspector and where that
14 sergeant were deployed, but I'm sure we had a spot
15 for them to go that was probably vacant. As I've
16 said in this inquiry, we had in excess of a
17 hundred shortages in my division alone, 50 plus
18 short in the ops support division. I mean you're
19 not going there right now with this question, so I
20 want to put this into perspective. We were short.
21 We were back-filling positions everywhere in the
22 organization. It's not like we had extra staff,
23 which is what your inference gives to me right
24 now. We didn't have extra staff. We had vacant
25 positions with numerous people acting all the way

1 up through the ranks, which created vacancies
2 everywhere. We were short-staffed. So to answer
3 your question as briefly as I can, in all
4 likelihood that inspector and that sergeant were
5 deployed into one of the vacant -- two of the
6 vacant positions we had, one being an inspector,
7 one being a sergeant.

8 Q What I'm suggesting is not that you had extra
9 resources. I'm suggesting that at any given time
10 you have resource allocations to make?

11 A I would say that at any given time Sergeant Field
12 in her division could have asked for additional
13 personnel, and if it was needed at the time, then
14 we would supply them personnel. I've stated that
15 in my evidence. Or within their own division they
16 could redeploy other personnel resources to a
17 project like Amelia.

18 Q What I'm suggesting is that City Hall has money
19 for 20 new officers to go after drug use and
20 visible street disorder and crime in the Downtown
21 Eastside?

22 A Yes. Based on the extraordinary policing plan
23 that we put together, that's where those
24 individuals were being deployed --

25 Q Sure.

1 A -- in the Downtown Eastside.

2 Q But what I'm saying is not just City Hall
3 priorities, it's also your priorities within
4 operation because you deployed 20 extra officers
5 in the Downtown Eastside for the very same
6 purpose?

7 A Yes. And we had to justify to City Hall and the
8 police board why we were trying to create a safer
9 community in District 2, especially the Downtown
10 Eastside.

11 Q And what I'm suggesting ultimately is that you had
12 choices to make, priorities to set and the
13 priorities in this case involved the Downtown
14 Eastside Extraordinary Policing Program?

15 A Yes. Within my division, as I've stated, which is
16 patrol ops.

17 MR. GRATL: All right. And even your Extraordinary Policing
18 Program had a budget surplus of \$172,213 in 1999.
19 And I'll just turn, then, to page 185, which is a
20 document -- a reporting document dated March 14th,
21 2000, which went to the Vancouver Police Board and
22 it's from you. It says:

23 We have just been able to determine that our
24 1999 budget surplus for DEEP is \$172,213.
25 Although we had anticipated a surplus, this

1 amount is more than we had expected.

2 THE COMMISSIONER: You might want to ask him how that coincides
3 with the -- with the evidence that we've heard
4 that they were 100 officers short. I would expect
5 a surplus of \$172,000 wouldn't -- wouldn't
6 translate into a lot of new officers.

7 MR. GRATL:

8 Q That translates into three officers, doesn't it,
9 three new officers a year?

10 A It could.

11 Q Fresh recruits?

12 A The other issue that needs to be mentioned in this
13 inquiry is when you do get additional personnel
14 resources, and depending on what your deployment
15 model is, remembering we have two or up to three
16 shifts per day seven days per week, each and every
17 member is entitled to weekly leave, so when you
18 get 20 additional officers, it could be 5
19 additional or maybe as few as 2 or 3 additional
20 officers put on each shift at any given time.
21 This isn't a huge influx of new people resources
22 all out there at once --

23 THE COMMISSIONER: You know --

24 THE WITNESS: -- to make a difference.

25 THE COMMISSIONER: We've gone over this now for a considerable

1 period of time. I don't -- I don't know where
2 you're going with this, but you'll recall the
3 evidence of Detective Constable Shenher was that
4 she was desperate for more help. Nothing was
5 coming. She went to Field. Nothing was coming.
6 She was frustrated.

7 MR. GRATL: I understand that.

8 THE COMMISSIONER: Now you're giving -- you're now giving him
9 an opportunity to resile from that and say why
10 that took place. It's for you to decide how to
11 conduct your cross-examination. Far be it from me
12 to suggest how they should be done, but you're
13 watering down the impact of Shenher's evidence.

14 MR. GRATL: I'll be taking this witness to some of the memos
15 dealing with the requests for further --

16 THE COMMISSIONER: Because you're now giving an explanation --
17 he's giving an explanation as to why Shenher
18 didn't get the extra help she was seeking.

19 MR. GRATL:

20 Q Well, sure. And the witness is saying it was a
21 matter of priorities. It was more important to go
22 after drug traffickers in the Downtown Eastside.
23 Isn't that right? You're saying --

24 A No.

25 Q -- it's more important to go after the drug

1 traffickers and --

2 A That's untrue. No. Absolutely not. You're
3 putting it out of context again. It's very
4 obvious what the priority would be in hindsight.
5 It's very easy to sit here today and for me to say
6 that if we had known what was going on with the
7 serial killer coming into the Downtown Eastside,
8 possibly every day of the week, we would have
9 certainly designed a different approach to this.
10 That didn't happen then. And you have to accept
11 what I've said. We put together this plan. We
12 deployed additional resources. And a lot of that
13 is not just for enforcement. It's for the safety
14 of every person in that community. And that
15 really needs to be expressed here. We had a
16 concern with the community. We were dealing with
17 it. We didn't ignore the issues they had on the
18 street every day in their interactions with each
19 other and with the rest of the community. I'm
20 very proud of that. I think it was wonderful and
21 I'm so happy we did it.

22 Q At Tab 25 of the brief prepared by your counsel --
23 that's Exhibit 101.

24 A Yes.

25 Q You'll find a letter from Detective Constables

1 Fell and Wolthers to you as Chief Constable
2 Blythe?

3 A Yes.

4 Q On page 1 of the letter, the detective constables
5 tell you that they believed and believe that it
6 was possible that a serial killer or serial
7 killers were involved in the disappearance of
8 women, correct?

9 A Yes.

10 Q And that doesn't come as a surprise to you when
11 you read that -- or maybe I should back up a
12 little. You read this letter when it came in to
13 you, didn't you?

14 A Yes, I did.

15 Q And I take it that you read it carefully. It's
16 unusual for detective constables to write directly
17 to the chief constable?

18 A It is, but I think that's a good indication of my
19 open door policy and my -- the communication that
20 I led with the troops. I think it was a good
21 thing that they sent me this and I was happy they
22 did.

23 Q Okay. And then if you turn over -- on the 7th
24 page of this letter, in the paragraph it begins --
25 the second paragraph begins:

1 During our assignment to the Missing Persons
2 Review Team.

3 A Yes.

4 Q

5 Mark Wolthers and Doug Fell have put in
6 countless hours in investigating a person of
7 interest and other suspects and follow-ups on
8 tips and individual missing sex trade
9 workers.

10 And then I'll read the passage that follows
11 because I take it that you read this passage as
12 well. It says:

13 Upon our assignment to the Missing Persons
14 Review Team we discovered that the
15 investigators involved failed to thoroughly
16 check out all aspects of the disappearance of
17 the missing sex trade workers. Examples
18 include failing to question close friends,
19 associates, neighbours or street people.
20 There was even a failure to check a missing
21 sex trade worker's effects or premises.

22 You read that, didn't you?

23 A Yes.

24 Q And you would have read that at around May 12th,
25 2000?

1 A Yes.

2 Q What Detective Constables Fell and Wolthers are
3 telling you is that there are serious deficiencies
4 in the Missing Review Team's approach to the
5 investigation of missing women?

6 A Well, I'm glad you've brought this up because
7 these two individuals, as you probably are aware
8 of, got moved out of this task force because of
9 some of the personality and differences that were
10 experienced within that group. These two members
11 did a lot of outstanding work, and I really do
12 compliment them for that and I certainly would
13 have expected that from them, but they did exactly
14 what Inspector Adam has testified to this inquiry.
15 They got tunnel vision. They went after one
16 individual and they took this investigation in the
17 wrong direction. I think that needs to be clear.
18 I think that really needs to be said because, yes,
19 they were very committed to the work they did.
20 They did a great job. They actually apprehended
21 another very dangerous individual in the community
22 that I'm sure you're very pleased about and
23 certainly the sex trade workers.

24 Q Absolutely.

25 A That's a story that has to be told.

1 Q I agree, and I think that's commendable work, but
2 what I'm asking you here is about this passage in
3 particular about what they're telling you about
4 what's happening at the Missing Women Review Team;
5 that the investigators are failing to question
6 close friends, neighbours, associates or street
7 people or even check a missing sex trade worker's
8 effects or premises. You're reading that as of
9 May of 2000?

10 A I see their concerns, yes.

11 Q All right. And then if you go down past the
12 numbered -- the numbered investigative steps taken
13 there, there's a very serious concern raised by
14 Fell and Wolthers. They say:

15 There appeared to be no serious attempts at
16 apprehending anyone responsible for the
17 missing sex trade workers.

18 A Well, I wouldn't agree with that comment.

19 Q Well, that's what they say to you in their letter?

20 A Yes.

21 Q As investigators who have been involved now in the
22 review team, to your knowledge, for about a year?

23 A Yes.

24 Q They say, "Wow. There's no serious attempt at
25 apprehending anyone responsible for the missing

1 sex trade workers." Surely that would have caused
2 you some concern?

3 A It did, and I consequently, when I got this,
4 interviewed Deputy Chief Unger about it. I
5 learned far more details about the investigation
6 and was convinced after discussing it with him
7 that we were doing all the right things and I was
8 reassured again, as this progressed, that the
9 investigators were very involved and they were
10 doing a good job. I'm talking about others than
11 Fell and Wolthers. This specifically addresses
12 their concerns. Of course, Deputy Unger was aware
13 of all these issues and so were all his staff.
14 For them to direct this letter to me -- and you
15 said it earlier on -- is unusual. Obviously there
16 was a frustration with where they were getting
17 within their own section and what was being done.
18 I was reassured by Deputy Unger that many of the
19 good things they should have been doing were being
20 done. So I didn't ignore this letter. I took it
21 to heart and I questioned the leader in that area
22 about it.

23 Q You asked Unger to look into those serious
24 allegations by Fell and Wolthers that nothing --
25 no serious attempts had been made at apprehending

1 anyone responsible for the missing sex trade
2 workers and also that there was a failure to
3 question friends, associates, neighbours, and
4 street people and a failure to check missing sex
5 trade workers' effects or premises?

6 A Not only that, I told -- we discussed the entire
7 letter from them and told him to adhere to
8 everything they had said in this letter, and he
9 did that. And, in fact, there's a later response
10 from him, which is dated June 14th, 2000 at Tab
11 26.

12 Q Before we go there, I would like to go to
13 Exhibit -- Exhibit J, please, at page 24.

14 A J?

15 Q J at page 24.

16 A Thank you. Now, that's a memo dated May 17th,
17 2000 from Detective Constable Lori Shenher to
18 Sergeant Geramy Field?

19 A Yes.

20 Q It's a direct response to the comments made by
21 Wolthers and Fell to you in their letter?

22 A It appears to be, yes.

23 Q All right. So at page 26 you'll see in the second
24 full paragraph beginning "In response to paragraph
25 three".

1 A Yes.

2 Q I'll just read a sentence from the fourth line
3 down. It says:

4 The Missing Persons Review Team has the names
5 of hundreds of men fitting --

6 This sexual predator that was caught by Fell and
7 Wolthers.

8 -- fitting his lifestyle, and if we had the
9 luxury to investigate each one of them for
10 one entire year, I am sure we would likely
11 uncover some criminal activity on their parts
12 as well.

13 A Criminal activity. Yes.

14 Q And you appreciate that that's probably -- that's
15 true to your knowledge at that time?

16 A Yes.

17 Q If they had more resources, they would likely
18 uncover criminal activity on the part of sexual
19 predators?

20 A Yes. A very sensible analogy.

21 Q Over the page at page 27, beginning "Paragraph
22 eight". I'll read that out.

23 Paragraph eight raises a problem in the
24 Missing Persons Review Team with data entry,
25 simply because there is far too much work for

1 one person to enter and the backlog has been
2 huge.

3 A I see that, yes.

4 Q And you were aware of that as of May of 2000, that
5 the backlog for data entry was huge?

6 A Yes.

7 Q All right. And then at paragraph 30.

8 A Paragraph 30 or page?

9 Q I'm sorry. Page 30.

10 A Thank you.

11 Q Beginning with "Paragraph twenty". There
12 Detective Constable Shenher writes:

13 Paragraph twenty is incorrect. Perhaps
14 Detective Constables Fell and Wolthers do not
15 understand that prior to the formation of the
16 Missing Persons Review Team in May, 1999,
17 only two investigators had been working on
18 thirty-one files. There was not a failure to
19 do these tasks, but an inability to do them
20 due to time constraints. There was one sex
21 trade worker's residence that was not checked
22 because there was some dispute between
23 Detective Howlett and the Portland Hotel
24 staff as to whether the effects belonged to
25 the missing person.

1 You see where she writes that?

2 A Yes.

3 Q She says -- in that paragraph she says, "Well,
4 what Fell and Wolthers don't understand is that we
5 were unable to do the things that they mentioned;
6 that is to say questioning close friends,
7 associates, neighbours or street people due to
8 time constraints." That's what Shenher says?

9 A What it says, in fact, those outstanding tasks
10 were assigned.

11 Q Where does it say that?

12 A In the second or -- second line:

13 Were assigned to Detective Constables Fell
14 and Wolthers in August, 1999. Seven persons
15 of interest identified by me through my and
16 Detective Howlett's investigation of the
17 missing persons files were assigned to
18 Detective Constables Fell and Wolthers for
19 location and interview.

20 Q And then go on.

21 A

22 The first of these were assigned August 30,
23 '99, the remainder on October 5, 1999. Not
24 one of these parties has been located or
25 interviewed by them. I have asked repeatedly

1 whether they had located and interviewed
2 these parties. The answer was always no.

3 Q Okay. If you could stop there. What Shenher's
4 saying there is, "Well, Fell and Wolthers are
5 right that close friends, associates, neighbours
6 or street people weren't interviewed, but we
7 couldn't do that during -- due to time
8 constraints. Howlett and I couldn't do that due
9 to time constraints. I assigned it to Fell and
10 Wolthers and they didn't do it either." That's
11 what those two paragraphs say?

12 A It says they were not located or interviewed.

13 Q Yes. Fell and Wolthers didn't do it either?

14 A Yes.

15 Q Okay.

16 A They didn't find them.

17 Q Shenher's not saying, "Well, Wolthers and Fell are
18 wrong because we absolutely did interview
19 everybody." She's saying, "Well, no. We didn't
20 interview everybody. We didn't have time to do
21 that and Fell and Wolthers, when I assigned it to
22 them, they didn't interview those people either"?

23 A No. It says: "Not one of these people were
24 located." They can't interview them if they don't
25 locate them.

1 Q Yes. So those individuals weren't interviewed?
2 A Right.
3 Q It wasn't done?
4 A Because they weren't located, but I think that
5 needs to be clarified.
6 Q The steps weren't taken?
7 A If they had been located, they'd better be
8 interviewed.
9 Q So far from Shenher saying Fell and Wolthers were
10 wrong about everything, she's saying, "Yes, we
11 have a problem with date entry. Yes, we didn't
12 interview question close friends, associates,
13 neighbours or street people and" --
14 A Does she say that in this report specifically?
15 And if she does --
16 Q I'm just synopsisizing.
17 A Oh, okay. Well --
18 Q Are you reading those passages differently? She
19 says there's a huge backlog on SIUSS, right?
20 A Yes, there is.
21 Q And then she says -- she agrees with Fell and
22 Wolthers that the interviews weren't conducted and
23 says it was as a result of time constraints?
24 A And them not being located, simply.
25 Q All right. And then I'd like to take you to

1 Exhibit J, page 149, please. This is a memo from
2 Sergeant Field to Inspector Spencer, also dated
3 May 17th?

4 A Yes.

5 Q Also concerning Fell and Wolthers?

6 A It appears to be, yes.

7 Q Over the page to page 150 at the second
8 paragraph --

9 A Yes.

10 Q -- you'll see Sergeant Field's take on what Fell
11 and Wolthers were saying. And I'll just read this
12 paragraph:

13 It became apparent that the team was in need
14 of a constant "leader", someone who would be
15 in the project room the majority of the time.
16 I had already requested another sergeant be
17 assigned to the team but was advised none was
18 available. Detective Constable Shenher was
19 not able to control Fell and Wolthers or
20 obtain the required information from them.
21 They were apparently working diligently but
22 not on what she wanted them to work on. In
23 May Lepine and Chernoff had been assigned to
24 the team as well in order to assist with a
25 review of some previous homicides of

1 prostitutes and assist with the
2 investigation. It was decided that Detective
3 Lepine would act in the capacity of an acting
4 sergeant for the team. Acting Sergeant
5 Lepine would keep me appraised of the
6 progress of the investigation. This was the
7 situation for a very short time due to summer
8 annual leaves and the re-assignment of Lepine
9 and Chernoff back to Homicide because of a
10 serious double murder investigation that was
11 taxing the whole squad.

12 A Yes. That's accurate.

13 Q And you knew about that as of May of 2000?

14 A Yes.

15 Q That there was a leadership problem within Amelia?

16 A A constant leader.

17 Q Yes. A leadership. I mean I just refer to that
18 as a leadership problem. Do you have another way
19 of describing it?

20 A Well, it says that they were in need of a constant
21 leader, and I understand that Sergeant Field said
22 in a previous document that's been referred to
23 that she kept this on the side of her desk. I'm
24 assuming she's referring to herself in this.
25 She's the immediate leader of this group. It's

1 her responsibility if she needs additional staff
2 to go up the chain of command and insist they have
3 a problem and request additional officers, and I
4 would expect that of her.

5 Q All right. And over the page at page 151, at the
6 bottom Sergeant Field approaches this summary of
7 where she's going. She says:

8 This investigation is very complex and
9 difficult. Detective Constable Shenher has
10 done an excellent job under extremely
11 difficult circumstances. It will require
12 further extensive resources to reach any
13 reasonable conclusion and it is my
14 understanding that efforts are underway to
15 address this need.

16 A Yes. That's accurate.

17 Q And that was obviously Sergeant Field's opinion,
18 but you shared that opinion as of May of 2000?

19 A The date of this report.

20 Q Yes.

21 A Yes.

22 Q And I mean what happened in May of 2000 was there
23 was a functional breakdown in Project Amelia, to
24 your knowledge?

25 A You better explain that to me. A breakdown in

1 what regard?

2 Q Well, you learned that the leadership was lacking.
3 You learned that the database entry -- data entry
4 was -- had a huge backlog. You learned that
5 officers weren't working with each other. They
6 refused to work with each other. Lepine and
7 Chernoff wouldn't work with Fell and Wolthers,
8 correct?

9 A After the fact I knew of that, some personality
10 indifferences. That doesn't mean they weren't
11 doing their work. So the interpretation of that
12 indifference in personalities often doesn't affect
13 the workplace. I means it happens everywhere in
14 every organization. We still would expect them to
15 do the work, so I don't see that as a hindrance to
16 the progress of an investigation like this.

17 Q All right. There were other allegations from
18 Detective Clarke and from Detective Constable
19 Shenher that Fell and Wolthers' attitude and
20 language towards them was inappropriate, correct?

21 A I only learned of that in this inquiry. I didn't
22 know that at the time.

23 Q You didn't know that at the time?

24 A No.

25 Q All right. But that -- so you don't share that

1 characterization that Project Amelia had a big
2 breakdown. Two of the members had to be
3 reassigned?

4 A Well, I wouldn't call that a big breakdown. I
5 mean it might be a hiccup, but if that occurs, you
6 pick up the pieces and you move forward in
7 another -- in another way. I mean police people
8 are very perceptive at doing a good job with
9 whatever resources they have available, and I
10 would expect that of them and that's it. That's
11 why they're police people. They're very
12 responsible. They're very perceptive.

13 Q So as of May 17th, 2000 you shared the view that
14 further extensive resources are required for
15 Project Amelia to be successful; isn't that right?

16 A Yes. I would agree with that.

17 Q Fell and Wolthers are reassigned to District 2.
18 One of them goes to District 2. The other one
19 goes to the Organized Crime Agency, correct?

