

February 22, 2012

Vancouver, BC.

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

THE REGISTRAR: Order. The hearing is now resumed.

**TERRY BLYTHE:** Resumed

THE COMMISSIONER: Mr. Gratl.

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

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

A Yes.

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

A I believe I remember that, yes.

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

A I believe we did, yes.

Q Okay. In part on the footing that you said that 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

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

A Yes.

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

A Sure, they would have.

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

A Yes.

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

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

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

A We eventually determined that, yes.

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

A No. No, we didn't. I don't believe so. I wasn't involved in that investigation, so I couldn't 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 synopsizing.  
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

Investigation -- Other Ongoing Investigative Strategies", the fourth bullet, that several persons have been entered on CPIC?

A I see that.

Q And that she's liaising with investigators. Do you see that, the next bullet?

A I do see that, yes.

Q And these were normal activities for such a review?

A I would say so.

Q Thank you. Now, let's look at what hindsight does for a moment. I'd ask you to go to Tab 33 of Exhibit 100. And, again, this is a document that your counsel took you to and it is dated July 13, 2001, addressed to you from the deputy chief in the investigation division. Do you see that?

A Yes. John Unger.

Q And it provides a timeline regarding the Missing Person Review Team, correct?

A It appears to, yes.

Q And that's a timeline up to July 11th, 2001, if you see from the next page?

A Yes.

Q And the next page, which is a memorandum from 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.)  
4  
5  
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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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## INDEX OF PROCEEDINGS

	PAGE
TERRY BLYTHE (for the Commission)	
Cross-exam by Mr. Gratl (Cont'd)	1
Cross-exam by Mr. Peck	88
Cross-exam by Ms. Gervais	89
Cross-exam by Ms. Hoffman	108
Cross-exam by Ms. Basil	127
Cross-exam by Mr. Hern	132
Cross-exam by Ms. Hatcher	142
Cross-exam by Mr. Hira	143
Cross-exam by Mr. DelBigio	153
Exam by Mr. Vertlieb	173
Cross-exam by Mr. Roberts	203
Exam by the Commissioner	205

## EXHIBITS

NO.	DESCRIPTION	PAGE
(EXHIBIT 103:	First Nations summit fax transmission dated February 7, 1997)	13
(EXHIBIT 104 NR:	Bundle of documents	88
(EXHIBIT 105:	Document entitled "JFO MPRT Duties and Assignments")	205

<b>\$</b>	<b>142</b> <sup>[1]</sup> - 1:11 <b>143</b> <sup>[1]</sup> - 1:12 <b>149</b> <sup>[2]</sup> - 62:1, 138:25 <b>14th</b> <sup>[6]</sup> - 25:6, 47:20, 56:10, 70:7, 84:20, 94:12 <b>15</b> <sup>[2]</sup> - 44:8, 77:4 <b>150</b> <sup>[3]</sup> - 62:7, 139:8, 184:20 <b>151</b> <sup>[1]</sup> - 64:5 <b>153</b> <sup>[1]</sup> - 1:13 <b>15th</b> <sup>[3]</sup> - 24:25, 25:25, 150:20 <b>16</b> <sup>[1]</sup> - 41:2 <b>162</b> <sup>[1]</sup> - 39:24 <b>16th</b> <sup>[3]</sup> - 96:2, 117:21, 118:16 <b>17</b> <sup>[1]</sup> - 139:2 <b>173</b> <sup>[1]</sup> - 1:14 <b>1768</b> <sup>[1]</sup> - 126:8 <b>17th</b> <sup>[5]</sup> - 56:16, 62:3, 66:13, 92:9, 93:20 <b>185</b> <sup>[2]</sup> - 43:24, 47:19 <b>18th</b> <sup>[1]</sup> - 20:3 <b>19</b> <sup>[2]</sup> - 111:20, 150:10 <b>192</b> <sup>[1]</sup> - 41:14 <b>193</b> <sup>[2]</sup> - 41:9, 41:10 <b>1970</b> <sup>[1]</sup> - 100:3 <b>199</b> <sup>[1]</sup> - 93:20 <b>1994</b> <sup>[1]</sup> - 187:24 <b>1995</b> <sup>[1]</sup> - 104:12 <b>1996</b> <sup>[3]</sup> - 9:15, 92:9, 93:9 <b>1997</b> <sup>[22]</sup> - 11:16, 13:15, 20:3, 21:4, 24:9, 24:11, 25:1, 25:6, 25:25, 26:21, 31:2, 93:12, 93:17, 93:21, 93:24, 94:6, 94:9, 94:12, 94:15, 94:19, 94:23, 2:7 <b>1998</b> <sup>[6]</sup> - 31:13, 32:21, 150:19, 177:23, 179:3, 179:24 <b>1999</b> <sup>[31]</sup> - 9:21, 40:3, 40:7, 42:3, 42:12, 42:13, 43:1, 43:5, 43:19, 45:5, 47:18, 47:24, 58:16, 59:14, 59:23, 85:4, 89:22, 89:23, 106:1, 110:12, 114:20, 115:21, 124:23, 134:11, 137:7, 146:7, 146:11, 146:12, 146:24, 149:17, 150:20 <b>1:45</b> <sup>[3]</sup> - 123:24, 124:2, 126:21	<b>1:55</b> <sup>[1]</sup> - 124:4	<b>2</b> <b>2</b> <sup>[16]</sup> - 4:5, 13:18, 13:19, 17:8, 19:14, 41:16, 42:21, 47:9, 48:19, 66:17, 66:18, 84:22, 171:9, 172:3, 178:15, 181:21 <b>20</b> <sup>[10]</sup> - 41:17, 41:24, 42:1, 46:19, 47:4, 48:18, 75:24, 76:6, 76:14, 77:13 <b>2000</b> <sup>[24]</sup> - 1:17, 9:16, 40:9, 40:12, 47:21, 52:25, 54:9, 56:10, 56:17, 58:4, 63:13, 64:18, 64:22, 66:13, 69:15, 70:8, 84:20, 116:5, 134:11, 138:5, 139:2, 139:17, 139:21, 143:24 <b>2001</b> <sup>[21]</sup> - 2:6, 3:11, 73:4, 73:5, 73:13, 73:21, 74:19, 75:6, 78:12, 85:12, 85:16, 85:24, 86:2, 87:1, 87:14, 96:2, 117:21, 148:15, 148:21, 197:6, 197:14 <b>2002</b> <sup>[6]</sup> - 110:18, 111:1, 121:21, 122:23, 150:10, 182:22 <b>2004</b> <sup>[1]</sup> - 105:6 <b>2011</b> <sup>[1]</sup> - 152:20 <b>2012</b> <sup>[1]</sup> - 1:1 <b>203</b> <sup>[1]</sup> - 1:15 <b>205</b> <sup>[2]</sup> - 1:16, 2:9 <b>20th</b> <sup>[2]</sup> - 26:21, 150:19 <b>21</b> <sup>[4]</sup> - 25:14, 86:22, 87:1, 87:14 <b>22</b> <sup>[10]</sup> - 1:1, 78:18, 79:3, 79:15, 79:24, 85:13, 85:15, 86:23, 137:7, 146:24 <b>22-year-old</b> <sup>[1]</sup> - 199:17 <b>22nd</b> <sup>[3]</sup> - 42:12, 114:20, 122:18 <b>23rd</b> <sup>[2]</sup> - 21:4, 93:17 <b>24</b> <sup>[4]</sup> - 24:16, 56:13, 56:15, 161:9 <b>25</b> <sup>[3]</sup> - 18:23, 20:2, 50:22 <b>25th</b> <sup>[2]</sup> - 80:17, 85:23 <b>26</b> <sup>[4]</sup> - 41:3, 56:11, 56:23, 70:5	<b>26th</b> <sup>[1]</sup> - 152:20 <b>27</b> <sup>[3]</sup> - 57:21, 78:20, 116:2 <b>2718</b> <sup>[1]</sup> - 147:4 <b>27th</b> <sup>[1]</sup> - 31:2 <b>28</b> <sup>[3]</sup> - 21:2, 170:9, 170:19 <b>28th</b> <sup>[1]</sup> - 94:6 <b>29</b> <sup>[2]</sup> - 95:25, 118:2 <b>29th</b> <sup>[2]</sup> - 86:2, 94:15 <b>2nd</b> <sup>[1]</sup> - 32:21	<b>3</b> <b>3</b> <sup>[7]</sup> - 48:19, 79:1, 86:25, 147:3, 149:17, 171:5, 178:16 <b>3,000</b> <sup>[1]</sup> - 22:18 <b>3.2</b> <sup>[1]</sup> - 41:18 <b>30</b> <sup>[6]</sup> - 58:7, 58:8, 58:9, 59:22, 76:12 <b>30th</b> <sup>[1]</sup> - 94:3 <b>31</b> <sup>[4]</sup> - 21:2, 21:4, 79:5, 79:12 <b>33</b> <sup>[3]</sup> - 73:18, 75:8, 148:12 <b>34</b> <sup>[2]</sup> - 151:7, 151:13 <b>35</b> <sup>[4]</sup> - 24:12, 86:20, 86:25 <b>36</b> <sup>[2]</sup> - 25:14, 86:21 <b>377</b> <sup>[1]</sup> - 198:19 <b>3:10</b> <sup>[1]</sup> - 173:10 <b>3:18</b> <sup>[1]</sup> - 173:11	<b>55</b> <sup>[2]</sup> - 14:1, 111:17 <b>5th</b> <sup>[5]</sup> - 110:18, 111:1, 121:21, 121:25, 122:22	<b>6</b> <b>6</b> <sup>[2]</sup> - 137:13, 149:16 <b>60</b> <sup>[1]</sup> - 209:4 <b>6th</b> <sup>[5]</sup> - 42:2, 42:13, 43:1, 43:5, 45:5	<b>7</b> <b>7</b> <sup>[3]</sup> - 13:15, 95:2, 2:7 <b>7-6</b> <sup>[1]</sup> - 177:21 <b>75</b> <sup>[1]</sup> - 178:4 <b>7th</b> <sup>[3]</sup> - 51:23, 78:12, 119:4	<b>8</b> <b>83</b> <sup>[1]</sup> - 137:1 <b>88</b> <sup>[3]</sup> - 31:12, 1:6, 2:8 <b>89</b> <sup>[1]</sup> - 1:7	<b>9</b> <b>91</b> <sup>[1]</sup> - 32:19 <b>911</b> <sup>[3]</sup> - 42:3, 42:5, 163:2 <b>98</b> <sup>[2]</sup> - 114:13, 118:22 <b>9921</b> <sup>[1]</sup> - 171:11 <b>9:30</b> <sup>[3]</sup> - 1:3, 210:24, 212:2 <b>9th</b> <sup>[2]</sup> - 31:13, 124:23	<b>A</b> <b>A.M</b> <sup>[3]</sup> - 1:3, 77:5, 77:6 <b>AB</b> <sup>[1]</sup> - 198:25 <b>abductions</b> <sup>[1]</sup> - 160:21 <b>abilities</b> <sup>[1]</sup> - 129:13 <b>ability</b> <sup>[2]</sup> - 183:23, 212:10 <b>able</b> <sup>[12]</sup> - 45:9, 47:23, 62:19, 67:5, 67:7, 67:8, 98:25, 104:15, 128:6, 152:25, 154:20, 185:10 <b>aboriginal</b> <sup>[41]</sup> - 12:1, 12:3, 89:18, 90:15, 90:17, 90:23, 91:3, 92:22, 93:4, 93:18, 93:22, 94:1, 94:4, 94:7, 94:10, 94:13, 94:17, 94:21, 94:24, 95:22, 96:19, 97:2, 97:9, 97:14, 98:3, 98:9, 99:3, 99:10, 99:13, 100:19,
-----------	--	------------------------------------	--	---	---	--	---	---	--	---	---

<p>100:20, 100:24, 101:9, 101:21, 101:24, 104:1, 104:14, 105:25, 106:6, 107:3, 107:7</p> <p><b>abreast</b> [1] - 115:17</p> <p><b>absolutely</b> [6] - 50:2, 53:24, 60:18, 68:17, 70:24, 209:10</p> <p><b>abuse</b> [1] - 100:15</p> <p><b>accept</b> [4] - 50:10, 69:17, 99:8, 203:8</p> <p><b>acceptable</b> [3] - 33:2, 33:13, 33:22</p> <p><b>acceptance</b> [1] - 129:19</p> <p><b>access</b> [2] - 8:25, 82:2</p> <p><b>accidental</b> [2] - 12:23, 14:24</p> <p><b>accomplished</b> [2] - 103:20, 185:7</p> <p><b>accomplishment</b> [1] - 182:23</p> <p><b>accomplishments</b> [2] - 182:19, 185:4</p> <p><b>accordance</b> [1] - 126:1</p> <p><b>according</b> [5] - 19:6, 25:8, 27:4, 77:24, 93:15</p> <p><b>accountability</b> [6] - 20:7, 67:19, 69:21, 69:24, 107:4, 107:5</p> <p><b>accountable</b> [8] - 17:23, 90:1, 90:3, 90:6, 90:23, 99:9, 99:12, 107:3</p> <p><b>accurate</b> [22] - 9:22, 17:16, 24:1, 31:11, 63:12, 64:16, 79:10, 83:3, 83:15, 83:16, 84:21, 87:13, 113:17, 113:18, 119:13, 119:23, 123:3, 130:20, 135:5, 135:22, 164:20, 212:8</p> <p><b>achieve</b> [1] - 194:21</p> <p><b>acknowledge</b> [1] - 97:1</p> <p><b>acquiescing</b> [2] - 20:13, 20:15</p> <p><b>acquired</b> [1] - 209:4</p> <p><b>acronym</b> [1] - 38:13</p> <p><b>act</b> [1] - 63:3</p> <p><b>acted</b> [1] - 186:12</p> <p><b>Acting</b> [5] - 70:13, 138:5, 138:9, 139:5, 198:19</p> <p><b>acting</b> [15] - 4:2,</p>	<p>45:25, 63:3, 63:4, 88:14, 89:21, 96:4, 96:5, 106:23, 180:6, 180:8, 180:23, 182:1, 191:19, 204:10</p> <p><b>action</b> [1] - 176:24</p> <p><b>actions</b> [1] - 10:23</p> <p><b>active</b> [3] - 12:20, 14:25, 87:8</p> <p><b>activities</b> [2] - 36:15, 148:8</p> <p><b>activity</b> [10] - 9:7, 9:10, 10:12, 21:5, 21:8, 39:7, 39:16, 57:11, 57:13, 57:18</p> <p><b>actors</b> [1] - 158:24</p> <p><b>Adam</b> [4] - 53:14, 118:13, 120:9, 122:2</p> <p><b>add</b> [4] - 85:3, 99:22, 168:16, 181:10</p> <p><b>added</b> [4] - 79:16, 130:5, 130:8, 192:23</p> <p><b>addicted</b> [4] - 100:14, 130:22, 131:2, 131:13</p> <p><b>addiction</b> [2] - 209:19, 210:10</p> <p><b>addition</b> [3] - 85:15, 107:16, 113:19</p> <p><b>additional</b> [30] - 21:25, 22:3, 22:14, 40:24, 41:1, 41:5, 43:16, 44:8, 46:12, 48:13, 48:18, 48:19, 50:12, 64:1, 64:3, 67:16, 68:20, 76:5, 78:18, 79:3, 79:15, 85:12, 85:13, 85:15, 98:22, 130:15, 182:12, 184:7, 192:8</p> <p><b>address</b> [13] - 14:8, 64:15, 80:12, 93:3, 97:6, 97:21, 97:24, 105:19, 124:11, 124:16, 164:12, 185:2, 210:8</p> <p><b>addressed</b> [6] - 71:18, 92:10, 108:14, 137:10, 148:15, 178:25</p> <p><b>addresses</b> [3] - 55:11, 92:21, 96:18</p> <p><b>adequately</b> [1] - 67:8</p> <p><b>adhere</b> [2] - 56:7, 179:4</p> <p><b>adjourn</b> [1] - 77:3</p> <p><b>adjourned</b> [1] - 212:1</p> <p><b>ADJOURNED</b> [4] - 77:5, 124:3, 173:10,</p>	<p>212:3</p> <p><b>adjournment</b> [1] - 173:8</p> <p><b>administrative</b> [2] - 83:19, 84:17</p> <p><b>admire</b> [1] - 211:25</p> <p><b>advantage</b> [1] - 196:2</p> <p><b>adversarial</b> [1] - 124:13</p> <p><b>advise</b> [1] - 27:6</p> <p><b>advised</b> [1] - 62:17</p> <p><b>advocacy</b> [3] - 11:25, 12:3, 22:24</p> <p><b>advocated</b> [2] - 1:20, 193:3</p> <p><b>advocates</b> [1] - 10:1</p> <p><b>affect</b> [1] - 65:12</p> <p><b>afford</b> [2] - 198:11, 198:13</p> <p><b>afraid</b> [5] - 127:25, 128:3, 128:11, 128:18, 132:1</p> <p><b>aftermath</b> [5] - 101:13, 154:17, 155:11, 205:21, 207:14</p> <p><b>afternoon</b> [5] - 34:1, 125:23, 126:6, 126:22, 126:24</p> <p><b>afterwards</b> [1] - 191:18</p> <p><b>agencies</b> [8] - 87:10, 102:5, 112:24, 113:8, 113:12, 118:7, 155:4, 209:23</p> <p><b>Agency</b> [1] - 66:19</p> <p><b>aggravated</b> [1] - 162:5</p> <p><b>aging</b> [1] - 149:14</p> <p><b>ago</b> [4] - 33:24, 153:18, 158:1, 179:24</p> <p><b>agree</b> [69] - 2:24, 6:13, 8:2, 28:20, 30:17, 34:17, 54:1, 54:18, 66:16, 82:10, 82:18, 83:8, 90:22, 93:13, 94:19, 94:23, 95:13, 95:16, 97:12, 98:10, 98:14, 102:12, 106:17, 113:20, 116:15, 119:23, 123:1, 130:6, 130:17, 130:21, 131:2, 134:24, 136:1, 144:15, 144:19, 144:24, 146:6, 147:19, 147:23, 149:1, 149:4, 150:16, 150:23, 153:23, 153:24, 154:25,</p>	<p>155:21, 156:24, 157:4, 157:9, 158:10, 161:7, 162:9, 165:17, 165:25, 166:19, 169:20, 169:24, 172:2, 186:3, 188:8, 191:17, 193:13, 194:9, 195:6, 196:23, 204:1, 204:5, 205:10</p> <p><b>agreed</b> [5] - 113:9, 126:12, 151:19, 193:16, 193:17</p> <p><b>agreeing</b> [1] - 20:16</p> <p><b>agrees</b> [2] - 28:21, 61:21</p> <p><b>ahead</b> [9] - 103:5, 108:23, 127:4, 146:21, 171:17, 177:12, 181:16, 182:10, 211:16</p> <p><b>AI</b> [1] - 198:22</p> <p><b>alive</b> [1] - 135:9</p> <p><b>allegations</b> [5] - 3:13, 5:13, 55:24, 65:17, 72:16</p> <p><b>allocating</b> [2] - 20:8, 163:6</p> <p><b>allocation</b> [3] - 18:19, 19:23, 158:12</p> <p><b>allocations</b> [1] - 46:10</p> <p><b>allow</b> [1] - 140:9</p> <p><b>allowed</b> [3] - 27:11, 108:23, 203:23</p> <p><b>ally</b> [1] - 188:12</p> <p><b>almost</b> [4] - 108:3, 151:1, 174:6</p> <p><b>alone</b> [5] - 4:2, 45:17, 161:5, 162:1, 174:14</p> <p><b>Alternatives</b> [1] - 1:12</p> <p><b>amalgamating</b> [1] - 195:5</p> <p><b>amazed</b> [1] - 108:2</p> <p><b>Amelia</b> [13] - 43:12, 43:17, 44:10, 46:17, 63:15, 64:23, 66:1, 66:15, 69:2, 69:15, 71:3, 71:17, 72:19</p> <p><b>amended</b> [1] - 124:14</p> <p><b>amount</b> [6] - 35:10, 48:1, 98:4, 101:10, 152:1, 189:15</p> <p><b>ample</b> [1] - 14:11</p> <p><b>analogy</b> [1] - 57:20</p> <p><b>analysis</b> [4] - 40:12, 116:23, 136:7, 136:10</p> <p><b>ancestry</b> [2] - 12:14, 14:21</p>	<p><b>Ann</b> [2] - 127:13, 129:25</p> <p><b>annual</b> [1] - 63:8</p> <p><b>answer</b> [25] - 28:5, 35:24, 36:6, 36:8, 46:2, 60:2, 75:20, 75:21, 80:14, 82:22, 83:6, 84:9, 102:14, 105:21, 107:2, 107:9, 111:5, 111:16, 112:6, 112:8, 128:6, 168:1, 186:2, 186:4, 191:10</p> <p><b>answered</b> [2] - 35:23, 191:9</p> <p><b>answers</b> [5] - 11:5, 11:7, 11:9, 163:19, 164:9</p> <p><b>anticipated</b> [2] - 47:25, 116:20</p> <p><b>anxious</b> [1] - 211:6</p> <p><b>ANY</b> [2] - 27:18, 27:20</p> <p><b>anyway</b> [1] - 75:16</p> <p><b>apart</b> [1] - 182:12</p> <p><b>apologize</b> [3] - 11:12, 87:20</p> <p><b>apologized</b> [1] - 154:24</p> <p><b>apparent</b> [7] - 62:13, 130:12, 139:12, 166:8, 166:9, 175:14, 175:19</p> <p><b>appear</b> [4] - 130:25, 183:9, 202:19, 210:11</p> <p><b>appeared</b> [2] - 54:15, 91:6</p> <p><b>application</b> [5] - 124:21, 124:24, 126:7, 126:21, 126:24</p> <p><b>applied</b> [2] - 204:16, 204:22</p> <p><b>appointed</b> [4] - 133:8, 133:21, 136:19, 140:25</p> <p><b>appraised</b> [1] - 63:5</p> <p><b>appreciate</b> [10] - 5:25, 7:1, 7:10, 21:15, 23:23, 35:8, 43:25, 57:14, 77:23, 93:14</p> <p><b>apprehended</b> [1] - 53:20</p> <p><b>apprehending</b> [3] - 54:16, 54:25, 55:25</p> <p><b>approach</b> [9] - 20:20, 50:9, 53:4, 68:19, 69:8, 151:24, 175:6, 190:7, 191:16</p> <p><b>approachable</b> [1] -</p>
--	--	--	--	--



<p>88:22</p> <p><b>approaches</b> [1] - 64:6</p> <p><b>approaching</b> [2] - 24:17, 26:7</p> <p><b>appropriate</b> [2] - 35:22, 39:17</p> <p><b>approval</b> [2] - 1:16, 7:10</p> <p><b>approved</b> [4] - 3:22, 23:21, 29:21, 198:5</p> <p><b>approximate</b> [1] - 9:17</p> <p><b>April</b> [7] - 42:11, 94:3, 117:13, 124:23, 146:24, 170:9, 170:19</p> <p><b>area</b> [10] - 15:8, 17:15, 22:4, 22:5, 23:14, 41:16, 55:21, 180:22, 200:23, 203:25</p> <p><b>Area</b> [1] - 4:10</p> <p><b>areas</b> [19] - 21:11, 21:12, 21:16, 21:17, 21:22, 22:10, 23:2, 23:8, 23:9, 23:24, 24:2, 30:5, 30:8, 34:10, 35:1, 177:8, 191:4, 195:4, 208:14</p> <p><b>argue</b> [2] - 126:14, 126:16</p> <p><b>arise</b> [1] - 204:6</p> <p><b>arises</b> [1] - 203:14</p> <p><b>arose</b> [2] - 163:20, 164:21</p> <p><b>arrange</b> [1] - 186:6</p> <p><b>arrest</b> [9] - 121:9, 121:14, 121:17, 123:7, 135:12, 150:24, 151:5, 167:22</p> <p><b>arrested</b> [5] - 122:3, 122:18, 130:7, 130:17, 131:10</p> <p><b>arrests</b> [1] - 130:25</p> <p><b>arrived</b> [1] - 163:21</p> <p><b>articles</b> [3] - 86:21, 86:22, 86:25</p> <p><b>aside</b> [2] - 11:2, 136:10</p> <p><b>aspects</b> [2] - 7:11, 52:16</p> <p><b>assault</b> [2] - 162:4, 162:6</p> <p><b>assaults</b> [3] - 2:10, 120:12, 162:5</p> <p><b>assertion</b> [1] - 82:9</p> <p><b>assessing</b> [1] - 39:6</p> <p><b>assessment</b> [2] - 131:16, 202:24</p> <p><b>assign</b> [2] - 17:14,</p>	<p>161:24</p> <p><b>assigned</b> [17] - 16:17, 16:22, 30:23, 31:2, 31:8, 41:16, 42:14, 59:10, 59:13, 59:17, 59:22, 60:9, 60:21, 62:17, 62:23, 117:12, 137:18</p> <p><b>assigning</b> [3] - 16:16, 17:13, 163:11</p> <p><b>assignment</b> [3] - 52:1, 52:13, 63:8</p> <p><b>assignments</b> [1] - 106:25</p> <p><b>Assignments</b> [2] - 205:19, 2:10</p> <p><b>assist</b> [8] - 62:24, 63:1, 146:4, 173:23, 177:5, 196:11, 211:11, 211:13</p> <p><b>assistance</b> [8] - 28:3, 89:1, 116:9, 116:15, 173:19, 178:13, 192:19, 192:22</p> <p><b>Assistant</b> [1] - 143:22</p> <p><b>assisted</b> [2] - 188:5, 193:6</p> <p><b>assisting</b> [1] - 161:10</p> <p><b>assists</b> [2] - 159:3, 174:21</p> <p><b>associates</b> [7] - 52:19, 54:6, 56:3, 59:7, 60:5, 61:12, 178:17</p> <p><b>Association</b> [1] - 109:18</p> <p><b>association</b> [1] - 109:20</p> <p><b>assume</b> [3] - 153:1, 180:14, 180:18</p> <p><b>assuming</b> [2] - 19:8, 63:24</p> <p><b>AT</b> [8] - 1:3, 77:5, 77:6, 124:3, 124:4, 173:10, 173:11, 212:3</p> <p><b>attached</b> [2] - 12:11, 178:5</p> <p><b>attaches</b> [1] - 95:7</p> <p><b>attacked</b> [1] - 3:12</p> <p><b>attacking</b> [1] - 2:18</p> <p><b>attempt</b> [8] - 1:16, 21:8, 54:24, 104:2, 153:19, 158:13, 174:23, 186:25</p> <p><b>attempting</b> [2] - 154:4, 166:17</p> <p><b>attempts</b> [2] - 54:15, 55:25</p> <p><b>attend</b> [2] - 88:8, 130:19</p>	<p><b>attended</b> [3] - 1:15, 80:19, 109:17</p> <p><b>attention</b> [7] - 11:17, 68:14, 71:11, 124:8, 134:9, 136:21, 179:12</p> <p><b>attitude</b> [1] - 65:19</p> <p><b>Attorney</b> [1] - 124:22</p> <p><b>August</b> [9] - 59:14, 59:22, 94:12, 116:5, 145:19, 146:7, 146:12, 149:17, 152:20</p> <p><b>author</b> [1] - 28:8</p> <p><b>authorities</b> [1] - 13:17</p> <p><b>authority</b> [3] - 10:11, 16:21, 71:7</p> <p><b>authors</b> [2] - 2:19, 3:12</p> <p><b>available</b> [12] - 8:12, 8:14, 44:1, 44:23, 45:4, 62:18, 66:9, 81:4, 140:11, 190:12, 196:1, 200:5</p> <p><b>avoid</b> [3] - 104:2, 131:3, 206:7</p> <p><b>avoiding</b> [1] - 131:6</p> <p><b>aware</b> [65] - 9:16, 24:22, 25:2, 26:12, 26:15, 27:5, 29:3, 29:14, 32:1, 34:19, 53:7, 55:12, 58:4, 68:15, 69:8, 69:10, 73:4, 78:24, 79:20, 90:13, 90:17, 91:2, 97:17, 97:20, 99:22, 100:4, 100:20, 101:14, 101:15, 104:10, 104:12, 104:24, 105:7, 105:17, 105:24, 106:3, 106:5, 110:12, 117:4, 117:14, 121:19, 121:22, 128:10, 129:4, 135:13, 135:17, 135:20, 138:18, 138:19, 139:21, 144:5, 158:19, 162:18, 166:13, 180:1, 180:4, 185:17, 187:11, 189:6, 189:23, 191:16, 192:7, 200:11, 201:7, 201:11</p> <p><b>awareness</b> [1] - 72:24</p>	<p><b>background</b> [2] - 122:21, 143:16</p> <p><b>backlog</b> [6] - 58:1, 58:5, 61:19, 65:4, 116:23, 119:19</p> <p><b>bad</b> [1] - 149:14</p> <p><b>bail</b> [2] - 130:18, 130:23</p> <p><b>bakery</b> [1] - 190:17</p> <p><b>band</b> [2] - 101:21, 102:5</p> <p><b>bank</b> [1] - 120:13</p> <p><b>Barb</b> [1] - 133:23</p> <p><b>base</b> [1] - 153:13</p> <p><b>based</b> [9] - 15:13, 15:22, 46:22, 76:9, 133:2, 181:22, 183:22, 206:5, 208:17</p> <p><b>baseline</b> [2] - 40:4, 40:13</p> <p><b>basic</b> [1] - 150:17</p> <p><b>Basil</b> [8] - 123:15, 123:17, 124:7, 125:14, 127:6, 127:8, 132:16, 1:9</p> <p><b>BASIL</b> [10] - 127:7, 127:12, 127:15, 127:17, 128:14, 129:23, 132:2, 132:5, 132:10, 132:14</p> <p><b>basis</b> [8] - 2:21, 6:12, 40:25, 75:20, 81:23, 176:23, 177:14, 196:20</p> <p><b>Bass</b> [2] - 87:19, 89:4</p> <p><b>Bates</b> [1] - 102:20</p> <p><b>Battershill</b> [1] - 187:13</p> <p><b>BC</b> [7] - 1:2, 44:10, 90:19, 100:22, 101:4, 101:21, 109:18</p> <p><b>Beach</b> [2] - 42:12, 150:11</p> <p><b>bear</b> [1] - 114:22</p> <p><b>beat</b> [5] - 41:1, 98:22, 100:3, 128:20, 131:17</p> <p><b>became</b> [14] - 9:22, 62:13, 73:2, 73:4, 78:17, 89:21, 133:7, 139:12, 167:10, 180:6, 185:10, 191:19, 204:10, 206:15</p> <p><b>become</b> [7] - 14:6, 14:18, 163:16, 180:1, 180:22,</p>	<p>192:14, 196:19</p> <p><b>becomes</b> [1] - 169:5</p> <p><b>begin</b> [2] - 1:11, 44:10</p> <p><b>beginning</b> [11] - 56:24, 57:21, 58:11, 78:11, 81:2, 84:23, 87:4, 96:5, 118:23, 172:3, 206:13</p> <p><b>begins</b> [5] - 21:2, 42:15, 51:24, 51:25, 139:1</p> <p><b>behalf</b> [2] - 75:17, 210:15</p> <p><b>behaviour</b> [2] - 27:16, 27:23</p> <p><b>behind</b> [4] - 165:12, 165:18, 180:11, 209:11</p> <p><b>belief</b> [4] - 143:13, 156:19, 167:4, 167:9</p> <p><b>believer</b> [1] - 176:2</p> <p><b>bell</b> [1] - 22:20</p> <p><b>belligerent</b> [1] - 72:7</p> <p><b>belonged</b> [1] - 58:24</p> <p><b>below</b> [2] - 147:10, 155:25</p> <p><b>beneficial</b> [1] - 7:8</p> <p><b>benefit</b> [5] - 6:5, 115:4, 136:17, 180:24, 188:4</p> <p><b>best</b> [8] - 70:3, 154:3, 156:1, 182:8, 182:25, 185:20, 203:1, 212:10</p> <p><b>better</b> [7] - 61:7, 64:25, 67:23, 180:8, 193:19, 208:20, 210:2</p> <p><b>between</b> [15] - 15:25, 35:15, 36:11, 58:22, 81:22, 91:24, 98:1, 103:9, 111:12, 142:1, 175:1, 192:19, 202:7, 208:16, 208:20</p> <p><b>Bev</b> [3] - 88:17, 88:20, 88:24</p> <p><b>beyond</b> [2] - 5:12, 145:19</p> <p><b>bias</b> [1] - 136:6</p> <p><b>Biddlecomb</b> [1] - 178:23</p> <p><b>Biddlecombe's</b> [1] - 176:20</p> <p><b>big</b> [5] - 66:1, 66:4, 195:15, 206:22, 208:1</p> <p><b>bigger</b> [1] - 21:24</p> <p><b>bikes</b> [1] - 209:4</p> <p><b>binder</b> [5] - 13:18,</p>
---	---	--	---	--

