

Vancouver, BC

February 29, 2012

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

THE REGISTRAR: Order. The hearing is now resumed.

MR. VERTLIEB: Thank you, Mr. Commissioner.

DON ADAM: Resumed

CROSS-EXAMINATION BY MR. VERTLIEB:

Q Inspector, I wanted to ask you about some of the discussion concerning Evenhanded that we've heard from others. Do you remember a Staff Sergeant Kevin Simmill speaking with you, and I believe it's a statement you gave him September 2 -- pardon me, the 19th of September of '02. Do you remember being interviewed by him?

A I do remember being interviewed by him. I don't recall the dates or anything.

Q That's fine. But many years ago?

A Yes.

Q The subject I want to first discuss is this concept that your investigation, the one that you were leading, was at the outset an historical investigation. And you remember we discussed some of that last time?

A Yes, I do.

Q As I recall reading from the statement that you

1 had with Kevin Simmill, who is RCMP, staff
2 sergeant RCMP.

3 A That is correct.

4 Q That you told him that you believed that the
5 disappearances had ceased in 1999?

6 A Could I see that statement, please? I'd like to
7 look at it as we talk about it.

8 Q All right. If you don't recall that that's fine.

9 A Oh, no, I don't recall what was in that statement.

10 Q All right. Let me then move -- and we'll get that
11 statement. I have seen it, but I don't have it
12 right here, I didn't think we'd need that. I'm
13 sorry.

14 A Okay.

15 Q Do you remember hearing evidence or being informed
16 of evidence by Doug LePard that he believed that
17 this was an historical investigation? Are you
18 informed of that or do you understand that to be
19 the case?

20 A I'm aware that Deputy LePard called us that, but I
21 know he has also said that he didn't really study
22 Evenhanded very much, but --

23 Q What troubles you?

24 A But what troubles me about that, Mr. Commissioner,
25 is that I've taken you through all of the activity

1 both looking for the missing women in through May,
2 June, July, and then from August on we're clearly
3 out on targets, we're doing just a mass of things,
4 none of that in any way could be called an
5 historic investigation.

6 Q No, I understand that. I'm clear on that from
7 your evidence. But Doug LePard has said this, and
8 I'll just read it, 'cause I really just want your
9 comment.

10 A Sorry.

11 Q No, don't apologize, that's fine. We've heard
12 some evidence, and I want you to have an
13 opportunity to give us your view of this evidence.

14 A Okay.

15 Q So he had said, and the reference I have just for
16 people is page 43 of his evidence, he's talking
17 about your work or your program. He said:

18 What their strategy was was to look at
19 historical cases where DNA analysis hadn't
20 been done because the technology wasn't
21 available, and look at historical cases to
22 see whether there were exhibits that were
23 suitable for analysis.

24 And then at page 48 he said, and this is a bit
25 simpler:

1 My understanding is that when Evenhanded
2 first began its work in the beginning of 2001
3 that they believed that the missings were
4 historical.

5 Now, that's Mr. LePard's evidence that he's given
6 to the commissioner here. I just want to ask --
7 let me give you a bit more and then you can answer
8 it all at once. Mr. Williams, and you know who
9 we're talking about, R.J. Williams, he said to the
10 commissioner, and I'll just read it, his reference
11 is page 27, line 3, he was asked:

12 So did you have the impression that the work
13 of Mr. Adam was basically historical
14 investigation on older cases?

15 And he said yes. And so that's Williams, and I've
16 read LePard. And in your interview with
17 Ms. Evans, Jennifer Evans, you told her at page 32
18 that you were told the disappearances had stopped?

19 A Yes, that is accurate.

20 Q So that's why -- and that was consistent with what
21 I asked you about with Mr. Simmill in the note
22 that I have, and I had checked it when I made the
23 note, is that you had told him that the
24 disappearances had ceased in 1999. So the
25 question is simply this. I've put comments from

1 other people to you. Do you agree that when you
2 started Evenhanded it was an historical
3 investigation?