20 A I believe so, yes.

21 Q They're not replaced on the team?

22 A I don't believe they were.

23 Q Chernoff and Lepine are already off the case.
24 They're back in Homicide?

25 A Yes.

1 Q You knew that?

2 A I knew from this memo that they were reassigned to
3 another sex trade worker homicide, a double
4 homicide, I believe it was.

5 Q Field's saying she's not able to supervise. You
6 knew that?

7 A That she was able to supervise?

8 Q She's saying she's not able to adequately
9 supervise this team?

10 A She's still a supervisor. Again, this is an
11 internal issue within that section that they
12 should be resolving.

13 Q But --

14 A They don't need my -- they don't -- from my
15 perspective and my seat, they don't need my
16 permission to reorganize, to put additional people
17 resources in. They can do all that. They can do
18 all that on their own. They have that
19 accountability to do that. So yes, the buck stops
20 with me, but I have expectations of individuals
21 and if they're working in a section like this and
22 they need personnel and they need to get the job
23 done, then they better do it.

24 Q All right. I'm suggesting that this -- that you
25 have -- in your capacity as chief, you have an

1 unusually high level of responsibility for this
2 investigative team for two reasons: One, it's a
3 high-profile case that involves your relationship
4 with City Hall and the community and the police
5 board and, two, because somebody's dumped it in
6 your lap, namely Fell and Wolthers. They brought
7 you into it by writing you a letter personally?

8 A Yes. I back that up a bit. I have huge
9 responsibilities for everything in the
10 organization.

11 Q What I'm saying is that you have an unusually high
12 level of responsibility because it's a
13 high-profile case and because Fell and Wolthers
14 brought it to your specific attention personally?

15 A I do, and I'm aware of pretty much every major
16 investigation, I would believe, at my position,
17 not just this one, but absolutely everything.
18 That's why I've said in my evidence I had a
19 hands-on approach to this. But, again, those
20 decisions regarding additional personnel resources
21 and commitment from within that division is the
22 divisional leader's responsibility, the deputy
23 chief all the way down to the sergeant in charge,
24 being Geramy Field.

25 Q And I'll just ask you this question then: Are you

1 saying that in terms of the Missing Women's Review
2 Team, Project Amelia, you were as engaged or as
3 disengaged with that investigation as you would be
4 with any other investigation happening at the --
5 is that your evidence?

6 A Well, I didn't say disengaged. I said I'm very
7 engaged with everything. I said I have a hands-on
8 approach and I should be aware. If I wasn't, I'd
9 be sitting here and being concerned. I don't have
10 any concerns. I was well aware of everything that
11 was happening in regards to major investigations.

12 Q And all I'm trying to do, chief, is try to
13 understand the extent to which you're pushing
14 responsibility for this file and for dealing with
15 the Project Amelia problems in May of 2000, how
16 far you want to push it down the ladder, or
17 whether you want to accept responsibility for that
18 yourself. I want to give you a fair opportunity
19 to speak to that issue.

20 A I'm not disengaged. I'm fully engaged. I gave
21 the accountability -- and it's just in my
22 leadership style, and every one of my deputies
23 would say this on this stand -- that I gave them
24 full responsibility and accountability to run
25 their divisions as they saw fit. And, as I said,

1 when I took over as the chief, I handpicked all
2 those individuals that I had faith in that would
3 do the best job imaginable, and they did that for
4 me.

5 Q Over the page at Tab 26 of the -- of Exhibit
6 101 -- it's your counsel's brief -- is a memo from
7 Deputy Chief Unger to yourself dated June 14th,
8 2000?

9 A Yes. I see that.

10 Q This memo doesn't deal with the -- what to do
11 about the supervisory problem, does it?

12 A Again, looking at this memo -- and I see that I am
13 now interacting with Acting Deputy Chief Constable
14 Gord Spencer, who was the inspector now in charge
15 of this unit, who again our executive handpicked
16 and placed in this position.

17 Q You had had a history with Spencer too. He had
18 worked with you --

19 A Yes, I did.

20 Q -- as the co-chair of this Downtown Eastside
21 Extraordinary Policing Program?

22 A Yes. And he's an outstanding leader.

23 Q You trusted him?

24 A Absolutely.

25 Q All right. So let's go back to the memo then.

1 This memo doesn't deal with the problems raised in
2 Shenher and Field's memos and Fell and Wolthers'
3 memos about Amelia. It just deals with Fell and
4 Wolthers. It's a memo that says, "What are we
5 going to do about Fell and Wolthers?"

6 A Yes. And it's directed to me because, again, I'm
7 the discipline authority for the entire
8 organization if there's a discipline discrepancy,
9 which apparently there was eventually with these
10 two individuals, and he's brought it to my
11 attention. This actually went over to, I believe,
12 eventually the internal investigation people, who
13 worked directly from my office, to investigate any
14 misconduct on the part of these two individuals.

15 Q Sure. And what I'm suggesting to you is that this
16 memo does not deal with how to fix the problems in
17 Project Amelia?

18 A No, but that doesn't mean they weren't addressed.
19 I want to make sure that's clear. Just because
20 it's not in this memo doesn't mean the situation
21 wasn't dealt with, is what I'm saying.

22 Q All right.

23 A If that's what you're inferring.

24 Q Now, there was a problem with Sandy Cameron that
25 you knew about, correct?

1 A Yes.

2 Q Was causing intake problems in terms of missing
3 persons reports?

4 A Apparently.

5 Q You knew about that?

6 A I did, yes.

7 Q You knew she was belligerent, hostile, sometimes
8 even racist with people who would call in?

9 A Well, I didn't know that, but I do now.

10 Q Okay. You didn't know which part?

11 A Well, the racist and not taking reports. I knew
12 there were some personality issues with her. I've
13 never worked closely with her. She's never worked
14 directly under my leadership, but I knew there
15 were some issues with her, yes.

16 Q And did you also know that there were allegations
17 of racist and inappropriate language used by Fell
18 and Wolthers while they were in the -- while they
19 were participating in Project Amelia?

20 A I'm not sure if it was in that original memo or
21 not.

22 Q It might have been, but you're not sure?

23 A It could have been, but I don't recall that, no.
24 The problem with them, from my awareness to this,
25 was their investigative tactics and doing -- going

1 in a direction that they were not instructed to go
2 in, so they became a supervisory problem in my
3 knowledge.

4 Q You became aware in September of 2001 that -- or
5 even July of 2001 that there was a real problem
6 with a serial killer in the Downtown Eastside?

7 A Yes. I believe that would be close to the date,
8 yes.

9 Q Your department discovered that there was -- that
10 there were a lot more missing women than anybody
11 had thought?

12 A Yes.

13 Q You discovered that in July of 2001?

14 A I believe it was, yes.

15 Q And you asked for a timeline to be reconstructed,
16 correct?

17 A I could have, yes.

18 Q All right. Well, I'll just take you to Tab 33 of
19 your counsel's brief. It's a memo from Deputy
20 Chief Gary Greer to yourself dated July 13th,
21 2001.

22 A It's actually -- to correct that, it's from Deputy
23 Chief John Unger and Gary Greer, being the deputy
24 chief and ops, was copied on this.

25 Q I'll take that correction. And you'll see that

1 there's a timeline prepared by Sergeant Field as
2 per Unger's direction?

3 A I see that, yes.

4 Q Okay. And why did Unger direct Field to prepare
5 that timeline? What was the precipitating factor?

6 A Well, I'd have to read through this, but from my
7 recollection, he's instructing her to do a review
8 and to move forward, as I would hope that he would
9 do, and take ownership of this.

10 Q Okay. You don't remember any precipitating
11 factors?

12 A No.

13 Q One reason I ask is because it says:

14 As yet I have not forwarded a copy of this
15 report to our legal team but suggest this be
16 done as soon as possible after you have read
17 it.

18 Why would this timeline be forwarded to the legal
19 team as of July, 2001?

20 A I can't comment on that unless I read the whole
21 memo. Where are you reading that in this
22 document?

23 Q It's the second paragraph there.

24 A Where in the second paragraph?

25 Q It says:

1 As yet I have not forwarded a copy of this
2 report to our legal team but suggest this be
3 done as soon as possible after you have read
4 it.

5 It's signed John Unger to you dated July 13th,
6 2001.

7 A Okay. You're obviously on a different page.

8 Q Tab 33.

9 A Oh. Yes. I'm moving back a page here from the
10 page I was just on.

11 Q There it is. It says --

12 A Yes.

13 MR. GRATL: "I'm going to forward this to our legal team as
14 soon as possible." Why was it going to be
15 forwarded to the legal team?

16 MR. HERN: I suspect this witness doesn't know anyway, but I
17 would just caution on behalf of the department
18 that if the response concerns some
19 solicitor-client privileged information, then the
20 answer would be objected to on that basis.

21 THE WITNESS: I can't answer this question. I'm not sure.

22 MR. GRATL: Okay. So, in any event, you're --

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

24 MR. GRATL: I'm going to be about 20 minutes. Is that all
25 right?

1 THE COMMISSIONER: What are the rest of the estimates here?

2 I mean there are other lawyers who want to
3 cross-examine as well.

4 MR. VERTLIEB: No. I understand your question. It's a good
5 one. We can get it done if he has his additional
6 20 minutes, frankly.

7 THE COMMISSIONER: Because you've been over two hours now.

8 MR. VERTLIEB: You're right. He has been and you've been very
9 understanding, but based on -- let me tell you
10 what I'm told just so I'm clear on this.

11 THE COMMISSIONER: Okay.

12 MR. VERTLIEB: I'm told Miss Tobias 30 minutes, Mr. Skwarok 30
13 minutes. That's an hour. I'm told Miss Hatcher
14 20 minutes and Miss Winteringham 10 minutes, so
15 it's an hour and a half. Mr. Peck is brief, 10
16 minutes at most, and Mr. Hira 10 minutes. So
17 that's under two hours, which means we can finish,
18 but -- but I must tell you I have some questions
19 as well because I wanted to wait for others and I
20 may need a half an hour.

21 THE COMMISSIONER: So we're into tomorrow?

22 MR. VERTLIEB: Oh, no. We want to finish him today, Mr.
23 Commissioner. No, no. We don't want to be -- we
24 don't want to be tomorrow. We shouldn't have to
25 be tomorrow.

1 THE COMMISSIONER: Well, I know that, but --

2 MR. VERTLIEB: I know you know that.

3 THE COMMISSIONER: All right. We'll adjourn for the break.

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

5 (PROCEEDINGS ADJOURNED AT 11:03 A.M.)

6 (PROCEEDINGS RESUMED AT 11:22 A.M.)

7 THE REGISTRAR: Order.

8 MR. VERTLIEB: So Mr. Gratl, Mr. Commissioner, has told -- he
9 and I have discussed 10 minutes. He's happy with
10 that. Mr. Peck should follow because he'll be
11 brief and then he can leave. We'll struggle to
12 get this done today, but perhaps we can. I forgot
13 to tell you Miss Gervais wanted 20 minutes. So
14 it's a struggle to get through this, but let's
15 just see how we do.

16 THE COMMISSIONER: All right. We'll play it by ear.

17 MR. VERTLIEB: Okay. Yes. Thank you, Mr. Commissioner.

18 MR. GRATL:

19 Q Thank you, Mr. Commissioner, for the extra time.

20 Chief Blythe, you read the PACE report into
21 violence against sex workers?

22 A I believe I did, yes.

23 Q And you appreciate that sex workers had a --
24 according to that report had a very poor working
25 relationship with frontline officers?

1 A I'm sure there were concerns, but overall I would
2 say it was a fairly good relationship from what I
3 recall today.

4 Q That's how you read that report, to say that it
5 was a fairly good relationship?

6 A Do you have that document for me to refer to?

7 Q I don't and we don't have time to go into it,
8 unfortunately.

9 A Okay.

10 Q We'll just have to leave it there. I've shown you
11 a document or a package of documents beginning
12 with a September 7th, 2001 memo --

13 A I see that.

14 Q -- from Deputy Chief Unger -- or from Inspector
15 Boyd to Deputy Chief Unger?

16 A Yes.

17 Q This is a document dealing with what became a
18 startling revelation that there were 22 additional
19 missing sex workers who had not been identified
20 amongst the 27 already identified?

21 A Okay.

22 Q Did you read this memo?

23 A I would have been -- I'm just looking to see if I
24 put a notation on it, but I would have been aware
25 of this through Deputy Unger for sure.

1 Q All right. At page 3 of that memo it says:
2 Perhaps the most startling statistic to date
3 is the revelation of 22 additional missing
4 sex trade workers have surfaced which may
5 match the profile of the original 31. Most
6 of these have been reported missing from
7 municipalities surrounding the Lower
8 Mainland. Significant effort, profiling,
9 investigation must now be done to determine:
10 the most accurate number of missing sex trade
11 workers and whether or not they meet the
12 profile of the original 31.

13 Correct?

14 A I see that, yes.

15 Q Now, these additional 22 sex workers were never
16 actually added to the list?

17 A Well, it looks like from this notation that if
18 they were -- were reported originally missing in
19 another municipality and, as I've stated in
20 previous evidence, as far as I'm aware to this
21 day, the Vancouver Police Department was the only
22 police organization that actually had a Missing
23 Persons Section.

24 Q Some of these 22 came from Vancouver. You know
25 that, right?

1 A Some of them easily could have, yes.

2 Q Did you make any inquiries as to how many were
3 missing -- how many of these women had gone
4 missing from Vancouver and why they had been
5 missed?

6 A Did I?

7 Q Yes.

8 A No.

9 Q Did Unger, to your knowledge?

10 A I'm sure he would -- a very responsible
11 individual. I'm sure he would have done anything
12 that would be imaginable to address anything in
13 this report.

14 Q All right. Well, we have your answer for the
15 record there. But if we could turn over two
16 pages. These are typed up notes dated September
17 25th of a press conference.

18 A Yes. I see that.

19 Q All right. You attended that press conference
20 with Detective Driemel?

21 A Driemel, yes.

22 Q Yes. And if we flip over to page 5 of that, we
23 have your comment. CKNW asks you:

24 Missing women, what is the department's
25 position on all that, all the information

1 that has come to light so far?

2 And then you say beginning six lines down:

3 Again, we have tapped into all the resources
4 available and there is always a question
5 whether sufficient resources put into this
6 initiative or not, and I would have to say
7 that ideally we would also like more
8 resources, more people, more investigators,
9 but again we were relying on the kind of
10 information that they had at the time this
11 started, the fact there was no suspect, there
12 was no victim, there were no site locations
13 for any bodies being recovered. So it's a
14 very difficult situation to investigate.

15 A I see that, yes.

16 Q You realize, of course, that your suggestion that
17 there was no suspect is utterly false?

18 A Well, first of all, this meeting, just to back up
19 for the -- just to back up in this document, this
20 wasn't a meeting about the missing women, just so
21 the inquiry's clear on that. This was designed as
22 a meeting between all those media representatives
23 that interact with us on a daily basis Monday to
24 Friday every morning within the Vancouver Police
25 Department. This was an idea that I brought to

1 the table to interact with these people and give
2 them direct access to me. So coming down to that
3 comment, I could have said that. I mean if it's
4 noted here, I did say it. I wouldn't deny that.
5 But the information that was going to be released
6 to the media could be an issue and that I would
7 have been very cautious about.

8 Q Well, let's start with the proposition that the --
9 your assertion that there was no suspect. That's
10 false? You agree with me?

11 A There were a number of suspects, but I could have
12 been referring to one individual suspect --

13 Q Okay.

14 A -- if you're putting it that way.

15 Q Help me with this: Is it false to say that there
16 were no suspects? Yes or no?

17 A It could have been misleading to them. I would
18 agree with that.

19 Q All right. So was it misleading?

20 A I don't know.

21 Q Okay. Was it false?

22 A There was no -- it's easy for me to answer that
23 yes or no, but --

24 Q Yes, it is.

25 A But just let me say it's not meant to be

1 misleading.

2 Q Okay. Is it false?

3 A It would -- it could have been more accurate; I'll
4 put it that way. I could have given them more
5 information, but I chose at that meeting at this
6 time not to do that. That's the short answer I
7 can give you.

8 Q All right. So you won't agree with me then. I'm
9 putting it to you as a proposition. Your
10 statement to the media that there was no suspect,
11 that was false?

12 A I wouldn't say anything false to them or
13 misleading.

14 Q All right. But to your knowledge it wasn't
15 accurate? At that time when you made that
16 statement, to your knowledge it wasn't accurate?

17 A That's right.

18 Q You'll see -- if we go over the page to the end of
19 that transcript, you find an administrative
20 report?

21 A You know, Mr. Commissioner, I'd like to back up
22 here --

23 THE COMMISSIONER: Yes.

24 THE WITNESS: -- and go back -- I would like you to go back to
25 that. And I think for the -- for the information

1 of this inquiry, you should read that entire
2 paragraph out and that will put this in context
3 more than the -- again, coming back to the shallow
4 window that you're presenting this in and read the
5 whole paragraph.

6 MR. GRATL: All right. Well, I'd like to put a few more
7 documents on the record.

8 THE COMMISSIONER: Well, wait a minute now. If the whole
9 paragraph qualifies his answer, in fairness you
10 have to put that to him instead of going on to
11 something else.

12 MR. GRATL: I basically did put the whole paragraph to him.

13 THE COMMISSIONER: Okay. Well --

14 MR. GRATL:

15 Q I mean I don't think there's any unfairness there.
16 The record will speak for itself. Over the page
17 to the administrative report from Deputy Chief
18 Brian McGuinness to the chair of the members of
19 the police board. It's a document dated February
20 14th, 2000?

21 A Yes. That's accurate.

22 Q I just note on page 2, about the middle of the
23 page beginning with the word "Approximately 10 new
24 missing women"?

25 A Yes.

1 Q Do you see at the bottom of that paragraph it
2 says:

3 We have no new missing women to add to the
4 original list since January of 1999.

5 A I see that.

6 Q Okay. And for that reason -- and you would have
7 received and read this report?

8 A I believe I did.

9 Q Okay. And all I'm suggesting is this would have
10 been part of the reason why the senior management
11 team would have been surprised to learn in
12 September of 2001 that there were additional
13 women -- 22 additional missing women?

14 A That it would have been -- sorry?

15 Q That the addition of 22 additional women in
16 September of 2001 was new information and contrary
17 to what you had heard in previous memos?

18 A Yes.

19 Q Okay. That's all I'm establishing with this memo.
20 The last three paragraphs -- or the last three
21 pages of this package of documents -- sorry -- the
22 last four pages are -- is a memo from Sergeant
23 Field to Inspector Spencer dated January 25th,
24 2001?

25 A Yes.

1 Q And you'll see a notation at the top right-hand
2 corner dated January 29th, 2001. It says "CC T.
3 Blythe"?

4 A Yes.

5 Q Did you include this note? Is this your
6 handwriting, the notation there?

7 A Where are you talking about on this document, my
8 note?

9 Q The first page of the --

10 A Yes.

11 Q -- memo there's some handwritten notes to the
12 right-hand side, on the top right of the memo?

13 A Yes. Those notes were put together by Deputy
14 Unger, as he signed that at the bottom.

15 Q So that's Unger's note to you?

16 A Yes.

17 Q Which you would have read?

18 A Yes.

19 Q And then one last question dealing with the
20 document under Tab 35 of Exhibit 101. Tabs 35 and
21 36 are two pages of *Vancouver Sun* articles,
22 articles printed on successive days, September 21
23 and 22, correct?

24 A It looks like it, yes.

25 Q And under Tab 35 at page 3 of the first articles,

1 September 21, 2001 --

2 A Yes.

3 Q -- you'll see in the third paragraph -- it's the
4 beginning of the third paragraph. It states:

5 Senior officers with the team --

6 That is Evenhanded --

7 -- have said the 10-person team has no
8 responsibility for the active investigation
9 of new cases. That work is still being
10 handled by the local police agencies in the
11 cities where the women were last seen.

12 A I see that.

13 Q Is that an accurate statement, to your knowledge,
14 as of September 21, 2001?

15 A I believe it is, yes.

16 MR. GRATL: Thank you. Those are my questions.

17 THE COMMISSIONER: Thank you, Mr. Gratl. Yes, Mr. Peck.

18 MR. PECK: Thank you. Rick Peck for the record, Mr.
19 Commissioner, counsel to Gary Bass.

20 MR. GRATL: I apologize. I apologize for interrupting my
21 friend, but I'd just like to ask that this package
22 be marked as the next exhibit.