<p>137:2, 137:4, 138:4, 138:22</p> <p><b>binders</b> [2] - 118:23, 172:20</p> <p><b>bit</b> [11] - 5:12, 36:3, 36:13, 68:8, 98:16, 126:20, 133:2, 154:18, 167:1, 186:3, 202:8</p> <p><b>blame</b> [1] - 209:21</p> <p><b>blanked</b> [2] - 149:10, 149:11</p> <p><b>block</b> [1] - 184:1</p> <p><b>blocks</b> [2] - 26:25, 27:9</p> <p><b>blueprint</b> [1] - 176:15</p> <p><b>BLYTHE</b> [2] - 1:5, 1:4</p> <p><b>Blythe</b> [16] - 1:8, 28:15, 28:18, 43:25, 51:2, 77:20, 86:3, 109:1, 112:20, 118:23, 127:10, 127:18, 133:1, 173:15, 203:11, 211:4</p> <p><b>Board</b> [5] - 1:16, 47:21, 183:7, 183:12, 185:16</p> <p><b>board</b> [30] - 1:16, 1:22, 41:13, 47:8, 68:5, 84:19, 90:1, 90:3, 91:20, 146:25, 170:17, 170:18, 171:18, 181:9, 183:15, 183:18, 183:24, 184:5, 184:23, 185:19, 185:25, 186:4, 186:5, 186:13, 186:18, 187:1, 187:18, 187:25, 188:3, 188:7</p> <p><b>boardroom</b> [1] - 207:1</p> <p><b>bodies</b> [1] - 81:13</p> <p><b>bodily</b> [1] - 162:6</p> <p><b>body</b> [4] - 155:17, 155:18, 156:10, 156:15</p> <p><b>book</b> [1] - 146:18</p> <p><b>books</b> [4] - 31:21, 32:4, 32:8, 32:17</p> <p><b>boots</b> [2] - 183:11, 209:1</p> <p><b>bottom</b> [7] - 40:6, 64:6, 85:1, 86:14, 138:8, 149:9, 151:23</p> <p><b>boundaries</b> [1] - 193:12</p> <p><b>boundary</b> [1] - 193:18</p> <p><b>Boyd</b> [3] - 78:15,</p>	<p>170:24, 198:22</p> <p><b>brand</b> [2] - 44:11, 44:14</p> <p><b>break</b> [3] - 77:3, 123:21, 211:2</p> <p><b>breakdown</b> [5] - 41:10, 64:23, 64:25, 66:2, 66:4</p> <p><b>breaking</b> [1] - 30:10</p> <p><b>Brian</b> [14] - 84:18, 95:6, 107:25, 108:1, 114:16, 114:17, 115:16, 137:10, 168:7, 172:4, 199:17, 202:7, 202:11, 202:12</p> <p><b>brief</b> [13] - 13:17, 45:11, 50:22, 70:6, 73:19, 76:15, 77:11, 96:25, 114:13, 115:25, 125:3, 153:10, 153:17</p> <p><b>briefed</b> [1] - 115:20</p> <p><b>briefly</b> [2] - 46:3, 103:8</p> <p><b>bring</b> [5] - 159:15, 185:10, 199:12, 202:21, 207:1</p> <p><b>bringing</b> [3] - 180:18, 180:19, 199:10</p> <p><b>brings</b> [1] - 35:11</p> <p><b>British</b> [1] - 126:23</p> <p><b>broad</b> [1] - 153:13</p> <p><b>broader</b> [2] - 201:3, 201:9</p> <p><b>Broadway</b> [1] - 190:1</p> <p><b>brothel</b> [3] - 6:11, 6:13, 9:23</p> <p><b>brought</b> [16] - 3:7, 11:17, 53:6, 68:6, 68:14, 71:10, 81:25, 101:11, 124:7, 136:21, 183:3, 201:20, 201:21, 206:17, 206:19, 206:24</p> <p><b>brutalizing</b> [1] - 128:2</p> <p><b>buck</b> [1] - 67:19</p> <p><b>budget</b> [7] - 43:19, 47:18, 47:24, 163:15, 184:25, 186:21, 186:22</p> <p><b>budgetary</b> [1] - 158:22</p> <p><b>budgets</b> [1] - 163:11</p> <p><b>build</b> [2] - 120:13, 209:9</p> <p><b>building</b> [2] - 103:21, 189:21</p> <p><b>buildings</b> [1] - 30:12</p> <p><b>built</b> [1] - 181:22</p>	<p><b>bullet</b> [5] - 31:16, 32:23, 147:24, 148:2, 148:6</p> <p><b>bumped</b> [1] - 189:22</p> <p><b>Bundle</b> [2] - 88:11, 2:8</p> <p><b>bureaucratic</b> [1] - 199:4</p> <p><b>bus</b> [3] - 189:1, 190:1, 191:1</p> <p><b>Business</b> [1] - 96:10</p> <p><b>business</b> [3] - 33:1, 33:12, 33:22</p> <p><b>Busson</b> [3] - 88:17, 88:20, 88:24</p> <p><b>busy</b> [4] - 160:6, 161:2, 161:4, 161:9</p> <p><b>BY</b> [12] - 1:7, 88:13, 89:20, 108:22, 127:7, 132:25, 142:19, 143:20, 153:7, 173:13, 203:20, 205:20</p>	<p><b>C</b></p> <p><b>cabs</b> [1] - 188:25</p> <p><b>Cambie</b> [1] - 190:2</p> <p><b>Cameron</b> [3] - 71:24, 105:8, 105:20</p> <p><b>campaign</b> [1] - 10:4</p> <p><b>Canada</b> [2] - 90:20, 182:21</p> <p><b>Canine</b> [1] - 195:3</p> <p><b>cannot</b> [3] - 152:8, 203:23, 206:3</p> <p><b>canvassed</b> [1] - 2:11</p> <p><b>capacity</b> [4] - 63:3, 67:25, 91:1, 97:19</p> <p><b>caps</b> [1] - 27:21</p> <p><b>caption</b> [1] - 33:15</p> <p><b>capture</b> [1] - 107:13</p> <p><b>captured</b> [1] - 93:6</p> <p><b>Cara</b> [1] - 93:24</p> <p><b>career</b> [2] - 90:11, 153:25</p> <p><b>carefully</b> [1] - 51:15</p> <p><b>Carolyn</b> [2] - 133:12, 181:21</p> <p><b>Carrier</b> [1] - 127:9</p> <p><b>carry</b> [1] - 204:4</p> <p><b>carrying</b> [2] - 191:1, 203:24</p> <p><b>case</b> [10] - 47:13, 66:23, 68:3, 68:13, 135:15, 151:18, 152:9, 154:4, 182:21, 204:13</p> <p><b>cases</b> [5] - 12:22, 14:23, 87:9, 171:5, 171:6</p>	<p><b>Cases</b> [1] - 147:13</p> <p><b>catalogue</b> [1] - 31:19</p> <p><b>catch</b> [1] - 190:1</p> <p><b>caught</b> [1] - 57:6</p> <p><b>caused</b> [3] - 55:1, 122:25, 163:16</p> <p><b>causing</b> [1] - 72:2</p> <p><b>caution</b> [1] - 75:17</p> <p><b>cautionary</b> [1] - 195:8</p> <p><b>cautious</b> [1] - 82:7</p> <p><b>CC</b> [1] - 86:2</p> <p><b>Centre</b> [1] - 31:1</p> <p><b>century</b> [1] - 208:11</p> <p><b>certain</b> [2] - 35:10, 124:11</p> <p><b>certainly</b> [38] - 8:18, 50:9, 53:12, 53:23, 90:5, 99:24, 103:14, 123:21, 131:10, 134:24, 145:3, 145:18, 154:1, 154:22, 154:25, 158:2, 158:21, 159:12, 162:22, 166:8, 167:14, 174:15, 175:10, 175:24, 179:5, 179:9, 180:3, 184:8, 184:14, 187:1, 188:17, 189:6, 193:17, 196:5, 196:17, 206:9, 208:23, 211:5</p> <p><b>certify</b> [1] - 212:7</p> <p><b>cetera</b> [5] - 12:19, 160:20, 160:21, 171:12, 198:8</p> <p><b>chain</b> [2] - 64:2, 111:23</p> <p><b>chair</b> [8] - 37:23, 70:20, 84:18, 183:17, 183:24, 187:25, 188:3, 188:6</p> <p><b>challenge</b> [1] - 184:14</p> <p><b>challenging</b> [1] - 153:25</p> <p><b>Chambers</b> [2] - 42:13, 165:11</p> <p><b>Chan's</b> [1] - 22:19</p> <p><b>change</b> [2] - 43:20, 191:11</p> <p><b>changed</b> [1] - 191:15</p> <p><b>changes</b> [1] - 194:22</p> <p><b>Chantler</b> [1] - 125:4</p> <p><b>chapter</b> [1] - 135:24</p> <p><b>characterization</b> [1] - 66:1</p> <p><b>charge</b> [19] - 7:10, 8:24, 15:7, 17:9, 17:19, 19:25, 31:1,</p>	<p>37:24, 44:16, 44:19, 68:23, 70:14, 89:10, 129:1, 141:4, 163:10, 202:11, 202:12, 210:24</p> <p><b>charges</b> [5] - 121:17, 122:16, 123:8, 167:19, 167:22</p> <p><b>chart</b> [1] - 39:25</p> <p><b>check</b> [6] - 24:22, 52:16, 52:20, 54:7, 56:4, 131:10</p> <p><b>checked</b> [7] - 24:11, 24:12, 25:9, 25:14, 25:17, 32:12, 58:21</p> <p><b>checks</b> [1] - 25:25</p> <p><b>cheques</b> [1] - 178:14</p> <p><b>Chernoff</b> [9] - 62:23, 63:9, 65:7, 66:23, 110:13, 115:14, 115:20, 146:1, 146:13</p> <p><b>Chief</b> [43] - 1:8, 28:14, 28:18, 42:12, 43:25, 51:1, 55:4, 70:7, 70:13, 73:20, 73:23, 78:14, 78:15, 84:17, 95:5, 95:6, 108:7, 112:19, 114:16, 114:17, 116:8, 118:23, 133:1, 136:2, 136:9, 137:10, 137:11, 148:25, 150:11, 152:4, 152:19, 158:18, 162:24, 166:9, 168:7, 177:19, 181:24, 193:5, 202:1, 203:11, 204:18, 204:24, 211:3</p> <p><b>chief</b> [77] - 1:10, 5:25, 10:25, 15:7, 19:11, 23:18, 28:13, 38:4, 51:17, 67:25, 68:23, 69:12, 70:1, 73:24, 77:20, 88:14, 88:15, 89:21, 89:22, 89:25, 91:1, 96:5, 96:6, 97:20, 99:9, 102:6, 102:7, 106:10, 106:23, 109:1, 109:17, 133:7, 133:13, 140:14, 140:15, 140:16, 141:7, 142:20, 143:21, 145:4, 145:6, 148:15, 153:5, 158:19, 160:9, 165:4,</p>
---	---	--	---	---	--

<p>173:15, 176:10, 179:25, 180:3, 180:7, 180:8, 180:12, 180:22, 180:23, 181:20, 182:1, 185:10, 185:18, 186:12, 187:13, 191:19, 196:15, 197:15, 200:10, 200:20, 201:7, 203:21, 204:10, 204:14, 205:8, 205:16, 206:16</p> <p><b>chiefs</b> [1] - 141:24 <b>Chiefs</b> [1] - 109:18 <b>chiefs</b> [3] - 145:9, 193:2, 193:3 <b>child</b> [1] - 206:4 <b>choice</b> [4] - 36:1, 36:2, 36:20, 182:3 <b>choices</b> [1] - 47:12 <b>chose</b> [1] - 83:5 <b>CHRISTIE</b> [2] - 28:6, 211:2 <b>Christie</b> [1] - 211:17 <b>Christie's</b> [1] - 28:23 <b>Cindy</b> [1] - 22:19 <b>circumstances</b> [4] - 37:15, 64:11, 141:16, 142:7 <b>circumvent</b> [1] - 174:19 <b>cities</b> [2] - 87:11, 194:11 <b>city</b> [8] - 27:2, 29:25, 144:18, 162:12, 200:25, 201:5, 209:5 <b>CITY</b> [2] - 27:19, 27:20 <b>City</b> [21] - 28:4, 41:19, 46:18, 47:2, 47:7, 68:4, 131:5, 151:25, 152:21, 152:22, 153:2, 163:17, 183:18, 184:3, 184:6, 184:17, 184:24, 186:6, 188:13, 194:13 <b>civilian</b> [3] - 105:19, 155:3, 199:24 <b>CKNW</b> [1] - 80:23 <b>Claire</b> [1] - 142:16 <b>clarified</b> [1] - 61:5 <b>clarify</b> [5] - 15:4, 30:21, 136:16, 184:2, 199:25 <b>clarity</b> [2] - 121:12, 121:15 <b>Clarke</b> [1] - 65:18 <b>clear</b> [15] - 44:6,</p>	<p>53:17, 71:19, 76:10, 81:21, 124:10, 153:19, 158:13, 169:9, 180:24, 201:19, 211:3, 211:10, 211:14, 211:15 <b>clear-cut</b> [1] - 169:9 <b>clearly</b> [1] - 196:14 <b>client</b> [7] - 75:19, 89:4, 164:9, 166:3, 166:22, 170:20, 171:24 <b>close</b> [16] - 9:24, 52:18, 54:6, 59:6, 60:5, 61:12, 73:7, 102:10, 107:23, 107:25, 121:9, 123:6, 152:11, 153:9, 170:1, 188:20 <b>closed</b> [7] - 9:18, 12:22, 14:24, 165:12, 165:18, 180:11, 209:11 <b>closely</b> [1] - 72:13 <b>closing</b> [2] - 9:9, 10:15 <b>co</b> [3] - 37:23, 70:20, 145:15 <b>co-chair</b> [2] - 37:23, 70:20 <b>co-operative</b> [1] - 145:15 <b>Code</b> [1] - 36:16 <b>cohesive</b> [1] - 183:4 <b>cohesively</b> [1] - 179:19 <b>coincides</b> [1] - 48:2 <b>colleagues</b> [3] - 120:21, 124:7, 177:20 <b>collection</b> [1] - 114:11 <b>collectively</b> [2] - 176:3, 186:9 <b>colloquially</b> [1] - 32:7 <b>Columbia</b> [1] - 126:23 <b>comfortable</b> [1] - 145:11 <b>coming</b> [17] - 22:11, 49:5, 50:7, 82:2, 84:3, 101:3, 101:22, 102:5, 129:17, 132:11, 136:6, 141:6, 155:9, 189:16, 210:16, 211:11 <b>COMM</b> [3] - 42:5, 42:15, 44:16 <b>command</b> [7] - 19:21, 26:19, 29:10, 64:2,</p>	<p>111:23, 133:6, 133:20 <b>commander</b> [1] - 38:3 <b>Commanding</b> [1] - 88:17 <b>commanding</b> [2] - 89:7, 89:9 <b>commenced</b> [2] - 105:6, 181:3 <b>commendable</b> [1] - 54:1 <b>comment</b> [21] - 7:9, 7:22, 28:19, 30:6, 32:9, 36:24, 43:14, 54:18, 74:20, 80:23, 82:3, 128:17, 132:16, 149:9, 168:4, 168:10, 168:11, 177:18, 177:22, 180:14, 202:9 <b>commented</b> [3] - 172:7, 172:22, 181:11 <b>comments</b> [5] - 56:20, 100:10, 173:25, 179:5, 185:13 <b>commercial</b> [4] - 39:6, 39:16, 39:21, 40:10 <b>Commercial</b> [1] - 40:6 <b>Commission</b> [1] - 1:4 <b>commission</b> [5] - 114:1, 122:23, 132:7, 137:2, 188:22 <b>Commissioner</b> [46] - 5:5, 10:7, 11:4, 13:9, 16:24, 18:5, 18:18, 22:2, 28:6, 76:23, 77:8, 77:17, 77:19, 83:21, 87:19, 99:25, 102:23, 123:14, 124:20, 126:5, 127:5, 127:13, 128:8, 132:22, 142:17, 143:2, 143:22, 153:8, 169:25, 173:1, 173:14, 175:10, 187:11, 187:16, 194:5, 196:14, 202:15, 203:11, 203:13, 204:7, 205:14, 210:20, 211:2, 211:18, 211:24, 1:16 <b>COMMISSIONER</b> [109] - 1:6, 5:6, 5:9, 5:20, 11:1, 11:6, 11:8, 11:11, 11:13, 13:12, 16:5, 16:14, 16:20,</p>	<p>16:25, 17:3, 17:6, 17:13, 17:21, 17:25, 18:2, 18:4, 18:12, 28:5, 28:20, 48:2, 48:23, 48:25, 49:8, 49:16, 75:23, 76:1, 76:7, 76:11, 76:21, 77:1, 77:3, 77:16, 83:23, 84:8, 84:13, 87:17, 87:23, 88:3, 88:6, 88:8, 88:12, 89:17, 89:19, 103:1, 103:5, 108:17, 108:21, 123:12, 123:16, 123:19, 123:23, 124:1, 124:19, 125:12, 125:21, 126:3, 126:9, 126:18, 127:1, 127:6, 127:14, 127:16, 128:6, 128:9, 128:15, 129:10, 132:4, 132:6, 132:11, 132:15, 132:20, 132:24, 142:15, 142:18, 142:25, 143:4, 143:19, 146:21, 156:8, 167:20, 167:23, 169:7, 169:13, 169:15, 170:3, 172:22, 173:4, 173:8, 187:20, 187:23, 188:2, 190:17, 192:25, 194:16, 195:15, 198:11, 203:12, 203:16, 203:19, 205:15, 205:20, 211:1, 211:17, 211:25 <b>commissioner</b> [20] - 132:2, 132:14, 154:18, 154:21, 163:23, 173:19, 173:25, 175:5, 175:9, 177:11, 177:21, 180:24, 185:24, 187:3, 187:7, 189:5, 199:14, 201:21, 202:20, 203:2 <b>commissioner's</b> [2] - 173:21, 175:7 <b>commit</b> [2] - 184:17, 195:10 <b>commitment</b> [8] - 68:21, 130:15, 154:15, 155:5, 155:10, 182:24,</p>	<p>198:18, 206:9 <b>committed</b> [10] - 53:19, 98:6, 99:1, 99:2, 130:13, 134:14, 146:3, 176:8, 193:12, 196:10 <b>committee</b> [1] - 37:24 <b>common</b> [1] - 160:6 <b>communicating</b> [2] - 29:8, 110:24 <b>communication</b> [5] - 51:19, 111:12, 111:15, 144:23, 175:1 <b>Communications</b> [5] - 31:1, 42:3, 42:19, 44:20, 45:4 <b>communications</b> [1] - 145:1 <b>communicator</b> [1] - 106:13 <b>communities</b> [3] - 101:3, 209:5, 209:12 <b>Community</b> [1] - 19:2 <b>community</b> [55] - 1:9, 6:4, 6:9, 6:15, 7:8, 10:9, 10:17, 21:9, 21:20, 22:8, 22:11, 23:17, 30:1, 31:22, 47:9, 50:14, 50:16, 50:19, 53:21, 68:4, 90:4, 90:7, 90:14, 90:17, 90:23, 92:24, 98:20, 99:10, 99:13, 99:16, 100:25, 101:1, 101:9, 101:15, 102:8, 103:24, 104:1, 104:5, 107:3, 129:6, 130:13, 131:18, 131:24, 157:3, 157:13, 205:23, 206:12, 208:16, 208:17, 208:24, 209:7, 209:8, 210:5 <b>community-based</b> [1] - 208:17 <b>compare</b> [2] - 15:10, 15:12 <b>comparison</b> [5] - 25:16, 40:13, 112:23, 120:14, 182:18 <b>competing</b> [2] - 140:4, 158:15 <b>complainants</b> [1] - 23:15 <b>complaining</b> [1] - 34:9 <b>complaints</b> [7] - 22:8,</p>
--	--	---	--	--

<p>30:2, 34:11, 35:1, 112:23, 113:4, 128:12</p> <p><b>complete</b> <sup>[1]</sup> - 14:11</p> <p><b>completed</b> <sup>[1]</sup> - 147:12</p> <p><b>complex</b> <sup>[2]</sup> - 64:8, 153:24</p> <p><b>complexity</b> <sup>[3]</sup> - 157:10, 157:20, 167:16</p> <p><b>complicated</b> <sup>[2]</sup> - 153:23, 157:5</p> <p><b>compliment</b> <sup>[1]</sup> - 53:12</p> <p><b>complimentary</b> <sup>[1]</sup> - 10:8</p> <p><b>comprehensive</b> <sup>[1]</sup> - 120:13</p> <p><b>CompStat</b> <sup>[3]</sup> - 206:17, 206:24, 208:1</p> <p><b>concentrated</b> <sup>[1]</sup> - 115:7</p> <p><b>concept</b> <sup>[8]</sup> - 182:13, 183:3, 194:9, 195:7, 203:17, 203:21, 208:17, 210:4</p> <p><b>concern</b> <sup>[15]</sup> - 14:5, 14:17, 50:16, 54:13, 55:2, 91:7, 91:10, 91:13, 100:16, 108:9, 132:19, 139:21, 180:1, 196:6, 201:12</p> <p><b>Concern"</b> <sup>[1]</sup> - 191:22</p> <p><b>concerned</b> <sup>[7]</sup> - 5:21, 22:12, 69:9, 97:25, 125:4, 129:16, 173:7</p> <p><b>concerning</b> <sup>[3]</sup> - 25:6, 62:5, 105:12</p> <p><b>concerns</b> <sup>[15]</sup> - 23:17, 54:10, 55:12, 69:10, 75:18, 78:1, 88:3, 91:17, 93:3, 100:13, 101:15, 120:23, 132:8, 197:4, 208:14</p> <p><b>conclude</b> <sup>[4]</sup> - 177:11, 185:24, 202:18, 203:2</p> <p><b>concluded</b> <sup>[1]</sup> - 7:25</p> <p><b>concluding</b> <sup>[1]</sup> - 14:12</p> <p><b>conclusion</b> <sup>[2]</sup> - 64:13, 137:19</p> <p><b>conclusions</b> <sup>[1]</sup> - 2:18</p> <p><b>conditions</b> <sup>[4]</sup> - 5:10, 130:18, 130:23, 131:22</p> <p><b>conduct</b> <sup>[5]</sup> - 20:20, 27:23, 49:11,</p>	<p>109:13, 116:9</p> <p><b>conducted</b> <sup>[4]</sup> - 6:17, 39:22, 61:22, 152:20</p> <p><b>conference</b> <sup>[2]</sup> - 80:17, 80:19</p> <p><b>confessing</b> <sup>[1]</sup> - 7:19</p> <p><b>confidence</b> <sup>[1]</sup> - 99:6</p> <p><b>confidential</b> <sup>[1]</sup> - 200:16</p> <p><b>confidentiality</b> <sup>[1]</sup> - 165:23</p> <p><b>confinement</b> <sup>[3]</sup> - 134:4, 134:13, 204:13</p> <p><b>confirm</b> <sup>[1]</sup> - 196:25</p> <p><b>confirmation</b> <sup>[2]</sup> - 190:4, 190:10</p> <p><b>conflict</b> <sup>[3]</sup> - 126:20, 187:19, 202:4</p> <p><b>conjunction</b> <sup>[2]</sup> - 115:12, 115:22</p> <p><b>connection</b> <sup>[3]</sup> - 122:4, 122:11, 204:9</p> <p><b>consequence</b> <sup>[4]</sup> - 8:3, 9:9, 10:22, 22:6</p> <p><b>consequently</b> <sup>[1]</sup> - 55:3</p> <p><b>consider</b> <sup>[1]</sup> - 135:6</p> <p><b>considerable</b> <sup>[2]</sup> - 48:25, 122:15</p> <p><b>considered</b> <sup>[2]</sup> - 12:22, 14:23</p> <p><b>considering</b> <sup>[3]</sup> - 177:8, 180:15</p> <p><b>consists</b> <sup>[1]</sup> - 20:18</p> <p><b>Constable</b> <sup>[37]</sup> - 1:8, 5:25, 14:9, 21:3, 31:13, 31:17, 32:20, 42:13, 45:9, 49:3, 51:1, 56:17, 58:12, 62:18, 64:9, 65:18, 70:13, 95:6, 95:8, 98:22, 99:18, 100:10, 101:1, 104:7, 106:5, 115:13, 128:21, 137:3, 148:25, 150:11, 169:1, 169:8, 169:11, 177:24, 179:7, 202:1, 207:12</p> <p><b>constable</b> <sup>[9]</sup> - 51:17, 88:14, 88:15, 89:21, 89:22, 89:25, 91:2, 142:20, 143:21</p> <p><b>Constables</b> <sup>[5]</sup> - 50:25, 53:2, 58:14, 59:13, 59:18</p> <p><b>constables</b> <sup>[2]</sup> - 51:4, 51:16</p>	<p><b>constant</b> <sup>[7]</sup> - 62:14, 63:16, 63:20, 100:2, 100:7, 139:13, 139:22</p> <p><b>constituents</b> <sup>[1]</sup> - 7:15</p> <p><b>constraints</b> <sup>[5]</sup> - 58:20, 59:8, 60:8, 60:9, 61:23</p> <p><b>consultation</b> <sup>[2]</sup> - 3:21, 4:8</p> <p><b>consulted</b> <sup>[2]</sup> - 4:4, 20:1</p> <p><b>consulting</b> <sup>[1]</sup> - 4:2</p> <p><b>Cont'd</b> <sup>[2]</sup> - 1:7, 1:5</p> <p><b>contact</b> <sup>[3]</sup> - 88:16, 178:15, 209:7</p> <p><b>contents</b> <sup>[1]</sup> - 15:10</p> <p><b>context</b> <sup>[2]</sup> - 50:3, 84:2</p> <p><b>continually</b> <sup>[1]</sup> - 111:22</p> <p><b>continue</b> <sup>[3]</sup> - 137:17, 207:4, 207:8</p> <p><b>continued</b> <sup>[1]</sup> - 207:6</p> <p><b>continues</b> <sup>[1]</sup> - 152:7</p> <p><b>continuous</b> <sup>[1]</sup> - 184:24</p> <p><b>contrary</b> <sup>[1]</sup> - 85:16</p> <p><b>contributing</b> <sup>[1]</sup> - 118:5</p> <p><b>contribution</b> <sup>[1]</sup> - 210:19</p> <p><b>control</b> <sup>[1]</sup> - 62:19</p> <p><b>conversation</b> <sup>[1]</sup> - 35:12</p> <p><b>conviction</b> <sup>[4]</sup> - 7:11, 7:17, 7:18, 7:21</p> <p><b>convinced</b> <sup>[2]</sup> - 55:6, 207:21</p> <p><b>Cooper</b> <sup>[6]</sup> - 12:6, 12:8, 15:5, 16:1, 16:7, 16:9</p> <p><b>cope</b> <sup>[1]</sup> - 166:18</p> <p><b>copied</b> <sup>[1]</sup> - 73:24</p> <p><b>cops</b> <sup>[1]</sup> - 143:17</p> <p><b>copy</b> <sup>[4]</sup> - 74:14, 75:1, 115:5, 149:11</p> <p><b>Coquitlam</b> <sup>[11]</sup> - 110:3, 110:14, 110:25, 111:25, 112:3, 115:8, 115:9, 115:22, 143:24, 145:7, 149:21</p> <p><b>core</b> <sup>[1]</sup> - 143:11</p> <p><b>corner</b> <sup>[4]</sup> - 4:12, 86:2, 139:2, 147:5</p> <p><b>corps</b> <sup>[1]</sup> - 183:4</p> <p><b>correct</b> <sup>[66]</sup> - 1:18, 1:22, 2:3, 2:12, 2:19, 3:19, 3:22, 4:16,</p>	<p>4:20, 7:12, 8:1, 8:5, 10:5, 12:24, 18:1, 19:12, 23:3, 23:9, 25:9, 38:6, 38:14, 38:17, 40:21, 42:24, 43:23, 51:8, 65:8, 65:20, 66:19, 71:25, 73:16, 73:22, 79:13, 86:23, 88:17, 89:23, 91:15, 93:9, 96:7, 109:18, 110:11, 112:8, 112:9, 116:11, 118:6, 118:13, 120:25, 123:9, 133:9, 133:24, 138:1, 141:21, 142:13, 145:7, 145:22, 147:8, 148:19, 149:12, 149:24, 152:5, 152:23, 155:20, 160:10, 166:24, 172:13, 172:15</p> <p><b>correction</b> <sup>[1]</sup> - 73:25</p> <p><b>cost</b> <sup>[2]</sup> - 151:23, 189:14</p> <p><b>costs</b> <sup>[1]</sup> - 198:6</p> <p><b>could've</b> <sup>[1]</sup> - 98:6</p> <p><b>council</b> <sup>[2]</sup> - 151:25, 186:14</p> <p><b>councillors</b> <sup>[1]</sup> - 186:7</p> <p><b>counsel</b> <sup>[19]</sup> - 13:19, 50:22, 87:19, 89:18, 92:4, 108:24, 116:1, 121:7, 127:2, 132:7, 137:3, 146:18, 148:14, 151:8, 151:15, 163:22, 165:10, 166:2, 167:9</p> <p><b>counsel's</b> <sup>[3]</sup> - 70:6, 73:19, 96:25</p> <p><b>Counselling</b> <sup>[1]</sup> - 1:13</p> <p><b>countermanded</b> <sup>[1]</sup> - 20:10</p> <p><b>countless</b> <sup>[1]</sup> - 52:6</p> <p><b>counts</b> <sup>[1]</sup> - 122:19</p> <p><b>couple</b> <sup>[7]</sup> - 124:6, 134:2, 136:15, 136:24, 171:14, 173:18, 203:13</p> <p><b>course</b> <sup>[13]</sup> - 3:6, 20:25, 35:2, 41:21, 55:12, 81:16, 91:12, 98:5, 144:5, 155:12, 163:17, 188:2, 202:1</p> <p><b>court</b> <sup>[3]</sup> - 130:18, 130:24, 210:5</p> <p><b>Court</b> <sup>[1]</sup> - 126:23</p> <p><b>covered</b> <sup>[2]</sup> - 191:5,</p>	<p>201:25</p> <p><b>CPIC</b> <sup>[6]</sup> - 113:8, 113:15, 113:19, 114:3, 114:5, 148:3</p> <p><b>cracked</b> <sup>[1]</sup> - 168:14</p> <p><b>create</b> <sup>[2]</sup> - 47:8, 208:20</p> <p><b>created</b> <sup>[4]</sup> - 33:16, 46:1, 93:8, 163:15</p> <p><b>creates</b> <sup>[2]</sup> - 107:5, 188:17</p> <p><b>creation</b> <sup>[1]</sup> - 192:11</p> <p><b>credibility</b> <sup>[4]</sup> - 2:23, 3:1, 124:9, 124:12</p> <p><b>credit</b> <sup>[1]</sup> - 101:7</p> <p><b>crime</b> <sup>[6]</sup> - 38:17, 38:20, 38:21, 46:20, 120:11, 184:11</p> <p><b>Crime</b> <sup>[7]</sup> - 12:6, 66:19, 89:7, 160:11, 161:11, 178:22, 182:10</p> <p><b>crimes</b> <sup>[10]</sup> - 130:13, 134:13, 134:17, 162:8, 193:10, 193:11, 204:9, 204:11, 204:15, 204:20</p> <p><b>criminal</b> <sup>[4]</sup> - 57:11, 57:13, 57:18, 89:10</p> <p><b>Criminal</b> <sup>[1]</sup> - 36:16</p> <p><b>critical</b> <sup>[1]</sup> - 199:1</p> <p><b>criticisms</b> <sup>[1]</sup> - 136:2</p> <p><b>CROSS</b> <sup>[10]</sup> - 1:7, 88:13, 89:20, 108:22, 127:7, 132:25, 142:19, 143:20, 153:7, 203:20</p> <p><b>Cross</b> <sup>[9]</sup> - 1:6, 1:7, 1:8, 1:9, 1:10, 1:11, 1:12, 1:13, 1:15</p> <p><b>cross</b> <sup>[7]</sup> - 49:11, 76:3, 114:12, 150:8, 174:19, 193:18, 1:5</p> <p><b>cross-boundary</b> <sup>[1]</sup> - 193:18</p> <p><b>cross-circumvent</b> <sup>[1]</sup> - 174:19</p> <p><b>cross-exam</b> <sup>[1]</sup> - 1:5</p> <p><b>Cross-exam</b> <sup>[9]</sup> - 1:6, 1:7, 1:8, 1:9, 1:10, 1:11, 1:12, 1:13, 1:15</p> <p><b>CROSS-EXAMINATION</b> <sup>[10]</sup> - 1:7, 88:13, 89:20, 108:22, 127:7, 132:25, 142:19, 143:20, 153:7,</p>
---	--	---	---	---

<p>203:20  <b>cross-examination</b> [2] - 49:11, 114:12  <b>cross-examine</b> [1] - 76:3  <b>cross-examined</b> [1] - 150:8  <b>crossed</b> [1] - 159:15  <b>culture</b> [1] - 174:24  <b>Current</b> [1] - 147:7  <b>current</b> [3] - 42:19, 120:17, 137:17  <b>cut</b> [1] - 169:9  <b>cutbacks</b> [2] - 184:19, 186:22</p>	<p>48:16, 86:22, 161:10, 163:9, 167:3, 173:18, 184:18  <b>daytime</b> [1] - 8:23  <b>DC</b> [4] - 109:5, 110:22, 111:20, 114:11  <b>DCC</b> [1] - 172:3  <b>de</b> [4] - 146:8, 171:5, 171:19, 183:4  <b>deal</b> [18] - 27:7, 70:10, 71:1, 71:16, 113:14, 120:3, 124:12, 126:6, 126:18, 127:1, 127:3, 163:18, 164:1, 173:15, 173:19, 191:4, 193:23, 211:19  <b>dealing</b> [12] - 5:19, 30:2, 49:15, 50:16, 69:14, 78:17, 86:19, 100:13, 131:3, 145:17, 175:7, 184:12  <b>deals</b> [1] - 71:3  <b>dealt</b> [8] - 71:21, 97:15, 126:25, 130:14, 130:16, 151:4, 200:20, 211:21  <b>dear</b> [1] - 12:8  <b>deaths</b> [4] - 12:17, 12:20, 12:23, 14:24  <b>Deb</b> [1] - 101:7  <b>December</b> [3] - 1:17, 89:23, 94:15  <b>decide</b> [2] - 11:8, 49:10  <b>decided</b> [3] - 4:18, 63:2, 192:17  <b>decision</b> [6] - 5:3, 5:4, 19:23, 140:22, 140:24, 141:2  <b>decisions</b> [2] - 68:20, 182:7  <b>dedicated</b> [1] - 113:3  <b>dedication</b> [1] - 158:8  <b>DEEP</b> [7] - 38:12, 38:13, 38:14, 47:24, 130:2, 130:3, 131:11  <b>defenders</b> [1] - 194:20  <b>deficiencies</b> [1] - 53:3  <b>deficit</b> [1] - 163:15  <b>definite</b> [1] - 194:3  <b>definitely</b> [3] - 90:25, 158:10, 192:13  <b>deflect</b> [1] - 203:23  <b>degree</b> [1] - 122:19  <b>delay</b> [1] - 196:25</p>	<p><b>delays</b> [1] - 196:22  <b>DELBIGIO</b> [12] - 153:7, 156:4, 156:9, 167:16, 167:21, 167:25, 169:14, 169:16, 169:25, 170:4, 172:18, 172:25  <b>DelBigio</b> [4] - 153:8, 169:10, 191:8, 1:13  <b>deliver</b> [1] - 126:11  <b>delivered</b> [3] - 13:18, 118:21, 126:12  <b>Delta</b> [1] - 195:16  <b>demand</b> [1] - 188:14  <b>demanding</b> [1] - 35:17  <b>denied</b> [1] - 89:1  <b>deny</b> [2] - 29:6, 82:4  <b>department</b> [17] - 3:8, 15:1, 16:11, 43:2, 43:4, 44:25, 73:9, 75:17, 101:12, 133:6, 136:3, 145:20, 174:9, 175:2, 181:8, 195:9, 200:9  <b>Department</b> [19] - 1:11, 7:24, 12:7, 18:7, 33:16, 41:25, 42:4, 42:15, 79:21, 81:25, 93:1, 108:24, 143:25, 144:12, 154:24, 155:3, 158:16, 158:23, 208:22  <b>department's</b> [2] - 80:24, 133:14  <b>Department's</b> [2] - 3:9, 3:18  <b>depleted</b> [1] - 144:16  <b>depletion</b> [1] - 144:21  <b>deployed</b> [13] - 20:23, 33:25, 41:11, 42:22, 43:16, 44:13, 45:5, 45:14, 46:5, 46:24, 47:4, 50:12  <b>deployment</b> [8] - 20:5, 20:18, 33:23, 34:4, 40:24, 44:2, 44:24, 48:14  <b>depth</b> [1] - 181:7  <b>deputies</b> [8] - 69:22, 133:16, 142:2, 175:22, 181:19, 182:7, 187:12, 209:4  <b>deputy</b> [23] - 15:7, 18:2, 19:11, 23:18, 28:13, 38:3, 68:22, 73:23, 91:1, 102:7, 106:22, 109:17,</p>	<p>133:13, 140:14, 140:16, 141:7, 141:17, 148:15, 160:8, 179:25, 180:3, 181:20, 192:4  <b>Deputy</b> [37] - 55:4, 55:12, 55:18, 70:7, 70:13, 73:19, 73:22, 78:14, 78:15, 78:25, 84:17, 86:13, 95:5, 95:6, 107:25, 108:7, 114:16, 114:17, 116:8, 136:2, 136:9, 137:10, 137:11, 148:25, 150:11, 152:4, 152:19, 158:18, 162:24, 166:9, 168:7, 177:19, 181:24, 193:4, 202:1, 204:18, 204:24  <b>describe</b> [2] - 88:19, 104:4  <b>described</b> [1] - 9:23  <b>describing</b> [3] - 8:10, 63:19, 138:14  <b>description</b> [3] - 174:11, 174:12, 2:4  <b>designate</b> [3] - 9:13, 182:1, 182:2  <b>designated</b> [1] - 31:3  <b>designates</b> [1] - 183:17  <b>designed</b> [3] - 4:15, 50:9, 81:21  <b>designing</b> [1] - 193:22  <b>desire</b> [1] - 199:3  <b>desk</b> [1] - 63:23  <b>desperate</b> [1] - 49:4  <b>despite</b> [2] - 131:12, 155:22  <b>Detachment</b> [4] - 110:3, 110:14, 110:25, 145:7  <b>detachment</b> [1] - 145:5  <b>detail</b> [1] - 198:5  <b>details</b> [6] - 6:25, 55:5, 121:8, 123:5, 123:6, 153:14  <b>Detective</b> [21] - 45:9, 49:3, 50:25, 53:2, 56:17, 58:12, 58:14, 58:23, 59:13, 59:16, 59:18, 63:2, 65:18, 80:20, 115:13, 137:3, 169:8, 169:10, 207:12, 208:3  <b>detective</b> [8] - 51:4,</p>	<p>51:16, 62:18, 64:9, 189:22, 190:11, 190:21, 205:5  <b>detectives</b> [2] - 146:1, 188:24  <b>Detectives</b> [3] - 110:13, 115:13, 117:11  <b>determination</b> [1] - 17:17  <b>determine</b> [3] - 6:20, 47:23, 79:9  <b>determined</b> [2] - 6:19, 189:9  <b>detrimental</b> [1] - 89:11  <b>devastated</b> [1] - 205:24  <b>develop</b> [3] - 115:14, 115:22, 183:8  <b>developing</b> [1] - 176:14  <b>developments</b> [1] - 115:18  <b>Dickson</b> [22] - 14:9, 15:2, 15:18, 16:3, 16:16, 16:17, 16:22, 16:23, 17:14, 17:20, 17:21, 98:23, 99:18, 100:11, 101:1, 106:5, 128:21, 177:24, 178:6, 178:16, 179:2, 179:8  <b>difference</b> [3] - 48:24, 98:4, 99:1  <b>differences</b> [1] - 53:9  <b>different</b> [14] - 16:10, 50:9, 75:7, 90:19, 106:23, 138:22, 169:18, 169:19, 176:21, 188:17, 194:22, 206:20, 208:18, 208:19  <b>differentiation</b> [1] - 98:1  <b>differently</b> [5] - 61:18, 98:16, 107:15, 155:12, 206:7  <b>differing</b> [1] - 175:2  <b>difficult</b> [11] - 34:21, 64:9, 64:11, 81:14, 107:9, 128:7, 144:17, 155:16, 155:19, 158:9, 168:14  <b>difficulties</b> [3] - 116:22, 144:15, 166:16  <b>difficulty</b> [4] - 187:6, 187:9, 187:10, 194:15</p>
---	---	---	---	--