23 THE COMMISSIONER: All right. Thank you.

24 THE REGISTRAR: It will be Exhibit 104.

25 MR. GRATL: Sorry, Mr. Peck.

1

2 MR. HERN: Is that going in as NR?

3 THE COMMISSIONER: Do you have any concerns about that?

4 MR. HERN: I just wanted to make sure it was going in as an NR,
5 non-redacted exhibit.

6 THE COMMISSIONER: I see. All right. Well, I'll let you --

7 MR. HERN: Mr. Giles will sort that out.

8 THE COMMISSIONER: I'll let you attend to that and then you can
9 let me know if that's been done.

10 THE REGISTRAR: It will be marked as 104 NR.

11 (EXHIBIT 104NR: Bundle of documents)

12 THE COMMISSIONER: All right. Mr. Peck.

13 **CROSS-EXAMINATION BY MR. PECK:**

14 Q Thank you. In your role as acting chief constable
15 and as chief constable, your major executive
16 contact person at the RCMP would have been the
17 Commanding Officer Bev Busson; is that correct?

18 A Yes, it is.

19 Q How would you describe your working relationship
20 with Bev Busson, firstly, and the RCMP in general?

21 A Very friendly, very open. Both of us very
22 approachable, very receptive to discussions,
23 formally or informally. I had an excellent
24 relationship with Bev Busson and a lot of respect
25 for the work she'd done in that organization.

1 Q Were you ever denied assistance from the RCMP with
2 respect to the missing women investigation?

3 A No.

4 Q You knew my client, Gary Bass?

5 A I did, yes.

6 Q In your observation, did he during his time as
7 commanding officer or OIC of the Major Crime
8 Section of "E" Division, in that time or in his
9 later role as commanding officer or officer in
10 charge of criminal operations of "E" Division, did
11 he do anything that was detrimental to the missing
12 women investigation?

13 A No. Just the opposite.

14 Q Was he supportive of that investigation?

15 A Very supportive, yes.

16 MR. PECK: Those are my questions. Thank you.

17 THE COMMISSIONER: Thank you, Mr. Peck.

18 MS. GERVAIS: Robyn Gervais, counsel for aboriginal interests.

19 THE COMMISSIONER: Yes.

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

21 Q You became the acting chief constable in June of
22 1999 and then the permanent chief constable in
23 December of 1999, correct?

24 A Yes.

25 Q And as chief constable you were directly

1 accountable to the police board?

2 A Yes, I was.

3 Q And the police board is accountable to the
4 community of Vancouver?

5 A Certainly, yes.

6 Q And so, in turn, you were accountable to the
7 community of Vancouver?

8 A Yes.

9 Q And you testified on Monday that you worked in the
10 Downtown Eastside at various points in your
11 career?

12 A Yes, I did.

13 Q And you are aware, then, that the Downtown
14 Eastside community has a high population of
15 aboriginal people?

16 A Yes.

17 Q And are you aware that the aboriginal community
18 located in the Downtown Eastside is made up of a
19 lot of different nations from across BC and
20 potentially across Canada?

21 A Yes.

22 Q And you agree that the VPD has an obligation to be
23 accountable to the aboriginal community in the
24 Downtown Eastside and in Vancouver?

25 A Definitely.

1 Q And in your capacity as deputy chief and as chief
2 constable, you were aware that there were a
3 disproportionate number of aboriginal women going
4 missing in the Downtown Eastside -- from the
5 Downtown Eastside?

6 A It appeared to be that way, yes.

7 Q Okay. And I take it that this was of concern to
8 the VPD?

9 A Yes.

10 Q And the VPD took this concern seriously?

11 A Very.

12 Q And as we've seen throughout the course of these
13 proceedings, the VPD documented items of concern
14 and as they were discussed at meetings and so on
15 and so forth, correct?

16 A I would say so, yes.

17 Q And you might expect to see some of these concerns
18 in documents such as minutes of police? Yes?

19 A Yes.

20 Q Or board meeting minutes?

21 A Yes.

22 Q Executive meeting minutes?

23 A Yes.

24 Q Memos between VPD and executive officers?

25 A Yes.

1 Q Executive and officers?
2 A Yes.
3 Q You have Exhibit 101 before you? That was the
4 exhibit tendered by your counsel.
5 A Yes.
6 Q If you could just turn to Tab 1 in that exhibit,
7 please.
8 A Yes.
9 Q This is a document dated October 17th, 1996
10 addressed to you from Inspector Gary Greer and
11 Staff Sergeant Dan Dureau?
12 A It is.
13 Q And I understand it to be a Downtown Eastside
14 safety plan?
15 A That is right, yes.
16 Q Are you familiar with this document?
17 A Yes, I am.
18 Q Okay. And you have read it before?
19 A Yes.
20 Q Okay. Can you point to anywhere in the safety
21 plan where the VPD addresses the safety of
22 aboriginal women in the Downtown Eastside?
23 A I can say that without even looking through this
24 document that everyone in that community would be
25 treated equally by the Vancouver Police

1 Department.

2 Q Okay. But there's nothing in this document that
3 would address specifically the concerns of
4 aboriginal people in the Downtown Eastside that
5 you can point to; is that right?

6 A Yes. I don't believe it was captured in this, not
7 that I can see.

8 Q Okay. And the safety plan was created in late
9 1996 and then implemented; is that correct?

10 A Yes.

11 Q Okay. And just for a second I'd like to focus on
12 the women who went missing in 1997 and see if you
13 would agree with me on these dates. And I
14 appreciate that you probably don't know the exact
15 dates of all the missing women, but according to
16 all the documents that I have reviewed, on January
17 23rd, 1997 Tanya Holyk was reported missing and
18 she was an aboriginal woman?

19 A Yes.

20 Q On March 17th, 199 -- pardon me -- March 11th,
21 1997 Stephanie Lane is reported missing and she
22 was an aboriginal woman?

23 A Yes.

24 Q On March 10th, 1997 was the last time that Cara
25 Ellis was seen and she was not, to my knowledge,

1 an aboriginal woman?

2 A Yes.

3 Q April 30th Richard Kellie Little was reported
4 missing and she was aboriginal?

5 A Yes.

6 Q June 28th, 1997 Janet Henry was reported missing
7 and she was an aboriginal woman?

8 A Yes.

9 Q July 4th, 1997 Olivia Williams was reported
10 missing and she was an aboriginal woman?

11 A Yes.

12 Q August 14th, 1997 Jacqueline Murdock was reported
13 missing and she was an aboriginal woman?

14 A Yes.

15 Q And on December 29th, 1997 Marnie Frey was
16 reported missing. I understand that she was also
17 an aboriginal woman?

18 A Yes.

19 Q So you would agree with me that in 1997 eight
20 women were reported missing and seven of those
21 women were aboriginal?

22 A Yes.

23 Q And so you would agree that as early as 1997 the
24 disproportionate number of aboriginal missing
25 women was an issue?

1 A I would say it would be, yes.

2 Q If you can in Exhibit 101 turn to Tab 7, please.

3 A Yes.

4 Q And I believe we've looked at this document
5 before. It is an e-mail from Deputy Chief -- or
6 pardon me -- Deputy Chief Constable Brian
7 McGuinness to you and to others and it attaches a
8 memo from Constable Shenher, which is on the next
9 page?

10 A Yes.

11 Q Have you seen this memo before?

12 A Yes.

13 Q And would you agree that it sets out the steps
14 that Shenher had taken with respect to the missing
15 women investigations?

16 A Yes. I would agree.

17 Q Okay. And have you read the entire memo before?

18 A I have, yes.

19 Q Okay. Can you point me to anywhere in this memo
20 where it discusses steps specifically taken with
21 respect to the disproportionate number of
22 aboriginal women going missing?

23 A In a very quick look at it, no, I can't.

24 Q Okay. And if you could please turn next, then, to
25 Tab 29.

1 A Yes.

2 Q And this document is dated May 16th, 2001?

3 A Yes, it is.

4 Q And so by this time you had been acting -- you
5 were acting chief for six months beginning in July
6 and officially had been chief of police for about
7 five months; is that correct?

8 A Yes.

9 Q Okay. And if you just go down to the heading that
10 says "New Business"?

11 A Yes.

12 Q And there's a paragraph that discusses the Missing
13 Persons Review Team and talks about the steps that
14 the VPD are taking. Have you read this paragraph
15 before?

16 A Yes.

17 Q Okay. And can you point to anything in that
18 paragraph that addresses the disproportionate
19 number of aboriginal women that went missing?

20 A No.

21 Q And have you reviewed your documents in
22 preparation for your testimony here?

23 A Yes.

24 Q Okay. Can you point me to any document in your
25 counsel's brief or any other documents that might

1 acknowledge the disproportionate number of
2 aboriginal women gone missing?

3 A Not right now, no.

4 Q Okay. And can you point me to any documents that
5 might indicate that the VPD was taking steps to
6 address this issue?

7 A Well, yes. The entire issue of the missing women?

8 Q No. The issue of the disproportionate number of
9 aboriginal women that were going missing?

10 A No. As I stated, everybody would have been
11 treated equally regardless of race or origin.

12 Q So then would you agree, then, the VPD didn't see
13 the fact that there were a disproportionate number
14 of aboriginal women going missing as a separate
15 and distinct issue that needed to be dealt with?

16 A I wouldn't disagree. I would imagine the
17 investigators would have been well aware of that
18 fact.

19 Q And in your capacity as the -- pardon me -- the
20 chief of police, were you aware of that fact and
21 what were you doing to address it?

22 A Well, again, I was reassured by those people
23 involved in this investigation that they were
24 doing everything imaginable to address the issue
25 of the missing women and I wasn't concerned about

1 a racial differentiation between, you know,
2 whether they would or they wouldn't. So, like I
3 said, the fact that they were aboriginal women
4 would have made no difference in the amount of
5 effort we would have put into this. Of course, we
6 would have committed as many people as we could've
7 to get -- to resolve this.

8 Q Given the fact that there were a disproportionate
9 number of aboriginal women going missing, would
10 you agree that there may have been steps that you
11 could have directed either the executive or
12 specific officers to take to investigate those
13 disappearances?

14 A You know, in hindsight right now, I would agree.
15 There is a possibility we could have done
16 something a little bit differently, but the
17 reassuring fact for me in reflecting on what we
18 did and when we did it was the fact that with the
19 Downtown Extraordinary Policing Plan, the
20 interaction with the community, with the community
21 offices, the ongoing everyday interaction with
22 those additional beat police officers, Constable
23 Dickson, their interaction is daily with those sex
24 trade workers and I'm pleased to be sitting here
25 and being able to say that, that they were

1 committed to make a difference down there.

2 Q So there was committed ongoing daily interaction
3 with sex trade workers, but aboriginal women were
4 still going missing in disproportionate numbers.
5 So you've told us that you were reassured and you
6 had every confidence in the officers working in
7 the Downtown Eastside and officers working on this
8 investigation, and I accept that, but how does
9 that make you as chief of police accountable to
10 the aboriginal community who were losing women
11 disproportionately?

12 A Well, again, I'm accountable to the entire
13 community, inclusive of the aboriginal community.

14 Q Okay. You also testified with respect to a public
15 warning and not issuing one that you felt that the
16 fact that there were community offices who knew
17 about this, there were investigators in the
18 Downtown Eastside such as Constable Dickson
19 warning the women, that that was sufficient and
20 that the women were sufficiently warned; is that
21 right?

22 A Yes. And I might add to that that I am aware now,
23 and I was by the time I left the organization and
24 certainly as this investigation proceeded, Mr.
25 Commissioner, that our police people interacted

1 very favourably with the sex trade workers,
2 constant, even back to the day when I first walked
3 the beat in 1970. We always made those
4 individuals aware of the risk they were in every
5 time they put a foot on the street. That everyday
6 interaction is reassuring to me to know that our
7 police people were in constant interaction with
8 those individuals and warning them, but I know as
9 well now that looking at some of the documents and
10 some of the comments from people like Constable
11 Dave Dickson that regardless of all those warnings
12 and the direction from the police and the safety
13 concerns, that when you're dealing with those
14 people that were addicted to any kind of substance
15 abuse, the warning might last a few minutes until
16 the next fix or whatever, and that was of concern
17 to us.

18 Q Okay. I'd like to ask you a question that's
19 specific to aboriginal people. Now, you just said
20 that you're aware that aboriginal people in the
21 Downtown Eastside are from various nations
22 throughout BC?

23 A Yes.

24 Q So while the aboriginal women in the Downtown
25 Eastside community may have been warned by

1 Constable Dickson or other officers or community
2 liaison offices, what about the women who were
3 coming from communities in the north or in the
4 interior or other places from BC into the Downtown
5 Eastside? How would those women have known?

6 A By the same method. And I have to give full
7 credit to the downtown safety office run by Deb
8 Mearns and the Native Indian Liaison Unit by Freda
9 Enns, both from the aboriginal community. They
10 did an immense amount of work and we were so proud
11 of them that we actually brought Freda Enns's unit
12 right into the police department. I mean I'm not
13 sure to this day in the aftermath of this that we
14 could have done any more to be aware and to make
15 the community aware of our concerns with the risks
16 that they took by stepping on the street.

17 Q Okay. So you're telling me that the Native
18 Liaison Society was involved?

19 A Yes.

20 Q So what is it that they did? Did they send out a
21 warning to every aboriginal band across BC to say,
22 "Hey, if your women are coming to the Downtown
23 Eastside, you should know that all these
24 aboriginal women are going missing?" Did you
25 direct them to do that?

1 A No, I did not.

2 Q Okay. And is that something that you think could
3 have been done?

4 A I think ideally it might have had more support
5 coming from one of those agencies to the band
6 itself rather than from, you know, the chief -- or
7 deputy chief of police. It might have been more
8 meaningful to their community, just the fact that
9 they would trust -- there may be a trust issue and
10 they'd have a close relationship with one of those
11 units I've mentioned.

12 Q I agree. But that wasn't done, was it?

13 A Well, they could have done it. You know what? I
14 can't answer that. I would hope they did it, but
15 I'm not sure if they did.

16 Q Okay. So you've just told us that you knew Freda
17 Enns, who was the director of the Native Liaison
18 Society?

19 A Yes.

20 Q And I understand that you also knew Morris Bates,
21 who was a Victim Services worker?

22 A Yes, I did.

23 MS. GERVAIS: And, Mr. Commissioner, do you know the role of
24 the Native Liaison Society? Is it worth me asking
25 the witness --

1 THE COMMISSIONER: Sorry?

2 MS. GERVAIS: Do you know the role of the Native Liaison
3 Society? Is it worth me asking the witness to
4 explain?

5 THE COMMISSIONER: Go ahead and ask. I know what it is, but
6 you can put it to the witness.

7 MS. GERVAIS:

8 Q Okay. Do you just want to briefly give an
9 explanation of the relationship between the Native
10 Liaison Society and the VPD and the role that they
11 played?

12 A Yes. You know, it was a great interaction for us
13 to -- to be with them, to have their trust,
14 certainly for them to meet all of our police
15 people, especially those that were going to be an
16 interaction one on one with the individuals on the
17 street, so we had to earn their trust and they had
18 to earn our trust, and I know we did a great job
19 in that regard. And, like I said, I think we
20 accomplished things so well that they actually
21 wanted to move into our building with us. I mean
22 that says a huge thing to me; that the success of
23 this relationship was wonderful. I mean -- and I
24 wish we could have had that with every community.
25 So this was really somewhat unique in that we had

1 it with the aboriginal community. And, like I
2 said earlier, we really attempt to avoid
3 identifying stereo groups or racially, however you
4 want to describe it; that everybody -- the whole
5 community is all inclusive. But this was a unique
6 situation that again we're very proud of.

7 Q Okay. We heard evidence from Constable Shenher
8 that she did not engage with the Native Liaison
9 Society to the level that she could have. Were
10 you aware of that?

11 A No, I wasn't.

12 Q And were you aware that as early as 1995 the
13 Native Liaison Society was trying to report
14 missing aboriginal women to the Missing Persons
15 Unit, but they were not able to get those reports
16 through?

17 A Okay. Again, I would have known that after the
18 fact.

19 Q After which fact?

20 A Not right at that date, but later I'm likely to
21 have learned that fact.

22 Q Later being when?

23 A I couldn't say when.

24 Q Okay. Are you aware, then, that the Native
25 Liaison Society had to get missing women's reports

1 in through the back door through other officers
2 working within the VPD?

3 A I've heard that recently, yes.

4 Q Recently when?

5 A You know, after I had left and as this -- the
6 interviews and commenced with what we did in 2004.

7 Q And were you aware that this was due to the fact
8 that Sandy Cameron wouldn't take the report
9 because -- she said because they weren't family
10 even though they were, as you say, a unit within
11 the VPD?

12 A Yes. I heard that and find it very concerning to
13 me.

14 Q And when did you learn that? Was that after as
15 well you left?

16 A I believe so, yes.

17 Q And were you aware that the VPD had no formal
18 policy in place for the Native Liaison Society to
19 address issues with civilian employees such as
20 Sandy Cameron?

21 A Yes. I can't really answer that. I don't believe
22 they did have one in place, but I really can't
23 say.

24 Q And were you aware that Freda Enns held meetings
25 with family members of the aboriginal missing

1 women as early as May of 1999?

2 A I would believe that, yes.

3 Q Were you aware of it at the time?

4 A I'm sure I was.

5 Q And were you aware that Constable Dickson informed
6 the family of aboriginal women, Elsie Sebastian,
7 that he had located her in Oppenheimer Park when
8 in fact she's still missing today?

9 A I don't recall that, but I don't disbelieve that.

10 Q And you had testified that as police chief that
11 you were a hands-on leader?

12 A Yes.

13 Q An open communicator?

14 A Very.

15 Q Who was fully engaged?

16 A Yes.

17 Q And so with those qualities, you would agree with
18 me, then, these issues that I've just raised you
19 would have known about them; is that right?

20 A Well, let's put it this way: That, as I've said
21 also in evidence, I trusted my leadership team
22 from the deputy level down and especially when I
23 took over as acting chief and selected different
24 people, new people, giving it a fresh perspective
25 in their assignments to do the job for me and I

1 trusted them fully to do that job for me.

2 Q I'm still struggling with that answer in how that
3 makes you accountable to the aboriginal community
4 in Vancouver. My understanding of accountability
5 is that accountability creates an obligation and a
6 responsibility. How was that obligation fulfilled
7 when the aboriginal women were disproportionately
8 going missing?

9 A Again, it's -- it's a difficult one to answer in
10 that I'd have to say we were very engaged. We --
11 I think we did -- we had a number of initiatives
12 in place to make sure things like this didn't
13 happen and if that net didn't capture everything,
14 I'm disappointed to hear that. And in hindsight
15 maybe we could have done something differently or
16 in addition to what we were already doing, but I
17 was satisfied at the time that we were fully
18 engaged and doing a lot of the good things we
19 should have been doing.

20 Q And in hindsight what are some of those things
21 that you could have been doing?

22 A Well, from right now in your questioning, the fact
23 that Freda Enns, who I know was very close to a
24 number of us, and one of the people that was very
25 close to her was Deputy Brian McGuinness, and

1 Brian was a huge supporter of the liaison and I'm
2 amazed that he didn't -- you know, in hearing you
3 ask these questions right now, I find it almost
4 unbelievable that he wouldn't have known that and
5 done something about it, but, again --

6 Q So you're saying that this should have fallen on
7 the shoulders of Deputy Chief McGuinness?

8 A Well, it should have at least got to him, the
9 concern, or at least with Shenher going -- and
10 there's a lot of evidence in this inquiry that
11 Shenher went to Sergeant Field, her immediate
12 supervisor, who has a direct link to her
13 superiors, so to hear these kind of issues and
14 them not being addressed, I'm very suspicious of
15 why not.

16 MS. GERVAIS: Thank you. Those are my questions.

17 THE COMMISSIONER: Thank you, Miss Gervais. We have two of you
18 standing up at the same time here.

19 MR. SKWAROK: Mark Skwarok for Kim Rossmo. I have no
20 questions, sir.

21 THE COMMISSIONER: Oh, all right. Thank you.

22 **CROSS-EXAMINATION BY MS. HOFFMAN:**

23 Q Mr. Hern has just allowed me to go ahead of him.
24 It's Judith Hoffman, counsel for the Department of
25 Justice.

1 Chief Blythe, you've spoken in response to my
2 friend Mr. Peck's questions about your
3 relationship, the working relationship you had
4 with the RCMP. And you'll recall when you had
5 your interview with DC Evans you spoke to her
6 about that as well?

7 A Yes.

8 Q And you indicated to her that you had experience
9 working on joint forces operations with the RCMP?

10 A Yes, I did. Yes.

11 Q And, in fact, one of them was a very positive
12 experience and one that was held out as an example
13 as to how to conduct a JFO?

14 A Yes.

15 Q And you spoke about the fact that from time to
16 time -- sorry. From the time that you were a
17 deputy chief of the VPD, you attended meetings of
18 the BC Association of Chiefs of Police, correct?

19 A Yes.

20 Q And I understand that that association meets about
21 three times a year?

22 A Yes.

23 Q And you would have met through that organization a
24 number of RCMP officers in lead roles?

25 A I did, yes.

1 Q And you would have, for instance, gotten to know
2 Superintendent Ric Hall, who is the OIC of the
3 Coquitlam Detachment in the time period that this
4 inquiry is interested in?

5 A I did know him, yes.

6 Q And as a result of those meetings and the
7 relationships that you fostered, you have the kind
8 of relationship with those people that you could
9 pick up the phone at any time to speak to them
10 about any issues that you may have?

11 A That is correct. Yes.

12 Q And you were aware, I take it, that in 1999 your
13 Detectives Mark Chernoff and Ron Lepine were
14 working with the Coquitlam Detachment on an
15 investigation into Robert Pickton?

16 A Yes.

17 Q And I would suggest to you that prior to February
18 5th, 2002, you never picked up the phone to
19 discuss that investigation with Superintendent Ric
20 Hall?

21 A I did not, no.

22 Q And in your interview with DC Evans, she asked you
23 about whether or not anyone around the management
24 table at VPD ever discussed communicating with the
25 Coquitlam Detachment about that investigation

1 prior to February 5th, 2002?

2 A Yes.

3 Q And you -- no one had ever done that or that
4 discussion was not raised?

5 A What was my answer in that document?

6 Q I can show it to you, sir.

7 A I can say this if it helps: The meetings that we
8 had -- the regular meetings we had with the RCMP
9 and the VPD, we had not only myself, but a number
10 of our police leaders that would interact with all
11 of the RCMP officers. So it wouldn't just be a
12 communication between myself and them, but many of
13 the -- thank you -- many of the people that worked
14 for me as well would have had an open
15 communication.

16 Q Okay. I'll just put the answer and question to
17 you. If you can turn to page 55 of the document
18 that Registrar Giles has just put in front of you.

19 A Yes.

20 Q So line 19 DC Evans asks:

21 And I know that sometime after, that Geramy
22 Field is, she's continually sending memos to
23 her chain of command, and at some point,
24 she's saying that Pickton is not a priority
25 for Coquitlam. Was it ever discussed, that

1 you recall at the senior management level,
2 that, "Hey, maybe we should be going over to
3 Coquitlam ourselves to follow up on Pickton
4 as a suspect with regards to the missing
5 women?"

6 And your answer was:

7 Not from my perspective, no.

8 Is that answer correct?

9 A It is correct, yes. Can I just go back to that
10 because just looking at and reading it, when I
11 said "Not from my perspective", I'm talking about
12 myself, but I'm not saying there wasn't any
13 interaction. There could have been that I was
14 unaware of, just so I can leave that open --

15 Q No interaction --

16 A -- to interpretation by someone else.

17 Q So no interaction that you recall?

18 A Yes.

19 Q Okay. I'd like to move to another topic, Chief
20 Blythe. And during your direct on Monday, my
21 learned friend Mr. Greenspan made a suggestion to
22 you about the extent to which the VPD investigated
23 missing persons complaints in comparison with
24 other police agencies. Do you recall that
25 exchange?

1 A I do, yes.

2 Q And he suggested to you that the VPD was
3 innovative in the sense that it had a dedicated
4 Missing Persons Unit to investigate complaints.
5 And you've referred to that today as well?

6 A Yes.

7 Q Okay. And he then said that all other police
8 agencies simply entered missing persons into CPIC.
9 And you agreed with that; do you recall?

10 A Yes, I did.

11 Q And I fear this has left the impression that it's
12 your evidence that other police agencies -- and
13 I'm specifically referring here to the RCMP -- did
14 no more to deal with missing persons than to
15 simply place them on CPIC, and I would suggest to
16 you that that's inaccurate?

17 A I'd say part of -- I'd say it is accurate. The
18 statement's accurate that they would enter them on
19 CPIC, but in addition to that, we didn't discuss
20 that and I would agree that I'm sure they did more
21 than just that.

22 Q And are you familiar with the RCMP policy
23 regarding missing persons in the time frame that
24 this inquiry is -- is interested in?

25 A No, I was not.

1 Q Okay. Well, I suggest to you that this commission
2 will hear evidence that, in fact, placing a
3 missing person on CPIC was a mandated step, but
4 that all reports were to be investigated promptly
5 and that placing someone on CPIC was only one of
6 whatever investigative steps would be required.
7 Would you suggest that seems reasonable?
8 A That seems sensible to me, yes.
9 Q Okay. I'd like to put Exhibit M2 before the
10 witness, please. These were the documents that --
11 our collection of documents for the DC Evans
12 cross-examination. And I'd like you to turn to
13 Tab 98 of that document -- or that document brief,
14 please.
15 A Yes.
16 Q So this is a memo from Deputy Chief Brian
17 McGuinness -- or sorry -- to Deputy Chief Brian
18 McGuinness from Sergeant Field?
19 A Yes, it is.
20 Q Dated October 22nd, 1999?
21 A Yes.
22 Q And I'd like to -- sorry. Just bear with me. I
23 just didn't highlight the passage I needed. If
24 you can turn to the fourth page of that document
25 to the third paragraph -- or third full paragraph.

1 A Yes.

2 Q Which reads:

3 The majority of our efforts.

4 So I'll read it out for the benefit of my friends
5 who don't have a copy of this.

6 The majority of our efforts have so far
7 concentrated on Pickton, who is being looked
8 at for a possible homicide in Port Coquitlam.
9 Coquitlam RCMP have utilized the services of
10 our Strike Force Unit, liaised with the
11 Provincial Unsolved Homicide Unit and are
12 currently working in conjunction with
13 Detectives Lepine and Detective Constable
14 Chernoff to develop further plans targeting
15 Pickton.

16 Given that this was a memo to Brian McGuinness,
17 and you have testified that you kept abreast of
18 developments in the missing women investigation,
19 is it reasonable to presume that you would have
20 been briefed about the fact that Chernoff and
21 Lepine in October of 1999 were going to be working
22 in conjunction with Coquitlam to develop further
23 plans to target Pickton?

24 A It would be reasonable to presume that, yes.

25 Q If we could go to Exhibit 101, which is a brief of

1 documents that your counsel put together. I'd
2 like to go to Tab 27.

3 A Yes.

4 Q This -- this is a letter to Inspector Doug
5 Henderson dated August 10th, 2000?

6 A Yes.

7 Q And I'd just like to -- this is the letter where
8 Deputy Chief Spencer indicates that they would
9 like the assistance of the RCMP to conduct a file
10 review of the missing women's investigation,
11 correct?

12 A Yes.

13 Q And this is the first formal response from your --
14 or sorry -- first formal request from the VPD to
15 the RCMP for assistance; would you agree with
16 that?

17 A I believe so, yes.

18 Q Now, if we just refer to the third paragraph, it
19 states there:

20 Initially we had anticipated the use of your
21 services in early September. However, due to
22 technical difficulties with the SIUSS data
23 analysis system and a backlog of tips still
24 to be entered, we will not be in a position
25 to turn this over to you until possibly

1 October.

2 You see that?

3 A Yes, I do.

4 Q And you were well aware of the significant
5 problems that the team had with the SIUSS system
6 and the lack of resources to enter data into that
7 system?

8 A Yes.

9 Q And the files ultimately were not transferred in
10 October as promised, but -- they, in fact, were
11 not transferred until Detectives Little and
12 McKnight were assigned to the file and moved out
13 to Surrey to work with Project Evenhanded in April
14 the following year. Were you aware of that?

15 A I do recall that, but I'm not sure if the files
16 went before they went there or not. I can't
17 remember.

18 Q Okay. We've gone to this document a few times, so
19 I'm not sure that it's necessary to go there
20 again, but we've seen in the documentation that on
21 May 16th, 2001 Sergeant Field gave a presentation
22 to the senior VPD management on the operational
23 plan that had been proposed for Project
24 Evenhanded. Do you recall that?

25 A Yes.

1 Q And that document -- the minutes of that meeting
2 are at Tab 29, Exhibit 101. We don't need to go
3 there, but just for reference. And Project
4 Evenhanded, as you testified, was a joint forces
5 operation that the VPD was contributing to equally
6 with the RCMP, correct?

7 A Yes. As well as I believe a few other agencies,
8 yes. Exactly.

9 Q And this was a very important investigation to the
10 VPD?

11 A Yes, it was.

12 Q And you were asked for input into the operational
13 plan that Inspector Adam proposed, correct?

14 A Yes.

15 Q And that, in fact, was the purpose of Sergeant
16 Field's presentation on May 16th, to obtain that
17 input?

18 A Yes.

19 Q Okay. I'd like to actually take you to what I
20 understand is the PowerPoint presentation that
21 Sergeant Field delivered at that meeting. And
22 we'll find that in Exhibit 98. Sorry. You're
23 beginning to drown in binders there, Chief Blythe.
24 If you could turn to Tab 47 of that document.

25 A Yes.

1 Q Okay. So this is a presentation put together by
2 Sergeant Geramy Field, as we can see from the
3 first page. Unfortunately, the pages aren't
4 numbered, but I'd like to go to the 7th page of
5 the presentation. And you should be looking for a
6 heading entitled "Where Are We Now"?

7 A Yes. I see that.

8 Q So as I understand the presentation, what Sergeant
9 Field did was she reviewed the investigation that
10 had been undertaken by the VPD and where they were
11 currently and where Project Evenhanded was
12 proposing to go with the investigation. Is that
13 an accurate statement of your recollection of the
14 presentation?

15 A Yes, it is.

16 Q So you'll see under the heading "Where Are We
17 Now", it's indicated that there are 1300 plus
18 tips, all to be entered into SIUSS, reference to
19 the major backlog problems with SIUSS, and then
20 underneath that you see "Numerous possible
21 suspects" and then "hundreds" in quotes?

22 A I do see that, yes.

23 Q So would you agree that that's an accurate
24 statement of the information you received at this
25 meeting with respect to the status of suspects

1 that were being looked at by this investigation?

2 A Yes.

3 Q Okay. So the following pages deal with
4 investigative strategies, investigative theories.
5 And then if we could go to the heading called "The
6 Investigative Plan".

7 A Yes.

8 Q So this is what was being proposed by Sergeant
9 Field and Inspector Adam. They were first going
10 to review all of the sex trade worker murders for
11 crime scene DNA. They were going to review major
12 sexual assaults, and the purpose of that was to
13 build a comprehensive bank of unknown suspect DNA
14 for later comparison against known suspects?

15 A Yes.

16 Q And they were going to review and then prioritize
17 all of the current VPD and RCMP suspect lists. Do
18 you see that?

19 A Yes, I do.

20 Q And this plan was well received by you and your
21 colleagues?

22 A Yes.

23 Q You expressed no concerns or dissatisfaction with
24 the plan?

25 A That is correct.

1 Q And you believed it was reasonable for a review of
2 the suspects to be done and for them to be
3 prioritized?

4 A Yes.

5 Q Moving on to another topic. When you were taken
6 throughout your evidence on Monday by your
7 counsel, you said that the first time that you
8 recall -- recalled learning about the details of
9 Robert Pickton was very close to his arrest. Do
10 you recall that evidence?

11 A Yes, I do.

12 Q And just so we have clarity, I just want to review
13 with you the sequence of events surrounding Mr.
14 Pickton's arrest to ensure that we have some
15 clarity on this point. And the first event I
16 suggest that occurred regarding the ultimate
17 arrest of Mr. Pickton on murder charges is that a
18 firearms warrant was obtained in an unrelated
19 investigation. You're aware of that?

20 A Yes.

21 Q And that occurred on February the 5th, 2002. Were
22 you aware of that?

23 A Yes.

24 Q And that warrant was executed late in the evening
25 on February 5th?

1 A Yes.

2 Q And Mr. Pickton, as Don Adam has testified, was
3 arrested and held for a short period of time in
4 connection with that firearms warrant?

5 A Yes.

6 Q And then he was released the next day?

7 A I understand that.

8 Q You understand that?

9 A Yes.

10 Q Project Evenhanded subsequently obtained a search
11 warrant to search the property in connection with
12 the missing women?

13 A Yes.

14 Q And then over the next two weeks they gathered
15 considerable evidence necessary to support the
16 murder charges against Mr. Pickton?

17 A Yes.

18 Q And then on February 22nd he was arrested on two
19 counts of first-degree murder?

20 A Yes.

21 Q So -- and also by way of background, in the weeks
22 leading up to the firearm search on February 5th,
23 2002, this commission has heard no evidence that
24 any new information on Pickton surfaced which
25 caused him to be the focus of renewed

1 investigation by the police; would you agree with
2 that?

3 A I believe that's accurate.

4 Q Okay. So when you say that you first learned
5 about the details -- or that you first recalled
6 learning the details of Robert Pickton close to
7 his arrest, you were referring to the arrest of
8 Mr. Pickton on the murder charges rather than the
9 firearms warrant; is that correct?

10 A I believe so, yes.

11 MS. HOFFMAN: Thank you. Those are my questions.

12 THE COMMISSIONER: All right. Thank you, Miss Hoffman. Who's
13 up next?

14 MR. VERTLIEB: Mr. Commissioner, I'm just wondering. Marlene
15 Basil, who's been so patient throughout --

16 THE COMMISSIONER: Sorry?

17 MR. VERTLIEB: I'm just wondering. Marlene Basil, who has been
18 so patient throughout, has a few questions.

19 THE COMMISSIONER: Yes. By all means.

20 MR. VERTLIEB: Would you mind, unless you want to take the
21 break now and come back? We can certainly do
22 that.

23 THE COMMISSIONER: Do you want some extra time to prepare? We
24 can come back at 1:45. Will that work for you?

25 MR. VERTLIEB: Why don't we do that.

1 THE COMMISSIONER: All right. Okay. Thank you.

2 THE REGISTRAR: The hearing is now resumed until 1:45.

3 (PROCEEDINGS ADJOURNED AT 12:19 P.M.)

4 (PROCEEDINGS RESUMED AT 1:55 P.M.)

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

6 MR. VERTLIEB: Just a couple of housekeeping matters around
7 Miss Basil. One of my colleagues brought to my
8 attention that the press release we issued
9 yesterday made reference to credibility, and I
10 just wanted it clear so everyone knows that the
11 intention is to address certain factual disputes
12 and not credibility if we deal with evidence in a
13 more adversarial way. So I just wanted people to
14 understand that. I've already amended the press
15 release that we did. And I know that Miss Hoffman
16 has something she wanted to address on the notes
17 about Henderson because she has the original notes
18 with her.

19 THE COMMISSIONER: Yes.

20 MS. HOFFMAN: You'll recall, Mr. Commissioner, that during the
21 documents application, one of the issues that came
22 up were the notes of the meeting with the Attorney
23 General on April 9th, 1999, and we had discovered
24 shortly before that application that Inspector
25 Henderson, who we had produced most of the notes

1 from this notebook, that that was a meeting that
2 we did not produce. Largely I think it was
3 overlooked because it was so brief. And my friend
4 Mr. Chantler was quite concerned because we only
5 produced pages 45 and 47. I've produced the
6 original notebook to him now and he's satisfied --
7 Mr. Henderson just wrote on every second page of
8 the notebook. That was his practice, obviously --
9 that that page had not been removed. And Mr.
10 Vertlieb had asked that I state that on the
11 record.

12 THE COMMISSIONER: All right. Thank you.

13 MR. VERTLIEB: Then just so you have an outline for the next
14 minutes here, Miss Basil will go next and then
15 we'll have Mr. Hern from the Vancouver Police.
16 He's just engaged in something, so if he's not
17 here in his turn, I'd like to have him stood down
18 just for at least 10 minutes or so. And I'm told
19 Miss Hatcher may be just a few minutes, Mr. Hira
20 10 minutes perhaps.

21 THE COMMISSIONER: All right.

22 MR. VERTLIEB: And then I think that may be it. So we're in
23 good shape for the afternoon. What's happened is
24 as some of the people have heard the questions,
25 their questions have fallen off because they don't

1 want to be repetitive in accordance with your
2 directive.

3 THE COMMISSIONER: All right. Thank you.

4 MR. VERTLIEB: You're welcome. Thank you.

5 MR. GRATL: Mr. Commissioner, if there is time leftover this
6 afternoon, perhaps we can deal with the
7 application for disclosure of the identity of STW
8 1768.

9 THE COMMISSIONER: Okay. All right.

10 MS. HOFFMAN: I asked through Mr. Vertlieb for my friend Mr.
11 Gratl to deliver our motion on that and Mr.
12 Vertlieb agreed to that and Mr. Gratl delivered
13 that late last night. I'm not in a position to
14 argue that. Another member of our team, who
15 hasn't been in the hearing today, is preparing
16 that and so I'm not in a position to argue that
17 today.

18 THE COMMISSIONER: Okay. We'll deal with it tomorrow sometime.

19 MR. GRATL: I just -- I've just lately discovered that I have a
20 bit of a scheduling conflict. I know that my
21 notice of application is returnable at 1:45
22 tomorrow afternoon. I've discovered that I'm
23 required in Supreme Court of British Columbia at
24 two o'clock in the afternoon, so if my application
25 could be dealt with either before or after that --

1 THE COMMISSIONER: Well, obviously I don't want to deal with it
2 today if counsel isn't ready and if you're not
3 ready tomorrow, then we'll -- well, we'll deal
4 with it when both of you are ready to go ahead.

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

6 THE COMMISSIONER: All right. Thank you. Yes, Miss Basil.

7 **CROSS-EXAMINATION BY MS. BASIL:**

8 Q Hi. I'm Marlene Basil, a representative of VANDU,
9 and I'm a Carrier First Nation. And nice to meet
10 you, Mr. Blythe.

11 A Yes. Same here. Nice to meet you. Thank you.

12 MS. BASIL: Personally I have two questions and then I have
13 other questions from Ann, Mr. Commissioner.

14 THE COMMISSIONER: For Miss Livingston?

15 MS. BASIL: Yes.

16 THE COMMISSIONER: Yes. All right.

17 MS. BASIL:

18 Q Okay. My first question is: Mr. Blythe, you're
19 saying that STWs and officers had good working
20 relationship in your term of office, right?

21 A Yes. Overall I'd say they did. I'm sure there
22 were exceptions to that, but overall I believe
23 they did, yes.

24 Q Okay. To my experience I'm just wondering why the
25 STWs were afraid to report to the officers when,

1 like, the johns were, you know, victimizing them
2 and, you know, raping and brutalizing them and
3 they were afraid to come to the officers to ask
4 for help.

5 A Okay.

6 THE COMMISSIONER: Are you able to answer that?

7 THE WITNESS: Well, it's going to be difficult, Mr.

8 Commissioner, yes.

9 THE COMMISSIONER: Okay. Well, she hasn't put it in a form of
10 a question, but I'll help her. So are you aware
11 of the fact that STWs were afraid to report their
12 complaints to your officers? That's the question
13 you want to ask, right?

14 MS. BASIL: Yes.

15 THE COMMISSIONER: All right.

16 THE WITNESS: I'm sure that could have been an issue for those
17 individuals. For me to comment on the numbers
18 overall that were afraid, again, my understanding
19 is the STWs had a good relationship overall with
20 our beat officers and especially over and above
21 that with Constable Dickson, who had an
22 outstanding record with them. He was very open,
23 very understanding, very sympathetic. And, in
24 fact, I'm not sure if this even came out in the
25 evidence previously, but one of his immediate

1 supervisors when I was in charge removed him from
2 that position and when I heard that, I replaced
3 him back into the position immediately -- I'm not
4 sure if you're aware of that -- but just because
5 of the fact he had this wonderful relationship
6 with all of the community.