<p><b>dilemma</b> [2] - 184:24, 190:11</p> <p><b>diligent</b> [2] - 142:21, 143:15</p> <p><b>diligently</b> [2] - 62:21, 154:3</p> <p><b>direct</b> [9] - 6:8, 15:2, 55:14, 56:20, 74:4, 82:2, 101:25, 108:12, 112:20</p> <p><b>directed</b> [4] - 71:6, 98:11, 134:8, 144:11</p> <p><b>directing</b> [2] - 146:20, 146:23</p> <p><b>direction</b> [6] - 53:17, 73:1, 74:2, 100:12, 191:11, 191:15</p> <p><b>directive</b> [2] - 126:2, 173:21</p> <p><b>directly</b> [10] - 17:2, 51:16, 71:13, 72:14, 89:25, 132:1, 142:4, 181:6, 186:14, 200:20</p> <p><b>director</b> [1] - 102:17</p> <p><b>disadvantage</b> [2] - 36:14, 36:23</p> <p><b>disagree</b> [3] - 27:3, 97:16, 194:10</p> <p><b>disagreement</b> [1] - 186:20</p> <p><b>disappearance</b> [2] - 51:7, 52:16</p> <p><b>disappearances</b> [2] - 44:4, 98:13</p> <p><b>disappointed</b> [1] - 107:14</p> <p><b>disbelieve</b> [1] - 106:9</p> <p><b>DISC</b> [1] - 32:3</p> <p><b>discipline</b> [2] - 71:7, 71:8</p> <p><b>disclosure</b> [1] - 126:7</p> <p><b>discovered</b> [6] - 52:14, 73:9, 73:13, 124:23, 126:19, 126:22</p> <p><b>discrepancy</b> [1] - 71:8</p> <p><b>discuss</b> [5] - 110:19, 113:19, 135:19, 174:2, 186:9</p> <p><b>discussed</b> [10] - 12:11, 56:6, 77:9, 91:14, 110:24, 111:25, 192:15, 194:6, 207:10, 209:17</p> <p><b>discusses</b> [2] - 95:20, 96:12</p> <p><b>discussing</b> [2] - 55:6, 193:10</p>	<p><b>discussion</b> [9] - 111:4, 140:9, 149:23, 176:17, 188:20, 193:13, 196:13, 206:19, 207:11</p> <p><b>discussions</b> [4] - 88:22, 153:18, 166:7, 194:8</p> <p><b>disengaged</b> [3] - 69:3, 69:6, 69:20</p> <p><b>disorder</b> [4] - 38:17, 38:19, 38:21, 46:20</p> <p><b>disorderly</b> [1] - 20:20</p> <p><b>displace</b> [2] - 21:19, 23:1</p> <p><b>displacement</b> [3] - 22:13, 22:15, 26:23</p> <p><b>displacing</b> [1] - 21:16</p> <p><b>disproportionate</b> [9] - 91:3, 94:24, 95:21, 96:18, 97:1, 97:8, 97:13, 98:8, 99:4</p> <p><b>disproportionately</b> [2] - 99:11, 107:7</p> <p><b>dispute</b> [2] - 58:22, 142:1</p> <p><b>disputed</b> [1] - 144:1</p> <p><b>disputes</b> [1] - 124:11</p> <p><b>disrespectful</b> [1] - 143:7</p> <p><b>dissatisfaction</b> [1] - 120:23</p> <p><b>distinct</b> [1] - 97:15</p> <p><b>distinction</b> [1] - 169:2</p> <p><b>distribute</b> [1] - 170:5</p> <p><b>district</b> [3] - 17:19, 19:25, 29:14</p> <p><b>District</b> [9] - 4:5, 17:8, 19:14, 41:16, 42:21, 47:9, 66:17, 66:18, 181:21</p> <p><b>districts</b> [3] - 26:18, 26:20, 28:2</p> <p><b>Ditchfield's</b> [1] - 146:3</p> <p><b>Division</b> [5] - 42:23, 89:8, 89:10, 179:10, 181:16</p> <p><b>division</b> [29] - 17:1, 43:14, 45:17, 45:18, 46:12, 46:15, 47:15, 68:21, 140:7, 140:24, 141:6, 141:12, 141:13, 141:19, 148:16, 166:12, 174:6, 174:7, 174:8, 174:17, 175:21, 177:15, 179:9, 179:10, 180:4,</p>	<p>183:21, 202:10, 202:17</p> <p><b>divisional</b> [1] - 68:22</p> <p><b>divisions</b> [3] - 69:25, 174:18, 206:21</p> <p><b>DNA</b> [2] - 120:11, 120:13</p> <p><b>Document</b> [2] - 205:18, 2:9</p> <p><b>document</b> [72] - 3:4, 10:25, 13:10, 15:5, 15:10, 21:1, 21:2, 28:7, 28:16, 28:18, 29:19, 39:8, 39:9, 41:7, 42:7, 44:7, 45:12, 47:20, 63:22, 74:22, 78:6, 78:11, 78:17, 81:19, 84:19, 86:7, 86:20, 92:9, 92:16, 92:24, 93:2, 95:4, 96:2, 96:24, 111:5, 111:17, 114:13, 114:24, 117:18, 118:1, 118:24, 136:22, 137:12, 138:1, 138:2, 138:8, 138:21, 139:1, 147:19, 148:13, 149:7, 149:15, 149:16, 149:18, 150:1, 151:5, 159:3, 159:4, 159:8, 159:13, 170:8, 170:13, 171:9, 192:9, 197:6, 197:13, 205:17, 208:8, 211:20</p> <p><b>documentation</b> [1] - 117:20</p> <p><b>documented</b> [1] - 91:13</p> <p><b>documents</b> [28] - 29:3, 29:4, 34:2, 78:11, 84:7, 85:21, 88:11, 91:18, 93:16, 96:21, 96:25, 97:4, 100:9, 114:10, 114:11, 116:1, 124:21, 136:25, 146:18, 151:7, 153:16, 159:19, 170:1, 170:7, 172:20, 175:15, 199:9, 2:8</p> <p><b>Don</b> [1] - 122:2</p> <p><b>done</b> [37] - 1:25, 35:16, 49:12, 55:17, 55:20, 61:3, 64:10, 67:23, 74:16, 75:3,</p>	<p>76:5, 77:12, 79:9, 80:11, 88:9, 88:25, 98:15, 101:14, 102:3, 102:12, 102:13, 107:15, 108:5, 111:3, 121:2, 144:6, 150:18, 170:2, 179:17, 180:17, 184:22, 188:23, 189:13, 189:23, 199:5, 206:7, 210:25</p> <p><b>door</b> [3] - 51:19, 105:1, 189:21</p> <p><b>doors</b> [4] - 165:12, 165:18, 180:11, 209:11</p> <p><b>double</b> [2] - 63:10, 67:3</p> <p><b>Doug</b> [3] - 52:5, 116:4, 176:16</p> <p><b>down</b> [24] - 4:12, 4:20, 5:3, 8:1, 8:4, 9:9, 10:5, 49:13, 54:11, 57:3, 68:23, 69:16, 81:2, 82:2, 96:9, 99:1, 106:22, 125:17, 147:25, 152:22, 156:6, 156:21, 171:10, 190:13</p> <p><b>Downtown</b> [46] - 2:6, 2:9, 6:1, 9:20, 10:20, 19:9, 22:1, 37:19, 37:24, 38:9, 39:19, 40:2, 43:8, 43:18, 46:20, 47:1, 47:5, 47:9, 47:13, 49:22, 50:7, 70:20, 73:6, 90:10, 90:13, 90:18, 90:24, 91:4, 91:5, 92:13, 92:22, 93:4, 98:19, 99:7, 99:18, 100:21, 100:24, 101:4, 101:22, 130:5, 164:2, 178:2, 200:25, 201:4, 206:10, 208:21</p> <p><b>downtown</b> [2] - 101:7, 163:25</p> <p><b>Dr</b> [1] - 176:14</p> <p><b>drafted</b> [1] - 198:5</p> <p><b>drain</b> [2] - 195:12, 195:20</p> <p><b>draw</b> [1] - 141:18</p> <p><b>drawn</b> [1] - 134:7</p> <p><b>draws</b> [1] - 169:2</p> <p><b>Driemel</b> [2] - 80:20, 80:21</p> <p><b>drive</b> [3] - 29:24,</p>	<p>30:14, 34:5</p> <p><b>driving</b> [1] - 28:3</p> <p><b>drop</b> [1] - 6:14</p> <p><b>drop-in</b> [1] - 6:14</p> <p><b>drown</b> [1] - 118:23</p> <p><b>Drug</b> [1] - 4:11</p> <p><b>drug</b> [11] - 6:2, 25:12, 25:21, 26:1, 26:9, 32:16, 36:15, 46:19, 49:22, 49:25, 162:3</p> <p><b>drugs</b> [4] - 130:7, 130:17, 131:2, 160:19</p> <p><b>due</b> [8] - 20:25, 58:20, 59:7, 60:7, 60:8, 63:7, 105:7, 116:21</p> <p><b>dumped</b> [1] - 68:5</p> <p><b>Dunn</b> [2] - 176:16, 178:1</p> <p><b>duration</b> [1] - 31:5</p> <p><b>Dureau</b> [5] - 92:11, 138:6, 138:10, 139:5, 170:24</p> <p><b>during</b> [19] - 1:9, 4:10, 5:1, 6:8, 33:1, 33:3, 33:8, 33:12, 33:22, 34:10, 52:1, 60:7, 89:6, 112:20, 124:20, 146:12, 160:14, 163:12, 168:19</p> <p><b>Duties</b> [2] - 205:18, 2:10</p> <p><b>duties</b> [3] - 17:22, 187:1, 190:16</p> <p><b>duty</b> [2] - 190:22, 203:24</p> <p><b>dynamics</b> [2] - 36:19, 129:15</p>
				<p><b>E</b></p> <p><b>E-COMM</b> [3] - 42:5, 42:15, 44:16</p> <p><b>e-mail</b> [1] - 95:5</p> <p><b>e.g</b> [1] - 12:18</p> <p><b>ear</b> [1] - 77:16</p> <p><b>Earl</b> [1] - 143:22</p> <p><b>early</b> [7] - 94:23, 104:12, 106:1, 116:21, 175:22, 195:2, 206:15</p> <p><b>earn</b> [2] - 103:17, 103:18</p> <p><b>easily</b> [1] - 80:1</p> <p><b>east</b> [1] - 22:6</p> <p><b>East</b> [2] - 8:17, 22:4</p> <p><b>Eastside</b> [44] - 2:6, 2:9, 6:2, 9:21, 10:21, 19:9, 22:1, 37:19,</p>

<p>37:24, 38:9, 39:19, 43:8, 43:18, 46:21, 47:1, 47:5, 47:10, 47:14, 49:22, 50:7, 70:20, 73:6, 90:10, 90:14, 90:18, 90:24, 91:4, 91:5, 92:13, 92:22, 93:4, 99:7, 99:18, 100:21, 100:25, 101:5, 101:23, 130:6, 164:2, 178:2, 200:25, 201:4, 206:10, 208:21</p> <p><b>easy</b> [3] - 50:5, 82:22, 163:6</p> <p><b>economic</b> [2] - 39:2, 39:5</p> <p><b>editorializing</b> [1] - 11:13</p> <p><b>Education</b> [1] - 1:13</p> <p><b>effect</b> [6] - 6:11, 20:13, 21:15, 144:3, 167:12, 175:20</p> <p><b>effective</b> [1] - 208:7</p> <p><b>effectively</b> [1] - 208:12</p> <p><b>effects</b> [5] - 52:21, 54:8, 56:5, 58:24, 151:4</p> <p><b>efficiently</b> [2] - 159:17</p> <p><b>effort</b> [3] - 14:8, 79:8, 98:5</p> <p><b>efforts</b> [3] - 64:14, 115:3, 115:6</p> <p><b>eight</b> [3] - 12:12, 57:23, 94:19</p> <p><b>eight"</b> [1] - 57:22</p> <p><b>Eighteen</b> [1] - 42:14</p> <p><b>eighteen</b> [3] - 42:20, 43:1, 43:7</p> <p><b>either</b> [11] - 4:21, 35:4, 35:23, 60:10, 60:13, 60:22, 98:11, 126:25, 130:16, 156:8, 192:23</p> <p><b>elaborate</b> [1] - 154:21</p> <p><b>eliminate</b> [1] - 35:1</p> <p><b>Ellis</b> [1] - 93:25</p> <p><b>elsewhere</b> [2] - 42:22, 192:19</p> <p><b>Elsie</b> [1] - 106:6</p> <p><b>emblematic</b> [1] - 33:7</p> <p><b>embrace</b> [1] - 152:15</p> <p><b>embraced</b> [1] - 152:5</p> <p><b>emerged</b> [1] - 173:16</p> <p><b>Emergency</b> [1] - 159:23</p> <p><b>Emerslin</b> [3] - 139:25, 140:3, 140:4</p> <p><b>employees</b> [1] -</p>	<p>105:19</p> <p><b>encourage</b> [2] - 23:13, 33:17</p> <p><b>encouraged</b> [2] - 30:4, 30:13</p> <p><b>encouragement</b> [1] - 34:25</p> <p><b>encouraging</b> [1] - 35:17</p> <p><b>end</b> [9] - 9:8, 22:16, 23:25, 83:18, 133:7, 153:9, 186:11, 186:15, 187:7</p> <p><b>endeavour</b> [1] - 10:3</p> <p><b>ending</b> [1] - 150:19</p> <p><b>ends</b> [1] - 184:13</p> <p><b>enforcement</b> [2] - 20:20, 50:13</p> <p><b>engage</b> [2] - 37:11, 104:8</p> <p><b>engaged</b> [12] - 36:14, 37:8, 37:9, 69:2, 69:7, 69:20, 106:15, 107:10, 107:18, 125:16, 162:21, 189:8</p> <p><b>engagement</b> [1] - 1:9</p> <p><b>engaging</b> [1] - 7:15</p> <p><b>enhance</b> [1] - 38:24</p> <p><b>enjoyed</b> [1] - 36:23</p> <p><b>Enns</b> [9] - 8:22, 101:9, 102:17, 105:24, 107:23, 201:25, 202:3, 202:7, 202:13</p> <p><b>Enns's</b> [1] - 101:11</p> <p><b>enormous</b> [2] - 193:20, 202:23</p> <p><b>Ens</b> [1] - 202:3</p> <p><b>ensure</b> [1] - 121:14</p> <p><b>enter</b> [3] - 58:1, 113:18, 117:6</p> <p><b>entered</b> [5] - 10:11, 113:8, 116:24, 119:18, 148:3</p> <p><b>entering</b> [1] - 30:10</p> <p><b>enthusiasm</b> [1] - 211:25</p> <p><b>entire</b> [8] - 28:17, 56:6, 57:10, 71:7, 84:1, 95:17, 97:7, 99:12</p> <p><b>entirely</b> [2] - 16:10, 173:2</p> <p><b>entitled</b> [4] - 48:17, 119:6, 205:18, 2:9</p> <p><b>entrusted</b> [1] - 181:23</p> <p><b>entry</b> [7] - 57:24, 58:5, 61:11, 65:3, 149:16, 151:1</p> <p><b>environment</b> [2] -</p>	<p>30:18, 194:3</p> <p><b>epidemics</b> [1] - 4:16</p> <p><b>equal</b> [1] - 195:10</p> <p><b>equally</b> [3] - 92:25, 97:11, 118:5</p> <p><b>era</b> [3] - 174:9, 176:12, 176:17</p> <p><b>erroneous</b> [1] - 30:7</p> <p><b>ERT</b> [1] - 160:2</p> <p><b>especially</b> [6] - 47:9, 103:15, 106:22, 128:20, 177:6, 182:19</p> <p><b>esprit</b> [1] - 183:3</p> <p><b>establish</b> [1] - 196:9</p> <p><b>established</b> [2] - 194:18, 210:5</p> <p><b>establishing</b> [3] - 85:19, 204:3, 209:11</p> <p><b>establishment</b> [1] - 194:23</p> <p><b>estate</b> [3] - 39:21, 40:7, 40:10</p> <p><b>estimates</b> [2] - 76:1, 151:24</p> <p><b>et</b> [5] - 12:19, 160:20, 160:21, 171:12, 198:7</p> <p><b>evaluate</b> [1] - 39:18</p> <p><b>evaluated</b> [1] - 39:6</p> <p><b>evaluation</b> [2] - 39:15, 40:2</p> <p><b>Evans</b> [5] - 109:5, 110:22, 111:20, 114:11, 152:19</p> <p><b>Evans'</b> [1] - 177:19</p> <p><b>Evenhanded</b> [12] - 87:6, 117:13, 117:24, 118:4, 119:11, 122:10, 134:25, 150:16, 167:10, 200:22, 200:23, 201:8</p> <p><b>evening</b> [5] - 8:15, 9:1, 31:9, 121:24, 195:25</p> <p><b>event</b> [4] - 75:22, 121:15, 165:7, 187:5</p> <p><b>events</b> [3] - 121:13, 136:11, 136:12</p> <p><b>eventually</b> [4] - 6:19, 71:9, 71:12, 152:25</p> <p><b>everyday</b> [2] - 98:21, 100:5</p> <p><b>everywhere</b> [3] - 45:21, 46:2, 65:13</p> <p><b>evidence</b> [43] - 8:10, 12:19, 15:6, 15:13, 16:5, 34:8, 37:6, 46:15, 48:3, 49:3,</p>	<p>49:13, 68:18, 69:5, 79:20, 104:7, 106:21, 108:10, 113:12, 114:2, 121:6, 121:10, 122:15, 122:23, 124:12, 128:25, 135:21, 142:20, 143:6, 143:8, 144:25, 152:16, 166:11, 174:15, 176:6, 176:20, 180:10, 181:18, 183:9, 189:7, 201:19, 205:3, 206:15, 207:15</p> <p><b>evident</b> [1] - 194:10</p> <p><b>evolution</b> [1] - 167:9</p> <p><b>exact</b> [1] - 93:14</p> <p><b>exactly</b> [9] - 17:5, 28:6, 53:13, 118:8, 131:23, 136:22, 179:17, 200:13, 210:13</p> <p><b>Exam</b> [1] - 1:16</p> <p><b>exam</b> [12] - 173:1, 1:5, 1:6, 1:7, 1:8, 1:9, 1:10, 1:11, 1:12, 1:13, 1:14, 1:15</p> <p><b>examination</b> [3] - 6:8, 49:11, 114:12</p> <p><b>EXAMINATION</b> [12] - 1:7, 88:13, 89:20, 108:22, 127:7, 132:25, 142:19, 143:20, 153:7, 173:13, 203:20, 205:20</p> <p><b>examine</b> [1] - 76:3</p> <p><b>examined</b> [1] - 150:8</p> <p><b>examining</b> [1] - 205:21</p> <p><b>example</b> [11] - 23:5, 35:19, 109:12, 155:15, 158:7, 161:23, 163:2, 164:5, 169:2, 171:24, 207:10</p> <p><b>examples</b> [1] - 52:17</p> <p><b>excellent</b> [5] - 64:10, 88:23, 184:15, 192:20, 207:6</p> <p><b>exceptions</b> [1] - 127:22</p> <p><b>excess</b> [2] - 45:16, 166:13</p> <p><b>excessive</b> [1] - 189:15</p> <p><b>exchange</b> [12] - 4:11, 4:15, 4:19, 5:19, 5:21, 5:23, 6:5,</p>	<p>35:14, 112:25, 164:21, 165:1, 175:20</p> <p><b>excuses</b> [1] - 207:3</p> <p><b>executed</b> [1] - 121:24</p> <p><b>executive</b> [11] - 70:15, 88:15, 91:22, 91:24, 92:1, 98:11, 133:8, 181:9, 181:10, 182:6, 193:14</p> <p><b>exercise</b> [1] - 161:17</p> <p><b>exhibit</b> [7] - 13:10, 87:22, 88:5, 92:4, 92:6, 172:22, 205:13</p> <p><b>Exhibit</b> [26] - 13:11, 13:19, 18:19, 40:1, 50:23, 56:13, 62:1, 70:5, 86:20, 87:24, 92:3, 95:2, 114:9, 115:25, 118:2, 118:22, 137:1, 138:22, 146:17, 148:13, 150:7, 151:6, 151:9, 205:17</p> <p><b>EXHIBIT</b> [6] - 13:14, 88:11, 205:18, 2:6, 2:8, 2:9</p> <p><b>eXHIBITS</b> [1] - 2:2</p> <p><b>existed</b> [3] - 5:10, 168:22, 174:25</p> <p><b>exists</b> [2] - 178:20, 194:15</p> <p><b>Expanded</b> [1] - 30:24</p> <p><b>Expansion</b> [2] - 18:21, 18:25</p> <p><b>expansion</b> [1] - 19:20</p> <p><b>expect</b> [10] - 48:4, 64:4, 65:14, 66:10, 91:17, 179:4, 179:19, 186:23, 206:12, 208:14</p> <p><b>expectations</b> [1] - 67:20</p> <p><b>expected</b> [5] - 48:1, 53:13, 141:2, 179:1, 179:11</p> <p><b>experience</b> [5] - 109:8, 109:12, 127:24, 194:11, 206:6</p> <p><b>experienced</b> [3] - 53:10, 145:25, 206:1</p> <p><b>experiences</b> [1] - 210:17</p> <p><b>expertise</b> [3] - 161:12, 177:8, 206:20</p> <p><b>explain</b> [3] - 44:5, 64:25, 103:4</p> <p><b>explainable</b> [1] - 163:17</p>
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<p><b>explanation</b> <sup>[5]</sup> - 49:16, 49:17, 103:9, 173:20, 207:4</p> <p><b>explicit</b> <sup>[1]</sup> - 6:25</p> <p><b>exposed</b> <sup>[2]</sup> - 8:8, 183:19</p> <p><b>express</b> <sup>[1]</sup> - 207:13</p> <p><b>expressed</b> <sup>[3]</sup> - 50:15, 120:23, 197:5</p> <p><b>expression</b> <sup>[1]</sup> - 208:25</p> <p><b>extensive</b> <sup>[2]</sup> - 64:12, 66:14</p> <p><b>extent</b> <sup>[4]</sup> - 69:13, 112:22, 156:4, 169:17</p> <p><b>external</b> <sup>[1]</sup> - 168:18</p> <p><b>extra</b> <sup>[10]</sup> - 20:19, 20:22, 20:24, 45:22, 45:24, 46:8, 47:4, 49:18, 77:19, 123:23</p> <p><b>extraordinary</b> <sup>[7]</sup> - 37:18, 38:8, 39:19, 40:17, 40:20, 43:9, 46:22</p> <p><b>Extraordinary</b> <sup>[7]</sup> - 37:25, 40:2, 43:18, 47:14, 47:17, 70:21, 98:19</p> <p><b>extreme</b> <sup>[1]</sup> - 2:9</p> <p><b>extremely</b> <sup>[5]</sup> - 22:12, 30:9, 64:10, 133:19, 161:9</p> <p><b>eyed</b> <sup>[1]</sup> - 155:8</p> <p><b>eyes</b> <sup>[12]</sup> - 167:5, 167:12, 167:14, 167:18, 167:21, 167:23, 168:3, 168:11, 168:13, 168:15, 168:17, 182:13</p>	<p>106:8, 107:22, 109:11, 109:15, 114:2, 115:20, 117:10, 118:15, 128:11, 128:24, 129:5, 131:14, 134:18, 140:17, 145:24, 150:25, 152:17, 153:21, 154:25, 155:23, 158:7, 161:4, 175:17, 175:25, 179:14, 186:4, 190:5, 190:9, 191:16, 196:20, 201:11</p> <p><b>facto</b> <sup>[1]</sup> - 146:9</p> <p><b>factor</b> <sup>[1]</sup> - 74:5</p> <p><b>factors</b> <sup>[1]</sup> - 74:11</p> <p><b>facts</b> <sup>[2]</sup> - 136:10, 144:2</p> <p><b>factual</b> <sup>[3]</sup> - 124:11, 176:23, 177:14</p> <p><b>failed</b> <sup>[1]</sup> - 52:15</p> <p><b>failing</b> <sup>[2]</sup> - 52:18, 54:5</p> <p><b>failure</b> <sup>[5]</sup> - 52:20, 56:2, 56:4, 58:18, 130:25</p> <p><b>failures</b> <sup>[1]</sup> - 175:1</p> <p><b>fair</b> <sup>[14]</sup> - 18:12, 18:13, 28:14, 29:21, 30:20, 69:18, 134:23, 136:4, 164:14, 174:10, 174:12, 179:21, 199:6, 202:19</p> <p><b>fairly</b> <sup>[2]</sup> - 78:2, 78:5</p> <p><b>fairness</b> <sup>[3]</sup> - 16:11, 84:9, 149:8</p> <p><b>faith</b> <sup>[3]</sup> - 70:2, 179:18, 183:16</p> <p><b>fall</b> <sup>[1]</sup> - 176:13</p> <p><b>fallen</b> <sup>[2]</sup> - 108:6, 125:25</p> <p><b>false</b> <sup>[8]</sup> - 34:15, 81:17, 82:10, 82:15, 82:21, 83:2, 83:11, 83:12</p> <p><b>familiar</b> <sup>[6]</sup> - 1:11, 92:16, 113:22, 157:21, 178:4, 197:22</p> <p><b>families</b> <sup>[4]</sup> - 154:23, 172:10, 205:24</p> <p><b>family</b> <sup>[4]</sup> - 105:9, 105:25, 106:6, 178:15</p> <p><b>far</b> <sup>[14]</sup> - 5:20, 33:2, 37:5, 49:11, 55:5,</p>	<p>57:25, 61:9, 69:16, 79:20, 81:1, 115:6, 172:15, 194:8, 202:13</p> <p><b>fault</b> <sup>[2]</sup> - 16:15, 143:1</p> <p><b>favour</b> <sup>[3]</sup> - 177:12, 192:11, 192:14</p> <p><b>favourable</b> <sup>[1]</sup> - 157:18</p> <p><b>favourably</b> <sup>[2]</sup> - 100:1, 131:19</p> <p><b>fax</b> <sup>[3]</sup> - 11:17, 13:14, 2:6</p> <p><b>fear</b> <sup>[1]</sup> - 113:11</p> <p><b>February</b> <sup>[14]</sup> - 1:1, 11:16, 13:15, 20:3, 21:4, 84:19, 110:17, 111:1, 121:21, 121:25, 122:18, 122:22, 150:10, 2:7</p> <p><b>federal</b> <sup>[1]</sup> - 195:9</p> <p><b>feelings</b> <sup>[1]</sup> - 207:13</p> <p><b>feet</b> <sup>[1]</sup> - 208:24</p> <p><b>Fell</b> <sup>[36]</sup> - 51:1, 52:5, 53:2, 54:14, 55:11, 55:24, 56:21, 57:6, 58:14, 59:4, 59:13, 59:18, 60:4, 60:9, 60:13, 60:17, 60:21, 61:9, 61:21, 62:5, 62:10, 62:19, 65:7, 65:19, 68:6, 68:13, 71:2, 71:3, 71:5, 72:17, 129:8, 129:10, 142:16, 142:22, 143:8, 143:11</p> <p><b>fell</b> <sup>[1]</sup> - 66:17</p> <p><b>fellow</b> <sup>[3]</sup> - 199:16, 199:17</p> <p><b>felt</b> <sup>[2]</sup> - 99:15, 185:25</p> <p><b>female</b> <sup>[2]</sup> - 133:17, 201:2</p> <p><b>females</b> <sup>[1]</sup> - 14:2</p> <p><b>few</b> <sup>[9]</sup> - 33:23, 48:19, 84:6, 100:15, 117:18, 118:7, 123:18, 125:19, 167:3</p> <p><b>fewer</b> <sup>[1]</sup> - 33:2</p> <p><b>fides</b> <sup>[1]</sup> - 203:4</p> <p><b>Field</b> <sup>[31]</sup> - 45:8, 46:11, 49:5, 56:18, 62:2, 63:21, 64:6, 68:24, 74:1, 74:4, 85:23, 108:11, 111:22, 114:18, 117:21, 118:21, 119:2, 119:9, 120:9, 136:16, 137:7,</p>	<p>137:15, 138:5, 138:9, 139:3, 139:21, 141:3, 142:9, 147:1, 148:25, 197:19</p> <p><b>field</b> <sup>[2]</sup> - 36:18, 170:24</p> <p><b>Field's</b> <sup>[5]</sup> - 62:10, 64:17, 71:2, 118:16, 141:1</p> <p><b>field's</b> <sup>[1]</sup> - 67:5</p> <p><b>figure</b> <sup>[2]</sup> - 40:16, 189:12</p> <p><b>file</b> <sup>[7]</sup> - 69:14, 116:9, 117:12, 189:22, 190:24, 198:14, 198:18</p> <p><b>files</b> <sup>[5]</sup> - 58:18, 59:17, 117:9, 117:15, 199:10</p> <p><b>fill</b> <sup>[1]</sup> - 141:13</p> <p><b>filled</b> <sup>[1]</sup> - 142:11</p> <p><b>filling</b> <sup>[3]</sup> - 45:21, 141:23, 195:13</p> <p><b>final</b> <sup>[1]</sup> - 208:13</p> <p><b>finance</b> <sup>[1]</sup> - 184:4</p> <p><b>financial</b> <sup>[3]</sup> - 162:8, 183:10, 188:21</p> <p><b>fine</b> <sup>[3]</sup> - 16:12, 44:16, 179:23</p> <p><b>finger</b> <sup>[1]</sup> - 175:24</p> <p><b>finish</b> <sup>[3]</sup> - 76:17, 76:22, 173:3</p> <p><b>firearm</b> <sup>[1]</sup> - 122:22</p> <p><b>firearms</b> <sup>[3]</sup> - 121:18, 122:4, 123:9</p> <p><b>fired</b> <sup>[1]</sup> - 160:4</p> <p><b>firm</b> <sup>[1]</sup> - 176:1</p> <p><b>first</b> <sup>[29]</sup> - 4:2, 15:5, 16:20, 59:22, 81:18, 86:9, 86:25, 100:2, 116:13, 116:14, 119:3, 120:9, 121:7, 121:15, 122:19, 123:4, 123:5, 127:18, 130:2, 133:4, 133:13, 139:10, 139:11, 151:15, 174:2, 182:6, 186:7, 189:18, 210:7</p> <p><b>First</b> <sup>[13]</sup> - 11:18, 11:23, 11:24, 12:13, 13:14, 13:25, 14:20, 16:18, 18:7, 18:9, 18:10, 127:9, 2:6</p> <p><b>first-degree</b> <sup>[1]</sup> - 122:19</p> <p><b>firstly</b> <sup>[2]</sup> - 88:20, 171:14</p>	<p><b>fit</b> <sup>[3]</sup> - 69:25, 182:8, 194:19</p> <p><b>fitting</b> <sup>[2]</sup> - 57:5, 57:8</p> <p><b>five</b> <sup>[4]</sup> - 26:25, 27:9, 96:7, 132:22</p> <p><b>fix</b> <sup>[2]</sup> - 71:16, 100:16</p> <p><b>flavour</b> <sup>[1]</sup> - 186:15</p> <p><b>flip</b> <sup>[2]</sup> - 80:22, 135:23</p> <p><b>flow</b> <sup>[2]</sup> - 165:5, 165:7</p> <p><b>flows</b> <sup>[1]</sup> - 179:13</p> <p><b>focus</b> <sup>[4]</sup> - 93:11, 122:25, 129:18, 153:14</p> <p><b>focusing</b> <sup>[1]</sup> - 136:10</p> <p><b>folks</b> <sup>[1]</sup> - 131:24</p> <p><b>follow</b> <sup>[7]</sup> - 3:8, 52:7, 77:10, 112:3, 185:8, 188:25, 193:22</p> <p><b>follow-up</b> <sup>[1]</sup> - 188:25</p> <p><b>follow-ups</b> <sup>[1]</sup> - 52:7</p> <p><b>following</b> <sup>[8]</sup> - 12:16, 35:5, 117:14, 120:3, 147:11, 178:9, 185:13, 196:13</p> <p><b>follows</b> <sup>[2]</sup> - 21:10, 52:10</p> <p><b>foot</b> <sup>[2]</sup> - 100:5, 185:15</p> <p><b>footing</b> <sup>[1]</sup> - 1:24</p> <p><b>Force</b> <sup>[4]</sup> - 115:10, 146:4, 161:13, 194:17</p> <p><b>force</b> <sup>[11]</sup> - 53:8, 192:12, 193:6, 193:8, 195:9, 195:19, 196:18, 203:18, 203:23, 203:24, 204:3</p> <p><b>Force"</b> <sup>[1]</sup> - 161:8</p> <p><b>forces</b> <sup>[6]</sup> - 109:9, 118:4, 146:8, 146:9, 153:3, 167:13</p> <p><b>foregoing</b> <sup>[1]</sup> - 212:7</p> <p><b>forensics</b> <sup>[1]</sup> - 195:3</p> <p><b>forget</b> <sup>[1]</sup> - 8:24</p> <p><b>forgot</b> <sup>[1]</sup> - 77:12</p> <p><b>form</b> <sup>[2]</sup> - 20:7, 128:9</p> <p><b>formal</b> <sup>[3]</sup> - 105:17, 116:13, 116:14</p> <p><b>formally</b> <sup>[1]</sup> - 88:23</p> <p><b>format</b> <sup>[1]</sup> - 137:17</p> <p><b>formation</b> <sup>[2]</sup> - 58:15, 192:10</p> <p><b>formed</b> <sup>[3]</sup> - 134:25, 140:18, 151:20</p> <p><b>Former</b> <sup>[2]</sup> - 28:14, 28:18</p> <p><b>forming</b> <sup>[1]</sup> - 136:6</p> <p><b>formulation</b> <sup>[1]</sup> - 3:17</p> <p><b>forth</b> <sup>[2]</sup> - 41:13, 91:15</p>
<b>F</b>				
<p><b>fabulous</b> <sup>[1]</sup> - 179:8</p> <p><b>face</b> <sup>[3]</sup> - 209:7, 209:15</p> <p><b>face-to-face</b> <sup>[1]</sup> - 209:7</p> <p><b>faced</b> <sup>[2]</sup> - 9:10, 162:23</p> <p><b>facility</b> <sup>[4]</sup> - 6:14, 8:6, 9:13, 10:16</p> <p><b>fact</b> <sup>[52]</sup> - 6:22, 9:22, 35:13, 36:22, 56:9, 59:9, 65:9, 81:11, 97:13, 97:18, 97:20, 98:3, 98:8, 98:17, 98:18, 99:16, 102:8, 104:18, 104:19, 104:21, 105:7,</p>	<p><b>facto</b> <sup>[1]</sup> - 146:9</p> <p><b>factor</b> <sup>[1]</sup> - 74:5</p> <p><b>factors</b> <sup>[1]</sup> - 74:11</p> <p><b>facts</b> <sup>[2]</sup> - 136:10, 144:2</p> <p><b>factual</b> <sup>[3]</sup> - 124:11, 176:23, 177:14</p> <p><b>failed</b> <sup>[1]</sup> - 52:15</p> <p><b>failing</b> <sup>[2]</sup> - 52:18, 54:5</p> <p><b>failure</b> <sup>[5]</sup> - 52:20, 56:2, 56:4, 58:18, 130:25</p> <p><b>failures</b> <sup>[1]</sup> - 175:1</p> <p><b>fair</b> <sup>[14]</sup> - 18:12, 18:13, 28:14, 29:21, 30:20, 69:18, 134:23, 136:4, 164:14, 174:10, 174:12, 179:21, 199:6, 202:19</p> <p><b>fairly</b> <sup>[2]</sup> - 78:2, 78:5</p> <p><b>fairness</b> <sup>[3]</sup> - 16:11, 84:9, 149:8</p> <p><b>faith</b> <sup>[3]</sup> - 70:2, 179:18, 183:16</p> <p><b>fall</b> <sup>[1]</sup> - 176:13</p> <p><b>fallen</b> <sup>[2]</sup> - 108:6, 125:25</p> <p><b>false</b> <sup>[8]</sup> - 34:15, 81:17, 82:10, 82:15, 82:21, 83:2, 83:11, 83:12</p> <p><b>familiar</b> <sup>[6]</sup> - 1:11, 92:16, 113:22, 157:21, 178:4, 197:22</p> <p><b>families</b> <sup>[4]</sup> - 154:23, 172:10, 205:24</p> <p><b>family</b> <sup>[4]</sup> - 105:9, 105:25, 106:6, 178:15</p> <p><b>far</b> <sup>[14]</sup> - 5:20, 33:2, 37:5, 49:11, 55:5,</p>	<p>57:25, 61:9, 69:16, 79:20, 81:1, 115:6, 172:15, 194:8, 202:13</p> <p><b>fault</b> <sup>[2]</sup> - 16:15, 143:1</p> <p><b>favour</b> <sup>[3]</sup> - 177:12, 192:11, 192:14</p> <p><b>favourable</b> <sup>[1]</sup> - 157:18</p> <p><b>favourably</b> <sup>[2]</sup> - 100:1, 131:19</p> <p><b>fax</b> <sup>[3]</sup> - 11:17, 13:14, 2:6</p> <p><b>fear</b> <sup>[1]</sup> - 113:11</p> <p><b>February</b> <sup>[14]</sup> - 1:1, 11:16, 13:15, 20:3, 21:4, 84:19, 110:17, 111:1, 121:21, 121:25, 122:18, 122:22, 150:10, 2:7</p> <p><b>federal</b> <sup>[1]</sup> - 195:9</p> <p><b>feelings</b> <sup>[1]</sup> - 207:13</p> <p><b>feet</b> <sup>[1]</sup> - 208:24</p> <p><b>Fell</b> <sup>[36]</sup> - 51:1, 52:5, 53:2, 54:14, 55:11, 55:24, 56:21, 57:6, 58:14, 59:4, 59:13, 59:18, 60:4, 60:9, 60:13, 60:17, 60:21, 61:9, 61:21, 62:5, 62:10, 62:19, 65:7, 65:19, 68:6, 68:13, 71:2, 71:3, 71:5, 72:17, 129:8, 129:10, 142:16, 142:22, 143:8, 143:11</p> <p><b>fell</b> <sup>[1]</sup> - 66:17</p> <p><b>fellow</b> <sup>[3]</sup> - 199:16, 199:17</p> <p><b>felt</b> <sup>[2]</sup> - 99:15, 185:25</p> <p><b>female</b> <sup>[2]</sup> - 133:17, 201:2</p> <p><b>females</b> <sup>[1]</sup> - 14:2</p> <p><b>few</b> <sup>[9]</sup> - 33:23, 48:19, 84:6, 100:15, 117:18, 118:7, 123:18, 125:19, 167:3</p> <p><b>fewer</b> <sup>[1]</sup> - 33:2</p> <p><b>fides</b> <sup>[1]</sup> - 203:4</p> <p><b>Field</b> <sup>[31]</sup> - 45:8, 46:11, 49:5, 56:18, 62:2, 63:21, 64:6, 68:24, 74:1, 74:4, 85:23, 108:11, 111:22, 114:18, 117:21, 118:21, 119:2, 119:9, 120:9, 136:16, 137:7,</p>	<p>137:15, 138:5, 138:9, 139:3, 139:21, 141:3, 142:9, 147:1, 148:25, 197:19</p> <p><b>field</b> <sup>[2]</sup> - 36:18, 170:24</p> <p><b>Field's</b> <sup>[5]</sup> - 62:10, 64:17, 71:2, 118:16, 141:1</p> <p><b>field's</b> <sup>[1]</sup> - 67:5</p> <p><b>figure</b> <sup>[2]</sup> - 40:16, 189:12</p> <p><b>file</b> <sup>[7]</sup> - 69:14, 116:9, 117:12, 189:22, 190:24, 198:14, 198:18</p> <p><b>files</b> <sup>[5]</sup> - 58:18, 59:17, 117:9, 117:15, 199:10</p> <p><b>fill</b> <sup>[1]</sup> - 141:13</p> <p><b>filled</b> <sup>[1]</sup> - 142:11</p> <p><b>filling</b> <sup>[3]</sup> - 45:21, 141:23, 195:13</p> <p><b>final</b> <sup>[1]</sup> - 208:13</p> <p><b>finance</b> <sup>[1]</sup> - 184:4</p> <p><b>financial</b> <sup>[3]</sup> - 162:8, 183:10, 188:21</p> <p><b>fine</b> <sup>[3]</sup> - 16:12, 44:16, 179:23</p> <p><b>finger</b> <sup>[1]</sup> - 175:24</p> <p><b>finish</b> <sup>[3]</sup> - 76:17, 76:22, 173:3</p> <p><b>firearm</b> <sup>[1]</sup> - 122:22</p> <p><b>firearms</b> <sup>[3]</sup> - 121:18, 122:4, 123:9</p> <p><b>fired</b> <sup>[1]</sup> - 160:4</p> <p><b>firm</b> <sup>[1]</sup> - 176:1</p> <p><b>first</b> <sup>[29]</sup> - 4:2, 15:5, 16:20, 59:22, 81:18, 86:9, 86:25, 100:2, 116:13, 116:14, 119:3, 120:9, 121:7, 121:15, 122:19, 123:4, 123:5, 127:18, 130:2, 133:4, 133:13, 139:10, 139:11, 151:15, 174:2, 182:6, 186:7, 189:18, 210:7</p> <p><b>First</b> <sup>[13]</sup> - 11:18, 11:23, 11:24, 12:13, 13:14, 13:25, 14:20, 16:18, 18:7, 18:9, 18:10, 127:9, 2:6</p> <p><b>first-degree</b> <sup>[1]</sup> - 122:19</p> <p><b>firstly</b> <sup>[2]</sup> - 88:20, 171:14</p>	<p><b>fit</b> <sup>[3]</sup> - 69:25, 182:8, 194:19</p> <p><b>fitting</b> <sup>[2]</sup> - 57:5, 57:8</p> <p><b>five</b> <sup>[4]</sup> - 26:25, 27:9, 96:7, 132:22</p> <p><b>fix</b> <sup>[2]</sup> - 71:16, 100:16</p> <p><b>flavour</b> <sup>[1]</sup> - 186:15</p> <p><b>flip</b> <sup>[2]</sup> - 80:22, 135:23</p> <p><b>flow</b> <sup>[2]</sup> - 165:5, 165:7</p> <p><b>flows</b> <sup>[1]</sup> - 179:13</p> <p><b>focus</b> <sup>[4]</sup> - 93:11, 122:25, 129:18, 153:14</p> <p><b>focusing</b> <sup>[1]</sup> - 136:10</p> <p><b>folks</b> <sup>[1]</sup> - 131:24</p> <p><b>follow</b> <sup>[7]</sup> - 3:8, 52:7, 77:10, 112:3, 185:8, 188:25, 193:22</p> <p><b>follow-up</b> <sup>[1]</sup> - 188:25</p> <p><b>follow-ups</b> <sup>[1]</sup> - 52:7</p> <p><b>following</b> <sup>[8]</sup> - 12:16, 35:5, 117:14, 120:3, 147:11, 178:9, 185:13, 196:13</p> <p><b>follows</b> <sup>[2]</sup> - 21:10, 52:10</p> <p><b>foot</b> <sup>[2]</sup> - 100:5, 185:15</p> <p><b>footing</b> <sup>[1]</sup> - 1:24</p> <p><b>Force</b> <sup>[4]</sup> - 115:10, 146:4, 161:13, 194:17</p> <p><b>force</b> <sup>[11]</sup> - 53:8, 192:12, 193:6, 193:8, 195:9, 195:19, 196:18, 203:18, 203:23, 203:24, 204:3</p> <p><b>Force"</b> <sup>[1]</sup> - 161:8</p> <p><b>forces</b> <sup>[6]</sup> - 109:9, 118:4, 146:8, 146:9, 153:3, 167:13</p> <p><b>foregoing</b> <sup>[1]</sup> - 212:7</p> <p><b>forensics</b> <sup>[1]</sup> - 195:3</p> <p><b>forget</b> <sup>[1]</sup> - 8:24</p> <p><b>forgot</b> <sup>[1]</sup> - 77:12</p> <p><b>form</b> <sup>[2]</sup> - 20:7, 128:9</p> <p><b>formal</b> <sup>[3]</sup> - 105:17, 116:13, 116:14</p> <p><b>formally</b> <sup>[1]</sup> - 88:23</p> <p><b>format</b> <sup>[1]</sup> - 137:17</p> <p><b>formation</b> <sup>[2]</sup> - 58:15, 192:10</p> <p><b>formed</b> <sup>[3]</sup> - 134:25, 140:18, 151:20</p> <p><b>Former</b> <sup>[2]</sup> - 28:14, 28:18</p> <p><b>forming</b> <sup>[1]</sup> - 136:6</p> <p><b>formulation</b> <sup>[1]</sup> - 3:17</p> <p><b>forth</b> <sup>[2]</sup> - 41:13, 91:15</p>