7 Q Okay. Like, was it the same with the other, like,
8 officers, like Fell and Wolthers?

9 A Sorry.

10 THE COMMISSIONER: What about Fell and Wolthers? What have you
11 got to say about them?

12 THE WITNESS: You know, I can't speak for them. Their
13 investigative abilities I've spoken about. Then
14 I've heard recently about some of the issues with
15 them and the dynamics in that office, which
16 concerned me greatly. At that specific time I
17 recall the report coming in and there were -- the
18 focus of that report for me was their inability
19 and lack of respect or acceptance by the other
20 investigators. But further from that, I
21 understand there were some issues with -- with the
22 STWs, but -- does that help you?

23 MS. BASIL:

24 Q Yes. Thank you. Okay. I'm going to be asking
25 Ann Livingston's questions to you now.

1 A Yes.

2 Q Okay. Her first question is the DEEP project, the
3 DEEP --

4 A Um-hum.

5 Q -- added 40 more VPD officers to the Downtown
6 Eastside. Do you agree that women who use and
7 possess illegal drugs would be arrested as a
8 result of the increased officers added to the
9 neighbourhood?

10 A Well, I believe even without the increase in the
11 officers strength, anything that was visible or
12 apparent to those police officers working in that
13 community, any crimes being committed would be
14 dealt with by those officers, whether it was
15 additional officers or the previous commitment of
16 officers, so either way they would be dealt with.

17 Q Do you agree that people arrested for drugs are
18 released with conditions of bail and court dates,
19 that they must attend that?

20 A I believe that is accurate, yes.

21 Q Okay. Do you agree that most marginalized
22 addicted women living in really terrible hotels
23 frequently violate their bail conditions and/or
24 miss their court dates and warrants were issued
25 for their arrests for failure to appear?

1 A Yes.

2 Q And do you agree that women addicted to drugs who
3 have warrants avoid being picked up or dealing
4 with warrants because they are frightened of going
5 to -- into withdrawal in remand and City lock up
6 is part of the reason why they were avoiding to go
7 to the police?

8 A Yes. I think that's a very good reason why they
9 wouldn't want to go to the police and have them
10 check them and get arrested, certainly.

11 Q Okay. Is it possible that projects like DEEP,
12 despite your understanding that the VPD's
13 relationship with addicted sex workers were very
14 good, in fact put women at risk by having them
15 hide from police even when in danger?

16 A Well, I think from my assessment at the time the
17 beat officers were handpicked. They were a select
18 group that went into that community because they
19 would interact favourably with those street
20 people. I'm sure there were some street people
21 that wouldn't go to the police under any
22 conditions, and that's very unfortunate and that's
23 exactly why we supported the storefront and the
24 Native Liaison folks to be in that community as
25 another resource for those people if they were

1 afraid to go directly to the police.

2 MS. BASIL: Okay, commissioner. Those are my questions. Thank
3 you.

4 THE COMMISSIONER: You don't have any other questions?

5 MS. BASIL: No.

6 THE COMMISSIONER: All right. You let us know -- you let the
7 commission counsel know if at any time you have
8 any questions or concerns about anything, all
9 right?

10 MS. BASIL: Okay.

11 THE COMMISSIONER: And I want to thank you for coming here every
12 day. It's important that you take part in the
13 inquiry. I just want you to know that.

14 MS. BASIL: Okay. Thank you, commissioner.

15 THE COMMISSIONER: Thank you.

16 MR. VERTLIEB: Just on that last comment, I do ask Miss Basil
17 about that regularly and I've spoken with her and
18 told her we're happy to help her with all of that
19 because we all share the same respect and concern.

20 THE COMMISSIONER: All right. Thank you.

21 MR. VERTLIEB: Thank you. It's Mr. Hern next.

22 MR. HERN: Mr. Commissioner, I've only got, I think, about five
23 minutes of questions.

24 THE COMMISSIONER: All right.

25 **CROSS-EXAMINATION BY MR. HERN:**

1 Q And, Chief Blythe, I'm going to jump around in
2 subjects a little bit just based on some of your
3 testimony that you've given today and yesterday.
4 And so the first thing I wanted to ask you was in
5 relation to Mr. Ward's suggestion that the
6 department under your command was sexist, and to
7 that end I wanted to note when you became chief,
8 you appointed a woman as part of your executive
9 team, correct?

10 A I did, yes.

11 Q And who was that?

12 A Carolyn Daley.

13 Q And was she the first deputy chief that the
14 department's had?

15 A Yes, she was.

16 Q And so she was one among four deputies?

17 A Yes. One female.

18 Q And did you hold her in high regard?

19 A Extremely high regard, yes.

20 Q My understanding is that under your command at
21 least two women inspectors were also appointed.
22 Would that be Inspector Val Harrison and Inspector
23 Barb Morris?

24 A That is correct, yes.

25 Q All right. Now, I want to turn to the subject

1 that Mr. Roberts was asking you about in relation
2 to kidnapping for a couple of questions. And he
3 asked you some questions about the offences of
4 unlawful confinement and kidnapping. Do you
5 recall that?

6 A I do, yes.

7 Q And he had drawn those terms along with murder
8 from the reward poster that he directed your
9 attention to?

10 A Yes.

11 Q Now, back in 1999 and 2000 you had understood that
12 along with the offence of murder, kidnapping and
13 unlawful confinement were possible crimes that
14 might have been committed against some or all of
15 the missing women, right?

16 A I did, yes.

17 Q And you didn't know whether those crimes had in
18 fact occurred, but they were just -- that it was
19 possible that if the women had gone missing as a
20 result of foul play, those might have been
21 offences that were involved?

22 A Yes.

23 Q Is that fair?

24 A I certainly agree.

25 Q And prior to Evenhanded being formed and getting

1 underway, you believed that murder or serial
2 murder was just one possibility among others that
3 could have been at the root or the cause of the
4 women going missing?

5 A That's accurate, yes.

6 Q And do you -- did you also consider that it was
7 possible that some of the women may have been
8 kidnapped or removed from Vancouver but were still
9 alive and not murdered?

10 A Oh, I mean anything is possible or imaginable,
11 yes.

12 Q All right. And prior to Pickton's arrest, were
13 you made aware of any specific investigative
14 information that the VPD investigators on the
15 missing women case had that one or more of the
16 missing women had been kidnapped?

17 A No. I was not aware of that.

18 Q And so when you read the LePard report, it wasn't
19 surprising to you that LePard didn't discuss
20 kidnapping because you weren't aware of any
21 evidence of that nature?

22 A That is accurate, yes.

23 Q You didn't flip through the LePard report and
24 wonder where the chapter on kidnapping was?

25 A No, I did not.

1 Q Now, I understand that you don't agree with --
2 with all of the criticisms that Deputy Chief
3 LePard made in his report about the department?

4 A That's a fair statement, yes.

5 Q And your view is that he suffered from some
6 hindsight bias in coming -- forming his opinions
7 and analysis?

8 A I believe so, yes.

9 Q But leaving Deputy Chief LePard's opinions and his
10 analysis aside and just focusing on the facts and
11 events that are recited, you don't know of any
12 specific investigative events that LePard left out
13 of his report, do you?

14 A No, I do not.

15 Q Now, I want to turn next to a couple of questions
16 about Sergeant Field and just to clarify something
17 for her benefit. It relates to -- my questions
18 relate to her request that a full-time sergeant be
19 appointed to the Missing Women Review Team. Is
20 that -- was that request -- do you recall if or
21 when that request was brought to your attention?

22 A Not exactly without looking at a document, but I
23 do recall it.

24 Q Okay. Let me -- let me just take you to a couple
25 of documents to see if that helps your memory.

1 Mr. Registrar, could you put Exhibit 83 before the
2 witness, which was a binder that commission
3 counsel put to Detective Constable Shenher. And,
4 sir, if you could go to Tab 47 of that binder.

5 A Yes.

6 Q You'll see this is a memorandum from Sergeant
7 Field dated October 22, 1999?

8 A Yes, it is.

9 Q All right. And -- and in this memorandum, which
10 is addressed to then Deputy Chief Brian
11 McGuinness, Deputy Chief of Operations Support, if
12 you go to the last page of that document, which I
13 think is page 6, the second-to-last paragraph
14 there in the last sentence of that second-to-last
15 paragraph Sergeant Field writes:

16 Should the MPRT, Missing Persons Review Team,
17 continue on in its current format, I am
18 suggesting a full-time sergeant be assigned
19 to oversee the operation to its conclusion.

20 A I see that, yes.

21 Q Now, do you recall seeing this memo or learning
22 that information around that time?

23 A No, I do not.

24 Q All right. Now -- and I'm not suggesting that --
25 that you did or I'm not going to suddenly take you

1 to a document that shows it's not correct. The
2 second document I want you to reference in the
3 same vein is at Tab 54. And you should find
4 there, if we have the same binder, a January 10,
5 2000 memorandum from Sergeant Field to then Acting
6 Inspector Dan Dureau?

7 A Yes. I do have that.

8 Q And in this document on the bottom of the second
9 page Sergeant Field is providing Acting Inspector
10 Dureau with some information about the manpower
11 situation within the Missing Women Review Team.
12 Do you see that?

13 A I do, yes.

14 Q And she's describing there, if you want to just
15 glance over, at the situation at that time within
16 the Missing Persons Review Team, and my question
17 is the same question, is whether you were made
18 aware of -- whether you saw this memo or were made
19 aware of that information?

20 A Not that I recall, no.

21 Q All right. Now, the last document I want to take
22 you to is in a different binder. It's Exhibit J,
23 which Mr. Gratl had put before you.

24 A Yes. I have that here. Thank you.

25 Q And it's page -- if you go to page 149 is where

1 the document begins. The stamped page is in the
2 right-hand corner. There's a May 17, 2000
3 memorandum or report from Sergeant Field to
4 Inspector Gord Spencer, who had then replaced
5 Acting Inspector Dan Dureau. Do you have that?

6 A Yes, I do.

7 Q All right. So you had a look at this with Mr.
8 Gratl earlier today. And on the page 150, the
9 next page over, Mr. Gratl had taken you to the
10 first -- or the second paragraph there and the
11 first line saying:

12 It became apparent that the team was in need
13 of a constant "leader".

14 Do you see that?

15 A I do, yes.

16 Q So I may have just not heard you, but had you seen
17 this memorandum in or around May, 2000, this
18 report?

19 A Not that I remember.

20 Q Okay. So do you remember at this juncture in May,
21 2000 being aware that Sergeant Field had a concern
22 for a constant leader or a full-time sergeant
23 being in the Missing Persons Review Team?

24 A The only -- the only thing I do remember was about
25 the loan of Emerslin, taking about a sergeant, but

1 I don't recall any other situation where they were
2 asking for somebody.

3 Q What was the loan of Emerslin?

4 A Emerslin was competing for promotion and actually
5 made the sergeants list, and they had asked to
6 keep him in that section and we required him in
7 the patrol division, so -- because of an urgent
8 situation and a shortage of people. So I couldn't
9 allow that. But the discussion was around if he
10 wants someone else, we'll make someone else
11 available to you.

12 Q Approximately what time frame was that?

13 A I think it was before this, actually.

14 Q Was it when you were deputy chief or when you were
15 chief?

16 A Deputy chief.

17 Q All right. So this is in fact before the Missing
18 Persons Review Team was formed likely?

19 A Yes.

20 Q All right. And so the last question I have on
21 this subject is in terms of who would make the
22 decision within the rank -- the investigative
23 unit -- sorry -- within the investigation
24 division, who would make the decision as to
25 whether a full-time sergeant ought to be appointed

1 pursuant to Sergeant Field's request? Who would
2 you have expected to make that decision?

3 A Sergeant Field would take that to her immediate
4 superior, which would be the inspector in charge,
5 and in all likelihood if it involved personnel
6 coming from outside of the division, it would go
7 to the deputy chief level. The likelihood, if
8 they were going to move somebody internally, it
9 would just go up to the inspector and that
10 individual would make the move.

11 Q The inspector could independently reassign people
12 within his -- sergeants within his own division or
13 her own division to fill space where more support
14 was needed?

15 A They could, yes.

16 Q All right. And then in some circumstances you say
17 it could go to a deputy level if you needed to
18 draw on a sergeant-level person from another
19 division?

20 A That's right.

21 Q And is it then correct that that issue would
22 rarely -- an issue -- a personnel issue relating
23 to filling a sergeant's spot would rarely reach
24 the chief's level?

25 A I would say hardly ever.

1 Q Maybe only if there was a dispute between two
2 deputies as to whether a loan of a sergeant should
3 be made, something like that?

4 A Yes. Or if that sergeant worked directly from my
5 office, like internal investigation.

6 Q All right.

7 A Those are the only circumstances.

8 Q And so just returning to the request from Sergeant
9 Field, you didn't have any involvement at all or
10 knowledge about that request and whether it should
11 or shouldn't be filled in the Missing Persons
12 Review Team?

13 A That's correct, yes.

14 MR. HERN: Thanks. Those are my questions.

15 THE COMMISSIONER: Thank you, Mr. Hern. Who's next?

16 MS. HATCHER: Claire Hatcher for Fell and others, Mr.
17 Commissioner.

18 THE COMMISSIONER: Yes, Miss Hatcher.

19 **CROSS-EXAMINATION BY MS. HATCHER:**

20 Q Chief constable, we've heard evidence at this
21 inquiry and from you about the diligent, hard work
22 of Fell and Wolthers on the person of interest re
23 the '90 investigation?

24 A Yes.

25 THE COMMISSIONER: Do you have the mike on?

1 MS. HATCHER: Yes. It's my fault. Sorry. Do you need me to
2 repeat that, Mr. Commissioner, the question? Did
3 you need me to repeat that?

4 THE COMMISSIONER: No. I heard the question.

5 MS. HATCHER:

6 Q Okay. We've also heard evidence about
7 inappropriate or disrespectful language used by
8 Fell and Wolthers. You've heard that evidence?

9 A Yes.

10 Q I just want to ask you this question: Is it -- is
11 it your view that at their core Fell and Wolthers
12 respected the people they were policing?

13 A That is my belief, that they did. I'd be very
14 shocked if they didn't believe in what they were
15 doing. They were diligent investigators. They
16 had a good investigative background and they were
17 what we called good street cops.

18 MS. HATCHER: Thank you. Those are my questions.

19 THE COMMISSIONER: All right. Thank you.

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

21 Q Chief constable, my name is Ravi Hira and I
22 represent retired Assistant Commissioner Earl
23 Moulton, who was at the relevant time an inspector
24 in Coquitlam up to June, July, 2000. Now, my
25 friend from the Vancouver Police Department asked

1 you about whether you disputed the investigative
2 facts in the LePard report. You recall being
3 asked a question to that effect?

4 A Yes.

5 Q And, of course, were you aware that the LePard
6 report was done without interviewing RCMP
7 officers?

8 A Yes.

9 Q Thank you. Second, by that I mean all the RCMP
10 officers involved in the Pickton investigation?

11 A I believe his report was directed internally at
12 the Vancouver Police Department. That was my
13 understanding.

14 Q Thank you. Second, we've heard about police
15 resource difficulties. You'll agree with me that
16 if your resources in Vancouver were depleted by 40
17 percent, policing would be very difficult in the
18 city?

19 A I would agree with that.

20 Q And you, fortunately, didn't suffer such a
21 depletion?

22 A Yes.

23 Q Now, let's move on to communication with the RCMP.
24 You'll agree with me that you -- as you've stated
25 in your evidence with Mr. Peck and with Miss

1 Hopkins, that you had good communications with the
2 RCMP?

3 A Certainly at my level I did, yes.

4 Q And at your level you'd be speaking with the chief
5 of a detachment, somebody like Superintendent Ric
6 Hall, the chief or the superintendent -- the chief
7 of the Coquitlam Detachment, correct?

8 A On occasion I would at -- normally at a meeting of
9 chiefs of police, yes. That's where I met him.

10 Q Yes. And if you needed resources or he needed
11 resources, you were quite comfortable in picking
12 up the phone and calling him or in receiving his
13 phone call?

14 A I would have, yes.

15 Q It was co-operative and you helped each other out?

16 A Yes.

17 Q Now, dealing with the Pickton investigation,
18 certainly that time period in late July through to
19 August and perhaps beyond, you were -- you knew
20 that your department was being kept informed about
21 the investigation and the investigation
22 strategies, correct?

23 A That was my understanding, yes.

24 Q And, in fact, you had very kindly tasked or put
25 in -- or put into the team two very experienced

1 detectives, that is Chernoff and Lepine?

2 A Yes.

3 Q You'd also committed Inspector Ditchfield's Strike
4 Force to assist with surveillance?

5 A Yes.

6 Q And you'll agree with me that at this stage, that
7 is August of 1999, the operations regarding
8 Pickton were like a joint forces operation, a de
9 facto joint forces operation?

10 A Yes.

11 Q Now -- and after September, 1999 -- sorry --
12 August, 1999, specifically during September,
13 October, Chernoff and Lepine were involved in
14 trying to tie the valley murders into the missing?

15 A I understand that, yes.

16 Q Thank you. Now, moving on to another topic. You
17 should have before you Exhibit 100, which is the
18 book of documents put together by your counsel?

19 A Yes.

20 MR. HIRA: And I'm directing you to Tab --

21 THE COMMISSIONER: Go ahead.

22 MR. HIRA:

23 Q Thank you. I'm directing you to Tab 11, which is
24 a memorandum dated April 22, 1999 regarding
25 missing women for the police board put together by

1 Sergeant Field. Do you have that?

2 A I do, yes.

3 Q And I'd ask you to go to page 3 of that
4 memorandum. It's marked 2718 at the top
5 right-hand corner.

6 A Yes.

7 Q And on that page you have a heading "Current
8 Investigation and Strategies"; is that correct?

9 A I see that, yes.

10 Q And below that it reads:

11 The following is a summary of what has been
12 completed to date.

13 And then there's a heading "In All Cases"?

14 A Yes.

15 Q And then there's another heading after that "Other
16 Ongoing Investigative Strategies." Do you see
17 that?

18 A I do, yes.

19 Q And you'll agree with me that this document or
20 these strategies are in the nature of a review
21 rather than an operational investigation targeting
22 a suspect?

23 A I would agree.

24 Q Thank you. And the sergeant notes in the bullet
25 three-quarters of the way down under "Other

1 Investigation -- Other Ongoing Investigative
2 Strategies", the fourth bullet, that several
3 persons have been entered on CPIC?

4 A I see that.

5 Q And that she's liaising with investigators. Do
6 you see that, the next bullet?

7 A I do see that, yes.

8 Q And these were normal activities for such a
9 review?

10 A I would say so.

11 Q Thank you. Now, let's look at what hindsight does
12 for a moment. I'd ask you to go to Tab 33 of
13 Exhibit 100. And, again, this is a document that
14 your counsel took you to and it is dated July 13,
15 2001, addressed to you from the deputy chief in
16 the investigation division. Do you see that?

17 A Yes. John Unger.

18 Q And it provides a timeline regarding the Missing
19 Person Review Team, correct?

20 A It appears to, yes.

21 Q And that's a timeline up to July 11th, 2001, if
22 you see from the next page?

23 A Yes.

24 Q And the next page, which is a memorandum from
25 Sergeant Field to Deputy Chief Constable Unger, is

1 a summary of the timeline. Would you agree with
2 that proposition?

3 A It appears to be, yes.

4 Q And you'll agree with me that in that summary
5 there's no mention of Pickton?

6 A I don't see any suspects or persons of interest
7 identified in this document.

8 Q Other than, in fairness, fourth line from the
9 bottom, there's a comment about one person of
10 interest that's been blanked out?

11 A It's been blanked out on my copy.

12 Q Yes. But there's no mention of Pickton, correct?

13 A Not that I can see, no.

14 Q Good. It means aging isn't that bad for me. If
15 you go on in this document, by my review of this
16 document, at page 6 in the document, in the entry
17 August 3, 1999 there is the one and only mention
18 of Pickton in that document, in the whole timeline
19 that is. Do you see that, sir?