<p><b>fortunately</b> <sup>[1]</sup> - 144:20</p> <p><b>forty</b> <sup>[1]</sup> - 12:12</p> <p><b>forty-eight</b> <sup>[1]</sup> - 12:12</p> <p><b>forward</b> <sup>[10]</sup> - 66:6, 74:8, 75:13, 176:3, 176:8, 177:6, 182:15, 183:5, 208:10, 211:9</p> <p><b>forwarded</b> <sup>[4]</sup> - 74:14, 74:18, 75:1, 75:15</p> <p><b>forwards</b> <sup>[1]</sup> - 173:23</p> <p><b>fostered</b> <sup>[1]</sup> - 110:7</p> <p><b>foul</b> <sup>[4]</sup> - 134:20, 178:8, 180:2, 201:10</p> <p><b>four</b> <sup>[11]</sup> - 26:20, 29:14, 31:6, 31:9, 33:25, 40:23, 85:22, 133:16, 178:11, 211:20</p> <p><b>fourth</b> <sup>[4]</sup> - 57:2, 114:24, 148:2, 149:8</p> <p><b>Frail</b> <sup>[3]</sup> - 31:14, 32:21</p> <p><b>frame</b> <sup>[3]</sup> - 113:23, 140:12, 177:17</p> <p><b>frankly</b> <sup>[2]</sup> - 28:10, 76:6</p> <p><b>Freda</b> <sup>[9]</sup> - 8:22, 101:8, 101:11, 102:16, 105:24, 107:23, 202:3, 202:7, 202:13</p> <p><b>free</b> <sup>[1]</sup> - 175:8</p> <p><b>frequently</b> <sup>[3]</sup> - 130:23, 157:7, 157:9</p> <p><b>fresh</b> <sup>[13]</sup> - 48:11, 106:24, 167:4, 167:12, 167:14, 167:18, 167:21, 167:23, 168:3, 168:11, 168:13, 168:15, 168:17</p> <p><b>Frey</b> <sup>[1]</sup> - 94:15</p> <p><b>Friday</b> <sup>[1]</sup> - 81:24</p> <p><b>friend</b> <sup>[6]</sup> - 87:21, 109:2, 112:21, 125:3, 126:10, 143:25</p> <p><b>friendly</b> <sup>[1]</sup> - 88:21</p> <p><b>friends</b> <sup>[9]</sup> - 14:3, 52:18, 54:6, 56:3, 59:6, 60:5, 61:12, 115:4, 178:17</p> <p><b>frightened</b> <sup>[1]</sup> - 131:4</p> <p><b>front</b> <sup>[9]</sup> - 28:17, 30:14, 30:17, 37:7, 111:18, 170:8, 189:21, 197:12, 209:25</p> <p><b>frontline</b> <sup>[1]</sup> - 77:25</p>	<p><b>frowned</b> <sup>[1]</sup> - 163:14</p> <p><b>frustrated</b> <sup>[1]</sup> - 49:6</p> <p><b>frustration</b> <sup>[1]</sup> - 55:16</p> <p><b>fulfilled</b> <sup>[1]</sup> - 107:6</p> <p><b>full</b> <sup>[11]</sup> - 40:25, 45:10, 56:24, 69:24, 101:6, 114:25, 136:18, 137:18, 139:22, 140:25, 199:5</p> <p><b>full-time</b> <sup>[6]</sup> - 40:25, 45:10, 136:18, 137:18, 139:22, 140:25</p> <p><b>fully</b> <sup>[13]</sup> - 10:17, 37:22, 69:20, 106:15, 107:1, 107:17, 155:17, 162:18, 166:8, 166:9, 166:10, 183:2, 198:17</p> <p><b>functional</b> <sup>[1]</sup> - 64:23</p> <p><b>funded</b> <sup>[1]</sup> - 41:18</p> <p><b>funding</b> <sup>[3]</sup> - 151:25, 152:21, 152:25</p> <p><b>funds</b> <sup>[2]</sup> - 184:6, 184:7</p> <p><b>future</b> <sup>[3]</sup> - 184:9, 186:20, 209:16</p>	<p>98:8, 115:16, 133:3, 170:7, 183:8, 206:4</p> <p><b>glad</b> <sup>[1]</sup> - 53:6</p> <p><b>glance</b> <sup>[1]</sup> - 138:15</p> <p><b>goals</b> <sup>[1]</sup> - 188:5</p> <p><b>Gord</b> <sup>[3]</sup> - 70:14, 139:4, 182:9</p> <p><b>governments</b> <sup>[1]</sup> - 194:13</p> <p><b>graduating</b> <sup>[1]</sup> - 44:9</p> <p><b>Grandma's</b> <sup>[8]</sup> - 6:8, 7:16, 8:1, 8:4, 9:6, 9:11, 9:15, 10:4</p> <p><b>grateful</b> <sup>[1]</sup> - 210:18</p> <p><b>Gratl</b> <sup>[12]</sup> - 1:6, 28:10, 77:8, 87:17, 126:11, 126:12, 138:23, 139:8, 139:9, 170:5, 211:21, 1:5</p> <p><b>GRATL</b> <sup>[39]</sup> - 1:7, 5:24, 10:24, 11:4, 11:7, 11:10, 11:12, 11:15, 13:9, 13:16, 15:25, 16:12, 16:15, 18:5, 18:17, 27:25, 28:24, 47:17, 48:7, 49:7, 49:14, 49:19, 75:13, 75:22, 75:24, 77:18, 84:6, 84:12, 84:14, 87:16, 87:20, 87:25, 126:5, 126:19, 127:5, 156:7, 169:8, 211:18, 211:24</p> <p><b>great</b> <sup>[4]</sup> - 53:20, 103:12, 103:18, 190:8</p> <p><b>greatly</b> <sup>[1]</sup> - 129:16</p> <p><b>Greenspan</b> <sup>[5]</sup> - 112:21, 163:22, 165:10, 166:3, 166:21</p> <p><b>Greer</b> <sup>[12]</sup> - 4:6, 17:8, 21:3, 24:7, 24:25, 37:21, 73:20, 73:23, 92:10, 176:16, 177:25, 181:20</p> <p><b>Greg</b> <sup>[1]</sup> - 153:8</p> <p><b>ground</b> <sup>[2]</sup> - 41:5, 185:11</p> <p><b>groundwork</b> <sup>[1]</sup> - 28:20</p> <p><b>Group</b> <sup>[2]</sup> - 176:11, 177:18</p> <p><b>group</b> <sup>[11]</sup> - 53:10, 63:25, 131:18, 171:2, 176:18, 176:25, 177:3, 178:19, 182:2, 184:1, 193:14</p>	<p><b>groups</b> <sup>[5]</sup> - 22:11, 22:25, 104:3, 175:2</p> <p><b>grow</b> <sup>[1]</sup> - 162:11</p> <p><b>guess</b> <sup>[3]</sup> - 162:10, 168:12, 186:2</p> <p><b>guests</b> <sup>[1]</sup> - 171:22</p> <p><b>guide</b> <sup>[1]</sup> - 192:6</p> <p><b>gun/knife</b> <sup>[1]</sup> - 160:4</p>	<p><b>H</b></p> <p><b>habitat</b> <sup>[1]</sup> - 14:3</p> <p><b>half</b> <sup>[4]</sup> - 76:15, 76:20, 173:5, 202:10</p> <p><b>Hall</b> <sup>[10]</sup> - 41:19, 46:18, 47:2, 47:7, 68:4, 110:2, 110:20, 145:6, 188:14, 210:24</p> <p><b>Hamilton</b> <sup>[5]</sup> - 6:7, 6:12, 9:12, 9:19, 9:25</p> <p><b>Hamilton's</b> <sup>[2]</sup> - 6:21, 7:14</p> <p><b>hand</b> <sup>[6]</sup> - 86:1, 86:12, 139:2, 147:5, 170:21, 170:23</p> <p><b>handed</b> <sup>[1]</sup> - 15:5</p> <p><b>handing</b> <sup>[1]</sup> - 159:5</p> <p><b>handled</b> <sup>[1]</sup> - 87:10</p> <p><b>handpick</b> <sup>[1]</sup> - 168:9</p> <p><b>handpicked</b> <sup>[3]</sup> - 70:1, 70:15, 131:17</p> <p><b>handpicking</b> <sup>[2]</sup> - 182:24, 182:25</p> <p><b>hands</b> <sup>[6]</sup> - 68:19, 69:7, 106:11, 173:2, 173:6, 181:17</p> <p><b>hands-on</b> <sup>[4]</sup> - 68:19, 69:7, 106:11, 181:17</p> <p><b>handwriting</b> <sup>[2]</sup> - 86:6, 197:22</p> <p><b>handwritten</b> <sup>[3]</sup> - 13:5, 86:11, 197:8</p> <p><b>happy</b> <sup>[5]</sup> - 50:21, 51:21, 77:9, 132:18, 173:6</p> <p><b>hard</b> <sup>[2]</sup> - 142:21, 155:25</p> <p><b>hardly</b> <sup>[1]</sup> - 141:25</p> <p><b>harm</b> <sup>[1]</sup> - 162:6</p> <p><b>Harrison</b> <sup>[1]</sup> - 133:22</p> <p><b>hassling</b> <sup>[1]</sup> - 35:3</p> <p><b>Hastings</b> <sup>[9]</sup> - 4:12, 4:19, 8:17, 19:2, 19:4, 21:5, 22:4, 22:7, 23:6</p> <p><b>Hatcher</b> <sup>[5]</sup> - 76:13, 125:19, 142:16, 142:18, 1:11</p>	<p><b>HATCHER</b> <sup>[5]</sup> - 142:16, 142:19, 143:1, 143:5, 143:18</p> <p><b>haven</b> <sup>[3]</sup> - 7:4, 8:5, 8:14</p> <p><b>havens</b> <sup>[2]</sup> - 8:11, 9:2</p> <p><b>headed</b> <sup>[1]</sup> - 181:5</p> <p><b>heading</b> <sup>[11]</sup> - 33:20, 96:9, 119:6, 119:16, 120:5, 147:7, 147:13, 147:15, 159:21, 160:11, 181:12</p> <p><b>hear</b> <sup>[9]</sup> - 11:5, 11:7, 37:5, 107:14, 108:13, 114:2, 183:9, 206:14, 207:25</p> <p><b>heard</b> <sup>[32]</sup> - 34:8, 36:25, 37:4, 48:3, 85:17, 104:7, 105:3, 105:12, 122:23, 125:24, 129:2, 129:14, 139:16, 142:20, 143:4, 143:6, 143:8, 144:14, 169:1, 173:24, 176:20, 178:23, 187:15, 188:23, 191:20, 199:19, 200:18, 201:15, 201:17, 201:24, 207:24</p> <p><b>hearing</b> <sup>[12]</sup> - 1:4, 77:4, 108:2, 124:2, 124:5, 126:15, 173:9, 173:12, 183:6, 203:6, 207:24, 212:1</p> <p><b>hearings</b> <sup>[1]</sup> - 187:8</p> <p><b>heart</b> <sup>[1]</sup> - 55:21</p> <p><b>hearts</b> <sup>[1]</sup> - 172:9</p> <p><b>held</b> <sup>[5]</sup> - 105:24, 109:12, 122:3, 156:19, 170:9</p> <p><b>help</b> <sup>[14]</sup> - 11:1, 11:13, 12:10, 49:4, 49:18, 82:15, 128:4, 128:10, 129:22, 132:18, 152:18, 166:4, 166:15, 210:11</p> <p><b>helped</b> <sup>[1]</sup> - 145:15</p> <p><b>helpful</b> <sup>[2]</sup> - 6:15, 192:5</p> <p><b>helping</b> <sup>[1]</sup> - 200:1</p> <p><b>helps</b> <sup>[3]</sup> - 111:7, 136:25, 211:8</p> <p><b>Henderson</b> <sup>[4]</sup> - 116:5, 124:17,</p>
--	--	---	---	---	---

<p>124:25, 125:7  <b>Henry</b> <sup>[1]</sup> - 94:6  <b>Hep</b> <sup>[1]</sup> - 4:16  <b>hereby</b> <sup>[1]</sup> - 212:7  <b>herein</b> <sup>[1]</sup> - 212:9  <b>Hern</b> <sup>[5]</sup> - 108:23, 125:15, 132:21, 142:15, 1:10  <b>HERN</b> <sup>[7]</sup> - 75:16, 88:2, 88:4, 88:7, 132:22, 132:25, 142:14  <b>herself</b> <sup>[1]</sup> - 63:24  <b>hi</b> <sup>[1]</sup> - 127:8  <b>hiccup</b> <sup>[1]</sup> - 66:5  <b>hide</b> <sup>[1]</sup> - 131:15  <b>high</b> <sup>[10]</sup> - 21:11, 21:21, 68:1, 68:3, 68:11, 68:13, 90:14, 133:18, 133:19, 160:4  <b>high-profile</b> <sup>[2]</sup> - 68:3, 68:13  <b>highlight</b> <sup>[1]</sup> - 114:23  <b>Highway</b> <sup>[1]</sup> - 157:22  <b>himself</b> <sup>[1]</sup> - 192:5  <b>hindrance</b> <sup>[1]</sup> - 65:15  <b>hindsight</b> <sup>[11]</sup> - 50:4, 98:14, 107:14, 107:20, 136:6, 148:11, 150:5, 151:4, 155:11, 175:11, 188:4  <b>Hira</b> <sup>[4]</sup> - 76:16, 125:19, 143:21, 1:12  <b>HIRA</b> <sup>[5]</sup> - 143:20, 146:20, 146:22, 151:4, 151:10  <b>hired</b> <sup>[1]</sup> - 200:1  <b>historically</b> <sup>[1]</sup> - 182:14  <b>history</b> <sup>[1]</sup> - 70:17  <b>hitchhikers</b> <sup>[1]</sup> - 201:2  <b>HIV</b> <sup>[6]</sup> - 4:16, 26:3, 26:10, 32:14, 32:15, 35:20  <b>HOFFMAN</b> <sup>[4]</sup> - 108:22, 123:11, 124:20, 126:10  <b>Hoffman</b> <sup>[5]</sup> - 108:24, 123:12, 124:15, 211:22, 1:8  <b>hold</b> <sup>[1]</sup> - 133:18  <b>Holyk</b> <sup>[1]</sup> - 93:17  <b>home</b> <sup>[3]</sup> - 160:23, 201:20, 201:21  <b>homelessness</b> <sup>[1]</sup> - 210:9  <b>homework</b> <sup>[2]</sup> - 189:17, 189:19</p>	<p><b>homicide</b> <sup>[10]</sup> - 12:12, 14:6, 14:19, 14:20, 18:10, 67:3, 67:4, 115:8, 195:25, 205:5  <b>Homicide</b> <sup>[8]</sup> - 15:12, 63:9, 66:24, 115:11, 182:10, 194:23, 198:19, 204:25  <b>homicides</b> <sup>[1]</sup> - 62:25  <b>honest</b> <sup>[1]</sup> - 186:23  <b>honestly</b> <sup>[1]</sup> - 175:17  <b>Honeybourn</b> <sup>[5]</sup> - 13:21, 13:24, 14:15, 15:11, 16:2  <b>Honeybourn's</b> <sup>[2]</sup> - 15:14, 15:23  <b>hooker</b> <sup>[1]</sup> - 32:8  <b>hope</b> <sup>[4]</sup> - 10:22, 74:8, 102:14, 177:7  <b>hopeful</b> <sup>[1]</sup> - 203:22  <b>hoping</b> <sup>[1]</sup> - 39:11  <b>Hopkins</b> <sup>[1]</sup> - 145:1  <b>horrific</b> <sup>[3]</sup> - 184:12, 184:13, 205:22  <b>hostile</b> <sup>[1]</sup> - 72:7  <b>Hotel</b> <sup>[1]</sup> - 58:23  <b>hotels</b> <sup>[3]</sup> - 21:12, 21:22, 130:22  <b>hour</b> <sup>[6]</sup> - 76:13, 76:15, 76:20, 161:10, 173:5, 211:23  <b>hours</b> <sup>[7]</sup> - 8:20, 33:1, 33:13, 33:22, 52:6, 76:7, 76:17  <b>House</b> <sup>[8]</sup> - 6:9, 7:16, 8:1, 8:4, 9:6, 9:11, 9:15, 10:5  <b>house</b> <sup>[4]</sup> - 6:18, 7:1, 7:20, 10:11  <b>housekeeping</b> <sup>[1]</sup> - 124:6  <b>Howlett</b> <sup>[3]</sup> - 58:23, 60:8, 170:24  <b>Howlett's</b> <sup>[1]</sup> - 59:16  <b>huge</b> <sup>[18]</sup> - 48:21, 58:2, 58:5, 61:19, 65:4, 68:8, 103:22, 108:1, 155:5, 181:2, 182:18, 182:19, 182:22, 187:9, 187:19, 207:3, 208:2, 209:19  <b>hugely</b> <sup>[1]</sup> - 188:10  <b>hum</b> <sup>[1]</sup> - 130:4  <b>hundred</b> <sup>[3]</sup> - 45:17, 166:13, 170:7  <b>hundreds</b> <sup>[2]</sup> - 57:5, 119:21</p>	<p><b>I</b>  <b>idea</b> <sup>[3]</sup> - 20:14, 81:25, 196:16  <b>ideally</b> <sup>[3]</sup> - 81:7, 102:4, 207:5  <b>identified</b> <sup>[6]</sup> - 21:10, 59:15, 78:19, 78:20, 149:7, 192:9  <b>identifying</b> <sup>[1]</sup> - 104:3  <b>identity</b> <sup>[1]</sup> - 126:7  <b>ideology</b> <sup>[1]</sup> - 208:18  <b>ignore</b> <sup>[2]</sup> - 50:17, 55:20  <b>IHIT</b> <sup>[3]</sup> - 194:17, 195:6, 196:6  <b>ill</b> <sup>[3]</sup> - 175:17, 198:11, 198:13  <b>illegal</b> <sup>[6]</sup> - 8:2, 9:6, 9:10, 9:23, 10:12, 130:7  <b>illness</b> <sup>[1]</sup> - 210:10  <b>illustrates</b> <sup>[1]</sup> - 162:17  <b>imaginable</b> <sup>[4]</sup> - 70:3, 80:12, 97:24, 135:10  <b>imagine</b> <sup>[2]</sup> - 97:16, 206:3  <b>immediate</b> <sup>[7]</sup> - 17:10, 19:24, 63:25, 108:11, 128:25, 141:3, 196:4  <b>immediately</b> <sup>[9]</sup> - 9:14, 27:14, 129:3, 167:18, 167:21, 168:14, 191:15, 196:2, 196:10  <b>immense</b> <sup>[1]</sup> - 101:10  <b>impact</b> <sup>[3]</sup> - 31:22, 49:13, 175:5  <b>impacted</b> <sup>[2]</sup> - 202:5, 205:23  <b>implemented</b> <sup>[1]</sup> - 93:9  <b>importance</b> <sup>[1]</sup> - 162:2  <b>important</b> <sup>[8]</sup> - 49:21, 49:25, 118:9, 132:12, 161:24, 164:6, 167:5, 199:15  <b>importantly</b> <sup>[1]</sup> - 177:20  <b>impossible</b> <sup>[1]</sup> - 37:10  <b>impression</b> <sup>[2]</sup> - 113:11, 174:8  <b>improper</b> <sup>[1]</sup> - 165:19  <b>IN</b> <sup>[2]</sup> - 27:18, 27:20  <b>in-depth</b> <sup>[1]</sup> - 181:7  <b>inability</b> <sup>[2]</sup> - 58:19, 129:18  <b>inaccurate</b> <sup>[1]</sup> - 113:16</p>	<p><b>inappropriate</b> <sup>[4]</sup> - 4:18, 65:20, 72:17, 143:7  <b>incidents</b> <sup>[1]</sup> - 160:20  <b>include</b> <sup>[2]</sup> - 52:18, 86:5  <b>included</b> <sup>[6]</sup> - 23:7, 160:3, 161:1, 168:10, 180:11, 182:6  <b>includes</b> <sup>[3]</sup> - 38:19, 38:20, 195:6  <b>including</b> <sup>[4]</sup> - 29:16, 38:22, 41:15, 183:24  <b>inclusive</b> <sup>[3]</sup> - 99:13, 104:5, 177:7  <b>incorrect</b> <sup>[1]</sup> - 58:13  <b>increase</b> <sup>[1]</sup> - 130:10  <b>increased</b> <sup>[3]</sup> - 8:7, 10:19, 130:8  <b>increasing</b> <sup>[1]</sup> - 164:2  <b>incur</b> <sup>[1]</sup> - 163:8  <b>incurring</b> <sup>[1]</sup> - 163:12  <b>indeed</b> <sup>[4]</sup> - 38:2, 165:22, 169:21, 172:15  <b>independent</b> <sup>[1]</sup> - 202:21  <b>independently</b> <sup>[1]</sup> - 141:11  <b>INDEX</b> <sup>[1]</sup> - 1:2  <b>Indian</b> <sup>[2]</sup> - 14:2, 101:8  <b>indicate</b> <sup>[1]</sup> - 97:5  <b>indicated</b> <sup>[4]</sup> - 22:9, 109:8, 119:17, 166:3  <b>indicates</b> <sup>[3]</sup> - 24:12, 116:8  <b>indication</b> <sup>[2]</sup> - 30:22, 51:18  <b>indifference</b> <sup>[2]</sup> - 65:12, 176:5  <b>indifferences</b> <sup>[3]</sup> - 65:10, 176:1, 176:7  <b>indifferent</b> <sup>[2]</sup> - 154:12, 157:1  <b>individual</b> <sup>[8]</sup> - 36:7, 52:8, 53:16, 53:21, 80:11, 82:12, 141:10, 181:17  <b>individuals</b> <sup>[19]</sup> - 29:25, 46:24, 53:7, 61:1, 67:20, 70:2, 71:10, 71:14, 100:4, 100:8, 103:16, 128:17, 163:8, 168:9, 182:4, 182:8, 182:11, 196:9, 209:16  <b>industrial</b> <sup>[6]</sup> - 23:24,</p>	<p>24:2, 30:5, 30:8, 34:9, 34:10  <b>inexperienced</b> <sup>[1]</sup> - 201:15  <b>inference</b> <sup>[1]</sup> - 45:23  <b>inferring</b> <sup>[1]</sup> - 71:23  <b>influx</b> <sup>[1]</sup> - 48:21  <b>informally</b> <sup>[1]</sup> - 88:23  <b>information</b> <sup>[40]</sup> - 9:24, 12:10, 12:16, 14:22, 15:3, 15:20, 31:21, 62:20, 75:19, 80:25, 81:10, 82:5, 83:5, 83:25, 85:16, 119:24, 122:24, 135:14, 137:22, 138:10, 138:19, 163:24, 164:9, 164:22, 165:1, 165:5, 165:7, 173:22, 175:20, 179:2, 179:15, 179:16, 180:17, 181:1, 199:9, 200:15, 200:16, 207:16, 211:7  <b>informative</b> <sup>[1]</sup> - 174:21  <b>informed</b> <sup>[2]</sup> - 106:5, 145:20  <b>inherent</b> <sup>[1]</sup> - 209:16  <b>initial</b> <sup>[1]</sup> - 207:16  <b>initials</b> <sup>[1]</sup> - 198:25  <b>initiated</b> <sup>[2]</sup> - 37:21, 206:18  <b>initiative</b> <sup>[8]</sup> - 19:19, 27:6, 27:13, 34:4, 81:6, 164:1  <b>initiatives</b> <sup>[1]</sup> - 107:11  <b>innovative</b> <sup>[1]</sup> - 113:3  <b>input</b> <sup>[3]</sup> - 118:12, 118:17, 171:25  <b>inquiries</b> <sup>[1]</sup> - 80:2  <b>inquiry</b> <sup>[14]</sup> - 15:24, 29:18, 45:16, 48:13, 53:14, 65:21, 84:1, 108:10, 110:4, 113:24, 132:13, 142:21, 175:15, 179:7  <b>inquiry's</b> <sup>[1]</sup> - 81:21  <b>insist</b> <sup>[1]</sup> - 64:2  <b>insisting</b> <sup>[1]</sup> - 186:18  <b>Inspector</b> <sup>[27]</sup> - 4:6, 21:3, 24:7, 24:25, 37:21, 42:12, 53:14, 62:2, 78:14, 85:23, 92:10, 116:4, 118:13, 120:9, 124:24, 133:22,</p>
---	--	---	---	--

<p>138:6, 138:9, 139:4, 139:5, 146:3, 150:11, 177:25, 181:11, 198:19, 208:4</p> <p><b>inspector</b> <sup>[19]</sup> - 17:9, 17:18, 17:24, 17:25, 19:24, 29:12, 44:19, 44:23, 45:2, 45:13, 46:4, 46:6, 70:14, 141:4, 141:9, 141:11, 143:23, 181:6, 182:4</p> <p><b>inspectors</b> <sup>[2]</sup> - 41:12, 133:21</p> <p><b>instance</b> <sup>[2]</sup> - 110:1, 168:2</p> <p><b>instead</b> <sup>[1]</sup> - 84:10</p> <p><b>Institute</b> <sup>[1]</sup> - 44:10</p> <p><b>institutional</b> <sup>[1]</sup> - 18:15</p> <p><b>instructed</b> <sup>[1]</sup> - 73:1</p> <p><b>instructing</b> <sup>[2]</sup> - 74:7, 181:5</p> <p><b>intake</b> <sup>[1]</sup> - 72:2</p> <p><b>intended</b> <sup>[1]</sup> - 40:22</p> <p><b>intensive</b> <sup>[2]</sup> - 161:16, 161:18</p> <p><b>intention</b> <sup>[4]</sup> - 22:15, 29:24, 34:24, 124:11</p> <p><b>intentionally</b> <sup>[1]</sup> - 203:3</p> <p><b>intentions</b> <sup>[1]</sup> - 203:2</p> <p><b>interact</b> <sup>[5]</sup> - 23:11, 81:23, 82:1, 111:10, 131:19</p> <p><b>interacted</b> <sup>[3]</sup> - 99:25, 157:7, 202:12</p> <p><b>interacting</b> <sup>[3]</sup> - 70:13, 157:17, 209:25</p> <p><b>interaction</b> <sup>[13]</sup> - 32:10, 35:7, 98:20, 98:21, 98:23, 99:2, 100:6, 100:7, 103:12, 103:16, 112:13, 112:15, 112:17</p> <p><b>interactions</b> <sup>[2]</sup> - 36:11, 50:18</p> <p><b>interchangeably</b> <sup>[1]</sup> - 169:12</p> <p><b>interest</b> <sup>[12]</sup> - 7:12, 7:25, 52:7, 59:15, 142:22, 149:6, 149:10, 149:22, 168:22, 169:4, 169:11, 169:22</p> <p><b>interested</b> <sup>[3]</sup> - 110:4, 113:24, 189:25</p> <p><b>interests</b> <sup>[5]</sup> - 12:1,</p>	<p>21:10, 21:20, 89:18</p> <p><b>interfere</b> <sup>[1]</sup> - 156:5</p> <p><b>interior</b> <sup>[1]</sup> - 101:4</p> <p><b>interject</b> <sup>[1]</sup> - 192:25</p> <p><b>internal</b> <sup>[4]</sup> - 67:11, 71:12, 142:5, 168:17</p> <p><b>internally</b> <sup>[2]</sup> - 141:8, 144:11</p> <p><b>interpret</b> <sup>[2]</sup> - 28:9, 28:15</p> <p><b>interpretation</b> <sup>[2]</sup> - 65:11, 112:16</p> <p><b>interrupt</b> <sup>[1]</sup> - 187:20</p> <p><b>interrupting</b> <sup>[1]</sup> - 87:20</p> <p><b>interview</b> <sup>[9]</sup> - 59:19, 60:18, 60:20, 60:22, 60:24, 61:12, 109:5, 110:22, 152:19</p> <p><b>interviewed</b> <sup>[7]</sup> - 55:4, 59:25, 60:1, 60:6, 60:12, 61:1, 61:8</p> <p><b>interviewing</b> <sup>[1]</sup> - 144:6</p> <p><b>interviews</b> <sup>[2]</sup> - 61:22, 105:6</p> <p><b>intravenous</b> <sup>[5]</sup> - 6:2, 25:11, 25:21, 26:1, 26:9</p> <p><b>intro</b> <sup>[1]</sup> - 183:8</p> <p><b>invasions</b> <sup>[1]</sup> - 160:23</p> <p><b>Invest</b> <sup>[1]</sup> - 179:10</p> <p><b>investigate</b> <sup>[6]</sup> - 57:9, 71:13, 81:14, 98:12, 113:4, 179:5</p> <p><b>investigated</b> <sup>[7]</sup> - 12:17, 15:1, 18:11, 112:22, 114:4, 204:12, 204:16</p> <p><b>investigating</b> <sup>[8]</sup> - 3:7, 44:3, 44:4, 52:6, 153:2, 156:1, 156:23, 193:10</p> <p><b>investigation</b> <sup>[76]</sup> - 6:24, 9:8, 12:21, 14:25, 53:5, 53:16, 55:5, 59:16, 63:2, 63:6, 63:10, 64:8, 65:16, 68:16, 69:3, 69:4, 71:12, 79:9, 87:8, 89:2, 89:12, 89:14, 97:23, 99:8, 99:24, 110:15, 110:19, 110:25, 115:18, 116:10, 118:9, 119:9, 119:12, 120:1, 121:19, 123:1, 140:23, 142:5, 142:23, 144:10,</p>	<p>145:17, 145:21, 147:21, 148:16, 150:12, 150:18, 153:22, 155:5, 155:16, 155:19, 156:15, 157:20, 157:21, 157:24, 158:5, 160:15, 162:19, 167:6, 168:13, 169:23, 172:1, 175:13, 176:9, 177:10, 180:9, 180:13, 181:23, 182:15, 190:2, 191:2, 193:7, 193:20, 196:4, 201:3, 202:5</p> <p><b>Investigation</b> <sup>[2]</sup> - 147:8, 148:1</p> <p><b>investigations</b> <sup>[13]</sup> - 5:17, 14:23, 69:11, 95:15, 158:9, 160:17, 162:4, 162:5, 167:17, 184:8, 188:25, 201:16</p> <p><b>investigative</b> <sup>[16]</sup> - 15:8, 54:12, 68:2, 72:25, 114:6, 120:4, 129:13, 135:13, 136:12, 140:22, 143:16, 144:1, 168:6, 190:24, 205:5</p> <p><b>Investigative</b> <sup>[3]</sup> - 120:6, 147:16, 148:1</p> <p><b>investigator</b> <sup>[1]</sup> - 190:11</p> <p><b>investigators</b> <sup>[18]</sup> - 41:12, 52:15, 54:5, 54:21, 55:9, 58:17, 81:8, 97:17, 99:17, 129:20, 135:14, 143:15, 148:5, 155:2, 177:6, 181:16, 196:10, 207:17</p> <p><b>invited</b> <sup>[1]</sup> - 171:19</p> <p><b>inviting</b> <sup>[1]</sup> - 171:25</p> <p><b>involve</b> <sup>[1]</sup> - 194:2</p> <p><b>involved</b> <sup>[21]</sup> - 6:24, 16:15, 40:24, 47:13, 51:7, 52:15, 54:21, 55:9, 97:23, 101:18, 134:21, 141:5, 144:10, 146:13, 154:16, 176:24, 178:23, 179:7, 195:2, 200:14, 203:4</p> <p><b>involvement</b> <sup>[4]</sup> - 142:9, 160:7,</p>	<p>176:14, 176:21</p> <p><b>involves</b> <sup>[1]</sup> - 68:3</p> <p><b>involving</b> <sup>[2]</sup> - 20:21, 160:3</p> <p><b>ironical</b> <sup>[1]</sup> - 210:3</p> <p><b>irregardless</b> <sup>[1]</sup> - 176:4</p> <p><b>Isaac</b> <sup>[9]</sup> - 11:23, 12:5, 13:25, 14:16, 15:3, 15:15, 15:20, 16:4, 16:6</p> <p><b>Isaac's</b> <sup>[1]</sup> - 15:25</p> <p><b>Island</b> <sup>[1]</sup> - 187:14</p> <p><b>issue</b> <sup>[38]</sup> - 3:1, 3:7, 7:17, 7:18, 7:21, 10:13, 14:8, 28:12, 29:25, 48:12, 67:11, 69:19, 82:6, 94:25, 97:6, 97:7, 97:8, 97:15, 97:24, 102:9, 128:16, 141:21, 141:22, 162:14, 165:2, 174:3, 174:16, 184:16, 191:5, 191:12, 193:10, 200:14, 206:10, 206:24, 206:25, 207:21, 211:20</p> <p><b>issued</b> <sup>[2]</sup> - 124:8, 130:24</p> <p><b>issues</b> <sup>[39]</sup> - 5:9, 10:7, 30:10, 50:17, 55:13, 72:12, 72:15, 105:19, 106:18, 108:13, 110:10, 124:21, 129:14, 129:21, 153:13, 158:15, 159:10, 161:5, 161:24, 164:12, 173:16, 174:19, 184:10, 184:12, 186:10, 192:3, 192:7, 192:8, 193:18, 194:4, 194:6, 205:9, 206:22, 207:11, 209:19, 209:20, 210:9</p> <p><b>issuing</b> <sup>[1]</sup> - 99:15</p> <p><b>item</b> <sup>[1]</sup> - 171:5</p> <p><b>items</b> <sup>[1]</sup> - 91:13</p> <p><b>Items</b> <sup>[1]</sup> - 191:22</p> <p><b>itself</b> <sup>[2]</sup> - 84:16, 102:6</p>	<p><b>Janet</b> <sup>[1]</sup> - 94:6</p> <p><b>January</b> <sup>[5]</sup> - 85:4, 85:23, 86:2, 93:16, 138:4</p> <p><b>JFO</b> <sup>[11]</sup> - 109:13, 151:20, 192:10, 196:15, 196:22, 197:2, 199:3, 199:8, 200:2, 205:18, 2:9</p> <p><b>Jim</b> <sup>[1]</sup> - 198:14</p> <p><b>job</b> <sup>[17]</sup> - 53:20, 55:10, 64:10, 66:8, 67:22, 70:3, 103:18, 106:25, 107:1, 156:21, 164:25, 184:15, 184:22, 185:1, 186:1, 187:3, 202:23</p> <p><b>jobs</b> <sup>[1]</sup> - 164:14</p> <p><b>john</b> <sup>[1]</sup> - 27:7</p> <p><b>John</b> <sup>[3]</sup> - 73:23, 75:5, 148:17</p> <p><b>johns</b> <sup>[3]</sup> - 25:17, 27:24, 128:1</p> <p><b>joined</b> <sup>[1]</sup> - 152:10</p> <p><b>joint</b> <sup>[8]</sup> - 109:9, 118:4, 146:8, 146:9, 152:12, 153:3, 167:13, 192:12</p> <p><b>Judith</b> <sup>[1]</sup> - 108:24</p> <p><b>July</b> <sup>[14]</sup> - 32:21, 73:5, 73:13, 73:20, 74:19, 75:5, 94:9, 96:5, 143:24, 145:18, 148:14, 148:21, 150:19, 191:22</p> <p><b>jump</b> <sup>[1]</sup> - 133:1</p> <p><b>juncture</b> <sup>[1]</sup> - 139:20</p> <p><b>June</b> <sup>[10]</sup> - 42:2, 42:13, 43:1, 43:5, 45:5, 56:10, 70:7, 89:21, 94:6, 143:24</p> <p><b>jurisdiction</b> <sup>[1]</sup> - 193:12</p> <p><b>Justice</b> <sup>[2]</sup> - 44:9, 108:25</p> <p><b>justice</b> <sup>[1]</sup> - 210:6</p> <p><b>justify</b> <sup>[1]</sup> - 47:7</p>
<b>K</b>				
<p><b>Karen</b> <sup>[6]</sup> - 11:23, 12:5, 13:25, 14:16, 15:3, 16:6</p> <p><b>Kathie</b> <sup>[1]</sup> - 212:11</p> <p><b>keep</b> <sup>[5]</sup> - 21:8, 63:5, 140:6, 173:3, 173:6</p> <p><b>Kellie</b> <sup>[1]</sup> - 94:3</p> <p><b>kept</b> <sup>[3]</sup> - 63:23, 115:17, 145:20</p>				

<p><b>kick</b> <sup>[1]</sup> - 167:6</p> <p><b>kidnapped</b> <sup>[2]</sup> - 135:8, 135:16</p> <p><b>kidnapping</b> <sup>[7]</sup> - 134:2, 134:4, 134:12, 135:20, 135:24, 204:14, 204:22</p> <p><b>killer</b> <sup>[5]</sup> - 9:20, 50:7, 51:6, 73:6, 182:20</p> <p><b>killers</b> <sup>[2]</sup> - 44:4, 51:7</p> <p><b>Kim</b> <sup>[3]</sup> - 108:19, 177:4, 187:17</p> <p><b>kind</b> <sup>[8]</sup> - 81:9, 100:14, 108:13, 110:7, 174:20, 183:20, 187:5, 190:6</p> <p><b>kindly</b> <sup>[2]</sup> - 14:1, 145:24</p> <p><b>kinds</b> <sup>[1]</sup> - 206:20</p> <p><b>kiosk</b> <sup>[1]</sup> - 190:13</p> <p><b>knowing</b> <sup>[1]</sup> - 29:11</p> <p><b>knowledge</b> <sup>[15]</sup> - 18:15, 18:16, 34:13, 34:14, 34:15, 54:22, 57:15, 64:24, 73:3, 80:9, 83:14, 83:16, 87:13, 93:25, 142:10</p> <p><b>known</b> <sup>[7]</sup> - 38:13, 50:6, 101:5, 104:17, 106:19, 108:4, 120:14</p> <p><b>knows</b> <sup>[2]</sup> - 28:11, 124:10</p> <p><b>KPMG</b> <sup>[1]</sup> - 189:8</p> <p><b>L</b></p> <p><b>lack</b> <sup>[4]</sup> - 12:18, 117:6, 129:19, 175:20</p> <p><b>lacking</b> <sup>[1]</sup> - 65:2</p> <p><b>ladder</b> <sup>[1]</sup> - 69:16</p> <p><b>land</b> <sup>[1]</sup> - 34:9</p> <p><b>Lane</b> <sup>[1]</sup> - 93:21</p> <p><b>lanes</b> <sup>[3]</sup> - 30:14, 30:15, 30:16</p> <p><b>language</b> <sup>[3]</sup> - 65:20, 72:17, 143:7</p> <p><b>lap</b> <sup>[1]</sup> - 68:6</p> <p><b>large</b> <sup>[2]</sup> - 2:10, 178:7</p> <p><b>largely</b> <sup>[1]</sup> - 125:2</p> <p><b>larger</b> <sup>[1]</sup> - 23:5</p> <p><b>largest</b> <sup>[1]</sup> - 182:20</p> <p><b>last</b> <sup>[31]</sup> - 8:24, 13:6, 13:7, 27:3, 85:20, 85:22, 86:19, 87:11, 93:24, 100:15, 126:13, 132:16, 137:12, 137:13, 137:14, 138:21,</p>	<p>140:20, 150:20, 151:5, 152:7, 152:18, 160:2, 161:9, 173:1, 173:18, 180:21, 200:23, 205:13, 211:18</p> <p><b>late</b> <sup>[5]</sup> - 8:15, 93:8, 121:24, 126:13, 145:18</p> <p><b>lately</b> <sup>[1]</sup> - 126:19</p> <p><b>lawyers</b> <sup>[1]</sup> - 76:2</p> <p><b>lay</b> <sup>[1]</sup> - 28:20</p> <p><b>laying</b> <sup>[1]</sup> - 184:19</p> <p><b>lead</b> <sup>[3]</sup> - 35:5, 109:24, 151:19</p> <p><b>leader</b> <sup>[9]</sup> - 55:21, 62:14, 63:16, 63:21, 63:25, 70:22, 106:11, 139:22, 193:16</p> <p><b>leader"</b> <sup>[1]</sup> - 139:13</p> <p><b>leader's</b> <sup>[1]</sup> - 68:22</p> <p><b>leaders</b> <sup>[2]</sup> - 29:14, 111:10</p> <p><b>leadership</b> <sup>[12]</sup> - 63:15, 63:17, 63:18, 65:2, 69:22, 72:14, 106:21, 157:13, 174:20, 183:20, 183:25, 209:3</p> <p><b>leading</b> <sup>[1]</sup> - 122:22</p> <p><b>learn</b> <sup>[3]</sup> - 85:11, 105:14, 208:9</p> <p><b>learned</b> <sup>[8]</sup> - 55:5, 65:2, 65:3, 65:4, 65:21, 104:21, 112:21, 123:4</p> <p><b>learning</b> <sup>[3]</sup> - 121:8, 123:6, 137:21</p> <p><b>least</b> <sup>[14]</sup> - 4:4, 5:17, 44:18, 44:22, 45:3, 108:8, 108:9, 125:18, 133:21, 163:3, 170:14, 177:13, 186:12, 209:24</p> <p><b>leave</b> <sup>[5]</sup> - 48:17, 77:11, 78:10, 112:14, 203:13</p> <p><b>leaves</b> <sup>[1]</sup> - 63:8</p> <p><b>leaving</b> <sup>[1]</sup> - 136:9</p> <p><b>led</b> <sup>[4]</sup> - 9:23, 22:14, 51:20, 182:23</p> <p><b>Lee</b> <sup>[7]</sup> - 6:7, 6:11, 6:21, 7:14, 9:12, 9:19, 9:25</p> <p><b>left</b> <sup>[8]</sup> - 23:23, 99:23, 105:5, 105:15, 113:11, 136:12,</p>	<p>170:21, 210:7</p> <p><b>left-hand</b> <sup>[1]</sup> - 170:21</p> <p><b>leftover</b> <sup>[1]</sup> - 126:5</p> <p><b>legal</b> <sup>[5]</sup> - 74:15, 74:18, 75:2, 75:13, 75:15</p> <p><b>LePard</b> <sup>[8]</sup> - 135:18, 135:19, 135:23, 136:3, 136:12, 144:2, 144:5, 193:5</p> <p><b>LePard's</b> <sup>[1]</sup> - 136:9</p> <p><b>Lepine</b> <sup>[11]</sup> - 62:23, 63:3, 63:5, 63:8, 65:6, 66:23, 110:13, 115:13, 115:21, 146:1, 146:13</p> <p><b>lesson</b> <sup>[1]</sup> - 10:24</p> <p><b>letter</b> <sup>[22]</sup> - 11:17, 11:20, 11:21, 13:20, 15:8, 15:16, 16:1, 16:6, 16:8, 50:25, 51:4, 51:12, 51:24, 54:19, 55:14, 55:20, 56:7, 56:8, 56:21, 68:7, 116:4, 116:7</p> <p><b>letting</b> <sup>[1]</sup> - 20:8</p> <p><b>level</b> <sup>[21]</sup> - 8:7, 29:5, 38:4, 39:6, 39:15, 68:1, 68:12, 104:9, 106:22, 112:1, 141:7, 141:17, 141:18, 141:24, 145:3, 145:4, 168:7, 182:4, 184:17, 207:16, 207:20</p> <p><b>levels</b> <sup>[2]</sup> - 162:22, 194:8</p> <p><b>leverage</b> <sup>[2]</sup> - 35:11, 36:3</p> <p><b>liaised</b> <sup>[1]</sup> - 115:10</p> <p><b>liaising</b> <sup>[1]</sup> - 148:5</p> <p><b>liaison</b> <sup>[5]</sup> - 1:17, 1:21, 4:1, 101:2, 108:1</p> <p><b>Liaison</b> <sup>[12]</sup> - 8:22, 101:8, 101:18, 102:17, 102:24, 103:2, 103:10, 104:8, 104:13, 104:25, 105:18, 131:24</p> <p><b>life</b> <sup>[1]</sup> - 196:20</p> <p><b>lifestyle</b> <sup>[1]</sup> - 57:8</p> <p><b>light</b> <sup>[2]</sup> - 30:13, 81:1</p> <p><b>lights</b> <sup>[1]</sup> - 30:16</p> <p><b>likelihood</b> <sup>[10]</sup> - 4:3, 7:11, 7:16, 7:18, 7:21, 19:25, 29:4, 46:4, 141:5, 141:7</p> <p><b>likely</b> <sup>[4]</sup> - 57:10, 57:17, 104:20,</p>	<p>140:18</p> <p><b>line</b> <sup>[10]</sup> - 3:2, 5:7, 17:3, 43:2, 57:2, 59:12, 111:20, 139:11, 149:8, 166:20</p> <p><b>lines</b> <sup>[2]</sup> - 81:2, 209:25</p> <p><b>lineup</b> <sup>[1]</sup> - 190:13</p> <p><b>link</b> <sup>[1]</sup> - 108:12</p> <p><b>list</b> <sup>[9]</sup> - 12:12, 13:2, 14:1, 79:16, 85:4, 140:5, 170:23, 178:5, 180:6</p> <p><b>listed</b> <sup>[5]</sup> - 14:5, 14:18, 25:7, 31:5, 40:10</p> <p><b>listened</b> <sup>[2]</sup> - 173:16, 207:14</p> <p><b>listening</b> <sup>[2]</sup> - 162:18, 201:19</p> <p><b>lists</b> <sup>[4]</sup> - 25:11, 120:17, 170:19, 178:11</p> <p><b>lit</b> <sup>[2]</sup> - 30:7, 30:9</p> <p><b>living</b> <sup>[1]</sup> - 130:22</p> <p><b>Livingston</b> <sup>[1]</sup> - 127:14</p> <p><b>Livingston's</b> <sup>[1]</sup> - 129:25</p> <p><b>loan</b> <sup>[3]</sup> - 139:25, 140:3, 142:2</p> <p><b>loaned</b> <sup>[1]</sup> - 14:14</p> <p><b>local</b> <sup>[1]</sup> - 87:10</p> <p><b>locate</b> <sup>[1]</sup> - 60:25</p> <p><b>located</b> <sup>[9]</sup> - 59:24, 60:1, 60:12, 60:24, 61:4, 61:7, 61:24, 90:18, 106:7</p> <p><b>locating</b> <sup>[1]</sup> - 155:25</p> <p><b>location</b> <sup>[1]</sup> - 59:19</p> <p><b>locations</b> <sup>[1]</sup> - 81:12</p> <p><b>lock</b> <sup>[1]</sup> - 131:5</p> <p><b>logical</b> <sup>[1]</sup> - 39:4</p> <p><b>look</b> <sup>[11]</sup> - 11:8, 55:23, 95:23, 139:7, 148:11, 150:5, 150:7, 170:1, 170:15, 182:16, 197:7</p> <p><b>looked</b> <sup>[6]</sup> - 95:4, 115:7, 120:1, 195:4, 206:16, 208:5</p> <p><b>looking</b> <sup>[13]</sup> - 11:20, 70:12, 78:23, 92:23, 100:9, 112:10, 119:5, 136:22, 159:14, 200:24, 201:1, 209:18, 210:8</p> <p><b>looks</b> <sup>[10]</sup> - 19:6, 32:6, 79:17, 86:24, 197:10, 197:12,</p>	<p>198:1, 198:7, 198:23, 199:11</p> <p><b>loose</b> <sup>[1]</sup> - 184:13</p> <p><b>Lori</b> <sup>[1]</sup> - 56:17</p> <p><b>losing</b> <sup>[1]</sup> - 99:10</p> <p><b>loss</b> <sup>[2]</sup> - 8:4, 8:6</p> <p><b>Lower</b> <sup>[6]</sup> - 79:7, 193:4, 193:8, 193:23, 193:25, 194:25</p> <p><b>lowest</b> <sup>[1]</sup> - 207:16</p> <p><b>LTD</b> <sup>[1]</sup> - 212:12</p> <p><b>ludicrous</b> <sup>[2]</sup> - 154:11, 184:21</p> <p><b>luxury</b> <sup>[1]</sup> - 57:9</p> <p><b>M</b></p> <p><b>M2</b> <sup>[1]</sup> - 114:9</p> <p><b>MacKay</b> <sup>[2]</sup> - 176:16, 178:1</p> <p><b>MacKay-Dunn</b> <sup>[2]</sup> - 176:16, 178:1</p> <p><b>Maggie</b> <sup>[1]</sup> - 171:5</p> <p><b>mail</b> <sup>[1]</sup> - 95:5</p> <p><b>Main</b> <sup>[2]</sup> - 4:12, 4:20</p> <p><b>Mainland</b> <sup>[6]</sup> - 79:8, 193:4, 193:9, 193:23, 193:25, 194:25</p> <p><b>maintained</b> <sup>[1]</sup> - 165:24</p> <p><b>major</b> <sup>[5]</sup> - 68:15, 69:11, 88:15, 119:19, 120:11</p> <p><b>Major</b> <sup>[5]</sup> - 12:6, 89:7, 161:11, 178:22, 182:10</p> <p><b>majority</b> <sup>[4]</sup> - 62:15, 115:3, 115:6, 178:12</p> <p><b>mala</b> <sup>[1]</sup> - 203:4</p> <p><b>man</b> <sup>[1]</sup> - 160:3</p> <p><b>management</b> <sup>[6]</sup> - 4:5, 85:10, 110:23, 112:1, 117:22, 207:20</p> <p><b>manager</b> <sup>[2]</sup> - 151:25, 152:22</p> <p><b>mandate</b> <sup>[5]</sup> - 19:11, 21:5, 21:8, 23:7, 202:22</p> <p><b>mandated</b> <sup>[1]</sup> - 114:3</p> <p><b>manpower</b> <sup>[1]</sup> - 138:10</p> <p><b>March</b> <sup>[16]</sup> - 24:9, 24:11, 24:25, 25:6, 25:24, 25:25, 26:21, 31:1, 31:13, 47:20, 93:20, 93:24, 197:6, 197:11, 197:13</p>
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<p><b>marginalized</b> <sup>[1]</sup> - 130:21</p> <p><b>Mark</b> <sup>[3]</sup> - 52:5, 108:19, 110:13</p> <p><b>mark</b> <sup>[1]</sup> - 172:24</p> <p><b>marked</b> <sup>[7]</sup> - 13:10, 87:22, 88:10, 147:4, 159:2, 205:14, 205:17</p> <p><b>Marlene</b> <sup>[3]</sup> - 123:14, 123:17, 127:8</p> <p><b>Marnie</b> <sup>[1]</sup> - 94:15</p> <p><b>match</b> <sup>[1]</sup> - 79:5</p> <p><b>matter</b> <sup>[2]</sup> - 49:21, 152:18</p> <p><b>matters</b> <sup>[1]</sup> - 124:6</p> <p><b>maximum</b> <sup>[1]</sup> - 14:10</p> <p><b>mayor</b> <sup>[4]</sup> - 187:18, 187:24, 188:2, 188:6</p> <p><b>mayors</b> <sup>[1]</sup> - 183:17</p> <p><b>McGuinness</b> <sup>[26]</sup> - 84:18, 95:7, 107:25, 108:7, 114:17, 114:18, 115:16, 137:11, 153:9, 164:10, 165:11, 168:8, 170:20, 171:11, 172:8, 181:12, 191:6, 191:9, 191:21, 192:4, 201:25, 202:2, 202:7, 202:11, 204:18, 204:24</p> <p><b>McGuinness"</b> <sup>[1]</sup> - 172:4</p> <p><b>McGuinness's</b> <sup>[1]</sup> - 171:2</p> <p><b>McKellar</b> <sup>[9]</sup> - 20:4, 24:6, 24:25, 26:18, 26:22, 28:2, 29:1, 29:8, 30:25</p> <p><b>McKnight</b> <sup>[2]</sup> - 117:12, 198:15</p> <p><b>mean</b> <sup>[41]</sup> - 6:20, 9:12, 11:9, 16:22, 22:17, 28:21, 29:19, 30:7, 34:6, 36:6, 37:10, 45:18, 63:17, 64:22, 65:10, 66:5, 66:7, 71:18, 71:20, 76:2, 82:3, 84:15, 101:12, 103:21, 103:23, 135:10, 144:9, 162:2, 162:15, 163:2, 165:14, 174:12, 182:16, 184:17, 184:21, 190:3, 193:19, 202:2, 206:2,</p>	<p>207:19, 209:3</p> <p><b>meaning</b> <sup>[2]</sup> - 197:11, 197:18</p> <p><b>meaningful</b> <sup>[1]</sup> - 102:8</p> <p><b>means</b> <sup>[5]</sup> - 26:19, 65:13, 76:17, 123:19, 149:14</p> <p><b>meant</b> <sup>[3]</sup> - 9:8, 28:19, 82:25</p> <p><b>meantime</b> <sup>[1]</sup> - 204:4</p> <p><b>Mearns</b> <sup>[1]</sup> - 101:8</p> <p><b>measure</b> <sup>[1]</sup> - 40:18</p> <p><b>measuring</b> <sup>[1]</sup> - 40:16</p> <p><b>media</b> <sup>[7]</sup> - 2:15, 3:20, 4:1, 4:8, 81:22, 82:6, 83:10</p> <p><b>meet</b> <sup>[4]</sup> - 79:11, 103:14, 127:9, 127:11</p> <p><b>meeting</b> <sup>[23]</sup> - 81:18, 81:20, 81:22, 83:5, 91:20, 91:22, 118:1, 118:21, 119:25, 124:22, 125:1, 145:8, 149:21, 165:14, 170:9, 170:17, 170:18, 171:14, 171:19, 172:13, 186:6, 186:9, 186:16</p> <p><b>meetings</b> <sup>[7]</sup> - 29:13, 91:14, 105:24, 109:17, 110:6, 111:7, 111:8</p> <p><b>meets</b> <sup>[1]</sup> - 109:20</p> <p><b>member</b> <sup>[3]</sup> - 35:13, 48:17, 126:14</p> <p><b>members</b> <sup>[15]</sup> - 26:23, 27:5, 29:24, 31:2, 42:14, 53:10, 66:2, 84:18, 105:25, 171:18, 176:7, 184:21, 190:14, 199:11, 209:6</p> <p><b>members'</b> <sup>[1]</sup> - 172:9</p> <p><b>membership</b> <sup>[2]</sup> - 157:16, 190:7</p> <p><b>memo</b> <sup>[53]</sup> - 15:10, 15:14, 15:23, 16:1, 19:6, 20:3, 21:2, 24:6, 24:24, 26:17, 27:25, 28:16, 28:25, 30:25, 31:13, 32:20, 56:16, 62:1, 67:2, 70:6, 70:10, 70:12, 70:25, 71:1, 71:4, 71:16, 71:20, 72:20, 73:19, 74:21, 78:12, 78:22, 79:1, 85:19, 85:22, 86:11, 86:12,</p>	<p>95:8, 95:11, 95:17, 95:19, 114:16, 115:16, 137:21, 138:18, 163:25, 178:25, 191:20, 191:24, 197:1, 199:2, 199:6, 199:14</p> <p><b>memorandum</b> <sup>[10]</sup> - 137:6, 137:9, 138:5, 139:3, 139:17, 146:24, 147:4, 148:24, 150:10, 177:25</p> <p><b>memory</b> <sup>[1]</sup> - 136:25</p> <p><b>memos</b> <sup>[7]</sup> - 45:8, 49:14, 71:2, 71:3, 85:17, 91:24, 111:22</p> <p><b>men</b> <sup>[1]</sup> - 57:5</p> <p><b>mental</b> <sup>[1]</sup> - 210:9</p> <p><b>mention</b> <sup>[5]</sup> - 9:3, 149:5, 149:12, 149:17, 210:4</p> <p><b>mentioned</b> <sup>[13]</sup> - 6:7, 8:10, 48:12, 59:5, 102:11, 150:2, 150:25, 166:11, 181:18, 189:7, 192:2, 194:5, 206:14</p> <p><b>merchants</b> <sup>[1]</sup> - 22:25</p> <p><b>message</b> <sup>[6]</sup> - 3:22, 16:2, 16:5, 28:12, 33:1, 33:11</p> <p><b>messaging</b> <sup>[1]</sup> - 33:21</p> <p><b>met</b> <sup>[7]</sup> - 109:23, 145:9, 165:11, 178:8, 180:2, 199:22, 201:10</p> <p><b>method</b> <sup>[1]</sup> - 101:6</p> <p><b>middle</b> <sup>[2]</sup> - 84:22, 172:6</p> <p><b>might</b> <sup>[37]</sup> - 4:1, 16:20, 22:19, 35:13, 35:14, 36:13, 36:16, 36:17, 37:17, 48:2, 66:5, 72:22, 91:17, 96:25, 97:5, 99:22, 100:15, 102:4, 102:7, 134:14, 134:20, 153:17, 153:20, 161:3, 163:2, 163:3, 164:16, 164:18, 165:14, 166:15, 168:23, 175:6, 181:10, 184:2, 187:16, 204:16, 204:22</p> <p><b>mike</b> <sup>[1]</sup> - 142:25</p> <p><b>million</b> <sup>[2]</sup> - 41:18, 152:1</p> <p><b>mind</b> <sup>[1]</sup> - 123:20</p>	<p><b>minimum</b> <sup>[1]</sup> - 189:10</p> <p><b>minute</b> <sup>[1]</sup> - 84:8</p> <p><b>minutes</b> <sup>[25]</sup> - 33:24, 75:24, 76:6, 76:12, 76:13, 76:14, 76:16, 77:4, 77:9, 77:13, 91:18, 91:20, 91:22, 100:15, 118:1, 125:14, 125:18, 125:19, 125:20, 132:23, 170:9, 173:5, 173:9</p> <p><b>misapprehension</b> <sup>[1]</sup> - 158:14</p> <p><b>misconception</b> <sup>[3]</sup> - 153:19, 154:10, 157:3</p> <p><b>misconduct</b> <sup>[1]</sup> - 71:14</p> <p><b>misleading</b> <sup>[5]</sup> - 33:10, 82:17, 82:19, 83:1, 83:13</p> <p><b>miss</b> <sup>[1]</sup> - 130:24</p> <p><b>Miss</b> <sup>[20]</sup> - 28:23, 76:12, 76:13, 76:14, 77:13, 108:17, 123:12, 124:7, 124:15, 125:14, 125:19, 127:6, 127:14, 132:16, 142:18, 144:25, 201:14, 202:3, 211:17, 211:22</p> <p><b>missed</b> <sup>[1]</sup> - 80:5</p> <p><b>missing</b> <sup>[97]</sup> - 5:11, 5:17, 5:18, 10:1, 18:8, 43:11, 44:3, 52:8, 52:17, 52:20, 53:5, 54:7, 54:17, 54:25, 56:1, 56:4, 58:25, 59:17, 72:2, 73:10, 78:19, 79:3, 79:6, 79:10, 79:18, 80:3, 80:4, 80:24, 81:20, 84:24, 85:3, 85:13, 89:2, 89:11, 91:4, 93:12, 93:15, 93:17, 93:21, 94:4, 94:6, 94:10, 94:13, 94:16, 94:20, 94:24, 95:14, 95:22, 96:19, 97:2, 97:7, 97:9, 97:14, 97:25, 98:9, 99:4, 101:24, 104:14, 104:25, 105:25, 106:8, 107:8, 112:4, 112:23, 113:8, 113:14, 113:23, 114:3, 115:18,</p>	<p>116:10, 122:12, 134:15, 134:19, 135:4, 135:15, 135:16, 146:14, 146:25, 154:5, 154:13, 156:1, 156:22, 160:15, 162:19, 169:22, 171:4, 171:5, 171:6, 172:1, 172:10, 178:1, 180:5, 200:24, 201:9, 204:16, 204:19, 204:22</p> <p><b>Missing</b> <sup>[22]</sup> - 52:1, 52:13, 53:4, 54:4, 57:4, 57:24, 58:16, 69:1, 79:22, 96:12, 104:14, 113:4, 136:19, 137:16, 138:11, 138:16, 139:23, 140:17, 142:11, 148:18, 176:11, 177:17</p> <p><b>mistakes</b> <sup>[1]</sup> - 203:3</p> <p><b>misunderstand</b> <sup>[1]</sup> - 157:10</p> <p><b>Mitchell</b> <sup>[4]</sup> - 21:3, 31:13, 31:18, 32:20</p> <p><b>model</b> <sup>[16]</sup> - 20:6, 20:16, 20:18, 33:23, 33:24, 34:4, 48:15, 182:25, 188:15, 196:3, 206:17, 207:7, 208:2, 208:4, 208:19, 211:12</p> <p><b>moment</b> <sup>[7]</sup> - 148:12, 159:1, 170:1, 170:14, 171:16, 176:12, 196:2</p> <p><b>Monday</b> <sup>[4]</sup> - 81:23, 90:9, 112:20, 121:6</p> <p><b>money</b> <sup>[3]</sup> - 41:19, 46:18, 189:15</p> <p><b>month</b> <sup>[3]</sup> - 160:2, 161:9, 197:16</p> <p><b>months</b> <sup>[5]</sup> - 31:6, 39:16, 96:5, 96:7, 189:14</p> <p><b>Moody</b> <sup>[1]</sup> - 195:17</p> <p><b>morning</b> <sup>[8]</sup> - 1:9, 29:13, 31:9, 34:5, 81:24, 190:3, 190:18, 212:2</p> <p><b>Morris</b> <sup>[3]</sup> - 8:24, 102:20, 133:23</p> <p><b>most</b> <sup>[13]</sup> - 21:9, 30:7, 76:16, 79:2, 79:5, 79:10, 124:25, 130:21, 153:25,</p>
--	---	---	--	--