20 A I do see that.

21 Q And that's in regards to a meeting in Coquitlam.
22 He's noted as a strong person of interest.

23 There's a discussion about Part VI or wiretap and
24 undercover operations, correct?

25 A Yes.

1 Q And nowhere else in the document is Mr. Pickton
2 mentioned, that is in the timeline, which spans
3 some 11 pages?

4 A Not that I can see, no.

5 Q Now, let's take a look at what hindsight can do
6 for everybody. Mr. Ward -- and I'd ask you to
7 look at Exhibit 102, Tab 10 -- put to you and
8 cross-examined you -- you'll get there.

9 A Yes. I'm there.

10 Q On a memorandum dated February 19, 2002 from
11 Inspector Beach to Deputy Chief Constable Unger, a
12 timeline regarding the Pickton investigation. Do
13 you see that, sir?

14 A I do, yes.

15 Q While the subject on the next page is noted as
16 Project Evenhanded, you'll agree with me that it
17 appears to be a basic timeline of what Vancouver
18 had done on the Pickton investigation, that is
19 going from the 20th of July, 1998 and ending at
20 the 15th of October, 1999 at the last page? Do
21 you see that, sir?

22 A I do, yes.

23 Q And you'll agree with me that in this timeline
24 prepared after the arrest of Pickton, Pickton is
25 mentioned throughout the timeline. In fact,

1 almost -- not all, but almost every entry has a
2 reference to him?

3 A Yes.

4 MR. HIRA: So having dealt with the effects of hindsight after
5 the arrest, there's one last document that I wish
6 to refer you to, and that is found at Exhibit 100,
7 Tab 34, again the documents prepared by your
8 counsel.

9 THE REGISTRAR: I think you're referring to Exhibit 101 NR.

10 MR. HIRA:

11 Q Sorry. 101 NR.

12 A And tab?

13 Q 34.

14 A Thank you. Yes.

15 Q Your counsel referred you to the first paragraph,
16 and it's noted that -- in the second sentence
17 that:

18 Although this is primarily a Vancouver case,
19 the RCMP has agreed to take a lead role
20 through our already formed JFO.

21 Do you see that, sir?

22 A I do, yes.

23 Q Then at the bottom of the page there are some cost
24 estimates set out and a recommendation to approach
25 the City manager or City council for funding, and

1 the amount that you're seeking is \$1.8 million.

2 A I see that.

3 Q And when I say "you", while this is from the
4 Deputy Chief Unger to you, it's something that you
5 embraced and supported, correct?

6 A Yes, it is.

7 Q And you -- it continues in the last paragraph:

8 It cannot be overstressed that this is a
9 Vancouver Police case and that the RCMP have
10 willingly joined with us as a result of our
11 close working relationship on many other
12 joint projects.

13 Do you see that sentence?

14 A Yes, I do.

15 Q And you embrace that sentence, do you not, sir?

16 A Yes. I have stated in previous evidence that
17 fact, yes.

18 Q Thank you. One last matter. I couldn't help but
19 notice in your interview by Deputy Chief Evans
20 conducted on August 26th, 2011 that you actually
21 went to seek funding from the City and you were
22 turned down by the City manager, Ms. Rogers, and
23 told to go to the Province, correct?

24 A Yes.

25 Q But you were eventually able to secure funding

1 through the Province, the RCMP, and I assume the
2 City to proceed with properly investigating --
3 properly participating in the joint forces?

4 A Yes.

5 Q Thank you, chief.

6 A Thank you.

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

8 Q Mr. Commissioner, it's Greg DelBigio for
9 McGuinness. I think that we're close to the end
10 and I'll try to be as brief as I can.

11 A Thank you.

12 Q Sir, I'm going to go -- I'm going to touch upon
13 some of the issues from a broad base and then I'll
14 focus in on some more details if I may. But
15 throughout these proceedings you have been asked
16 questions upon words and phrases and documents and
17 your recollection of what might have been brief
18 discussions many years ago, but I just want to
19 attempt to clear up any misconception that there
20 might be. I take it, sir, that at the time and
21 now and -- now years after the fact, you recognize
22 that this investigation was a remarkably
23 complicated one; do you agree with that?

24 A Very complex. I would agree, yes.

25 Q Perhaps the most challenging of your career?

1 A It certainly was, yes.

2 Q You are satisfied that you personally worked as
3 best as you could and diligently with respect to
4 attempting to solve the case with respect to the
5 missing women?

6 A Yes.

7 Q And you were satisfied that the people around you
8 were doing the same?

9 A Yes.

10 Q And it would be simply a misconception or
11 ludicrous to think that anybody, you or anybody
12 around you, were indifferent towards the plight of
13 the missing women?

14 A I would -- and as I've stated many times, the
15 commitment of my people, again, I'm very proud of
16 and they were personally involved in this and many
17 have been traumatized by this in the aftermath.

18 Q Can you tell the commissioner a little bit more
19 about that in the sense that you say that some
20 have been traumatized by it? Are you able to
21 elaborate upon that for the commissioner?

22 A Well, I'm certainly very sympathetic to the -- to
23 the victims and the families, and I know the
24 Vancouver Police Department has apologized
25 publicly and I certainly agree with that fact.

1 The part that seems to seldom ever get recognized
2 is for all those investigators, both sworn and
3 civilian, of the Vancouver Police Department, the
4 RCMP and other agencies are also traumatized.
5 They made a huge commitment to this investigation
6 and I know many of them to this day and still see
7 some of them, and I know that some can't even talk
8 about it without getting pretty teary-eyed. So
9 for me, again coming back to the pride and the
10 organization and the commitment that those people
11 made and in the aftermath and in hindsight, wished
12 everything had gone differently, of course.

13 Q But wishes can't -- wishes can't always be true?

14 A That's right.

15 Q An example of the way in which this was a
16 difficult investigation. Now, there has been talk
17 about no body, no murder, but you understand fully
18 that without a -- without a body, a murder
19 investigation is simply made more difficult,
20 correct?

21 A I would agree.

22 Q And you also understand that the -- despite the
23 fact that if that phrase was ever used, you
24 understand that the people around you and then
25 below you were working hard on locating the

1 missing women as best they could or investigating
2 murders?

3 A I believe that, that they were.

4 MR. DELBIGIO: And to the extent that that phrase has been
5 tossed about, that phrase didn't interfere -- that
6 phrase didn't slow people down?

7 MR. GRATL: What phrase are we talking about now?

8 THE COMMISSIONER: Yes. I don't know either.

9 MR. DELBIGIO:

10 Q The phrase of no body, no murder. I am
11 paraphrasing the phrase, but do you understand,
12 sir, the -- there has been suggestion that --
13 perhaps that if there has been no -- that some
14 people were of the opinion that if there was no
15 body, there could be no murder investigation and
16 I'm asking you some questions about that?

17 A Yes.

18 Q And my -- what I'm suggesting to you is if that
19 belief was ever held, that -- by anybody, that
20 didn't slow -- in your view that didn't slow
21 anybody down from doing the job that they were
22 tasked with doing, that is finding the missing
23 women or investigating their murders?

24 A I do agree with what you're saying. I think the
25 public perception of that may have been

1 indifferent in that they would have believed that
2 we weren't doing anything, and that could have
3 been a misconception in the community.

4 Q And do you agree that policing is simply a much
5 more complicated task than -- let me actually
6 paraphrase. In your years of service you
7 interacted with the public frequently, I take it?

8 A Yes, I did.

9 Q And do you agree that the public would frequently
10 misunderstand the complexity of policing?

11 A I'm sure lots of people didn't have a good
12 understanding and that's why I was so open in my
13 leadership style and so community oriented with
14 the organization, and I think by stepping outside
15 the walls of the police organization, the
16 membership getting outside of the police vehicles
17 and actually personally interacting with the
18 public is very favourable for both.

19 Q Now, again a question with respect to just the
20 complexity of this type of investigation. You are
21 familiar with an investigation that's sometimes
22 called the Highway of Tears?

23 A Yes, I am.

24 Q When did that investigation start; do you know
25 roughly?

1 A Many years ago. I couldn't tell you what year,
2 but it certainly has been around for a long time,
3 yes.

4 Q And I understand you're retired, but you
5 understand that investigation to be ongoing?

6 A I do, yes.

7 Q And that is a perfect example of the fact that
8 even with dedication and resources these -- some
9 of these investigations are simply difficult?

10 A I would definitely agree with that.

11 Q Now, there have been some questions asked about
12 resources and, again, in the allocation of
13 resources. And, again, I want to attempt to clear
14 up any misapprehension that there were not serious
15 and competing issues on the plate of the Vancouver
16 Police Department at the time, okay?

17 A Yes.

18 Q Now -- and as your role as Deputy Chief and then
19 as chief, you were -- you were aware of the prime
20 problems in Vancouver at the time?

21 A I certainly was, yes.

22 Q And of the budgetary pressures that were placed
23 upon the Vancouver Police Department by -- on
24 their actors?

25 A Yes.

1 Q And I'll just -- if I can just pause for a moment.
2 I don't know if it needs to be marked, but I'll
3 just show you a document to see if it assists you
4 in any regard. This is a document that -- I don't
5 know. Now, did you get one, sir? I was handing
6 them out. I'm not sure that you got one.

7 A Yes. I do have one. Thank you.

8 Q Okay. I don't know if it's a document that you've
9 seen before, but even if it's not, I can ask you
10 some questions in relation to the general issues,
11 okay?

12 A Certainly.

13 Q Is it a document that you've seen before?

14 A I'm just looking at the date and the date on this
15 is crossed out. Can you bring me up to --

16 Q I can't, but let me try to do this most
17 efficiently -- as time efficiently as I can. If
18 you go to -- if you go to the third page into the
19 documents.

20 A Yes.

21 Q There's a heading "Tactical Support Section"?

22 A Yes, there is.

23 Q And there's a subheading "Emergency Response
24 Team"?

25 A Yes.

1 Q And it says:

2 In the last month ERT responded to twenty-two
3 operations involving calls that included "man
4 with a gun/knife", "shots fired" and "high
5 risk warrant service".

6 And busy -- those types of occurrences were common
7 throughout your involvement in the -- well, at the
8 relevant time period as you were deputy and then
9 chief, right?

10 A That's correct, yes.

11 Q There's a heading or a subheading "Gang Crime
12 Unit"?

13 A Yes.

14 Q And the gangs -- during the time of the
15 investigation with respect to the missing women,
16 the gang -- there were ongoing gang
17 investigations?

18 A There were, yes.

19 Q With respect to drugs?

20 A Shooting incidents, et cetera, yes.

21 Q Shootings. You say et cetera. Abductions?

22 A Yes.

23 Q Home invasions?

24 A Garage robberies, yes.

25 Q Garage robberies. And some of the shootings

1 included murders?

2 A It was a busy time.

3 Q And now, sir, you might understate it. You say it
4 was a busy time. In fact, it was a remarkably
5 taxing time from those issues alone upon the VPD
6 resources; is that right?

7 A I would agree with that, yes.

8 Q There's a subheading "Strike Force". It says:

9 Extremely busy in the last month working 24
10 hour surveillance seven days a week assisting
11 the Major Crime Section.

12 And, again, you know from your expertise that
13 often the -- and Strike Force is surveillance,
14 right?

15 A It is, yes.

16 Q And it is a very, very personnel-intensive
17 exercise?

18 A Very intensive, yes.

19 Q There's a subheading "Outlaw Motorcycle Gang
20 Unit"?

21 A Yes.

22 Q And that's simply -- and that is simply another
23 example of resources that the VPD was having to
24 assign to important issues?

25 A Yes.

1 Q Let alone like a usual -- and when I say "usual",
2 I don't mean to understate the importance, but on
3 top of that there are the usual ongoing drug
4 investigations, investigations of sexual assault,
5 investigations of serious aggravated assaults,
6 assault bodily harm and such things?

7 A Yes.

8 Q Financial crimes?

9 A I would agree.

10 Q And so at the time that -- and I guess at that
11 time also grow operations were a very significant
12 problem within the city of Vancouver, weren't
13 they?

14 A It would have been an issue, yes.

15 Q And I don't mean that -- and when I'm asking these
16 questions, what I'm suggesting to you is that what
17 this illustrates is that people should -- anybody
18 listening to this should be fully aware that while
19 the missing women investigation was a priority,
20 there were also many other things that the VPD
21 were engaged in?

22 A Certainly many other levels of priorities, yes.

23 Q And one of the problems that you faced when you
24 were -- when you were Deputy Chief is that if you
25 took a person away from -- took a person away from

1 the day-to-day tasks of being on the street, it
2 might mean, for example, that a 911 call would go
3 unattended to or at least there might be a slow
4 response?

5 A Those times happen on occasion, yes.

6 Q And so there is no easy way of allocating
7 resources?

8 A Other than to incur overtime and call individuals
9 out that are on their days off.

10 Q And what was the -- from the -- those in charge of
11 assigning the overall budgets, what was the
12 response to in the incurring of overtime during
13 this relevant time period? I take it that it was
14 frowned upon?

15 A Yes. It created an overall budget deficit, which,
16 you know, caused us to become not too popular with
17 the City, of course, but it was explainable.

18 Q Now, I'm going to now -- I'm going to deal with
19 some of the questions and answers that were --
20 that arose throughout these proceedings since
21 you -- since you have arrived, if I may. When
22 your counsel Mr. Greenspan was asking you
23 questions, you provided the commissioner with
24 information about that you were putting together a
25 downtown safety plan, and you referred to a memo

1 and you said it was an initiative to deal with the
2 increasing Downtown Eastside violence. Do you
3 recall that?

4 A The street violence, yes.

5 Q And that too was another example of just an
6 important task that was on your plate at the time?

7 A Yes, it was.

8 Q Now, you also gave -- you also gave various
9 answers about information that my client Mr.
10 McGuinness provided to you at the time?

11 A Yes.

12 Q And I just want to address some of those issues.
13 Throughout you and he had separate but related
14 jobs; is that a fair way of putting it?

15 A Yes.

16 Q Sometimes there was something that he might be
17 doing that was relevant to you and vice versa,
18 sometimes some things that you might do that would
19 be relevant to him?

20 A That's accurate.

21 Q When that arose, there was an exchange of
22 information?

23 A Yes.

24 Q But when -- but there was also times when you were
25 each doing your own job, very simply not necessary

1 to exchange information on a particular day or in
2 relation to a particular issue?

3 A That's true.

4 Q And, similarly, even once you're chief, just the
5 natural flow of information was such that not
6 everything -- you didn't -- it wasn't necessary
7 for every event or piece of information to flow
8 all the way to the top?

9 A That's true.

10 Q Now, you also through your counsel Mr. Greenspan
11 said that Mr. McGuinness often met with Chambers
12 behind closed doors. Do you recall that?

13 A Yes, I do.

14 Q And I mean it's not every meeting that they might
15 have had that would have been relevant to you;
16 isn't that --

17 A I would agree.

18 Q And so if they were behind closed doors, there's
19 nothing necessarily improper or sinister about
20 that?

21 A No.

22 Q And, indeed, you understand the nature of policing
23 is such that often confidentiality and privileges
24 need to be maintained?

25 A I would agree.

1 Q You testified again with respect to -- in relation
2 to questions posed to you by your counsel Mr.
3 Greenspan that -- you indicated that my client
4 was -- would not ask for help on occasion. Do you
5 recall --

6 A Yes.

7 Q And through your discussions with him, it was
8 fully apparent that -- certainly when you were
9 Deputy Chief, it was fully apparent that your unit
10 was fully taxed, right?

11 A Yes. And in my evidence I have mentioned the
12 number of shortages. I had in my division in
13 excess of a hundred and he was well aware of that.

14 Q And so if there was a -- if he did not ask for
15 help, that might well have been simply he was
16 respecting the various difficulties with respect
17 to staffing shortages that you were attempting to
18 cope with?

19 A It could have been a reason. I would agree.

20 Q And because right after that line of questioning,
21 Mr. Greenspan asked you, "How did you get along
22 with my client?" And you said, "Very well." You
23 were working towards the same cause in everything
24 you did. And that's correct, isn't it?

25 A Yes.

1 Q Now, I've touched upon this a little bit, but I'm
2 just going in the order of the questions that you
3 have been asked over the past few days. You had
4 testified about your belief that a fresh set of
5 eyes is often an important part of rejuvenating --
6 kick starting an investigation?

7 A I did, yes.

8 Q And -- and that you were asked through your
9 counsel about a -- the evolution of that belief of
10 yours and into a project became called Evenhanded?

11 A Yes.

12 Q And that was in effect a fresh set of eyes?

13 A Yes. And it turned into -- it was a joint forces
14 operation, so there certainly would be fresh eyes,
15 yes.

16 MR. DELBIGIO: But, again, with respect to the complexity of
17 these types of investigations, even at that time
18 the fresh set of eyes didn't immediately result in
19 charges, did it?

20 THE COMMISSIONER: Result in what?

21 MR. DELBIGIO: Even the fresh set of eyes did not immediately
22 result in an arrest or charges?

23 THE COMMISSIONER: How is that a fresh set of eyes? I don't
24 understand that.

25 MR. DELBIGIO:

1 Q Well, as I understood your answer to that
2 question, it was the RCMP in that instance that
3 were the fresh set of eyes; is that right?

4 A Well, I think my comment, stepping back in time
5 here, referred to as well some of the
6 investigative people, the supervisory people right
7 up to the Deputy Chief level because Brian
8 McGuinness was going to retirement, so I had an
9 opportunity to handpick a number of individuals.
10 I think my comment also would have included that
11 comment when you're talking fresh eyes.

12 Q Okay. But even -- and I guess my question is even
13 with the fresh eyes, this investigation was so
14 difficult, it wasn't immediately cracked with the
15 fresh eyes?

16 A That's true. And I'd also add to that it was an
17 internal set of fresh eyes, or many, and also
18 external.

19 Q During the various questions that were put to you,
20 there were very -- let me rephrase. You were
21 asked various questions about suspects and persons
22 of interest and whether they existed or whether
23 they didn't and how many of them there might have
24 been?

25 A Yes.

1 Q Okay. I take it that -- we heard from Constable
2 Shenher, for example, that she draws a distinction
3 in the way in which she uses the word "suspect"
4 and "person of interest", and for her a suspect --
5 a person becomes a suspect at the point at which
6 they're --

7 THE COMMISSIONER: Yes. You've got an objection?

8 MR. GRATL: I just rise to say that Detective Constable
9 Shenher's testimony was not so clear-cut as Mr.
10 DelBigio makes it out to be. Sometimes Detective
11 Constable Shenher said she used person of interest
12 and suspect interchangeably.

13 THE COMMISSIONER: You weren't here, but that's what happened.

14 MR. DELBIGIO: All right. I'll rephrase my question.

15 THE COMMISSIONER: All right.

16 MR. DELBIGIO:

17 Q You understand, sir, that to the extent that these
18 words get -- different people may use these words
19 in different ways?

20 A I would agree with that.

21 Q And you understood that there were indeed many
22 persons of interest in the missing women
23 investigation?

24 A I would agree with that as well, yes.

25 MR. DELBIGIO: Mr. Commissioner, if I could just have one

1 moment to look at my documents. I'm close to
2 done.

3 THE COMMISSIONER: All right.

4 MR. DELBIGIO:

5 Q I'm going to get Mr. Gratl to distribute these and
6 maybe he won't object to my next question. I've
7 given him a hundred documents.

8 Now, sir, you have a document in front of you
9 of minutes of regular meeting held on 28 April,
10 '99?

11 A I do, yes.

12 Q Just before I ask you some questions, is this a
13 document you've seen before or if you haven't,
14 could you just take a moment to have at least a
15 quick look at it?

16 A Yes. I -- I believe I have seen it before at a
17 police board meeting.

18 Q Okay. And this is a police board meeting from the
19 date of 28 April, '99 and it lists you as being
20 present as well as my client McGuinness, and
21 that's in the left-hand side of those present?

22 A I see that, yes.

23 Q And on the right-hand side a whole list of other
24 names: Field, Giles, Boyd, Dureau, Howlett,
25 Shenher. Do you see that?

1 A I do, yes.

2 Q And that was sort of -- that's McGuinness's group?

3 A Yes, it is.

4 Q As well as -- and in terms of missing women's --
5 item number 3, missing women's cases, "Maggie de
6 Vries spoke about the missing women cases." Do
7 you see that?