<p>159:16, 177:20, 178:19, 204:17 <b>motion</b> [2] - 126:11, 176:3 <b>Motorcycle</b> [1] - 161:19 <b>MOU</b> [2] - 196:8, 198:4 <b>Moulton</b> [1] - 143:23 <b>move</b> [20] - 22:5, 23:10, 23:12, 23:15, 31:12, 32:19, 35:9, 44:11, 66:6, 74:8, 103:21, 112:19, 141:8, 141:10, 144:23, 176:8, 177:6, 182:15, 197:25, 198:4 <b>moved</b> [4] - 22:6, 22:9, 53:8, 117:12 <b>moving</b> [10] - 23:7, 75:9, 121:5, 146:16, 173:23, 183:5, 211:9, 211:12, 211:13, 211:15 <b>MPRT</b> [3] - 137:16, 205:18, 2:9 <b>MR</b> [100] - 1:7, 5:5, 5:19, 5:24, 10:24, 11:4, 11:7, 11:10, 11:12, 11:15, 13:9, 13:16, 15:25, 16:12, 16:15, 18:5, 18:17, 27:25, 28:24, 47:17, 48:7, 49:7, 49:14, 49:19, 75:13, 75:16, 75:22, 75:24, 76:4, 76:8, 76:12, 76:22, 77:2, 77:8, 77:17, 77:18, 84:6, 84:12, 84:14, 87:16, 87:18, 87:20, 87:25, 88:2, 88:4, 88:7, 88:13, 89:16, 108:19, 123:14, 123:17, 123:20, 123:25, 124:6, 125:13, 125:22, 126:4, 126:5, 126:19, 127:5, 132:16, 132:21, 132:22, 132:25, 142:14, 143:20, 146:20, 151:4, 151:10, 153:7, 156:4, 156:7, 156:9, 167:16, 167:25, 169:8, 169:14, 169:16, 169:25, 170:4, 172:18, 172:25, 173:1, 173:5,</p>	<p>173:13, 188:19, 190:20, 193:21, 196:12, 198:21, 203:10, 203:13, 203:17, 203:20, 205:12, 205:13, 210:23, 211:18, 211:19, 211:24 <b>MS</b> [27] - 28:6, 89:18, 89:20, 102:23, 103:2, 103:7, 108:16, 108:22, 123:11, 124:20, 126:10, 127:7, 127:12, 127:15, 127:17, 128:14, 129:23, 132:2, 132:5, 132:10, 132:14, 142:16, 142:19, 143:1, 143:5, 143:18, 211:2 <b>municipal</b> [3] - 194:12, 194:13, 195:9 <b>municipalities</b> [1] - 79:7 <b>municipality</b> [1] - 79:19 <b>murder</b> [15] - 63:10, 121:17, 122:16, 122:19, 123:8, 134:7, 134:12, 135:1, 135:2, 155:17, 155:18, 156:10, 156:15, 201:15, 204:14 <b>murdered</b> [4] - 135:9, 201:1, 201:2, 206:4 <b>murders</b> [5] - 120:10, 146:14, 156:2, 156:23, 161:1 <b>Murdock</b> [1] - 94:12 <b>must</b> [6] - 7:24, 76:18, 79:9, 130:19, 198:4, 198:5 <b>mutual</b> [1] - 209:14 <b>myth</b> [1] - 18:6</p>	<p>11:24, 13:14, 13:25, 16:18, 18:7, 18:9, 18:10, 2:6 <b>nations</b> [2] - 90:19, 100:21 <b>Nations/Aboriginal</b> [2] - 12:14, 14:21 <b>Native</b> [13] - 8:21, 14:2, 101:8, 101:17, 102:17, 102:24, 103:2, 103:9, 104:8, 104:13, 104:24, 105:18, 131:24 <b>natural</b> [1] - 165:5 <b>nature</b> [4] - 6:17, 135:21, 147:20, 165:22 <b>NCO</b> [1] - 31:3 <b>necessarily</b> [3] - 3:23, 6:13, 165:19 <b>necessary</b> [5] - 14:12, 117:19, 122:15, 164:25, 165:6 <b>need</b> [23] - 39:12, 62:13, 63:20, 64:15, 67:14, 67:15, 67:22, 76:20, 118:2, 139:12, 143:1, 143:3, 165:24, 172:23, 177:8, 184:7, 185:19, 195:23, 196:21, 208:5, 211:19, 211:21 <b>needed</b> [11] - 46:13, 97:15, 114:23, 141:14, 141:17, 145:10, 185:25, 186:19, 188:14, 189:17 <b>needle</b> [7] - 4:11, 4:15, 4:19, 5:19, 5:21, 5:23, 6:5 <b>needs</b> [10] - 48:12, 50:15, 53:17, 53:18, 61:5, 64:1, 159:2, 185:20, 195:24, 199:4 <b>negligent</b> [1] - 186:25 <b>neighbourhood</b> [2] - 22:18, 130:9 <b>Neighbourhood</b> [7] - 19:2, 19:3, 19:4, 19:15, 19:16, 21:6, 23:6 <b>neighbours</b> [6] - 52:19, 54:6, 56:3, 59:7, 60:5, 61:13 <b>net</b> [2] - 37:1, 107:13 <b>Network</b> [1] - 4:11</p>	<p><b>never</b> [15] - 15:9, 15:15, 16:8, 29:23, 30:19, 34:23, 72:13, 79:15, 110:18, 192:21, 199:22, 206:2, 207:17 <b>new</b> [20] - 41:19, 43:7, 44:11, 44:13, 44:14, 46:19, 48:6, 48:9, 48:21, 84:23, 85:3, 85:16, 87:9, 106:24, 122:24, 181:14, 181:25, 182:13, 183:3 <b>New</b> [2] - 96:10, 206:16 <b>next</b> [24] - 13:10, 21:1, 24:5, 87:22, 95:8, 95:24, 100:16, 122:6, 122:14, 123:13, 125:13, 125:14, 132:21, 136:15, 139:9, 142:15, 148:6, 148:22, 148:24, 150:15, 170:6, 176:10, 179:13, 208:11 <b>nice</b> [2] - 127:9, 127:11 <b>night</b> [9] - 8:19, 9:3, 24:21, 24:22, 33:17, 34:6, 34:12, 35:4, 126:13 <b>night-time</b> [1] - 24:22 <b>nine</b> [1] - 184:24 <b>NO</b> [1] - 2:4 <b>non</b> [3] - 6:12, 88:5, 171:18 <b>non-board</b> [1] - 171:18 <b>non-profit</b> [1] - 6:12 <b>non-redacted</b> [1] - 88:5 <b>none</b> [3] - 43:11, 62:17, 201:20 <b>normal</b> [2] - 14:3, 148:8 <b>normally</b> [1] - 145:8 <b>North</b> [4] - 19:2, 19:4, 21:5, 23:6 <b>north</b> [3] - 101:3, 202:12, 202:17 <b>notation</b> [5] - 40:19, 78:24, 79:17, 86:1, 86:6 <b>notations</b> [1] - 29:2 <b>note</b> [6] - 84:22, 86:5, 86:8, 86:15, 133:7, 197:8</p>	<p><b>notebook</b> [3] - 125:1, 125:6, 125:8 <b>noted</b> [4] - 82:4, 149:22, 150:15, 151:16 <b>notes</b> [10] - 13:4, 13:5, 80:16, 86:11, 86:13, 124:16, 124:17, 124:22, 124:25, 147:24 <b>nothing</b> [7] - 49:4, 49:5, 55:24, 93:2, 165:19, 200:20, 208:8 <b>notice</b> [3] - 33:24, 126:21, 152:19 <b>noticed</b> [2] - 22:2, 33:2 <b>notwithstanding</b> [1] - 185:23 <b>November</b> [3] - 40:12, 177:23, 179:3 <b>nowhere</b> [1] - 150:1 <b>NR</b> [6] - 88:2, 88:4, 88:10, 151:9, 151:11, 2:8 <b>Number</b> [1] - 178:16 <b>number</b> [39] - 2:10, 12:17, 12:20, 12:22, 13:4, 14:23, 20:23, 22:4, 24:10, 25:9, 25:11, 26:1, 26:2, 31:2, 33:4, 34:22, 41:11, 79:10, 82:11, 91:3, 94:24, 95:21, 96:19, 97:1, 97:8, 97:13, 98:9, 107:11, 107:24, 109:24, 111:9, 166:12, 168:9, 171:5, 184:11, 185:14, 192:3, 211:5 <b>numbered</b> [3] - 54:12, 119:4 <b>numbers</b> [3] - 99:4, 128:17, 206:11 <b>numerous</b> [1] - 45:25 <b>Numerous</b> [1] - 119:20</p>
<div>N</div>				
<p><b>name</b> [6] - 8:24, 22:19, 143:21, 199:20, 199:21, 202:3 <b>namely</b> [2] - 27:17, 68:6 <b>names</b> [6] - 12:12, 14:1, 14:7, 14:19, 57:4, 170:24 <b>narrow</b> [1] - 8:9 <b>Nation</b> [1] - 127:9 <b>Nations</b> [10] - 11:18,</p>				
<div>O</div>				
<p><b>o'clock</b> [4] - 31:8, 31:9, 33:25, 126:24 <b>oath</b> [1] - 202:22 <b>object</b> [2] - 170:6, 201:8 <b>objected</b> [1] - 75:20 <b>objection</b> [2] - 169:7, 195:15 <b>objections</b> [1] - 13:12</p>				

<b>objectives</b> [2] - 38:12, 188:6 <b>obligation</b> [3] - 90:22, 107:5, 107:6 <b>observation</b> [1] - 89:6 <b>obtain</b> [2] - 62:20, 118:16 <b>obtained</b> [2] - 121:18, 122:10 <b>obvious</b> [4] - 23:16, 37:4, 50:4, 207:13 <b>obviously</b> [13] - 7:5, 7:14, 16:13, 24:17, 25:19, 26:7, 55:15, 64:17, 75:7, 125:8, 127:1, 177:2, 197:18 <b>occasion</b> [4] - 145:8, 163:5, 166:4, 171:21 <b>occurred</b> [5] - 10:23, 39:18, 121:16, 121:21, 134:18 <b>occurrences</b> [1] - 160:6 <b>occurring</b> [1] - 184:18 <b>occurs</b> [3] - 66:5, 174:13, 208:8 <b>October</b> [9] - 59:23, 92:9, 114:20, 115:21, 117:1, 117:10, 137:7, 146:13, 150:20 <b>OF</b> [3] - 27:19, 27:20, 1:2 <b>offence</b> [1] - 134:12 <b>offences</b> [3] - 36:15, 134:3, 134:21 <b>offer</b> [1] - 12:10 <b>office</b> [9] - 8:16, 19:8, 19:10, 71:13, 101:7, 127:20, 129:15, 142:5, 181:6 <b>Office</b> [7] - 19:3, 19:5, 19:15, 19:17, 21:6, 23:6 <b>officer</b> [12] - 1:17, 35:8, 35:11, 35:15, 35:19, 37:14, 89:7, 89:9, 182:2, 210:23 <b>Officer</b> [1] - 88:17 <b>officer's</b> [1] - 34:23 <b>officers</b> [69] - 1:20, 3:14, 20:19, 20:22, 20:23, 20:25, 22:3, 24:17, 26:7, 29:9, 31:8, 32:12, 36:12, 37:12, 40:25, 41:1, 41:2, 41:6, 41:10, 41:11, 41:18, 41:24, 42:20, 43:2, 43:7, 44:15, 44:23, 46:19,	47:4, 48:4, 48:6, 48:8, 48:9, 48:18, 48:20, 64:3, 65:5, 77:25, 87:5, 91:24, 92:1, 98:12, 98:22, 99:6, 99:7, 101:1, 105:1, 109:24, 111:11, 127:19, 127:25, 128:3, 128:12, 128:20, 129:8, 130:5, 130:8, 130:11, 130:12, 130:14, 130:15, 130:16, 131:17, 144:7, 144:10, 179:6, 184:20, 185:9, 197:23 <b>offices</b> [4] - 22:19, 98:21, 99:16, 101:2 <b>official</b> [1] - 3:10 <b>Official</b> [1] - 212:11 <b>officially</b> [1] - 96:6 <b>often</b> [8] - 6:2, 8:25, 65:12, 161:13, 165:11, 165:23, 167:5, 185:4 <b>Oger</b> [1] - 199:17 <b>OIC</b> [2] - 89:7, 110:2 <b>Olivia</b> [1] - 94:9 <b>once</b> [3] - 48:22, 165:4, 185:13 <b>one</b> [97] - 4:8, 5:9, 8:6, 8:12, 8:18, 8:21, 9:3, 10:1, 11:25, 16:9, 17:17, 23:5, 29:9, 29:20, 31:3, 37:4, 37:5, 38:12, 38:16, 40:18, 44:18, 45:2, 46:5, 46:6, 46:7, 53:15, 57:9, 57:10, 58:1, 58:18, 58:20, 59:24, 60:23, 66:18, 68:2, 68:17, 69:22, 74:13, 76:5, 82:12, 86:19, 99:15, 102:5, 102:10, 103:16, 105:22, 107:9, 107:24, 109:11, 109:12, 111:3, 114:5, 124:7, 124:21, 128:25, 133:16, 133:17, 135:2, 135:15, 149:9, 149:17, 151:5, 152:18, 153:23, 159:5, 159:6, 159:7, 162:23, 169:25, 174:5, 174:6, 175:21, 177:5,	179:6, 181:19, 183:18, 186:16, 187:12, 189:21, 190:6, 196:25, 200:22, 203:14, 204:6, 204:7, 205:13, 207:1, 208:2, 208:13, 208:14, 210:25, 211:18 <b>ones</b> [3] - 184:4, 184:9, 192:9 <b>ongoing</b> [6] - 98:21, 99:2, 158:5, 160:16, 162:3, 196:19 <b>Ongoing</b> [2] - 147:16, 148:1 <b>online</b> [1] - 42:6 <b>onset</b> [1] - 192:16 <b>open</b> [13] - 9:11, 9:15, 51:19, 88:21, 106:13, 111:14, 112:14, 128:22, 157:12, 174:20, 182:25, 204:17, 204:23 <b>opened</b> [2] - 9:3, 9:13 <b>opening</b> [1] - 21:23 <b>opens</b> [1] - 190:5 <b>operation</b> [8] - 8:23, 47:4, 118:5, 137:19, 146:8, 146:9, 167:14, 192:12 <b>operational</b> [4] - 38:3, 117:22, 118:12, 147:21 <b>Operational</b> [1] - 171:12 <b>operations</b> [12] - 15:7, 19:12, 42:3, 42:16, 43:9, 44:25, 89:10, 109:9, 146:7, 149:24, 160:3, 162:11 <b>Operations</b> [2] - 42:22, 137:11 <b>operative</b> [1] - 145:15 <b>opinion</b> [8] - 35:21, 36:4, 36:5, 36:6, 64:17, 64:18, 156:14, 200:7 <b>opinions</b> [2] - 136:6, 136:9 <b>Oppal</b> [1] - 196:14 <b>Oppenheimer</b> [1] - 106:7 <b>opportunity</b> [8] - 49:9, 69:18, 168:9, 181:13, 181:24, 183:19, 206:21,	211:4 <b>opposite</b> [1] - 89:13 <b>Ops</b> [1] - 181:15 <b>ops</b> [4] - 45:18, 47:16, 73:24, 202:10 <b>order</b> [9] - 1:4, 14:7, 39:18, 62:24, 77:7, 124:5, 167:2, 173:12, 185:3 <b>ordered</b> [1] - 4:20 <b>organization</b> [23] - 1:12, 45:22, 65:14, 68:10, 71:8, 79:22, 88:25, 99:23, 109:23, 155:10, 157:14, 157:15, 181:3, 182:5, 183:4, 183:5, 183:16, 183:22, 184:23, 188:10, 189:8, 195:14, 205:8 <b>organizations</b> [5] - 11:25, 174:13, 194:13, 194:14, 207:9 <b>Organized</b> [1] - 66:19 <b>oriented</b> [1] - 157:13 <b>origin</b> [2] - 25:8, 97:11 <b>original</b> [8] - 41:2, 72:20, 79:5, 79:12, 85:4, 124:17, 125:6, 175:24 <b>originally</b> [3] - 4:6, 79:18, 202:9 <b>originated</b> [1] - 19:7 <b>otherwise</b> [1] - 186:25 <b>ought</b> [2] - 5:15, 140:25 <b>ourselves</b> [1] - 112:3 <b>Outlaw</b> [1] - 161:19 <b>outline</b> [1] - 125:13 <b>outside</b> [6] - 29:25, 141:6, 157:14, 157:16, 179:9, 201:1 <b>outstanding</b> [6] - 36:16, 53:11, 59:9, 70:22, 128:22, 192:6 <b>overall</b> [8] - 78:1, 127:21, 127:22, 128:18, 128:19, 163:11, 163:15, 183:3 <b>overcome</b> [1] - 204:2 <b>overlooked</b> [1] - 125:3 <b>overnight</b> [3] - 24:11, 25:5, 25:24 <b>Overnight</b> [1] - 25:1 <b>oversee</b> [1] - 137:19 <b>overstressed</b> [1] - 152:8	<b>overtime</b> [2] - 163:8, 163:12 <b>Owen</b> [2] - 183:25, 188:11 <b>own</b> [11] - 2:22, 38:25, 46:15, 55:17, 67:18, 141:12, 141:13, 164:25, 174:17, 196:3, 202:23 <b>owners</b> [2] - 30:12, 34:9 <b>ownership</b> [2] - 74:9, 195:24
<b>P</b>				
<b>P.M</b> [5] - 124:3, 124:4, 173:10, 173:11, 212:3 <b>PACE</b> [5] - 1:12, 1:15, 2:4, 3:11, 77:20 <b>package</b> [3] - 78:11, 85:21, 87:21 <b>PAGE</b> [1] - 2:4 <b>page</b> [82] - 13:1, 13:6, 13:7, 18:22, 20:2, 21:1, 21:2, 21:4, 24:6, 24:24, 25:23, 26:4, 26:12, 26:17, 30:22, 31:12, 32:19, 39:24, 41:9, 41:14, 42:10, 43:24, 44:6, 44:7, 47:19, 51:4, 51:24, 56:13, 56:15, 56:23, 57:21, 58:8, 58:9, 62:1, 62:7, 64:5, 70:5, 75:7, 75:9, 75:10, 79:1, 80:22, 83:18, 84:16, 84:22, 84:23, 86:9, 86:25, 95:9, 111:17, 114:24, 119:3, 119:4, 125:7, 125:9, 137:12, 137:13, 138:9, 138:25, 139:1, 139:8, 139:9, 147:3, 147:7, 148:22, 148:24, 149:16, 150:15, 150:20, 151:23, 159:18, 171:9, 172:3, 197:13, 1:3 <b>pages</b> [8] - 80:16, 85:21, 85:22, 86:21, 119:3, 120:3, 125:5, 150:3 <b>papers</b> [2] - 4:22, 194:7 <b>paperwork</b> [2] - 196:21, 199:4 <b>Paragraph</b> [2] - 57:21,				

<p>58:11</p> <p><b>paragraph</b> [33] - 51:24, 51:25, 56:24, 57:23, 58:7, 58:8, 58:13, 59:3, 62:8, 62:12, 74:23, 74:24, 84:2, 84:5, 84:9, 84:12, 85:1, 87:3, 87:4, 96:12, 96:14, 96:18, 114:25, 116:18, 137:13, 137:15, 139:10, 151:15, 152:7, 172:3, 172:6</p> <p><b>paragraphs</b> [3] - 60:11, 85:20, 171:9</p> <p><b>paraphrase</b> [1] - 157:6</p> <p><b>paraphrasing</b> [1] - 156:11</p> <p><b>pardon</b> [4] - 8:17, 93:20, 95:6, 97:19</p> <p><b>parent</b> [1] - 206:3</p> <p><b>park</b> [1] - 37:7</p> <p><b>Park</b> [1] - 106:7</p> <p><b>parking</b> [1] - 190:14</p> <p><b>parks</b> [3] - 21:11, 21:21, 22:10</p> <p><b>Part</b> [1] - 149:23</p> <p><b>part</b> [18] - 1:24, 19:11, 19:14, 22:5, 23:7, 38:9, 39:5, 57:18, 71:14, 72:10, 85:10, 113:17, 131:6, 132:12, 133:8, 155:1, 167:5, 204:13</p> <p><b>participating</b> [2] - 72:19, 153:3</p> <p><b>particular</b> [7] - 3:14, 17:15, 54:3, 165:1, 165:2, 205:23</p> <p><b>particularly</b> [1] - 193:11</p> <p><b>parties</b> [2] - 59:24, 60:2</p> <p><b>parts</b> [1] - 57:11</p> <p><b>passage</b> [5] - 27:12, 52:10, 52:11, 54:2, 114:23</p> <p><b>passages</b> [1] - 61:18</p> <p><b>past</b> [8] - 54:11, 167:3, 195:18, 207:17, 207:19, 209:2, 211:20, 211:23</p> <p><b>patient</b> [2] - 123:15, 123:18</p> <p><b>patrol</b> [9] - 15:7, 17:15, 19:16, 26:24, 47:16, 140:7, 202:9, 202:11, 205:4</p> <p><b>Paul</b> [1] - 187:12</p>	<p><b>pause</b> [1] - 159:1</p> <p><b>pavement</b> [1] - 209:1</p> <p><b>paying</b> [1] - 179:11</p> <p><b>PCs</b> [1] - 31:3</p> <p><b>peck</b> [6] - 76:15, 77:10, 87:17, 88:12, 89:17, 144:25</p> <p><b>PECK</b> [6] - 5:5, 5:7, 5:19, 87:18, 88:13, 89:16</p> <p><b>Peck</b> [3] - 87:18, 87:25, 1:6</p> <p><b>peck's</b> [1] - 109:2</p> <p><b>people</b> [70] - 3:20, 4:1, 4:9, 24:3, 34:5, 44:12, 45:25, 48:21, 52:19, 54:7, 56:4, 59:7, 60:6, 60:22, 60:23, 61:13, 66:7, 66:11, 67:16, 71:12, 72:8, 81:8, 82:1, 90:15, 93:4, 97:22, 98:6, 99:25, 100:7, 100:10, 100:14, 100:19, 100:20, 103:15, 106:24, 107:24, 110:8, 111:13, 124:13, 125:24, 130:17, 131:20, 131:25, 140:8, 141:11, 143:12, 154:7, 154:15, 155:10, 155:24, 156:6, 156:14, 157:11, 162:17, 168:6, 169:18, 182:13, 182:24, 183:1, 184:7, 185:14, 194:9, 196:3, 197:1, 203:4, 207:5, 209:12</p> <p><b>per</b> [3] - 48:16, 74:2</p> <p><b>percent</b> [2] - 144:17, 178:5</p> <p><b>percentage</b> [1] - 178:8</p> <p><b>perception</b> [3] - 38:24, 156:25</p> <p><b>perceptive</b> [2] - 66:8, 66:12</p> <p><b>perfect</b> [2] - 28:10, 158:7</p> <p><b>perform</b> [1] - 190:15</p> <p><b>perhaps</b> [10] - 58:13, 77:12, 79:2, 125:20, 126:6, 145:19, 153:25, 156:13, 174:25, 203:22</p> <p><b>period</b> [8] - 14:4, 14:10, 49:1, 110:3, 122:3, 145:18,</p>	<p>160:8, 163:13</p> <p><b>permanent</b> [1] - 89:22</p> <p><b>permission</b> [2] - 67:16, 204:8</p> <p><b>persist</b> [1] - 195:23</p> <p><b>Person</b> [1] - 148:19</p> <p><b>person</b> [17] - 10:10, 50:14, 52:6, 58:1, 58:25, 88:16, 114:3, 141:18, 142:22, 149:9, 149:22, 162:25, 169:4, 169:5, 169:11, 188:9</p> <p><b>personal</b> [2] - 18:14, 209:6</p> <p><b>personalities</b> [1] - 65:12</p> <p><b>personality</b> [7] - 53:9, 65:9, 72:12, 175:25, 176:4, 176:7, 190:6</p> <p><b>personally</b> [6] - 68:7, 68:14, 127:12, 154:2, 154:16, 157:17</p> <p><b>personnel</b> [18] - 22:1, 44:8, 46:13, 46:14, 46:16, 48:13, 67:22, 68:20, 141:5, 141:22, 161:16, 181:4, 181:7, 182:1, 182:2, 206:9, 206:25, 207:2</p> <p><b>personnel-intensive</b> [1] - 161:16</p> <p><b>persons</b> [11] - 59:14, 59:17, 72:3, 112:23, 113:8, 113:14, 113:23, 148:3, 149:6, 168:21, 169:22</p> <p><b>Persons</b> [14] - 52:1, 52:13, 57:4, 57:24, 58:16, 79:23, 96:13, 104:14, 113:4, 137:16, 138:16, 139:23, 140:18, 142:11</p> <p><b>perspective</b> [10] - 45:20, 67:15, 106:24, 112:7, 112:11, 180:8, 180:9, 183:14, 185:18, 186:19</p> <p><b>petitions</b> [1] - 22:17</p> <p><b>phenomenon</b> [1] - 23:5</p> <p><b>Phil</b> [2] - 198:14, 198:15</p> <p><b>Philip</b> [2] - 183:25, 188:11</p>	<p><b>phone</b> [4] - 110:9, 110:18, 145:12, 145:13</p> <p><b>photo</b> [1] - 31:20</p> <p><b>photographs</b> [1] - 32:5</p> <p><b>photos</b> [2] - 32:1, 32:16</p> <p><b>phrase</b> [8] - 27:13, 155:23, 156:4, 156:5, 156:6, 156:7, 156:10, 156:11</p> <p><b>phrases</b> [1] - 153:16</p> <p><b>physically</b> [1] - 23:10</p> <p><b>pick</b> [2] - 66:6, 110:9</p> <p><b>picked</b> [3] - 2:15, 110:18, 131:3</p> <p><b>picking</b> [6] - 145:11, 178:13, 181:14, 181:25, 182:25, 183:2</p> <p><b>Pickton</b> [25] - 110:15, 111:24, 112:3, 115:7, 115:15, 115:23, 121:9, 121:17, 122:2, 122:16, 122:24, 123:6, 123:8, 144:10, 145:17, 146:8, 149:5, 149:12, 149:18, 150:1, 150:12, 150:18, 150:24, 185:11</p> <p><b>Pickton's</b> [2] - 121:14, 135:12</p> <p><b>picture</b> [3] - 21:25, 188:17, 188:18</p> <p><b>piece</b> [6] - 165:7, 192:24, 195:8, 195:24, 206:13</p> <p><b>pieces</b> [1] - 66:6</p> <p><b>Piper</b> [1] - 22:19</p> <p><b>piper</b> [1] - 22:21</p> <p><b>place</b> [19] - 4:19, 7:7, 8:18, 24:18, 25:8, 25:20, 26:8, 32:13, 49:10, 105:18, 105:22, 107:12, 113:15, 182:5, 182:14, 193:14, 194:23, 205:22, 208:6</p> <p><b>placed</b> [5] - 70:16, 158:22, 180:5, 181:15, 182:9</p> <p><b>places</b> [3] - 30:3, 30:4, 101:4</p> <p><b>placing</b> [2] - 114:2, 114:5</p>	<p><b>plan</b> [13] - 37:22, 38:8, 38:9, 46:22, 50:11, 92:14, 92:21, 93:8, 117:23, 118:13, 120:20, 120:24, 163:25</p> <p><b>Plan</b> [1] - 98:19</p> <p><b>Plan"</b> [1] - 120:6</p> <p><b>Planning</b> [2] - 181:5, 189:18</p> <p><b>plans</b> [2] - 115:14, 115:23</p> <p><b>plate</b> [2] - 158:15, 164:6</p> <p><b>play</b> [5] - 77:16, 134:20, 178:9, 180:2, 201:10</p> <p><b>played</b> [1] - 103:11</p> <p><b>playgrounds</b> [4] - 21:11, 21:21, 22:11, 23:16</p> <p><b>playing</b> [1] - 36:18</p> <p><b>pleased</b> [2] - 53:22, 98:24</p> <p><b>plight</b> [1] - 154:12</p> <p><b>plus</b> [3] - 45:17, 119:17, 192:8</p> <p><b>ply</b> [2] - 26:25, 27:10</p> <p><b>point</b> [14] - 5:20, 28:23, 31:16, 32:23, 36:19, 92:20, 93:5, 95:19, 96:17, 96:24, 97:4, 111:23, 121:15, 169:5</p> <p><b>pointing</b> [1] - 175:24</p> <p><b>points</b> [1] - 90:10</p> <p><b>Police</b> [32] - 1:10, 1:15, 3:9, 3:18, 5:14, 7:24, 12:7, 18:6, 19:3, 33:16, 37:2, 41:25, 42:15, 47:21, 79:21, 81:24, 92:25, 109:18, 125:15, 143:25, 144:12, 152:9, 154:24, 155:3, 158:16, 158:23, 183:7, 183:12, 185:16, 206:18, 208:21, 208:23</p> <p><b>police</b> [101] - 3:14, 5:10, 9:7, 21:25, 29:24, 32:12, 34:23, 35:3, 35:5, 35:6, 35:8, 35:15, 35:19, 36:12, 36:24, 36:25, 37:6, 37:11, 37:14, 39:9, 41:13, 47:8, 66:7, 66:11, 68:4, 79:22, 84:19, 87:10,</p>
---	--	--	---	--



<p>90:1, 90:3, 91:18, 96:6, 97:20, 98:22, 99:9, 99:25, 100:7, 100:12, 101:12, 102:7, 103:14, 106:10, 111:10, 112:24, 113:7, 113:12, 123:1, 130:12, 131:7, 131:9, 131:15, 131:21, 132:1, 144:14, 145:9, 146:25, 157:15, 157:16, 170:17, 170:18, 174:9, 175:2, 181:9, 183:15, 184:20, 184:22, 184:23, 185:9, 185:19, 185:25, 187:18, 187:25, 188:3, 188:7, 188:10, 188:12, 190:10, 190:14, 193:6, 193:8, 193:23, 194:12, 195:19, 196:18, 197:22, 200:9, 203:18, 203:22, 203:24, 204:3, 206:9, 207:2, 207:8, 208:16, 209:2, 209:6, 209:10, 209:13, 209:18, 209:21, 210:7</p> <p><b>policing</b> [26] - 37:18, 38:8, 39:19, 40:17, 40:20, 43:9, 46:22, 143:12, 144:17, 157:4, 157:10, 165:22, 174:14, 175:6, 184:19, 193:3, 193:25, 194:3, 195:16, 195:21, 196:20, 204:4, 206:5, 208:11, 208:17, 208:19</p> <p><b>Policing</b> [10] - 19:2, 19:3, 19:5, 37:25, 40:2, 43:18, 47:14, 47:17, 70:21, 98:19</p> <p><b>policy</b> [13] - 21:16, 21:18, 23:19, 24:22, 27:8, 28:22, 33:7, 33:9, 33:14, 33:15, 51:19, 105:18, 113:22</p> <p><b>political</b> [5] - 10:3, 183:14, 187:10, 187:19, 188:18</p>	<p><b>poor</b> [2] - 77:24, 184:22</p> <p><b>popular</b> [1] - 163:16</p> <p><b>population</b> [1] - 90:14</p> <p><b>Port</b> [2] - 115:8, 195:17</p> <p><b>Portland</b> [1] - 58:23</p> <p><b>posed</b> [1] - 166:2</p> <p><b>position</b> [16] - 1:21, 10:10, 17:13, 34:1, 35:2, 68:16, 70:16, 80:25, 116:24, 126:13, 126:16, 129:2, 129:3, 180:16, 188:13, 195:17</p> <p><b>positions</b> [5] - 45:21, 45:25, 46:6, 183:1, 195:13</p> <p><b>positive</b> [12] - 26:3, 26:10, 32:15, 35:20, 109:11, 179:22, 186:16, 192:24, 195:1, 196:5, 202:6, 208:10</p> <p><b>possess</b> [1] - 130:7</p> <p><b>possibility</b> [3] - 39:23, 98:15, 135:2</p> <p><b>possible</b> [14] - 12:18, 37:13, 51:6, 74:16, 75:3, 75:14, 115:8, 119:20, 131:11, 134:13, 134:19, 135:7, 135:10, 204:20</p> <p><b>possibly</b> [3] - 31:5, 50:8, 116:25</p> <p><b>post</b> [1] - 177:17</p> <p><b>poster</b> [3] - 10:2, 10:4, 134:8</p> <p><b>potentially</b> [1] - 90:20</p> <p><b>power</b> [1] - 36:18</p> <p><b>PowerPoint</b> [1] - 118:20</p> <p><b>practice</b> [3] - 33:19, 33:21, 125:8</p> <p><b>precarious</b> [1] - 188:13</p> <p><b>preceding</b> [1] - 27:14</p> <p><b>precipitating</b> [2] - 74:5, 74:10</p> <p><b>predator</b> [1] - 57:6</p> <p><b>predators</b> [1] - 57:19</p> <p><b>predecessor</b> [1] - 182:18</p> <p><b>predecessors</b> [1] - 193:2</p> <p><b>premises</b> [4] - 30:13, 52:21, 54:8, 56:5</p> <p><b>preparation</b> [1] -</p>	<p>96:22</p> <p><b>prepare</b> [5] - 14:12, 74:4, 123:23, 181:8, 199:12</p> <p><b>prepared</b> [10] - 50:22, 74:1, 150:24, 151:7, 171:11, 192:4, 194:7, 198:7, 198:17, 203:8</p> <p><b>preparing</b> [1] - 126:15</p> <p><b>presence</b> [1] - 37:14</p> <p><b>present</b> [4] - 37:12, 170:20, 170:21, 194:20</p> <p><b>presentation</b> [7] - 117:21, 118:16, 118:20, 119:1, 119:5, 119:8, 119:14</p> <p><b>presented</b> [1] - 175:16</p> <p><b>presenting</b> [2] - 21:24, 84:4</p> <p><b>press</b> [5] - 80:17, 80:19, 124:8, 124:14, 200:15</p> <p><b>pressures</b> [1] - 158:22</p> <p><b>presume</b> [2] - 115:19, 115:24</p> <p><b>pretty</b> [4] - 8:9, 37:10, 68:15, 155:8</p> <p><b>prevent</b> [2] - 5:16, 187:5</p> <p><b>prevented</b> [1] - 5:16</p> <p><b>prevention</b> [1] - 30:11</p> <p><b>previous</b> [12] - 44:7, 62:25, 63:22, 79:20, 85:17, 130:15, 152:16, 180:12, 181:22, 187:12, 187:15, 193:2</p> <p><b>previously</b> [6] - 15:4, 128:25, 180:10, 181:11, 205:14, 207:10</p> <p><b>pride</b> [1] - 155:9</p> <p><b>primarily</b> [1] - 151:18</p> <p><b>prime</b> [1] - 158:19</p> <p><b>print</b> [1] - 184:3</p> <p><b>printed</b> [1] - 86:22</p> <p><b>priorities</b> [7] - 44:2, 47:3, 47:12, 47:13, 49:21, 162:22</p> <p><b>prioritize</b> [1] - 120:16</p> <p><b>prioritized</b> [1] - 121:3</p> <p><b>priority</b> [3] - 50:4, 111:24, 162:19</p> <p><b>privatized</b> [1] - 42:5</p> <p><b>privileged</b> [1] - 75:19</p> <p><b>privileges</b> [1] - 165:23</p> <p><b>problem</b> [14] - 28:6, 28:9, 57:23, 61:11,</p>	<p>63:15, 63:18, 64:3, 70:11, 71:24, 72:24, 73:2, 73:5, 162:12, 208:1</p> <p><b>problems</b> [12] - 69:15, 71:1, 71:16, 72:2, 117:5, 119:19, 158:20, 162:23, 184:11, 204:2, 208:2, 209:14</p> <p><b>procedure</b> [1] - 189:16</p> <p><b>proceed</b> [1] - 153:2</p> <p><b>proceeded</b> [1] - 99:24</p> <p><b>PROCEEDINGS</b> [9] - 1:3, 77:5, 77:6, 124:3, 124:4, 173:10, 173:11, 212:3, 1:2</p> <p><b>proceedings</b> [4] - 91:13, 153:15, 163:20, 212:9</p> <p><b>processing</b> [1] - 199:19</p> <p><b>produce</b> [2] - 4:23, 125:2</p> <p><b>produced</b> [3] - 124:25, 125:5</p> <p><b>professional</b> [2] - 35:16, 35:21</p> <p><b>profile</b> [4] - 68:3, 68:13, 79:5, 79:12</p> <p><b>profiling</b> [1] - 79:8</p> <p><b>profit</b> [1] - 6:12</p> <p><b>program</b> [9] - 26:13, 29:16, 29:21, 30:11, 32:3, 40:20, 40:21, 42:5, 177:4</p> <p><b>Program</b> [3] - 47:14, 47:18, 70:21</p> <p><b>progress</b> [4] - 63:6, 65:16, 208:11, 210:14</p> <p><b>progressed</b> [2] - 55:8, 181:19</p> <p><b>progressive</b> [1] - 186:11</p> <p><b>project</b> [15] - 14:14, 15:22, 19:20, 20:6, 25:2, 25:3, 31:5, 37:19, 41:4, 43:11, 44:12, 46:17, 62:15, 130:2, 167:10</p> <p><b>Project</b> [23] - 18:21, 18:25, 19:7, 25:1, 30:24, 37:25, 40:3, 43:12, 43:19, 44:10, 64:23, 66:1, 66:15, 69:2, 69:15, 71:17, 72:19, 117:13, 117:23, 118:3,</p>	<p>119:11, 122:10, 150:16</p> <p><b>projects</b> [2] - 131:11, 152:12</p> <p><b>promised</b> [1] - 117:10</p> <p><b>promotion</b> [1] - 140:4</p> <p><b>promptly</b> [1] - 114:4</p> <p><b>pronouncements</b> [1] - 6:21</p> <p><b>proof</b> [1] - 193:19</p> <p><b>properly</b> [2] - 153:2, 153:3</p> <p><b>property</b> [2] - 40:16, 122:11</p> <p><b>proportion</b> [1] - 193:11</p> <p><b>proposed</b> [5] - 20:16, 117:23, 118:13, 120:8, 177:1</p> <p><b>proposing</b> [1] - 119:12</p> <p><b>proposition</b> [3] - 82:8, 83:9, 149:2</p> <p><b>proprietors</b> [1] - 30:12</p> <p><b>prosecution</b> [1] - 7:12</p> <p><b>prostitutes</b> [3] - 31:20, 32:25, 63:1</p> <p><b>prostitution</b> [1] - 36:15</p> <p><b>Prostitution</b> [4] - 1:12, 31:17, 32:23, 33:15</p> <p><b>protected</b> [1] - 2:1</p> <p><b>protocol</b> [1] - 197:15</p> <p><b>proud</b> [5] - 50:20, 101:10, 104:6, 154:15, 185:3</p> <p><b>provide</b> [5] - 12:15, 31:21, 202:23, 204:18, 204:25</p> <p><b>provided</b> [4] - 7:4, 14:1, 163:23, 164:10</p> <p><b>providers</b> [1] - 209:24</p> <p><b>provides</b> [1] - 148:18</p> <p><b>providing</b> [2] - 138:9, 179:2</p> <p><b>province</b> [2] - 193:24, 195:10</p> <p><b>Province</b> [2] - 152:23, 153:1</p> <p><b>provincial</b> [1] - 183:18</p> <p><b>Provincial</b> [1] - 115:11</p> <p><b>public</b> [12] - 4:19, 6:21, 7:12, 7:15, 7:25, 9:20, 99:14, 156:25, 157:7, 157:9, 157:18, 203:25</p> <p><b>public's</b> [1] - 38:24</p> <p><b>publicly</b> [2] - 2:14, 154:25</p>
--	--	--	---	--

<p><b>pull</b> [1] - 184:13  <b>purpose</b> [4] - 8:2,  47:6, 118:15, 120:12  <b>pursuant</b> [1] - 141:1  <b>push</b> [1] - 69:16  <b>pushing</b> [1] - 69:13  <b>put</b> [48] - 9:25, 21:25,  32:4, 32:17, 41:2,  44:2, 44:11, 45:20,  46:23, 48:20, 50:11,  52:5, 67:16, 78:24,  81:5, 83:4, 84:2,  84:6, 84:10, 84:12,  86:13, 98:5, 100:5,  103:6, 106:20,  111:16, 111:18,  114:9, 116:1, 119:1,  128:9, 131:14,  137:1, 137:3,  138:23, 145:24,  145:25, 146:18,  146:25, 150:7,  168:19, 177:5,  183:13, 185:15,  188:8, 208:6, 208:7,  209:4  <b>putting</b> [8] - 7:23,  28:7, 50:3, 82:14,  83:9, 163:24,  164:14, 196:22</p>	<p><b>quick</b> [3] - 39:14,  95:23, 170:15  <b>quickly</b> [1] - 39:12  <b>quite</b> [4] - 125:4,  145:11, 210:3,  211:10  <b>quotes</b> [1] - 119:21  <b>quoting</b> [1] - 28:17</p> <p style="text-align: center;"><b>R</b></p> <p><b>race</b> [1] - 97:11  <b>racial</b> [1] - 98:1  <b>racially</b> [1] - 104:3  <b>racist</b> [3] - 72:8,  72:11, 72:17  <b>raised</b> [5] - 54:13,  71:1, 106:18, 111:4,  196:24  <b>raises</b> [1] - 57:23  <b>raising</b> [1] - 9:19  <b>rank</b> [2] - 140:22,  180:15  <b>ranks</b> [1] - 46:1  <b>raping</b> [1] - 128:2  <b>rarely</b> [2] - 141:22,  141:23  <b>rather</b> [7] - 27:1,  33:17, 35:17, 44:3,  102:6, 123:8, 147:21  <b>Ravi</b> [1] - 143:21  <b>RCMP</b> [27] - 88:16,  88:20, 89:1, 109:4,  109:9, 109:24,  111:8, 111:11,  113:13, 113:22,  115:9, 116:9,  116:15, 118:6,  120:17, 144:6,  144:9, 144:23,  145:2, 151:19,  152:9, 153:1, 155:4,  168:2, 192:18,  192:21, 199:8  <b>re</b> [4] - 42:14, 63:8,  142:22, 173:1  <b>re-assigned</b> [1] -  42:14  <b>re-assignment</b> [1] -  63:8  <b>re-exam</b> [1] - 173:1  <b>reach</b> [2] - 64:12,  141:23  <b>reaching</b> [1] - 188:5  <b>reaction</b> [1] - 200:10  <b>read</b> [39] - 11:22,  15:23, 27:12, 29:19,  33:23, 34:2, 51:11,  51:12, 51:15, 52:10,  52:11, 52:22, 52:24,</p>	<p>57:2, 57:22, 62:11,  74:6, 74:16, 74:20,  75:3, 77:20, 78:4,  78:22, 84:1, 84:4,  85:7, 86:17, 92:18,  95:17, 96:14, 115:4,  135:18, 178:3,  197:21, 198:1,  198:10, 199:6,  200:4, 200:8  <b>reading</b> [10] - 20:22,  27:25, 34:1, 39:8,  39:9, 54:8, 61:18,  74:21, 112:10,  171:16  <b>reads</b> [3] - 115:2,  147:10, 172:6  <b>ready</b> [4] - 127:2,  127:3, 127:4, 188:22  <b>real</b> [6] - 39:21, 40:6,  40:10, 73:5, 184:1,  207:21  <b>realize</b> [1] - 81:16  <b>realized</b> [1] - 10:22  <b>really</b> [25] - 6:25, 7:22,  9:18, 10:24, 31:19,  35:5, 50:15, 53:11,  53:18, 103:25,  104:2, 105:21,  105:22, 130:22,  173:18, 174:21,  175:8, 178:21,  182:16, 184:15,  188:12, 190:8,  195:23, 205:9, 210:1  <b>reason</b> [9] - 16:10,  44:8, 74:13, 85:6,  85:10, 131:6, 131:8,  166:19, 187:2  <b>reasonable</b> [5] -  64:13, 114:7,  115:19, 115:24,  121:1  <b>reasons</b> [3] - 16:9,  68:2, 178:10  <b>reassign</b> [1] - 141:11  <b>reassigned</b> [4] -  41:24, 66:3, 66:17,  67:2  <b>reassured</b> [4] - 55:8,  55:18, 97:22, 99:5  <b>reassuring</b> [2] - 98:17,  100:6  <b>recalled</b> [2] - 121:8,  123:5  <b>receipt</b> [1] - 15:25  <b>receive</b> [1] - 42:21  <b>received</b> [5] - 11:21,  28:25, 85:7, 119:24,  120:20</p>	<p><b>receiving</b> [1] - 145:12  <b>recently</b> [4] - 105:3,  105:4, 129:14,  201:24  <b>receptive</b> [1] - 88:22  <b>recess</b> [2] - 77:4,  173:9  <b>recited</b> [1] - 136:11  <b>recognize</b> [7] -  153:21, 174:24,  179:24, 197:9,  202:20, 202:22,  203:5  <b>recognized</b> [1] - 155:1  <b>recognizing</b> [1] -  175:5  <b>recollection</b> [8] - 3:5,  3:6, 4:3, 74:7,  119:13, 153:17,  189:10, 200:3  <b>recommendation</b> [2] -  151:24, 173:24  <b>recommendations</b> [3]  - 187:4, 208:15,  211:9  <b>recommended</b> [1] -  187:24  <b>reconstructed</b> [1] -  73:15  <b>RECONVENED</b> [1] -  1:3  <b>record</b> [9] - 24:10,  25:24, 80:15, 84:7,  84:16, 87:18,  125:11, 128:22,  182:17  <b>recorded</b> [2] - 26:2,  26:3  <b>records</b> [1] - 25:5  <b>recover</b> [1] - 206:2  <b>recovered</b> [1] - 81:13  <b>recreate</b> [1] - 193:24  <b>recreation</b> [1] - 194:2  <b>recruits</b> [3] - 44:9,  44:13, 48:11  <b>redacted</b> [1] - 88:5  <b>redeploy</b> [1] - 46:16  <b>reduce</b> [1] - 4:15  <b>reduction</b> [2] - 38:16,  38:21  <b>reductions</b> [1] -  184:25  <b>refer</b> [9] - 4:24, 41:7,  42:8, 42:10, 63:17,  78:6, 116:18, 151:6,  174:17  <b>reference</b> [13] - 5:8,  38:2, 39:11, 41:9,  118:3, 119:18,  124:9, 138:2, 151:2,</p>	<p>175:7, 177:20,  177:23  <b>references</b> [1] - 39:13  <b>referred</b> [7] - 32:7,  63:22, 113:5,  151:15, 163:25,  168:5, 172:21  <b>referring</b> [6] - 45:12,  63:24, 82:12,  113:13, 123:7, 151:9  <b>refers</b> [1] - 27:14  <b>reflected</b> [1] - 36:2  <b>reflecting</b> [1] - 98:17  <b>refresh</b> [1] - 41:8  <b>refused</b> [1] - 65:6  <b>regard</b> [7] - 33:9, 34:8,  65:1, 103:19,  133:18, 133:19,  159:4  <b>regarding</b> [8] - 68:20,  113:23, 121:16,  146:7, 146:24,  148:18, 150:12,  178:1  <b>regardless</b> [2] - 97:11,  100:11  <b>regards</b> [3] - 69:11,  112:4, 149:21  <b>regional</b> [10] - 193:3,  193:6, 193:8, 194:2,  195:16, 195:19,  196:18, 203:17,  203:22, 204:3  <b>regionalize</b> [1] -  187:14  <b>REGISTRAR</b> [13] -  1:4, 13:11, 77:4,  77:7, 87:24, 88:10,  124:2, 124:5, 151:9,  173:9, 173:12,  205:17, 212:1  <b>Registrar</b> [2] - 111:18,  137:1  <b>regular</b> [3] - 111:8,  170:9, 196:19  <b>regularly</b> [1] - 132:17  <b>rejuvenating</b> [1] -  167:5  <b>relate</b> [1] - 136:18  <b>related</b> [1] - 164:13  <b>relates</b> [2] - 5:9,  136:17  <b>relating</b> [1] - 141:22  <b>relation</b> [6] - 133:5,  134:1, 159:10,  165:2, 166:1, 204:20  <b>relationship</b> [27] -  37:2, 68:3, 77:25,  78:2, 78:5, 88:19,  88:24, 102:10,</p>
--	--	---	--	---

<p>103:9, 103:23, 109:3, 110:8, 127:20, 128:19, 129:5, 131:13, 152:11, 175:23, 185:23, 192:21, 192:23, 202:6, 202:14, 208:15, 208:20, 209:13</p> <p><b>relationships</b> [2] - 110:7, 181:22</p> <p><b>relatives</b> [1] - 14:3</p> <p><b>release</b> [4] - 4:7, 17:19, 124:8, 124:15</p> <p><b>released</b> [6] - 2:5, 2:14, 3:11, 82:5, 122:6, 130:18</p> <p><b>relevant</b> [7] - 5:22, 143:23, 160:8, 163:13, 164:17, 164:19, 165:15</p> <p><b>rely</b> [1] - 184:5</p> <p><b>relying</b> [1] - 81:9</p> <p><b>remain</b> [1] - 198:16</p> <p><b>remainder</b> [3] - 42:21, 59:23, 183:18</p> <p><b>remand</b> [1] - 131:5</p> <p><b>remarkably</b> [2] - 153:22, 161:4</p> <p><b>remember</b> [16] - 1:19, 4:21, 5:2, 41:20, 43:20, 74:10, 117:17, 139:19, 139:20, 139:24, 189:12, 189:15, 191:8, 191:14, 200:13, 200:21</p> <p><b>remembered</b> [1] - 189:20</p> <p><b>remembering</b> [1] - 48:15</p> <p><b>removed</b> [3] - 125:9, 129:1, 135:8</p> <p><b>removes</b> [1] - 188:16</p> <p><b>removing</b> [1] - 188:15</p> <p><b>renewed</b> [1] - 122:25</p> <p><b>reorganize</b> [1] - 67:16</p> <p><b>rep</b> [1] - 183:18</p> <p><b>repeat</b> [2] - 143:2, 143:3</p> <p><b>repeatedly</b> [1] - 59:25</p> <p><b>repetitive</b> [1] - 126:1</p> <p><b>rephrase</b> [2] - 168:20, 169:14</p> <p><b>replace</b> [1] - 184:6</p> <p><b>replaced</b> [4] - 66:21, 129:2, 139:4, 181:14</p> <p><b>replaces</b> [1] - 42:19</p> <p><b>report</b> [50] - 2:5, 2:14, 2:15, 2:17, 3:10,</p>	<p>3:12, 14:12, 16:23, 17:2, 27:4, 41:13, 42:11, 61:14, 64:19, 74:15, 75:2, 77:20, 77:24, 78:4, 80:13, 83:20, 84:17, 85:7, 104:13, 105:8, 127:25, 128:11, 129:17, 129:18, 135:18, 135:23, 136:3, 136:13, 139:3, 139:18, 144:2, 144:6, 144:11, 175:25, 177:19, 177:21, 187:23, 191:21, 192:4, 194:5, 200:4, 200:7, 200:10, 204:19, 205:1</p> <p><b>Report</b> [2] - 25:1, 171:11</p> <p><b>report's</b> [1] - 2:18</p> <p><b>reported</b> [12] - 17:3, 17:7, 79:6, 79:18, 93:17, 93:21, 94:3, 94:6, 94:9, 94:12, 94:16, 94:20</p> <p><b>Reporter</b> [1] - 212:11</p> <p><b>reporter</b> [1] - 173:7</p> <p><b>reporting</b> [1] - 47:20</p> <p><b>REPORTING</b> [1] - 212:12</p> <p><b>reports</b> [7] - 2:22, 3:2, 72:3, 72:11, 104:15, 104:25, 114:4</p> <p><b>represent</b> [1] - 143:22</p> <p><b>representation</b> [1] - 195:11</p> <p><b>representative</b> [2] - 11:23, 127:8</p> <p><b>representatives</b> [2] - 2:4, 81:22</p> <p><b>reps</b> [1] - 183:19</p> <p><b>request</b> [10] - 12:11, 23:12, 64:3, 116:14, 136:18, 136:20, 136:21, 141:1, 142:8, 142:10</p> <p><b>requested</b> [5] - 14:8, 15:3, 15:21, 16:4, 62:16</p> <p><b>requests</b> [1] - 49:15</p> <p><b>require</b> [1] - 64:11</p> <p><b>required</b> [6] - 3:8, 62:20, 66:14, 114:6, 126:23, 140:6</p> <p><b>research</b> [6] - 14:7, 14:11, 15:19, 16:3, 189:13, 189:23</p> <p><b>Research</b> [2] - 181:5,</p>	<p>189:18</p> <p><b>researched</b> [2] - 177:9, 208:6</p> <p><b>researching</b> [1] - 15:19</p> <p><b>residence</b> [6] - 9:24, 24:19, 25:20, 26:8, 32:13, 58:21</p> <p><b>resident</b> [2] - 22:25, 40:4</p> <p><b>residential</b> [7] - 21:10, 21:20, 22:8, 22:10, 23:1, 23:8, 23:15</p> <p><b>residents</b> [1] - 22:18</p> <p><b>resile</b> [1] - 49:9</p> <p><b>resolution</b> [2] - 177:9, 179:19</p> <p><b>resolve</b> [1] - 98:7</p> <p><b>resolved</b> [1] - 182:21</p> <p><b>resolving</b> [1] - 67:12</p> <p><b>resource</b> [7] - 6:9, 18:18, 19:23, 46:10, 131:25, 144:15, 179:8</p> <p><b>resources</b> [34] - 20:8, 22:14, 30:23, 44:1, 46:9, 46:16, 48:14, 48:21, 50:12, 57:17, 64:12, 66:9, 66:14, 67:17, 68:20, 81:3, 81:5, 81:8, 117:6, 144:16, 145:10, 145:11, 158:8, 158:12, 158:13, 161:6, 161:23, 163:7, 188:21, 188:24, 195:12, 195:20, 196:1, 201:16</p> <p><b>respect</b> [18] - 88:24, 89:2, 95:14, 95:21, 99:14, 119:25, 129:19, 132:19, 154:3, 154:4, 157:19, 160:15, 160:19, 166:1, 166:16, 167:16, 172:1, 193:8</p> <p><b>respected</b> [1] - 143:12</p> <p><b>respecting</b> [1] - 166:16</p> <p><b>responded</b> [2] - 2:17, 160:2</p> <p><b>responders</b> [1] - 210:7</p> <p><b>Response</b> [1] - 159:23</p> <p><b>response</b> [15] - 3:10, 3:18, 5:10, 12:15, 34:11, 56:9, 56:20, 56:24, 75:18, 109:1, 116:13, 163:4,</p>	<p>163:12, 196:4, 196:8</p> <p><b>responsibilities</b> [1] - 68:9</p> <p><b>responsibility</b> [11] - 64:1, 68:1, 68:12, 68:22, 69:14, 69:17, 69:24, 87:8, 107:6, 186:13, 188:16</p> <p><b>responsible</b> [8] - 3:17, 43:15, 54:16, 54:25, 56:1, 66:12, 80:10, 180:16</p> <p><b>responsibly</b> [1] - 186:12</p> <p><b>rest</b> [2] - 50:19, 76:1</p> <p><b>restraints</b> [1] - 186:22</p> <p><b>result</b> [16] - 9:8, 22:2, 22:16, 23:25, 45:3, 61:23, 110:6, 130:8, 134:20, 152:10, 167:18, 167:20, 167:22, 186:11, 189:24, 203:5</p> <p><b>resulted</b> [1] - 10:15</p> <p><b>results</b> [2] - 40:13, 194:21</p> <p><b>resume</b> [1] - 212:2</p> <p><b>RESUMED</b> [3] - 77:6, 124:4, 173:11</p> <p><b>resumed</b> [4] - 1:4, 124:2, 124:5, 173:12</p> <p><b>Resumed</b> [1] - 1:5</p> <p><b>retail</b> [4] - 21:12, 21:22, 23:1, 23:8</p> <p><b>retired</b> [2] - 143:22, 158:4</p> <p><b>retirement</b> [2] - 168:8, 181:12</p> <p><b>returnable</b> [1] - 126:21</p> <p><b>returning</b> [1] - 142:8</p> <p><b>revelation</b> [1] - 79:3</p> <p><b>Review</b> [17] - 52:2, 52:14, 53:4, 54:4, 57:4, 57:24, 58:16, 69:1, 96:13, 136:19, 137:16, 138:11, 138:16, 139:23, 140:18, 142:12, 148:19</p> <p><b>review</b> [14] - 54:22, 62:25, 74:7, 116:10, 120:10, 120:11, 120:16, 121:1, 121:12, 147:20, 148:9, 149:15, 181:4, 181:7</p> <p><b>reviewed</b> [6] - 93:16, 96:21, 119:9, 171:11, 179:16, 182:13</p>	<p><b>revitalization</b> [4] - 38:9, 39:2, 39:3, 39:5</p> <p><b>revolution</b> [1] - 78:18</p> <p><b>reward</b> [2] - 134:8, 204:11</p> <p><b>Ric</b> [3] - 110:2, 110:19, 145:5</p> <p><b>Richard</b> [1] - 94:3</p> <p><b>Rick</b> [1] - 87:18</p> <p><b>right-hand</b> [5] - 86:1, 86:12, 139:2, 147:5, 170:23</p> <p><b>ring</b> [1] - 22:19</p> <p><b>rise</b> [1] - 169:8</p> <p><b>risk</b> [5] - 8:8, 10:20, 100:4, 131:14, 160:5</p> <p><b>risks</b> [1] - 101:15</p> <p><b>robberies</b> [2] - 160:24, 160:25</p> <p><b>Robbery</b> [2] - 182:11, 198:20</p> <p><b>Robert</b> [3] - 110:15, 121:9, 123:6</p> <p><b>Roberts</b> [2] - 134:1, 1:15</p> <p><b>ROBERTS</b> [4] - 203:13, 203:17, 203:20, 205:12</p> <p><b>Robyn</b> [1] - 89:18</p> <p><b>Rogers</b> [1] - 152:22</p> <p><b>role</b> [9] - 88:14, 89:9, 102:23, 103:2, 103:10, 151:19, 158:18, 186:13, 209:3</p> <p><b>roles</b> [1] - 109:24</p> <p><b>Ron</b> [1] - 110:13</p> <p><b>room</b> [2] - 62:15, 206:20</p> <p><b>root</b> [1] - 135:3</p> <p><b>Rossmo</b> [4] - 108:19, 176:14, 187:17, 208:4</p> <p><b>Rossmo's</b> [1] - 177:4</p> <p><b>roughly</b> [1] - 157:25</p> <p><b>roundtable</b> [1] - 206:19</p> <p><b>rude</b> [1] - 202:2</p> <p><b>ruled</b> [2] - 12:23, 14:24</p> <p><b>run</b> [5] - 6:11, 8:22, 69:24, 101:7, 209:12</p> <p><b>running</b> [3] - 10:11, 197:2, 202:17</p>
xxxi				
				<b>S</b>
				<b>safe</b> [14] - 6:17, 6:18, 7:1, 7:4, 7:7, 8:5,

<p>8:11, 8:14, 9:2, 30:3, 30:4, 35:1, 191:6, 206:12</p> <p><b>safer</b> [1] - 47:8</p> <p><b>Safety</b> [8] - 18:20, 18:25, 19:7, 19:15, 19:16, 21:6, 23:6, 30:23</p> <p><b>safety</b> [14] - 8:16, 19:8, 19:19, 22:18, 37:1, 38:25, 50:13, 92:14, 92:20, 92:21, 93:8, 100:12, 101:7, 163:25</p> <p><b>Sandy</b> [3] - 71:24, 105:8, 105:20</p> <p><b>sat</b> [2] - 29:19, 211:20</p> <p><b>satisfactory</b> [1] - 11:9</p> <p><b>satisfied</b> [4] - 107:17, 125:6, 154:2, 154:7</p> <p><b>Saturday</b> [2] - 31:10, 190:17</p> <p><b>saw</b> [4] - 15:15, 69:25, 138:18, 183:20</p> <p><b>scene</b> [1] - 120:11</p> <p><b>scheduling</b> [1] - 126:20</p> <p><b>schools</b> [6] - 21:11, 21:21, 22:10, 23:16, 26:25, 27:9</p> <p><b>search</b> [3] - 122:10, 122:11, 122:22</p> <p><b>seat</b> [1] - 67:15</p> <p><b>Sebastian</b> [1] - 106:6</p> <p><b>secluded</b> [1] - 24:3</p> <p><b>second</b> [21] - 8:23, 16:10, 32:23, 40:9, 51:25, 56:23, 59:12, 62:7, 74:23, 74:24, 93:11, 125:7, 137:13, 137:14, 138:2, 138:8, 139:10, 144:9, 144:14, 151:16</p> <p><b>second-to-last</b> [2] - 137:13, 137:14</p> <p><b>secondly</b> [1] - 198:9</p> <p><b>Section</b> [9] - 12:6, 42:20, 44:20, 45:4, 79:23, 89:8, 159:21, 161:11, 182:10</p> <p><b>section</b> [4] - 55:17, 67:11, 67:21, 140:6</p> <p><b>secure</b> [1] - 152:25</p> <p><b>see</b> [103] - 3:4, 11:1, 11:20, 12:25, 13:20, 13:21, 14:15, 16:8, 16:25, 18:4, 20:3, 21:4, 24:9, 25:7, 25:16, 25:23, 25:25,</p>	<p>26:21, 28:7, 29:2, 30:15, 30:24, 31:4, 31:12, 31:17, 31:24, 31:25, 32:24, 33:5, 36:12, 36:17, 40:3, 40:8, 41:15, 42:17, 45:6, 54:10, 56:23, 58:3, 59:1, 62:10, 65:15, 70:9, 70:12, 73:25, 74:3, 77:15, 78:13, 78:23, 79:14, 80:18, 81:15, 83:18, 85:1, 85:5, 86:1, 87:3, 87:12, 88:6, 91:17, 93:7, 93:12, 97:12, 117:2, 119:2, 119:7, 119:16, 119:20, 119:22, 120:18, 136:25, 137:6, 137:20, 138:12, 139:14, 147:9, 147:16, 148:4, 148:6, 148:7, 148:16, 148:22, 149:6, 149:13, 149:19, 149:20, 150:4, 150:13, 150:21, 151:21, 152:2, 152:13, 155:6, 159:3, 170:22, 170:25, 171:7, 171:13, 172:4, 172:11, 176:6, 180:7, 191:20</p> <p><b>seeing</b> [2] - 20:22, 137:21</p> <p><b>seek</b> [1] - 152:21</p> <p><b>seeking</b> [3] - 49:18, 152:1, 183:12</p> <p><b>segments</b> [1] - 210:12</p> <p><b>seldom</b> [1] - 155:1</p> <p><b>select</b> [1] - 131:17</p> <p><b>selected</b> [6] - 106:23, 181:18, 182:9, 182:12, 183:15, 183:21</p> <p><b>selecting</b> [1] - 182:8</p> <p><b>selections</b> [1] - 182:3</p> <p><b>send</b> [1] - 101:20</p> <p><b>sending</b> [1] - 111:22</p> <p><b>senior</b> [5] - 44:23, 85:10, 87:5, 112:1, 117:22</p> <p><b>sense</b> [4] - 28:10, 113:3, 154:19, 174:6</p> <p><b>sensible</b> [2] - 57:20, 114:8</p> <p><b>sensitive</b> [3] - 21:9, 21:17, 21:19</p> <p><b>sent</b> [7] - 15:18, 15:22,</p>	<p>16:1, 16:3, 16:7, 28:13, 51:21</p> <p><b>sentence</b> [6] - 27:14, 57:2, 137:14, 151:16, 152:13, 152:15</p> <p><b>separate</b> [4] - 10:7, 10:12, 97:14, 164:13</p> <p><b>separation</b> [1] - 174:17</p> <p><b>September</b> [12] - 40:12, 73:4, 78:12, 80:16, 85:12, 85:16, 86:22, 87:1, 87:14, 116:21, 146:11, 146:12</p> <p><b>September-November</b> [1] - 40:12</p> <p><b>sequence</b> [2] - 10:6, 121:13</p> <p><b>sergeant</b> [27] - 17:11, 17:14, 17:16, 17:21, 17:22, 17:23, 30:25, 44:16, 44:18, 44:22, 45:3, 45:10, 45:14, 46:4, 46:7, 62:16, 63:4, 68:23, 136:18, 137:18, 139:22, 139:25, 140:25, 141:18, 142:2, 142:4, 147:24</p> <p><b>Sergeant</b> [55] - 12:6, 12:8, 13:20, 13:23, 14:15, 15:5, 15:11, 15:14, 15:22, 16:7, 20:4, 24:6, 24:24, 26:18, 26:22, 28:1, 29:1, 29:8, 30:25, 31:14, 32:20, 45:8, 46:11, 56:18, 62:2, 62:10, 63:4, 63:21, 64:6, 64:17, 74:1, 85:22, 92:11, 108:11, 114:18, 117:21, 118:15, 118:21, 119:2, 119:8, 120:8, 136:16, 137:6, 137:15, 138:5, 138:9, 139:3, 139:21, 141:1, 141:3, 142:8, 147:1, 148:25, 178:1</p> <p><b>sergeant's</b> [1] - 141:23</p> <p><b>sergeant-level</b> [1] - 141:18</p> <p><b>sergeants</b> [4] - 41:12, 140:5, 141:12,</p>	<p>182:12</p> <p><b>serial</b> [8] - 9:20, 44:4, 50:7, 51:6, 73:6, 135:1, 182:20</p> <p><b>serious</b> [11] - 2:10, 7:5, 53:3, 54:13, 54:15, 54:24, 55:23, 55:25, 63:10, 158:14, 162:5</p> <p><b>seriously</b> [2] - 91:10, 179:6</p> <p><b>served</b> [1] - 6:14</p> <p><b>SERVICE</b> [1] - 212:12</p> <p><b>service</b> [6] - 20:19, 21:12, 21:22, 23:8, 157:6, 209:23</p> <p><b>service"</b> [1] - 160:5</p> <p><b>Services</b> [1] - 102:21</p> <p><b>services</b> [4] - 14:9, 42:5, 115:9, 116:21</p> <p><b>set</b> [9] - 47:12, 151:24, 167:4, 167:12, 167:18, 167:21, 167:23, 168:3, 168:17</p> <p><b>sets</b> [1] - 95:13</p> <p><b>seven</b> [5] - 31:3, 48:16, 59:14, 94:20, 161:10</p> <p><b>several</b> [2] - 22:7, 148:2</p> <p><b>sex</b> [91] - 1:16, 1:21, 1:25, 2:5, 2:8, 2:10, 2:11, 2:22, 3:3, 3:11, 3:13, 5:25, 6:1, 6:16, 6:18, 7:2, 7:4, 7:15, 7:20, 8:5, 8:12, 8:15, 9:4, 10:20, 20:21, 21:9, 21:16, 21:19, 22:4, 23:1, 23:7, 23:23, 24:10, 24:12, 24:17, 25:6, 25:7, 25:19, 26:2, 26:8, 26:23, 26:24, 27:6, 27:17, 27:24, 28:3, 32:1, 32:11, 33:8, 33:12, 34:9, 34:11, 35:7, 35:9, 35:15, 35:19, 36:11, 36:13, 36:20, 37:3, 37:7, 37:8, 37:9, 37:11, 37:17, 38:19, 38:22, 52:8, 52:17, 52:21, 53:23, 54:7, 54:17, 55:1, 56:1, 56:4, 58:20, 67:3, 77:21, 77:23, 78:19, 79:4, 79:10, 79:15, 98:23, 99:3, 100:1, 120:10, 131:13, 201:1,</p>	<p>204:23</p> <p><b>sexist</b> [1] - 133:6</p> <p><b>sexual</b> [4] - 57:6, 57:18, 120:12, 162:4</p> <p><b>shallow</b> [1] - 84:3</p> <p><b>shape</b> [1] - 125:23</p> <p><b>share</b> [3] - 65:25, 132:19, 198:7</p> <p><b>shared</b> [3] - 64:18, 66:13, 180:19</p> <p><b>sharing</b> [2] - 210:16, 210:17</p> <p><b>shelf</b> [1] - 208:8</p> <p><b>Shenher</b> [22] - 45:10, 49:3, 49:17, 56:17, 58:12, 59:8, 61:9, 62:18, 64:9, 65:19, 71:2, 95:8, 95:14, 104:7, 108:9, 108:11, 137:3, 169:2, 169:11, 170:25, 201:14, 207:12</p> <p><b>Shenher's</b> [4] - 49:13, 60:3, 60:17, 169:9</p> <p><b>shift</b> [1] - 48:20</p> <p><b>shifts</b> [1] - 48:16</p> <p><b>shocked</b> [1] - 143:14</p> <p><b>shooting</b> [1] - 160:20</p> <p><b>shootings</b> [2] - 160:21, 160:25</p> <p><b>short</b> [17] - 45:18, 45:20, 46:2, 48:4, 63:7, 83:6, 122:3, 173:8, 184:12, 184:20, 185:3, 185:15, 186:2, 188:24, 189:11, 201:16, 206:25</p> <p><b>short-staffed</b> [1] - 46:2</p> <p><b>shortage</b> [2] - 22:24, 140:8</p> <p><b>shortages</b> [9] - 45:17, 166:12, 166:17, 181:4, 181:7, 184:25, 189:9, 189:19, 207:3</p> <p><b>shortly</b> [1] - 124:24</p> <p><b>shots</b> [1] - 160:4</p> <p><b>shoulders</b> [1] - 108:7</p> <p><b>show</b> [3] - 111:6, 159:3, 197:5</p> <p><b>showing</b> [1] - 10:25</p> <p><b>shown</b> [1] - 78:10</p> <p><b>shows</b> [2] - 138:1, 199:2</p> <p><b>shut</b> [4] - 4:12, 4:20, 5:3, 10:5</p> <p><b>shutting</b> [2] - 8:1, 8:3</p>
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<p><b>shy</b> <sup>[1]</sup> - 192:21</p> <p><b>side</b> <sup>[9]</sup> - 3:7, 63:23, 86:12, 170:21, 170:23, 186:5, 186:21, 204:25, 205:4</p> <p><b>signed</b> <sup>[5]</sup> - 22:18, 75:5, 86:14, 198:19, 204:11</p> <p><b>significant</b> <sup>[5]</sup> - 7:11, 7:16, 79:8, 117:4, 162:11</p> <p><b>silo</b> <sup>[5]</sup> - 174:5, 174:16, 175:6, 175:20, 207:9</p> <p><b>silos</b> <sup>[5]</sup> - 174:10, 174:22, 174:24, 210:6, 210:13</p> <p><b>similar</b> <sup>[1]</sup> - 196:7</p> <p><b>similarly</b> <sup>[1]</sup> - 165:4</p> <p><b>simply</b> <sup>[16]</sup> - 26:24, 27:9, 57:25, 61:24, 113:8, 113:15, 154:10, 155:19, 157:4, 158:9, 161:22, 164:25, 166:15, 176:23, 201:4</p> <p><b>sincerely</b> <sup>[2]</sup> - 210:16, 210:18</p> <p><b>single</b> <sup>[1]</sup> - 29:9</p> <p><b>sinister</b> <sup>[1]</sup> - 165:19</p> <p><b>sit</b> <sup>[3]</sup> - 29:5, 50:5, 185:4</p> <p><b>site</b> <sup>[1]</sup> - 81:12</p> <p><b>sits</b> <sup>[1]</sup> - 208:8</p> <p><b>sitting</b> <sup>[4]</sup> - 69:9, 98:24, 187:18, 192:16</p> <p><b>situation</b> <sup>[8]</sup> - 63:7, 71:20, 81:14, 104:6, 138:11, 138:15, 140:1, 140:8</p> <p><b>SIUSS</b> <sup>[5]</sup> - 61:19, 116:22, 117:5, 119:18, 119:19</p> <p><b>six</b> <sup>[10]</sup> - 26:25, 27:9, 31:3, 31:8, 39:16, 42:21, 43:8, 81:2, 96:5, 183:17</p> <p><b>skill</b> <sup>[1]</sup> - 212:10</p> <p><b>skills</b> <sup>[1]</sup> - 183:23</p> <p><b>skip</b> <sup>[1]</sup> - 39:12</p> <p><b>SKWAROK</b> <sup>[1]</sup> - 108:19</p> <p><b>Skwarok</b> <sup>[2]</sup> - 76:12, 108:19</p> <p><b>slow</b> <sup>[4]</sup> - 156:6, 156:20, 163:3</p> <p><b>small</b> <sup>[1]</sup> - 21:24</p>	<p><b>smaller</b> <sup>[1]</sup> - 194:11</p> <p><b>social</b> <sup>[4]</sup> - 39:2, 178:12, 209:20, 210:8</p> <p><b>society</b> <sup>[2]</sup> - 209:20, 210:12</p> <p><b>Society</b> <sup>[9]</sup> - 101:18, 102:18, 102:24, 103:3, 103:10, 104:9, 104:13, 104:25, 105:18</p> <p><b>solicitor</b> <sup>[1]</sup> - 75:19</p> <p><b>solicitor-client</b> <sup>[1]</sup> - 75:19</p> <p><b>solution</b> <sup>[3]</sup> - 193:17, 194:3, 208:2</p> <p><b>solve</b> <sup>[2]</sup> - 154:4, 176:8</p> <p><b>someone</b> <sup>[7]</sup> - 62:14, 112:16, 114:5, 140:10, 204:18, 204:25</p> <p><b>sometime</b> <sup>[2]</sup> - 111:21, 126:18</p> <p><b>sometimes</b> <sup>[5]</sup> - 72:7, 157:21, 164:16, 164:18, 169:10</p> <p><b>somewhat</b> <sup>[2]</sup> - 103:25, 192:6</p> <p><b>somewhere</b> <sup>[3]</sup> - 15:25, 17:4, 188:21</p> <p><b>soon</b> <sup>[4]</sup> - 74:16, 75:3, 75:14, 181:3</p> <p><b>sooner</b> <sup>[3]</sup> - 185:6, 185:7, 185:11</p> <p><b>sorry</b> <sup>[19]</sup> - 11:4, 11:6, 26:6, 58:9, 85:14, 85:21, 103:1, 109:16, 114:17, 114:22, 116:14, 118:22, 123:16, 129:9, 140:23, 143:1, 146:11, 151:11, 171:15</p> <p><b>Sorry</b> <sup>[1]</sup> - 87:25</p> <p><b>sort</b> <sup>[4]</sup> - 88:7, 171:2, 205:21, 211:22</p> <p><b>sounds</b> <sup>[1]</sup> - 39:4</p> <p><b>south</b> <sup>[1]</sup> - 202:11</p> <p><b>space</b> <sup>[1]</sup> - 141:13</p> <p><b>spans</b> <sup>[1]</sup> - 150:2</p> <p><b>speaking</b> <sup>[4]</sup> - 145:4, 191:13, 211:12</p> <p><b>specific</b> <sup>[6]</sup> - 68:14, 98:12, 100:19, 129:16, 135:13, 136:12</p> <p><b>specifically</b> <sup>[8]</sup> - 2:11, 14:22, 55:11, 61:14, 93:3, 95:20, 113:13,</p>	<p>146:12</p> <p><b>spectre</b> <sup>[1]</sup> - 9:20</p> <p><b>Spencer</b> <sup>[7]</sup> - 62:2, 70:14, 70:17, 85:23, 116:8, 139:4, 182:9</p> <p><b>spirit</b> <sup>[1]</sup> - 173:21</p> <p><b>split</b> <sup>[1]</sup> - 202:10</p> <p><b>spoken</b> <sup>[3]</sup> - 109:1, 129:13, 132:17</p> <p><b>spot</b> <sup>[2]</sup> - 45:14, 141:23</p> <p><b>spread</b> <sup>[1]</sup> - 41:21</p> <p><b>Squad</b> <sup>[1]</sup> - 195:3</p> <p><b>squad</b> <sup>[1]</sup> - 63:11</p> <p><b>SSU</b> <sup>[1]</sup> - 25:1</p> <p><b>Staff</b> <sup>[2]</sup> - 92:11, 177:25</p> <p><b>staff</b> <sup>[11]</sup> - 17:23, 43:16, 44:12, 45:22, 45:24, 55:13, 58:24, 64:1, 184:12, 184:25, 188:23</p> <p><b>staffed</b> <sup>[1]</sup> - 46:2</p> <p><b>staffing</b> <sup>[3]</sup> - 42:11, 166:17, 198:6</p> <p><b>stage</b> <sup>[3]</sup> - 146:6, 171:25, 173:24</p> <p><b>stages</b> <sup>[2]</sup> - 175:22, 195:2</p> <p><b>stamped</b> <sup>[1]</sup> - 139:1</p> <p><b>stand</b> <sup>[1]</sup> - 69:23</p> <p><b>standard</b> <sup>[1]</sup> - 195:21</p> <p><b>standing</b> <sup>[1]</sup> - 108:18</p> <p><b>start</b> <sup>[7]</sup> - 18:20, 34:4, 82:8, 157:24, 181:14, 181:25, 210:24</p> <p><b>started</b> <sup>[3]</sup> - 9:19, 81:11, 180:7</p> <p><b>starting</b> <sup>[2]</sup> - 31:19, 167:6</p> <p><b>startling</b> <sup>[2]</sup> - 78:18, 79:2</p> <p><b>starts</b> <sup>[1]</sup> - 41:14</p> <p><b>state</b> <sup>[1]</sup> - 125:10</p> <p><b>statement</b> <sup>[7]</sup> - 27:3, 83:10, 83:16, 87:13, 119:13, 119:24, 136:4</p> <p><b>statement's</b> <sup>[1]</sup> - 113:18</p> <p><b>statements</b> <sup>[1]</sup> - 31:23</p> <p><b>states</b> <sup>[2]</sup> - 87:4, 116:19</p> <p><b>statistic</b> <sup>[1]</sup> - 79:2</p> <p><b>statistics</b> <sup>[1]</sup> - 25:5</p> <p><b>status</b> <sup>[1]</sup> - 119:25</p> <p><b>stay</b> <sup>[2]</sup> - 26:24, 27:9</p> <p><b>stayed</b> <sup>[1]</sup> - 9:11</p> <p><b>step</b> <sup>[2]</sup> - 9:7, 114:3</p>	<p><b>Stephanie</b> <sup>[1]</sup> - 93:21</p> <p><b>stepping</b> <sup>[3]</sup> - 101:16, 157:14, 168:4</p> <p><b>steps</b> <sup>[10]</sup> - 54:12, 61:6, 95:13, 95:20, 96:13, 97:5, 98:10, 114:6, 182:19, 208:10</p> <p><b>stereo</b> <sup>[1]</sup> - 104:3</p> <p><b>stick</b> <sup>[1]</sup> - 11:3</p> <p><b>still</b> <sup>[17]</sup> - 25:2, 33:3, 43:4, 65:14, 67:10, 87:9, 99:4, 106:8, 107:2, 116:23, 135:8, 155:6, 175:21, 176:5, 188:2, 199:3, 210:1</p> <p><b>stood</b> <sup>[1]</sup> - 125:17</p> <p><b>stop</b> <sup>[1]</sup> - 60:3</p> <p><b>stopped</b> <sup>[1]</sup> - 178:13</p> <p><b>stops</b> <sup>[1]</sup> - 67:19</p> <p><b>storefront</b> <sup>[1]</sup> - 131:23</p> <p><b>stores</b> <sup>[2]</sup> - 21:13, 21:22</p> <p><b>story</b> <sup>[1]</sup> - 53:25</p> <p><b>Strategies</b> <sup>[3]</sup> - 147:8, 147:16, 148:2</p> <p><b>strategies</b> <sup>[3]</sup> - 120:4, 145:22, 147:20</p> <p><b>STREET</b> <sup>[2]</sup> - 27:18, 27:20</p> <p><b>Street</b> <sup>[4]</sup> - 18:20, 18:25, 19:7, 30:23</p> <p><b>street</b> <sup>[33]</sup> - 8:25, 9:1, 19:19, 23:14, 24:22, 27:24, 30:16, 30:17, 34:22, 35:2, 37:1, 37:3, 44:14, 46:20, 50:18, 52:19, 54:6, 56:4, 59:7, 60:6, 61:13, 100:5, 101:16, 103:17, 131:19, 131:20, 143:17, 163:1, 164:4, 178:17, 183:11, 190:15, 208:25</p> <p><b>streets</b> <sup>[1]</sup> - 30:14</p> <p><b>strength</b> <sup>[1]</sup> - 130:11</p> <p><b>strictly</b> <sup>[3]</sup> - 4:25, 8:22, 15:14</p> <p><b>Strike</b> <sup>[4]</sup> - 115:10, 146:3, 161:8, 161:13</p> <p><b>strong</b> <sup>[2]</sup> - 10:1, 149:22</p> <p><b>strongly</b> <sup>[1]</sup> - 178:7</p> <p><b>structure</b> <sup>[3]</sup> - 180:15, 193:23, 196:7</p> <p><b>struggle</b> <sup>[2]</sup> - 77:11, 77:14</p>	<p><b>struggling</b> <sup>[1]</sup> - 107:2</p> <p><b>student</b> <sup>[1]</sup> - 199:18</p> <p><b>study</b> <sup>[1]</sup> - 189:8</p> <p><b>stuff</b> <sup>[1]</sup> - 39:12</p> <p><b>stumbling</b> <sup>[1]</sup> - 184:1</p> <p><b>STW</b> <sup>[1]</sup> - 126:7</p> <p><b>STWs</b> <sup>[5]</sup> - 127:19, 127:25, 128:11, 128:19, 129:22</p> <p><b>style</b> <sup>[6]</sup> - 69:22, 157:13, 174:20, 174:23, 183:20, 206:18</p> <p><b>subheading</b> <sup>[4]</sup> - 159:23, 160:11, 161:8, 161:19</p> <p><b>subject</b> <sup>[5]</sup> - 133:25, 140:21, 150:15, 180:22, 188:20</p> <p><b>subjects</b> <sup>[1]</sup> - 133:2</p> <p><b>Submit</b> <sup>[1]</sup> - 18:9</p> <p><b>subordinates</b> <sup>[2]</sup> - 178:25, 179:14</p> <p><b>subsequent</b> <sup>[1]</sup> - 193:2</p> <p><b>subsequently</b> <sup>[1]</sup> - 122:10</p> <p><b>substance</b> <sup>[1]</sup> - 100:14</p> <p><b>succeeded</b> <sup>[1]</sup> - 10:2</p> <p><b>success</b> <sup>[1]</sup> - 103:22</p> <p><b>successful</b> <sup>[1]</sup> - 66:15</p> <p><b>successive</b> <sup>[1]</sup> - 86:22</p> <p><b>suddenly</b> <sup>[1]</sup> - 137:25</p> <p><b>suffer</b> <sup>[1]</sup> - 144:20</p> <p><b>suffered</b> <sup>[1]</sup> - 136:5</p> <p><b>sufficient</b> <sup>[2]</sup> - 81:5, 99:19</p> <p><b>sufficiently</b> <sup>[2]</sup> - 2:1, 99:20</p> <p><b>suggest</b> <sup>[10]</sup> - 28:22, 49:12, 74:15, 75:2, 110:17, 113:15, 114:1, 114:7, 121:16, 203:23</p> <p><b>suggested</b> <sup>[3]</sup> - 113:2, 176:1, 188:16</p> <p><b>suggesting</b> <sup>[11]</sup> - 46:8, 46:9, 46:18, 47:11, 67:24, 71:15, 85:9, 137:18, 137:24, 156:18, 162:16</p> <p><b>suggestion</b> <sup>[4]</sup> - 81:16, 112:21, 133:5, 156:12</p> <p><b>suited</b> <sup>[1]</sup> - 183:1</p> <p><b>summary</b> <sup>[4]</sup> - 64:6, 147:11, 149:1, 149:4</p> <p><b>summer</b> <sup>[5]</sup> - 40:3,</p>
--	--	---	---	--