8 A I do, yes.

9 Q And on page 2 of that document, three paragraphs
10 down it says:

11 McGuinness reviewed Report 9921 prepared by
12 Operational Support, et cetera.

13 A I see that, yes.

14 Q Couple questions about this meeting. Firstly, I
15 take it that it was unusual -- I'm sorry. You're
16 reading, so I'll just give you a moment.

17 A That's okay. Go ahead.

18 Q I take it it was unusual for non-board members
19 such as Ms. De Vries to be invited into a meeting
20 such as this?

21 A It did happen on occasion. It wasn't very
22 unusual, but we did have a lot of guests come in,
23 so it wasn't totally unusual.

24 Q But this was a good example of the -- my client
25 and you and the VPD inviting input at this stage

1 with respect to the missing women investigation?

2 A Yes. I agree with that.

3 Q And on page 2 in the paragraph beginning with "DCC
4 Brian McGuinness". Do you see that?

5 A Yes.

6 Q In the middle of that paragraph it reads:

7 He commented --

8 That's McGuinness.

9 -- that the members' hearts went out to the
10 families of the missing women.

11 Do you see that?

12 A Yes, I do.

13 Q And you recall that from that meeting, correct?

14 A I do.

15 Q And that indeed was correct so far as you
16 understood then and believe today?

17 A Yes, it is.

18 MR. DELBIGIO: Thank you. Those are my questions. Now, can I
19 ask that these two -- I don't know if these two
20 documents are anywhere else in binders, but I've
21 referred to them.

22 THE COMMISSIONER: This is an exhibit. It's been commented on.
23 It's been here for a while, so you don't need to
24 mark it.

25 MR. DELBIGIO: Thank you.

1 MR. VERTLIEB: Mr. Commissioner, I have the last re-exam and
2 I'm in your hands entirely on whether you want to
3 keep going and finish.

4 THE COMMISSIONER: How long are you going to be?

5 MR. VERTLIEB: Twenty minutes to half an hour. I'm totally in
6 your hands. I'm happy to keep going, but we
7 always are concerned about our reporter.

8 THE COMMISSIONER: Okay. Well, we'll have a short adjournment.

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

10 (PROCEEDINGS ADJOURNED AT 3:10 P.M.)

11 (PROCEEDINGS RESUMED AT 3:18 P.M.)

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

13 **EXAMINATION BY MR. VERTLIEB:**

14 Q Thank you, Mr. Commissioner.

15 Chief Blythe, I just want to deal with some
16 issues that have emerged as I've listened to them,
17 the questions that have been asked to you over
18 these last couple of days. And I really want to
19 deal with this for assistance to the commissioner
20 and explanation and also, though, much of it in
21 the spirit of the commissioner's directive
22 yesterday where he spoke about getting information
23 and moving forwards to assist him in the
24 recommendation stage. And you may have heard some
25 of those comments from the commissioner.

1 A Thank you.

2 Q So the first thing I did want to discuss with you
3 is the issue around what appears to be the word --
4 maybe it's my word to you and if you don't like
5 it, you'll tell us, but silo. One could get the
6 sense it's almost as though you had one division
7 and then there was another division and another
8 division. If somebody were to have the impression
9 that the police department back in that era was
10 working in silos, would that be a fair
11 description?

12 A I think that is a fair description. I mean I
13 think across organizations that occurs. It wasn't
14 unique to policing alone. And there could even be
15 some evidence of that today. But certainly in
16 those times it was an issue. And the silo I would
17 refer to was my own division and the separation
18 from the other two divisions, but you try to
19 cross-circumvent all issues, and if you have my
20 kind of leadership style, it's open and
21 informative, then that really assists in getting
22 out of those silos.

23 Q Well, your style would attempt to get out of those
24 silos, but could you recognize where that culture
25 that existed for many years perhaps before you

1 could cause failures of communication between
2 differing groups of any police department?

3 A Yes, it would.

4 Q Is there anything else you want to say to the
5 commissioner in terms of recognizing the impact
6 that a silo approach to policing might have had in
7 the terms of reference the commissioner's dealing
8 with? I want you to really feel very free to say
9 anything else about that to the commissioner.

10 A Well, certainly, Mr. Commissioner, now in
11 hindsight it would have been wonderful for all of
12 us to know much more than -- than what was on the
13 table at the time of this investigation, and
14 that's a very -- very apparent from the many
15 documents that we've seen through this inquiry
16 that have been presented to me. And some of it,
17 very honestly, makes me feel very ill to the fact
18 that I didn't know some of the things that were
19 apparent much later, and that's typical of the
20 silo effect, the lack of exchange of information
21 from one division to another. I still have to say
22 that we all as deputies in the early stages had a
23 very good relationship. I know there's been a lot
24 of finger pointing, certainly in the original
25 report, and the fact that personality

1 indifferences have been suggested. I'm a firm
2 believer that I want everybody to get along,
3 everybody to work in a forward motion collectively
4 irregardless of whether there's a personality
5 indifference or not. And I think I'm -- still to
6 this day I see a lot of evidence that even though
7 there were personality indifferences, the members
8 were very committed to solve this and move forward
9 with the investigation.

10 Q Thank you, chief. I wanted to ask you next about
11 the Missing Women Working Group. I just want to
12 take a moment to give you the era that we're
13 talking about. This is in the fall of '98 when
14 Dr. Rossmo had some involvement in developing a
15 blueprint or some thoughts about it. This is when
16 Doug MacKay-Dunn was worried and Mr. Greer. You
17 understand that era and that discussion around
18 what was called a working group?

19 A Yes, I do.

20 Q And we've heard evidence about Mr. Biddlecombe's
21 involvement and he had a different view, and I
22 don't want to ask you about those views. I just
23 simply want to know from a factual basis, were you
24 in any way involved in taking action for or
25 against that working group that was being

1 proposed?

2 A Well, I was -- I'd say that I was obviously very
3 supportive of the working group and anything that
4 is used. Kim Rossmo's program, whatever you could
5 put on the table to assist any one of us or the
6 investigators especially is a move forward. So I
7 would welcome and hope we're all inclusive,
8 considering all the areas of expertise that need
9 to be researched and used towards the resolution
10 of such an investigation.

11 Q So the commissioner can conclude that you were in
12 favour of -- we know that it did not go ahead, but
13 at least we have your view of what you did on a
14 factual basis?

15 A Yes. From my division.

16 Q Thank you. I wanted to ask you about something to
17 do with the time frame post the Missing Women
18 Working Group. And there was a comment made in
19 Deputy Chief Evans' report, and I'll just give the
20 reference for my colleagues and, most importantly,
21 for the commissioner. I have her report as 7-6,
22 just for everybody else. But here's the comment.
23 It was a reference to a date November 5, 1998 and
24 it says -- Constable Dickson wrote another
25 memorandum, this time to Inspector Greer and Staff

1 Sergeant MacKay-Dunn regarding the missing women
2 in the Downtown Eastside, and he wrote -- and I'll
3 just read this to you:

4 I know or am familiar with probably 75
5 percent of the women on the attached list.

6 This is Dickson.

7 And I feel very strongly that a large
8 percentage of the women have met with foul
9 play. I feel this way for the following
10 reasons.

11 And he lists four.

12 1. The majority of women are on social
13 assistance and have stopped picking up their
14 cheques.

15 2. There has been no family contact.

16 Number 3. This again is Dickson:

17 Street friends or associates have not seen
18 them.

19 4. They are among the most vulnerable group
20 that exists.

21 So what I really wanted to do is ask you this
22 question: And we understand how the Major Crime
23 got involved and we've heard about Biddlecomb and
24 his views. But the question for you is this:
25 This memo was addressed to your subordinates.

1 What would you have expected them to do with the
2 information that Dickson was providing in
3 November, 1998?

4 A I would expect them to adhere to his -- his
5 comments and investigate them and certainly take
6 them seriously. Again, as one of my officers --
7 I've told this inquiry how involved Constable
8 Dickson was, what a fabulous resource he was to
9 everybody in my division and certainly outside of
10 my division, to the Invest Division, so I would
11 have expected that somebody would be paying
12 attention to what he said.

13 Q So the next question that flows from that is this:
14 Do you know what the subordinates in fact did do
15 about that information?

16 A Well, I'm sure they reviewed the information. I
17 can't say exactly what was done with it, but,
18 again, having the faith in them to work together
19 cohesively towards a resolution. I would expect
20 that they were doing something with it --

21 Q Okay. That's fair.

22 A -- that was positive.

23 Q That's fine. I just wanted to ask you. We all
24 recognize this is some time ago. Now, in 1998 we
25 know that you were deputy chief, so the question

1 is: When did you become aware of the concern that
2 these women have met with foul play?

3 A I would say certainly, you know, as a deputy chief
4 in my division, we were aware that there were
5 women on the -- placed on the missing women's
6 list. I believe it's when I became the acting
7 chief that I started to take and see from my
8 perspective as the chief or acting chief a better
9 perspective of the investigation. Like I said in
10 my evidence previously, I'm not sure what happened
11 behind closed doors when I was not included. I'm
12 not sure what the chief previous to me knew about
13 this investigation and what he did about it, and I
14 can't make that comment. I would assume,
15 considering the rank structure and considering his
16 position, that he would have been responsible and
17 would have done something with the information
18 they were bringing to him, and I can only assume
19 they were bringing it to him, but it wasn't shared
20 with me.

21 Q So let me just ask you this last question on this
22 subject area. You did become chief, as we know,
23 acting chief, so the question I wanted you to be
24 clear about for the benefit of the commissioner
25 is: What did you actually do? What did you do

1 with that information or about that information?

2 A Well, that was a time -- again, huge turmoil in
3 the organization. We commenced soon after I took
4 over a review of our personnel shortages by myself
5 instructing Planning and Research, headed up by an
6 inspector, worked directly from my office to do an
7 in-depth review of shortages of personnel
8 throughout the department and I prepare that for
9 the executive and the police board. Together with
10 my executive team -- and I might add -- and I just
11 commented about this previously -- that Inspector
12 McGuinness was heading to retirement. I thought
13 it was a good opportunity -- he had to be
14 replaced -- that I would start picking a new team
15 to take over. And I placed him in the Ops Support
16 Division ahead of all of the investigators. And
17 again another hands-on individual. As I've
18 mentioned in evidence, I selected two other
19 deputies as time progressed, one of them being
20 Greer as a deputy chief, who worked for me in
21 District 2, and then Carolyn Daley. So I had a
22 team built based on previous working relationships
23 and trust. So I entrusted this investigation to
24 Deputy Chief Unger. He then had the opportunity
25 to start picking a new team. Because I was the

1 acting chief and the personnel designate,
2 personnel officer designate for the officer group,
3 I had the choice of making selections of
4 individuals at the inspector level to go in any
5 place throughout the organization. What I did,
6 another first, is I included my executive team,
7 the three deputies, in making these decisions of
8 selecting individuals who would best fit, and
9 that's when Gord Spencer got selected and placed
10 into the Major Crime Section ahead of Homicide and
11 Robbery. From there we -- those individuals,
12 apart from me, selected additional sergeants and
13 new people, again the new eyes concept, reviewed
14 everything that had taken place historically and
15 move us forward in this investigation. And I
16 really have to say -- I mean if I look at my
17 record of when I took over and what I did in
18 comparison to my predecessor, I made some huge
19 steps, huge accomplishments, and especially when
20 you're talking about the largest serial killer
21 case in Canada, we actually got it resolved by
22 2002. I think that was -- I think that was a huge
23 accomplishment that I led the way on and thanks to
24 the commitment of my people and the handpicking --
25 open -- handpicking model of picking the best

1 people suited for the positions and supporting
2 them fully, picking a team that just -- I think it
3 just overall brought a whole new concept of esprit
4 de corps in the organization and a cohesive
5 organization moving forward together.

6 Q Hearing that, I did want to ask you about the
7 Vancouver Police Board and I think you've actually
8 given the intro to that. Let me just develop it
9 this way: It would appear, to hear your evidence,
10 that you were not getting the financial support or
11 the boots on the street, to use that term, from
12 the Vancouver Police Board that you were seeking?

13 A I would have to say the -- just to put the
14 political perspective on the table here, the
15 police board selected me to take over this
16 organization. They had faith in me, and that was
17 the mayors, the chair and six designates on the
18 board, one provincial rep and the remainder City
19 reps. I had the opportunity to get exposed to
20 them and they saw the kind of leadership style I
21 had in my division. They came to me and selected
22 me to take over this organization based on my
23 skills and ability. I got along well with them.
24 They were very -- the board, including the chair,
25 Philip Owen, were very supportive of my leadership

1 and my group. I think the real stumbling block
2 here, just to clarify what might have come out and
3 what's in print right now, is the City are the
4 ones that finance us to do everything. So I had
5 to rely on the board to be supportive of me and to
6 go to the City to get the funds to replace the
7 people we need and get additional funds to do the
8 investigations that we certainly would be getting
9 into, the ones we were already into and the future
10 issues. And, like I said and I've said just
11 today, the number of crime problems we were
12 dealing with was horrific. The short staff issues
13 were horrific and trying to pull loose ends
14 together was certainly a challenge and I -- I
15 really think we did an excellent job with what we
16 had. So I think that the issue was more at the
17 City level being unable to commit. I mean in
18 those days when all this was occurring, they were
19 talking about cutbacks in policing, laying off
20 police officers when we're already short 150
21 members. I mean I found that ludicrous. But I
22 think as well we'd done a poor job as a police
23 organization to let the police board know and let
24 the City know the dilemma. But nine continuous
25 years of budget reductions, staff shortages. I

1 knew if I took this job on, I was going to have to
2 address this, and I did. And, like I said, I did
3 it in short order and I'm very proud of our
4 accomplishments. And I often sit back today and
5 wonder if I hadn't taken over, what would have
6 happened or if I had taken over sooner, could I
7 have accomplished a lot more much sooner.

8 Q So just to follow on that, is it your view that if
9 you had had more police officers from the time you
10 became chief that you may have been able to bring
11 Pickton to ground sooner?

12 A I believe that.

13 Q So following that and your comments more than once
14 about the number of times -- the number of people
15 that you were short, do you put that at the foot
16 of the Vancouver Police Board?

17 A Yes. They were well aware. Yes.

18 Q So from your perspective as chief, you said to the
19 police board, "Here's what I need." You did the
20 best you could in telling them your needs?

21 A I did, yes.

22 Q You've told us you had a very good working
23 relationship. Notwithstanding that, can the
24 commissioner conclude that you didn't get from the
25 police board what you felt you needed to do the

1 job?

2 A Well, I did get -- well, I guess the short answer
3 is yes. I would agree with that. A little bit of
4 a longer answer is the fact that I got the board
5 on side enough that we actually -- the board
6 wanted to arrange a meeting with the City
7 councillors, which we did, which may be a first.
8 I'm not even sure if it's happened since. And we
9 collectively had a meeting together to discuss
10 these very issues, which I thought was very
11 progressive. The end result wasn't wonderful, but
12 at least we acted responsibly, me as the chief and
13 the board in their responsibility role, to take
14 this to council and speak to them directly. I can
15 tell you that the flavour at the end of that
16 meeting wasn't a positive one.

17 Q What is that?

18 A There was a -- we were insisting from the board
19 perspective and myself what we needed to take us
20 into the future and there was disagreement on the
21 other side of the table because of the budget
22 restraints, because of the budget cutbacks, and we
23 didn't expect much from them, to be honest with
24 you, but we had to. We had to go there and
25 attempt, otherwise we would have been negligent in

1 my duties and certainly the board would have been.

2 Q You understand the reason I'm asking you this is
3 the commissioner has the toughest job of all, and
4 that is to make recommendations to find a way to
5 prevent this kind of event from happening the same
6 way. Do you understand that difficulty the
7 commissioner has at the end of all of these
8 hearings?

9 A Well, it's a huge difficulty and because it's a
10 political difficulty -- and I know, Mr.
11 Commissioner, you're well aware of this, but I can
12 recall when one of our previous deputies, Paul
13 Battershill, went to Victoria as the chief, he
14 went there to regionalize Vancouver Island. And
15 then I heard in previous testimony here -- I think
16 it might have been yourself, Mr. Commissioner,
17 that asked Kim Rossmo about, "What do you do with
18 a mayor sitting on a police board?" Well, there's
19 a huge political conflict.

20 THE COMMISSIONER: I'm going to ask -- I'm going to interrupt
21 you there.

22 THE WITNESS: Yes.

23 THE COMMISSIONER: I'm sure you know from the report that I
24 wrote in 1994 that I recommended that the mayor
25 not be the chair of the police board.

1 THE WITNESS: Yes. I do know that.

2 THE COMMISSIONER: Yes. And, of course, the mayor is still the
3 chair of the police board. Do you feel now with
4 the benefit of hindsight that it would have
5 assisted you in reaching your goals, your
6 objectives if the mayor had not been the chair of
7 the police board?

8 THE WITNESS: I would agree with that, yes. And it put him --
9 as good a person as he was -- he was very good
10 with our police organization, hugely supportive.
11 I can't say enough good things about Philip Owen.
12 He really was an ally of the police. He was in a
13 very precarious position when he went back to City
14 Hall and had to demand what we needed and by
15 removing -- if you did go to that model you just
16 suggested, it removes him from that responsibility
17 and creates a much different picture and certainly
18 not a political picture.

19 MR. VERTLIEB:

20 Q Just on the subject, to close the discussion on
21 financial resources, somewhere in our work getting
22 ready for this and doing the work that commission
23 staff have done, we've heard -- we've heard that
24 resources were so short that detectives were going
25 out on follow-up investigations in cabs or on the

1 bus?

2 A Yes. That is true.

3 Q It is true?

4 A It is.

5 Q Can you tell the commissioner about that?

6 A I certainly was aware of it. And this is -- I
7 mentioned in my evidence earlier that we -- our
8 organization engaged KPMG to do a study on our
9 vehicle shortages and it was determined -- I'm
10 just going from recollection -- we were a minimum
11 of 40 vehicles short. Some say it was a lot more
12 than that, but I remember the figure of 40. And
13 that was -- that research was done and I think it
14 took them three months to do it. It cost an
15 excessive amount of money and I can't remember
16 anything coming out of that -- that procedure,
17 which we thought we needed to do our homework
18 first, just like I had Planning and Research do
19 the homework on our shortages. So it didn't go
20 anywhere, as I remembered. So I came out of the
21 building one day, walking out of the front door
22 and I bumped into a detective, who had a file and
23 said he was -- he was aware we'd done the research
24 and asked what the result was. And I asked him
25 why he was so interested. And he said to me he

1 was on the way to catch the bus at Broadway and
2 Cambie to go and do an investigation. And this
3 was in the morning. And I mean I couldn't believe
4 it. So this was just confirmation to me -- and
5 again it just -- I think it opens up the fact
6 that, one, my personality -- I had the kind of
7 approach to our membership that they could come
8 and tell me anything, which was really great for
9 me and also good for them, and then the fact that
10 I just had confirmation from a police
11 investigator, a detective who was in this dilemma,
12 that there was no vehicle available. And he went
13 on to say there was a lineup down at the kiosk in
14 the parking garage for police members to get a
15 vehicle to go out on the street to perform their
16 duties.

17 THE COMMISSIONER: Just like going to the bakery on a Saturday
18 morning.

19 THE WITNESS: That's right.

20 MR. VERTLIEB:

21 Q So he's actually working. He was a detective on
22 duty?

23 A Yes.

24 Q He had his investigative file with him?

25 A Yes.

1 Q And he was carrying it to go get on the bus to go
2 do his investigation?

3 A That's right.

4 Q Okay. Some other areas just to deal with them.
5 You know about this issue, and you've covered it,
6 where you asked Mr. McGuinness about, "Are we safe
7 in saying this thing about the" -- and Mr.
8 DelBigio asked you. Do you remember what Mr.
9 McGuinness answered you when you asked him about
10 that? Do you recall the answer?

11 A I know he didn't change his direction on that
12 issue and I think -- you know, you'd have to ask
13 him as well, but in speaking -- maybe I'm speaking
14 out of turn, but I can't remember that they
15 changed that immediately, that direction, that
16 approach, but he was well aware of the fact that I
17 didn't agree with it, and from my understanding
18 afterwards many others didn't as well.

19 Q Now, you became acting chief and there was this
20 memo we heard about from, I believe -- let me see.
21 It was from Mr. McGuinness. You wrote a report
22 July 5. It was called "Items of Concern". Did
23 you ask for that or -- tell us about that. You
24 know the memo I'm talking about?

25 A Yes, I do.

1 Q Did you ask him for that?

2 A No. And I think I mentioned it. It came
3 unsolicited. And there were a number of issues in
4 that report. Deputy McGuinness had prepared that
5 himself. I'm sure he thought he was being helpful
6 to guide me somewhat in what our outstanding
7 issues were, but I was well aware of our issues,
8 plus there were many additional issues to those
9 ones identified on that document.

10 Q I wanted to ask you about the JFO, the formation
11 of it. Were you in favour of the creation of the
12 joint force operation?

13 A Yes. I definitely was.

14 Q And when did you become in favour of it?

15 A When it was discussed with me right from the
16 onset. I can't give you the date sitting here
17 right now, but right at -- when we decided we're
18 going to have to go to the RCMP, we're going to
19 have to get assistance elsewhere, we knew between
20 Unger and I and others that we had an excellent
21 relationship with the RCMP. We were never shy to
22 ask for assistance and they wouldn't have been
23 either. So that relationship I think added to the
24 positive piece in this that we did what we did.

25 THE COMMISSIONER: I'm going to interject here and ask you a

1 question on that. As you know, all your
2 predecessors, the previous chiefs and subsequent
3 chiefs from you have advocated a regional policing
4 system for the Lower Mainland. And when Deputy
5 Chief LePard was testifying, he said that in his
6 view a regional police force would have assisted
7 in this investigation. What is your view with
8 respect to a regional police force for the Lower
9 Mainland when -- when we are talking about --
10 we're discussing the issue of investigating crimes
11 of this proportion, particularly crimes that are
12 committed across jurisdictional boundaries?

13 THE WITNESS: I couldn't agree more. It's been a discussion
14 with the executive group when I was in place and
15 probably many years prior to me. I'm not sure
16 that every leader would have agreed with it, but
17 we certainly agreed that it could be a solution to
18 many of those cross-boundary issues you're talking
19 about. And I mean what better proof than this
20 investigation, which was enormous.

21 MR. VERTLIEB:

22 Q Just to follow up on that, if you are designing a
23 police structure to deal with the Lower Mainland
24 of our province as it is today, would you recreate
25 the way we're doing policing in the Lower Mainland

1 today?

2 A Well, my recreation would involve a regional
3 policing environment. It's a definite solution.
4 And, like, again, a lot of these issues -- you
5 mentioned your report, Mr. Commissioner, in '94.
6 These issues have been discussed for a long time.
7 There's been papers prepared. There's been
8 discussions at all levels. There's far more
9 people agree with this concept than those that
10 disagree. What is evident to me, in my
11 experience, is that many of these smaller cities,
12 if I can call them that, with municipal police
13 organizations, the municipal or City governments
14 aren't willing to give up those organizations. I
15 think that's where the difficulty exists.

16 THE COMMISSIONER: So what's your view on the teams such as
17 IHIT and the Gang Task Force and all the -- all
18 those teams that have now been established? Do
19 they -- where do they fit into this? It has been
20 said by the defenders of the present system that
21 we can achieve the same results with the
22 different -- with the changes that have taken
23 place, that is the establishment of Homicide Units
24 and various other units now -- that we now have in
25 the Lower Mainland.

1 THE WITNESS: I think it's a positive because I was even
2 involved in this in the early stages around
3 forensics, you know, our Canine Squad, and there
4 were many other areas that we looked at
5 amalgamating. I'm not sure even to this day that
6 IHIT includes Vancouver. So I agree with the
7 concept. The only thing, though, that -- the
8 cautionary piece in this is that everybody in
9 every municipal department and the federal force
10 in this province would commit equal
11 representation. In other words, if they're going
12 to come to Vancouver and drain all our resources
13 and we're going to be filling positions for
14 another organization, it isn't going to work.

15 THE COMMISSIONER: Oh, that's a big objection now to -- to
16 regional policing, is that, you know, Delta or
17 Port Moody or West Vancouver, the position is
18 going to be, and has been in the past, that if we
19 have a regional police force, they will -- they
20 will drain all their resources and they will not
21 get the standard of policing that they're now
22 getting.

23 THE WITNESS: Well, I think they really need to persist in what
24 their needs are and I think the ownership piece is
25 if they have the homicide, you know, this evening,

1 they want those resources there and available
2 immediately. The advantage at the moment is the
3 model of calling out their own people on an
4 immediate response to an investigation. It's
5 certainly a positive for them. I think the
6 concern is the unknown. If it goes to IHIT or a
7 similar structure, when will they get the
8 response? And that has to be in the MOU; that
9 they establish that those individuals, those
10 investigators will be committed immediately to
11 assist them.

12 MR. VERTLIEB:

13 Q So just following on that discussion with
14 Commissioner Oppal, you clearly were of the view
15 back when you were chief that the JFO was a good
16 idea at the time?

17 A I certainly was.

18 Q So if there was a regional police force, would
19 that then become something that an ongoing regular
20 basis would be a fact of life for policing and
21 wouldn't need to go through all the paperwork and
22 delays, if any, about putting a JFO together?

23 A That's true. I would agree with that.

24 Q All right. Just since I've raised this, the
25 question about delay, I just wanted to confirm one

1 memo with you. Some -- some people may believe it
2 took too long to get the JFO up and running. And
3 I just -- I'm not giving you that as my view, but
4 I think it's in the -- it's in the concerns
5 expressed. I just want to show you this because
6 it's from March 14, 2001. This is a VPD document
7 001-000693. What I want you to do is look at the
8 handwritten note. Just give us the date as you
9 recognize that.

10 A It looks like 01.03.14.

11 Q Meaning? Would that be March 1?

12 A It would be because it looks like on the front
13 page of the document it says "Update March 14,
14 2001."

15 Q And the protocol, then, when you were chief would
16 have been the year, month and date?

17 A Yes.

18 Q So this is to Geramy, obviously meaning Geramy
19 Field?

20 A Yes.

21 Q Just read that for us because you'll be more
22 familiar with the handwriting of the police
23 officers.

24 A

25 Before any move to --

1 It looks like survey or -- I can't read that.

2 Q I thought it was Surrey.

3 A It could be Surrey. Yes.

4 Before any move to Surrey an MOU must be

5 drafted and approved. This must detail

6 staffing, costs that we --

7 It looks like "We are prepared to share, et

8 cetera."

9 Secondly, we can --

10 And I can't read that word.

11 THE COMMISSIONER: Ill afford.

12 THE WITNESS:

13 Ill afford to have you go to Surrey on this

14 file. Therefore, Jim and Phil --

15 That would be McKnight and Phil Little.

16 -- should remain here until such time as they

17 are fully prepared to take over Vancouver's

18 commitment to the file.

19 And it's signed by Acting Inspector 377, Homicide

20 and Robbery.

21 MR. VERTLIEB:

22 Q Would that be Al Boyd?

23 A That looks like it is, yes.

24 Q Thank you.

25 A Just initials AB.

- 1 Q And this isn't to be critical of anybody, but
2 here's a memo that shows even though there was a
3 desire to have this JFO, there was still
4 bureaucratic or paperwork needs that had to be
5 done before this would be getting into full swing;
6 is that a fair read of that memo?
- 7 A It is, and what I recall from this is that before
8 they went into the JFO, the RCMP would have wanted
9 them to come with all the information documents,
10 files, whatever they were bringing to Surrey. So
11 it looks like they wanted these two members to
12 prepare that and bring them with them when they
13 came over.
- 14 Q Well, the commissioner will take from that memo
15 what he feels is important to him. I wanted to
16 ask you about this fellow -- this young fellow,
17 Brian Oger. He's the 22-year-old fellow back when
18 this was happening. He was a summer student.
19 We've heard that he was doing data processing. Do
20 you know that name?
- 21 A Yes. I do know that name.
- 22 Q You've probably never met him?
- 23 A I don't believe so. I recall he was a VPD
24 civilian.
- 25 Q That's what I wanted to clarify. So he was with

1 the VPD. He was hired by VPD, but he was helping
2 on this JFO?

3 A That's my recollection, yes.

4 Q Did you ever read his report back when it was
5 available?

6 A No.

7 Q So you had no opinion of the report in any way?

8 A I would have had I read it, but yes.

9 Q Do you know what the police department and your
10 chief then had by way of reaction to that report?

11 A Am I aware did you say?

12 Q Yes.

13 A I can't remember exactly what happened. I know
14 there was an issue with those involved. There may
15 have been information that was going to the press
16 or -- it was confidential information and he may
17 not have been treating it as such.

18 Q That was a worry that you heard about?

19 A Yes.

20 Q But nothing you directly as chief dealt with?

21 A Not that I remember, no.

22 Q I wanted to ask you about this Evenhanded, one
23 last area about it. It seems that Evenhanded was
24 going to be looking at not only missing women from
25 Downtown Eastside of your city, our city, but also

1 looking at murdered sex trade workers outside
2 Vancouver and also murdered female hitchhikers.
3 So that's a much broader investigation, as it
4 were, than simply the Downtown Eastside of our
5 city?

6 A It is, yes.

7 Q So the question for you as chief, were you aware
8 that that was the object of Evenhanded, that it
9 was broader than just these missing women who may
10 have met with foul play?

11 A I was aware of that fact, yes.

12 Q And did that give you any concern?

13 A No, it did not.

14 Q Now, I wanted to ask you about Miss Shenher.
15 We've heard that she was inexperienced in murder
16 investigations and short on resources. We've
17 heard that?

18 A Yes.

19 Q It's clear from listening to your evidence that
20 none of that was brought home to you in the way
21 it's been brought home to the commissioner?

22 A That is right.

23 Q Now, I wanted to just touch on something that came
24 up, and I've just heard this very recently and
25 that you've covered it, about McGuinness and Enns.

1 Now, this is, of course, Deputy Chief Constable
2 McGuinness. I don't mean to be rude. We all know
3 the name. And Miss Enns, Freda Ens. Was there
4 some conflict there or something happening that in
5 in any way impacted on this investigation?

6 A No. I recall a very positive relationship. And
7 this -- between Brian McGuinness and Freda Enns.
8 Yes. And I can just back that up a little bit
9 with a comment that originally the patrol
10 division, ops division was split in half. I was
11 in charge of patrol south. Brian McGuinness was
12 in charge of north. And Brian interacted with
13 Freda Enns far more than I ever would have, so
14 they had a very good relationship, Mr.
15 Commissioner --

16 Q All right.

17 A -- when he was running north division.

18 Q And I just want to conclude with this question and
19 I wanted to be fair and not appear be unfair to
20 you. But you recognize that the commissioner has
21 to bring an independent view to what happened and
22 you recognize his mandate, the oath he took in
23 taking on this enormous job, is to provide his own
24 assessment of what happened in those years?

25 A I do, yes.

1 Q And you understand that even though with the best
2 of intentions the commissioner may conclude
3 mistakes were made, not intentionally and not with
4 mala fides to any of the people involved, but you
5 recognize that could be the result of this
6 hearing?

7 A I do, yes.

8 Q And you're prepared to accept that?

9 A Yes.

10 MR. VERTLIEB: Thank you. Those are my questions, Mr.
11 Commissioner, for Chief Blythe.

12 THE COMMISSIONER: All right. Before you -- yes?

13 MR. ROBERTS: Mr. Commissioner, I ask for leave to ask a couple
14 of questions which -- one of which arises out of a
15 question which you asked the witness.

16 THE COMMISSIONER: All right.

17 MR. ROBERTS: It has to do with the concept of a regional
18 police force.

19 THE COMMISSIONER: All right.

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

21 Q And my question to you is, chief: The concept or
22 the perhaps hopeful wish for a regional police
23 force I suggest cannot be allowed to deflect a
24 police force of carrying out its duty to the
25 public in its area?

1 A I would agree.

2 Q There are many problems to be overcome in
3 establishing a regional police force and in the
4 meantime policing has to carry on?

5 A Yes. I agree.

6 Q One other question. And this doesn't arise out of
7 anything you asked, Mr. Commissioner, but it's one
8 I've been thinking of and I'd like permission to
9 ask it. It's in connection with the crimes in
10 Vancouver. When you became chief, acting chief
11 and signed that reward with the crimes in it
12 that -- to be investigated and which you said were
13 part of Vancouver's case of unlawful confinement
14 and kidnapping and murder, you're now chief. If
15 you had any uncertainty as to how those crimes
16 might be investigated and applied to the missing
17 women in Vancouver, it was most open to you to ask
18 someone like Deputy Chief McGuinness to provide
19 you with a report on how the women went missing
20 and in relation to those possible crimes?

21 A Yes.

22 Q And how kidnapping might be applied to the missing
23 women in the sex trade. That was open to you to
24 ask somebody like Deputy Chief McGuinness or
25 someone on the Homicide side to provide you with a

1 report on that?

2 A Yes.

3 Q I ask that because I understand from your evidence
4 yesterday you came up on the patrol side. You
5 were not a homicide investigative detective at any
6 time?

7 A No, I was not.

8 Q But when you're chief of the whole organization,
9 you really have to be on top of all issues; don't
10 you agree?

11 A You've got that right. Yes.

12 MR. ROBERTS: Thank you, sir.

13 MR. VERTLIEB: Just one last thing. This exhibit has not been
14 marked previously, Mr. Commissioner.

15 THE COMMISSIONER: All right. Thank you. Now, as you know,
16 chief --

17 THE REGISTRAR: That document will be marked as Exhibit 105.

18 (EXHIBIT 105: Document entitled "JFO MPRT Duties
19 and Assignments")

20 **EXAMINATION BY THE COMMISSIONER:**

21 Q We are here examining sort of the aftermath of
22 horrific tragedies that have taken place that have
23 impacted our whole community, but in particular
24 have devastated families, and we've had families
25 who have been here, told us of the tragedies that

1 they have experienced, tragedies from which they
2 probably will never recover. I mean being a
3 parent myself, I cannot imagine anything worse
4 than having a child murdered. Given what you know
5 now based on what -- on your vast policing
6 experience, is there anything in your view that
7 could have been done differently so as to avoid
8 these tragedies?

9 A Well, certainly the commitment of police personnel
10 is an issue in the Downtown Eastside and having
11 the numbers there to do the work that you would
12 expect to -- to make that a safe community.
13 That's the beginning piece. The other piece is
14 something I haven't mentioned, but I did hear it
15 come up in evidence. Early on when I became
16 chief, I went to New York and looked at their
17 CompStat model and I brought that back to the
18 Vancouver Police. We initiated that style, which
19 was a roundtable discussion, which brought into
20 the room all kinds of expertise in the different
21 divisions. Everybody got a -- an opportunity to
22 speak about the big issues on the table. And I
23 know that has come up and I believe the VPD now
24 uses CompStat. Our issue when we brought it back
25 was another personnel issue. We were so short

1 that to bring every week into one boardroom all
2 these police personnel to do this, we already had
3 huge shortages. I'm not making excuses here. I'm
4 giving an explanation why we could not continue
5 with it. Ideally if I'd had the people, we could
6 have continued with it. I think it's an excellent
7 model to have on the table and I think that should
8 continue if it isn't already and with all police
9 organizations. So that gets away from the silo
10 example that we previously discussed and it gets
11 these issues on the table for discussion where
12 somebody like Detective Constable Shenher can
13 express her feelings. It's very obvious in the
14 aftermath of this and as I've listened to a lot of
15 this evidence that there's some very valuable
16 information at the lowest level, being the initial
17 investigators, that never got past their
18 supervisor. That's what it appears like to me
19 right now. And I mean if it did get past the
20 supervisor and got into the management level, then
21 that's a real issue for me, but I'm not convinced
22 that it did --

23 Q All right.

24 A -- in hearing what I've heard. I'm thinking that
25 if it did get up there and we didn't hear about

1 it, that's a big problem. So I think the CompStat
2 model is just one huge solution to problems like
3 this. You know, they talked -- I think Detective
4 Inspector Rossmo talked about the model in the UK.
5 All of those things need to be looked at and
6 researched and then put in place if they're going
7 to be effective, not just put on the -- in a
8 document that sits on a shelf and nothing occurs.
9 So that's the only way you're going to learn
10 you're making positive steps forward and for
11 policing to progress into the next century
12 effectively.

13 Q Okay. One final question. One of -- one of my
14 concerns and one of the areas in which I expect I
15 will be making recommendations is the relationship
16 between the police and the community. It's been
17 called the concept of community-based policing and
18 which is a different type of ideology and a
19 different type of policing model, if you will.
20 How would you create a better relationship between
21 the Downtown Eastside and the Vancouver Police
22 Department?

23 A Well, certainly the Vancouver Police have to be in
24 the community. They've got to be feet on the
25 street, if you want to use that expression, or I

1 think boots on the pavement, whatever has been
2 used in the past, get them out of the police
3 vehicles. I mean in my leadership role, along
4 with the deputies, we acquired 60 bikes and put
5 them into various communities in the city. You've
6 got to get those police members in personal
7 face-to-face contact with the community, and
8 that's all of the community.

9 Q So as to build trust?

10 A Absolutely. You can't do that in a police vehicle
11 behind closed doors. And then establishing those
12 communities that are run by people who have a good
13 relationship with the police and who trust them,
14 and that trust has to be mutual. The problems
15 you're going to face, and it's going to be
16 inherent into the future, is those individuals
17 that were discussed today that may be wanted or
18 they think the police are looking for them or
19 they've got addiction issues. Those are huge
20 social issues in society. And I know everybody
21 likes to blame the police for everything, and I've
22 been through this so many times where I've said,
23 "Where are all the other agencies and service
24 providers to work with us? At least we're out
25 there on the front lines and interacting with

1 them." But it really -- I still don't think it's
2 much better than it's ever been.

3 Q I think it's quite ironical that you should
4 mention that because that's the concept that we
5 used when we established the community court.
6 That is the justice system was working in silos
7 and the police as the first responders were left
8 there to looking after and address all the social
9 issues and the issues of homelessness and mental
10 illness and addiction and all of that, and they
11 don't always appear to be getting any help from
12 other segments of society. All right.

13 A Exactly. If you can get out of those silos,
14 you're going to make some progress.

15 Q Well, I want to on behalf of everybody here thank
16 you sincerely for coming here and sharing your
17 views and sharing your experiences with us. I
18 sincerely thank you. I'm grateful for your
19 contribution.

20 A Thank you very much, Mr. Commissioner. Thank you
21 for doing what you're doing. I think this is
22 wonderful.

23 MR. VERTLIEB: So tomorrow is Superintendent -- is the officer
24 in charge Hall. We'll start at 9:30 and he should
25 be done in one day.

1 THE COMMISSIONER: Thank you.

2 MS. CHRISTIE: Mr. Commissioner, just before we break for the
3 day, I just wanted to make it clear -- and Chief
4 Blythe hasn't had the opportunity to say this,
5 certainly something he said to me a number of
6 times -- he's been anxious to come here and talk
7 to you all and give the information he can give.
8 And something further, if it helps in any way in
9 moving forward and making recommendations, he has
10 made it quite clear to me that he would be willing
11 to assist in any way, whether it's coming back or
12 speaking -- if, you know, moving into this model
13 that you're moving into, if he can assist in any
14 way, it's something he's made very clear to me and
15 I just wanted to make that clear to you moving
16 ahead.

17 THE COMMISSIONER: Thank you, Miss Christie.

18 MR. GRATL: Mr. Commissioner, one last thing.

19 MR. VERTLIEB: We don't need to deal with that today. We've
20 sat past four. It's just a document issue and it
21 doesn't need to be dealt with today. Mr. Gratl,
22 you and Miss Hoffman can sort out the time to go
23 through that. We're well past the hour.

24 MR. GRATL: All right. Thank you, Mr. Commissioner.

25 THE COMMISSIONER: I admire your enthusiasm.

1 THE REGISTRAR: The hearing is now adjourned for today and will
2 resume at 9:30 tomorrow morning.

3 (PROCEEDINGS ADJOURNED AT 4:15 P.M.)
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6

7 I hereby certify the foregoing to be
8 a true and accurate transcript of the
9 proceedings transcribed herein to the
10 best of my skill and ability.

11 Kathie Tanaka, Official Reporter
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