<p>40:7, 40:9, 63:7, 199:18</p> <p><b>Summit</b> [7] - 11:18, 11:24, 11:25, 13:14, 13:25, 16:18, 18:7</p> <p><b>summit</b> [1] - 2:6</p> <p><b>Sun</b> [1] - 86:21</p> <p><b>sundry</b> [1] - 7:20</p> <p><b>Superintendent</b> [4] - 110:2, 110:19, 145:5, 210:23</p> <p><b>superintendent</b> [1] - 145:6</p> <p><b>superior</b> [2] - 17:18, 141:4</p> <p><b>superiors</b> [1] - 108:13</p> <p><b>supervise</b> [3] - 67:5, 67:7, 67:9</p> <p><b>supervisor</b> [6] - 17:10, 45:9, 67:10, 108:12, 207:18, 207:20</p> <p><b>supervisors</b> [2] - 19:24, 129:1</p> <p><b>supervisory</b> [4] - 4:9, 70:11, 73:2, 168:6</p> <p><b>supply</b> [1] - 46:14</p> <p><b>Support</b> [4] - 137:11, 159:21, 171:12, 181:15</p> <p><b>support</b> [6] - 10:3, 45:18, 102:4, 122:15, 141:13, 183:10</p> <p><b>supported</b> [4] - 10:18, 37:22, 131:23, 152:5</p> <p><b>supporter</b> [1] - 108:1</p> <p><b>supporting</b> [1] - 183:1</p> <p><b>supportive</b> [6] - 89:14, 89:15, 177:3, 183:25, 184:5, 188:10</p> <p><b>Supreme</b> [1] - 126:23</p> <p><b>surely</b> [3] - 6:16, 29:10, 55:1</p> <p><b>surfaced</b> [2] - 79:4, 122:24</p> <p><b>surplus</b> [5] - 43:19, 47:18, 47:24, 47:25, 48:5</p> <p><b>surprise</b> [1] - 51:10</p> <p><b>surprised</b> [1] - 85:11</p> <p><b>surprising</b> [1] - 135:19</p> <p><b>Surrey</b> [6] - 117:13, 198:2, 198:3, 198:4, 198:13, 199:10</p> <p><b>surrounding</b> [2] - 79:7, 121:13</p> <p><b>surveillance</b> [3] - 146:4, 161:10,</p>	<p>161:13</p> <p><b>survey</b> [4] - 40:4, 40:7, 40:10, 198:1</p> <p><b>surveys</b> [1] - 39:21</p> <p><b>survival</b> [6] - 6:1, 7:2, 8:5, 8:15, 9:4, 10:20</p> <p><b>suspect</b> [14] - 75:16, 81:11, 81:17, 82:9, 82:12, 83:10, 112:4, 120:13, 120:17, 147:22, 169:3, 169:4, 169:5, 169:12</p> <p><b>suspects</b> [9] - 52:7, 82:11, 82:16, 119:21, 119:25, 120:14, 121:2, 149:6, 168:21</p> <p><b>suspicious</b> [1] - 108:14</p> <p><b>swing</b> [1] - 199:5</p> <p><b>sworn</b> [1] - 155:2</p> <p><b>sympathetic</b> [2] - 128:23, 154:22</p> <p><b>synopsizing</b> [1] - 61:16</p> <p><b>system</b> [6] - 116:23, 117:5, 117:7, 193:4, 194:20, 210:6</p>	<p>16:18, 17:15, 53:8, 157:5, 164:6</p> <p><b>tasked</b> [2] - 145:24, 156:22</p> <p><b>tasks</b> [3] - 58:19, 59:9, 163:1</p> <p><b>taught</b> [1] - 10:24</p> <p><b>taxed</b> [1] - 166:10</p> <p><b>taxing</b> [2] - 63:11, 161:5</p> <p><b>team</b> [30] - 33:25, 37:21, 54:22, 62:13, 62:17, 62:24, 63:4, 66:21, 67:9, 68:2, 74:15, 74:19, 75:2, 75:13, 75:15, 85:11, 87:5, 87:7, 106:21, 117:5, 126:14, 133:9, 139:12, 145:25, 181:10, 181:14, 181:22, 181:25, 182:6, 183:2</p> <p><b>Team</b> [18] - 30:24, 52:2, 52:14, 54:4, 57:4, 57:24, 58:16, 69:2, 96:13, 136:19, 137:16, 138:11, 138:16, 139:23, 140:18, 142:12, 148:19, 159:24</p> <p><b>Team's</b> [1] - 53:4</p> <p><b>teams</b> [2] - 194:16, 194:18</p> <p><b>Tears</b> [1] - 157:22</p> <p><b>teary</b> [1] - 155:8</p> <p><b>teary-eyed</b> [1] - 155:8</p> <p><b>technical</b> [1] - 116:22</p> <p><b>tend</b> [1] - 24:2</p> <p><b>tendered</b> [1] - 92:4</p> <p><b>tenure</b> [3] - 1:10, 4:10, 5:2</p> <p><b>term</b> [2] - 127:20, 183:11</p> <p><b>terms</b> [15] - 5:8, 5:12, 6:7, 9:2, 10:5, 18:18, 32:10, 36:18, 69:1, 72:2, 134:7, 140:21, 171:4, 175:5, 175:7</p> <p><b>terrible</b> [1] - 130:22</p> <p><b>TERRY</b> [2] - 1:5, 1:4</p> <p><b>testified</b> [9] - 53:14, 90:9, 99:14, 106:10, 115:17, 118:4, 122:2, 166:1, 167:4</p> <p><b>testifying</b> [1] - 193:5</p> <p><b>testimony</b> [4] - 96:22, 133:3, 169:9, 187:15</p> <p><b>THE</b> [146] - 1:4, 1:6, 5:6, 5:9, 5:20, 11:1, 11:6, 11:8, 11:11,</p>	<p>11:13, 13:11, 13:12, 16:5, 16:14, 16:20, 16:24, 16:25, 17:1, 17:3, 17:5, 17:6, 17:8, 17:13, 17:16, 17:21, 17:24, 17:25, 18:1, 18:2, 18:3, 18:4, 18:12, 27:18, 27:20, 28:5, 28:20, 48:2, 48:23, 48:24, 48:25, 49:8, 49:16, 75:21, 75:23, 76:1, 76:7, 76:11, 76:21, 77:1, 77:3, 77:4, 77:7, 77:16, 83:23, 83:24, 84:8, 84:13, 87:17, 87:23, 87:24, 88:3, 88:6, 88:8, 88:10, 88:12, 89:17, 89:19, 103:1, 103:5, 108:17, 108:21, 123:12, 123:16, 123:19, 123:23, 124:1, 124:2, 124:5, 124:19, 125:12, 125:21, 126:3, 126:9, 126:18, 127:1, 127:6, 127:14, 127:16, 128:6, 128:7, 128:9, 128:15, 128:16, 129:10, 129:12, 132:4, 132:6, 132:11, 132:15, 132:20, 132:24, 142:15, 142:18, 142:25, 143:4, 143:19, 146:21, 151:9, 156:8, 167:20, 167:23, 169:7, 169:13, 169:15, 170:3, 172:22, 173:4, 173:8, 173:9, 173:12, 187:20, 187:22, 187:23, 188:1, 188:2, 188:8, 190:17, 190:19, 192:25, 193:13, 194:16, 195:1, 195:15, 195:23, 198:11, 198:12, 203:12, 203:16, 203:19, 205:15, 205:17, 205:20, 211:1, 211:17, 211:25, 212:1</p> <p><b>theories</b> [1] - 120:4</p> <p><b>therefore</b> [1] - 198:14</p> <p><b>they've</b> [3] - 20:16, 208:24, 209:19</p>	<p><b>thinking</b> [2] - 204:8, 207:24</p> <p><b>third</b> [7] - 31:16, 87:3, 87:4, 114:25, 116:18, 159:18</p> <p><b>thirty</b> [1] - 58:18</p> <p><b>thirty-one</b> [1] - 58:18</p> <p><b>thoroughly</b> [1] - 52:15</p> <p><b>thoughts</b> [1] - 176:15</p> <p><b>threat</b> [1] - 7:5</p> <p><b>three</b> [14] - 25:16, 31:6, 40:21, 41:21, 48:8, 48:9, 48:15, 85:20, 109:21, 147:25, 171:9, 182:7, 189:14</p> <p><b>three"</b> [1] - 56:25</p> <p><b>three-quarters</b> [1] - 147:25</p> <p><b>three-year</b> [1] - 40:21</p> <p><b>throughout</b> [12] - 91:12, 100:22, 121:6, 123:15, 123:18, 150:25, 153:15, 160:7, 163:20, 164:13, 181:8, 182:5</p> <p><b>tie</b> [1] - 146:14</p> <p><b>timeline</b> [14] - 40:1, 73:15, 74:1, 74:5, 74:18, 148:18, 148:21, 149:1, 149:18, 150:2, 150:12, 150:17, 150:23, 150:25</p> <p><b>tips</b> [3] - 52:8, 116:23, 119:18</p> <p><b>Tobias</b> [1] - 76:12</p> <p><b>today</b> [26] - 15:16, 17:11, 22:7, 29:18, 30:15, 50:5, 76:22, 77:12, 78:3, 106:8, 113:5, 126:15, 126:17, 127:2, 133:3, 139:8, 172:16, 174:15, 184:11, 185:4, 193:24, 194:1, 209:17, 211:19, 211:21, 212:1</p> <p><b>together</b> [14] - 46:23, 50:11, 86:13, 116:1, 119:1, 146:18, 146:25, 163:24, 179:18, 181:9, 183:5, 184:14, 186:9, 196:22</p> <p><b>tolerance</b> [1] - 20:19</p> <p><b>tolerated</b> [2] - 27:1, 27:18</p>
--	--	--	--	---

<p><b>tomorrow</b> <sup>[8]</sup> - 76:21, 76:24, 76:25, 126:18, 126:22, 127:3, 210:23, 212:2</p> <p><b>took</b> <sup>[17]</sup> - 41:3, 49:10, 53:16, 55:20, 70:1, 91:10, 101:16, 106:23, 148:14, 162:25, 181:3, 182:17, 185:1, 189:14, 197:2, 202:22</p> <p><b>top</b> <sup>[6]</sup> - 86:1, 86:12, 147:4, 162:3, 165:8, 205:9</p> <p><b>topic</b> <sup>[3]</sup> - 112:19, 121:5, 146:16</p> <p><b>tossed</b> <sup>[1]</sup> - 156:5</p> <p><b>total</b> <sup>[3]</sup> - 25:8, 41:5, 41:11</p> <p><b>totally</b> <sup>[5]</sup> - 7:14, 10:7, 16:2, 171:23, 173:5</p> <p><b>totals</b> <sup>[1]</sup> - 41:15</p> <p><b>touch</b> <sup>[2]</sup> - 153:12, 201:23</p> <p><b>touched</b> <sup>[1]</sup> - 167:1</p> <p><b>toughest</b> <sup>[1]</sup> - 187:3</p> <p><b>towards</b> <sup>[5]</sup> - 65:20, 154:12, 166:23, 177:9, 179:19</p> <p><b>trade</b> <sup>[32]</sup> - 8:13, 21:9, 22:4, 25:6, 27:1, 27:6, 27:10, 27:24, 35:7, 35:15, 35:20, 37:3, 37:17, 52:8, 52:17, 52:21, 53:23, 54:7, 54:17, 55:1, 56:1, 56:5, 58:21, 67:3, 79:4, 79:10, 98:24, 99:3, 100:1, 120:10, 201:1, 204:23</p> <p><b>traffic</b> <sup>[2]</sup> - 21:12, 21:21</p> <p><b>traffickers</b> <sup>[2]</sup> - 49:22, 50:1</p> <p><b>tragedies</b> <sup>[4]</sup> - 205:22, 205:25, 206:1, 206:8</p> <p><b>training</b> <sup>[1]</sup> - 44:15</p> <p><b>transactions</b> <sup>[1]</sup> - 37:11</p> <p><b>transcribed</b> <sup>[1]</sup> - 212:9</p> <p><b>transcript</b> <sup>[2]</sup> - 83:19, 212:8</p> <p><b>transferred</b> <sup>[2]</sup> - 117:9, 117:11</p> <p><b>translate</b> <sup>[1]</sup> - 48:6</p> <p><b>translates</b> <sup>[1]</sup> - 48:8</p> <p><b>transmission</b> <sup>[2]</sup> - 13:15, 2:7</p>	<p><b>traumatized</b> <sup>[3]</sup> - 154:17, 154:20, 155:4</p> <p><b>treated</b> <sup>[2]</sup> - 92:25, 97:11</p> <p><b>treating</b> <sup>[1]</sup> - 200:17</p> <p><b>troops</b> <sup>[1]</sup> - 51:20</p> <p><b>true</b> <sup>[10]</sup> - 34:13, 57:15, 155:13, 165:3, 165:9, 168:16, 189:2, 189:3, 196:23, 212:8</p> <p><b>trust</b> <sup>[9]</sup> - 102:9, 103:13, 103:17, 103:18, 181:23, 209:9, 209:13, 209:14</p> <p><b>trusted</b> <sup>[3]</sup> - 70:23, 106:21, 107:1</p> <p><b>try</b> <sup>[7]</sup> - 22:25, 34:5, 39:14, 69:12, 153:10, 159:16, 174:18</p> <p><b>trying</b> <sup>[8]</sup> - 18:5, 34:1, 47:8, 69:12, 104:13, 146:14, 184:13</p> <p><b>tunnel</b> <sup>[1]</sup> - 53:15</p> <p><b>turmoil</b> <sup>[1]</sup> - 181:2</p> <p><b>turn</b> <sup>[18]</sup> - 13:1, 13:17, 47:19, 51:23, 80:15, 90:6, 92:6, 95:2, 95:24, 111:17, 114:12, 114:24, 116:25, 118:24, 125:17, 133:25, 136:15, 191:14</p> <p><b>turned</b> <sup>[2]</sup> - 152:22, 167:13</p> <p><b>twenty</b> <sup>[3]</sup> - 58:13, 160:2, 173:5</p> <p><b>twenty"</b> <sup>[1]</sup> - 58:11</p> <p><b>twenty-two</b> <sup>[1]</sup> - 160:2</p> <p><b>two</b> <sup>[32]</sup> - 7:10, 14:10, 16:9, 46:5, 48:15, 53:7, 53:10, 58:17, 60:11, 66:2, 68:2, 68:5, 71:10, 71:14, 76:7, 76:17, 80:15, 86:21, 108:17, 122:14, 122:18, 126:24, 127:12, 133:21, 142:1, 145:25, 160:2, 172:19, 174:18, 181:18, 199:11</p> <p><b>type</b> <sup>[4]</sup> - 27:16, 157:20, 208:18, 208:19</p> <p><b>typed</b> <sup>[1]</sup> - 80:16</p> <p><b>types</b> <sup>[2]</sup> - 160:6,</p>	<p>167:17</p> <p><b>typical</b> <sup>[1]</sup> - 175:19</p> <p><b>U</b></p> <p><b>UK</b> <sup>[1]</sup> - 208:4</p> <p><b>ultimate</b> <sup>[1]</sup> - 121:16</p> <p><b>ultimately</b> <sup>[4]</sup> - 17:8, 17:9, 47:11, 117:9</p> <p><b>um-hum</b> <sup>[1]</sup> - 130:4</p> <p><b>unable</b> <sup>[2]</sup> - 59:5, 184:17</p> <p><b>unacceptable</b> <sup>[1]</sup> - 27:23</p> <p><b>unattended</b> <sup>[1]</sup> - 163:3</p> <p><b>unaware</b> <sup>[1]</sup> - 112:14</p> <p><b>unbelievable</b> <sup>[1]</sup> - 108:4</p> <p><b>uncertainty</b> <sup>[1]</sup> - 204:15</p> <p><b>uncover</b> <sup>[2]</sup> - 57:11, 57:18</p> <p><b>under</b> <sup>[23]</sup> - 7:5, 12:20, 14:25, 19:20, 26:19, 29:9, 31:16, 32:23, 33:14, 36:15, 37:15, 40:3, 42:13, 64:10, 72:14, 76:17, 86:20, 86:25, 119:16, 131:21, 133:6, 133:20, 147:25</p> <p><b>undercover</b> <sup>[2]</sup> - 31:22, 149:24</p> <p><b>underneath</b> <sup>[1]</sup> - 119:20</p> <p><b>understate</b> <sup>[2]</sup> - 161:3, 162:2</p> <p><b>understood</b> <sup>[5]</sup> - 41:17, 134:11, 168:1, 169:21, 172:16</p> <p><b>undertaken</b> <sup>[1]</sup> - 119:10</p> <p><b>underway</b> <sup>[2]</sup> - 64:14, 135:1</p> <p><b>undesirable</b> <sup>[1]</sup> - 37:15</p> <p><b>uneven</b> <sup>[1]</sup> - 36:18</p> <p><b>unfair</b> <sup>[2]</sup> - 28:19, 202:19</p> <p><b>unfairness</b> <sup>[1]</sup> - 84:15</p> <p><b>unfortunate</b> <sup>[3]</sup> - 10:15, 10:19, 131:22</p> <p><b>unfortunately</b> <sup>[2]</sup> - 78:8, 119:3</p> <p><b>Unger</b> <sup>[19]</sup> - 55:4, 55:12, 55:18, 55:23, 70:7, 73:23, 74:4, 75:5, 78:14, 78:15, 78:25, 80:9, 86:14,</p>	<p>148:17, 148:25, 150:11, 152:4, 181:24, 192:20</p> <p><b>Unger's</b> <sup>[2]</sup> - 74:2, 86:15</p> <p><b>uniform</b> <sup>[1]</sup> - 35:14</p> <p><b>unique</b> <sup>[3]</sup> - 103:25, 104:5, 174:14</p> <p><b>unit</b> <sup>[6]</sup> - 8:17, 70:15, 101:11, 105:10, 140:23, 166:9</p> <p><b>Unit</b> <sup>[10]</sup> - 8:22, 15:12, 30:24, 101:8, 104:15, 113:4, 115:10, 115:11, 160:12, 161:20</p> <p><b>UNITED</b> <sup>[1]</sup> - 212:12</p> <p><b>Units</b> <sup>[1]</sup> - 194:23</p> <p><b>units</b> <sup>[2]</sup> - 102:11, 194:24</p> <p><b>unknown</b> <sup>[2]</sup> - 120:13, 196:6</p> <p><b>unlawful</b> <sup>[4]</sup> - 36:14, 134:4, 134:13, 204:13</p> <p><b>unless</b> <sup>[3]</sup> - 4:23, 74:20, 123:20</p> <p><b>unreasonable</b> <sup>[1]</sup> - 14:4</p> <p><b>unrelated</b> <sup>[1]</sup> - 121:18</p> <p><b>unsolicited</b> <sup>[1]</sup> - 192:3</p> <p><b>unsolved</b> <sup>[1]</sup> - 12:20</p> <p><b>Unsolved&lt;/</b></p>
--	---	---	--

<p><b>VANDU</b> [2] - 4:10, 127:8</p> <p><b>various</b> [8] - 90:10, 100:21, 164:8, 166:16, 168:19, 168:21, 194:24, 209:5</p> <p><b>vast</b> [1] - 206:5</p> <p><b>vehicle</b> [4] - 189:9, 190:12, 190:15, 209:10</p> <p><b>vehicles</b> [3] - 157:16, 189:11, 209:3</p> <p><b>vein</b> [1] - 138:3</p> <p><b>versa</b> [1] - 164:17</p> <p><b>Vertlieb</b> [4] - 125:10, 126:10, 126:12, 1:14</p> <p><b>VERTLIEB</b> [29] - 76:4, 76:8, 76:12, 76:22, 77:2, 77:8, 77:17, 123:14, 123:17, 123:20, 123:25, 124:6, 125:13, 125:22, 126:4, 132:16, 132:21, 173:1, 173:5, 173:13, 188:19, 190:20, 193:21, 196:12, 198:21, 203:10, 205:13, 210:23, 211:19</p> <p><b>VI</b> [1] - 149:23</p> <p><b>vice</b> [1] - 164:17</p> <p><b>Victim</b> [1] - 102:21</p> <p><b>victim</b> [2] - 13:2, 81:12</p> <p><b>victimizing</b> [1] - 128:1</p> <p><b>victims</b> [6] - 12:13, 14:6, 14:18, 14:20, 18:11, 154:23</p> <p><b>Victoria</b> [1] - 187:13</p> <p><b>view</b> [15] - 2:2, 66:13, 136:5, 143:11, 156:20, 176:21, 177:13, 185:8, 193:6, 193:7, 194:16, 196:14, 197:3, 202:21, 206:6</p> <p><b>views</b> [3] - 176:22, 178:24, 210:17</p> <p><b>vigilant</b> [1] - 5:15</p> <p><b>violate</b> [1] - 130:23</p> <p><b>violence</b> [10] - 2:5, 2:8, 2:22, 3:3, 3:10, 3:13, 7:5, 77:21, 164:2, 164:4</p> <p><b>visible</b> [6] - 38:16, 38:19, 38:21, 46:20, 130:11</p> <p><b>vision</b> [1] - 53:15</p> <p><b>voluntariness</b> [1] -</p>	<p>36:20</p> <p><b>VPD</b> [40] - 2:17, 3:2, 3:11, 18:7, 42:4, 90:22, 91:8, 91:10, 91:13, 91:24, 92:21, 96:14, 97:5, 97:12, 103:10, 105:2, 105:11, 105:17, 109:17, 110:24, 111:9, 112:22, 113:2, 116:14, 117:22, 118:5, 118:10, 119:10, 120:17, 130:5, 135:14, 161:5, 161:23, 162:20, 171:25, 197:6, 199:23, 200:1, 206:23</p> <p><b>VPD's</b> [1] - 131:12</p> <p><b>Vries</b> [2] - 171:6, 171:19</p> <p><b>vulnerable</b> [1] - 178:19</p>	<p>84:8, 84:12, 104:4, 149:18, 170:23, 183:3, 205:8, 205:23</p> <p><b>Williams</b> [1] - 94:9</p> <p><b>willing</b> [2] - 194:14, 211:10</p> <p><b>willingly</b> [1] - 152:10</p> <p><b>winding</b> [1] - 45:3</p> <p><b>window</b> [3] - 8:9, 21:24, 84:4</p> <p><b>Winteringham</b> [1] - 76:14</p> <p><b>wiretap</b> [1] - 149:23</p> <p><b>wise</b> [1] - 44:11</p> <p><b>wish</b> [4] - 21:1, 103:24, 151:5, 203:22</p> <p><b>wished</b> [1] - 155:11</p> <p><b>wishes</b> [2] - 155:13</p> <p><b>withdrawal</b> [1] - 131:5</p> <p><b>WITNESS</b> [22] - 16:24, 17:1, 17:5, 17:8, 17:16, 17:24, 18:1, 18:3, 48:24, 75:21, 83:24, 128:7, 128:16, 129:12, 187:22, 188:1, 188:8, 190:19, 193:13, 195:1, 195:23, 198:12</p> <p><b>witness</b> [13] - 16:7, 16:12, 18:14, 28:11, 49:14, 49:20, 75:16, 102:25, 103:3, 103:6, 114:10, 137:2, 203:15</p> <p><b>witnesses</b> [1] - 12:19</p> <p><b>Wolthers</b> [34] - 51:1, 52:5, 53:2, 54:14, 55:11, 55:24, 56:21, 57:7, 58:14, 59:4, 59:14, 59:18, 60:4, 60:10, 60:13, 60:17, 60:21, 61:9, 61:22, 62:5, 62:11, 62:19, 65:7, 66:17, 68:6, 68:13, 71:4, 71:5, 72:18, 129:8, 129:10, 142:22, 143:8, 143:11</p> <p><b>Wolthers'</b> [2] - 65:19, 71:2</p> <p><b>woman</b> [8] - 93:18, 93:22, 94:1, 94:7, 94:10, 94:13, 94:17, 133:8</p> <p><b>women</b> [86] - 5:11, 5:16, 5:18, 10:2, 18:8, 43:11, 51:8, 53:5, 73:10, 80:3,</p>	<p>80:24, 81:20, 84:24, 85:3, 85:13, 85:15, 87:11, 89:2, 89:12, 91:3, 92:22, 93:12, 93:15, 94:20, 94:21, 94:25, 95:15, 95:22, 96:19, 97:2, 97:7, 97:9, 97:14, 97:25, 98:3, 98:9, 99:3, 99:10, 99:19, 99:20, 100:24, 101:2, 101:5, 101:22, 101:24, 104:14, 106:1, 106:6, 107:7, 112:5, 115:18, 122:12, 130:6, 130:22, 131:2, 131:14, 133:21, 134:15, 134:19, 135:4, 135:7, 135:15, 135:16, 146:25, 154:5, 154:13, 156:1, 156:23, 160:15, 162:19, 169:22, 171:6, 172:1, 172:10, 178:1, 178:5, 178:8, 178:12, 180:2, 180:5, 200:24, 201:9, 204:17, 204:19, 204:23</p> <p><b>Women</b> [5] - 54:4, 136:19, 138:11, 176:11, 177:17</p> <p><b>Women's</b> [1] - 69:1</p> <p><b>women's</b> [6] - 44:3, 104:25, 116:10, 171:4, 171:5, 180:5</p> <p><b>wonder</b> [2] - 135:24, 185:5</p> <p><b>wonderful</b> [6] - 50:20, 103:23, 129:5, 175:11, 186:11, 210:22</p> <p><b>wondering</b> [3] - 123:14, 123:17, 127:24</p> <p><b>word</b> [5] - 84:23, 169:3, 174:3, 174:4, 198:10</p> <p><b>words</b> [5] - 27:20, 153:16, 169:18, 195:11</p> <p><b>worker</b> [11] - 1:17, 1:21, 27:7, 35:9, 35:16, 35:20, 36:20, 37:17, 67:3, 102:21, 120:10</p> <p><b>worker's</b> [3] - 52:21,</p>	<p>54:7, 58:21</p> <p><b>workers</b> [62] - 2:1, 2:6, 2:9, 2:11, 3:3, 3:11, 3:13, 6:1, 7:2, 7:4, 8:5, 8:13, 8:15, 9:4, 10:20, 21:16, 22:5, 23:1, 23:7, 23:23, 24:10, 24:12, 24:18, 25:6, 25:7, 25:20, 26:2, 26:8, 26:23, 26:24, 27:24, 28:3, 32:2, 32:11, 33:8, 33:12, 34:10, 34:12, 35:7, 36:12, 36:13, 37:3, 37:7, 52:9, 52:17, 53:23, 54:17, 55:1, 56:2, 77:21, 77:23, 78:19, 79:4, 79:11, 79:15, 98:24, 99:3, 100:1, 131:13, 201:1</p> <p><b>workers'</b> [2] - 2:22, 56:5</p> <p><b>workplace</b> [1] - 65:13</p> <p><b>worried</b> [1] - 176:16</p> <p><b>worry</b> [1] - 200:18</p> <p><b>worse</b> [1] - 206:3</p> <p><b>worth</b> [2] - 102:24, 103:3</p> <p><b>wound</b> [1] - 42:4</p> <p><b>Wow</b> [1] - 54:24</p> <p><b>write</b> [1] - 51:16</p> <p><b>writes</b> [3] - 58:12, 59:1, 137:15</p> <p><b>writing</b> [2] - 12:5, 68:7</p> <p><b>wrote</b> [5] - 125:7, 177:24, 178:2, 187:24, 191:21</p>
<b>Y</b>				
				<p><b>year</b> [9] - 9:15, 40:21, 48:9, 54:22, 57:10, 109:21, 117:14, 158:1, 197:16</p> <p><b>years</b> [11] - 34:23, 40:23, 41:22, 153:18, 153:21, 157:6, 158:1, 174:25, 184:25, 193:15, 202:24</p> <p><b>yesterday</b> [5] - 12:9, 124:9, 133:3, 173:22, 205:4</p> <p><b>York</b> [1] - 206:16</p> <p><b>young</b> [1] - 199:16</p> <p><b>yourself</b> [8] - 1:20, 19:23, 20:4, 20:14, 69:18, 70:7, 73:20, 187:16</p>