4 A What concerns me there, Mr. Commissioner, is that
5 each of those interpretations gives a global feel
6 that we were historical investigation. That would
7 be an utterly inaccurate way to describe us.
8 Mr. Vertlieb is absolutely right, when I first
9 came to try and understand this I was being told
10 that the disappearances had stopped for about a
11 year since early 1999, and as I've said to you
12 before that is completely documented. It's in our
13 documents, a conversation with Geramy Field and I,
14 that we need to be sure of that, and it described
15 how I wanted to -- I've used two streams to be
16 sure of it. By the 31st of January, of course,
17 now there were potentially new missings and then
18 we engaged to start looking for them. So at that
19 point it's not historical, we're actually in the
20 here and now, albeit that our partner agency, the
21 VPD Missing Persons Unit is doing that piece of
22 work for us. And you're right, there is a
23 historic component in our initial belief in DNA.
24 So -- but it would be inaccurate to describe us as
25 historical investigation. We were actually

1 operating as an investigation literally by the 5th
2 or the 3rd of January in those first few meetings,
3 and then there's this evolving realization of
4 additional problems, things we needed to do. But
5 that's what worries me, Mr. Vertlieb, is that when
6 people make this global statement that we're
7 historic investigation, that would be just a
8 deadly and inaccurate thing for the commission to
9 accept.

10 Q I wanted your answer for the benefit of the
11 commissioner.

12 A Thank you.

13 Q Your counsel did assist me and she did find the
14 statement of Mr. Simmill where there was the
15 reference to disappearances, you believed the
16 disappearances had ceased in 1999. Can you just
17 accept that you said that?

18 MS. WINTERINGHAM: Well, just to be clear --

19 MR. VERTLIEB: Thank you, Ms. Winteringham.

20 MS. WINTERINGHAM: Janet Winteringham for Don Adam. Just to be
21 clear, the statement that Sergeant Adam made to
22 Simmill is this:

23 It should be noted that at that time the
24 premise of the investigation from the city
25 was that the disappearance of these women had

1 ceased in 1999 and that we were dealing with
2 an historic serial killer situation, and
3 there was considerable discussion about the
4 fact that we needed to be careful that our
5 potential killer had not moved to another
6 jurisdiction, had been incarcerated or died.

7 MR. VERTLIEB: Thank you. Thanks, Ms. Winteringham.

8 Q So we have your answer. Now, the next thing I
9 wanted to ask you just to comment on Mr. LePard's
10 evidence, and keep in mind that Mr. LePard had a
11 view that your work at Evenhanded when it started
12 was an historical investigation, there wasn't --
13 and we've covered that, so you have to keep in
14 mind the reference point that Mr. LePard was
15 coming from when he spoke to Commissioner Oppal.

16 A Yeah. No, I think he was very candid in admitting
17 he didn't really know much about Evenhanded.

18 Q Okay. That's fine. So he then said this, he was
19 asked this question, and the reference is page 49,
20 Mr. Commissioner.

21 I was just going to ask you that. You're
22 reading my mind. Was there a sense of any
23 urgency that you gleaned from your review up
24 to the summer of 2001?

25 And Mr. LePard said:

1 No, I didn't glean that from my review. And
2 from reading much more detailed information
3 as the task force was getting underway, from
4 reading Detective Chief Evans interviews it
5 was clear that up until the summer of 2001
6 that it wasn't proceeding on the basis that
7 we've got an active serial killer out there,
8 and then after they did realize that I think
9 in fairness there was a sense of urgency and
10 that's where the proposal for the proactive
11 team in the Downtown Eastside was developed,
12 and that came together very quickly.

13 A I do need to answer that, Mr. Commissioner.

14 Q Please.

15 A I don't believe that Deputy LePard, I mean he
16 stands for his people, he's an honest person, he
17 absolutely has not put together or realized the
18 efforts of Geramy Field and his department and
19 realized that they actually took valuable
20 resources right in January, and those people were
21 working extremely hard, I don't believe that if --
22 and you've seen the results of those I believe in
23 the August 8th reports -- August reports, and
24 they're in front of you. Deputy LePard has not
25 turned his mind to that. I don't believe he would

1 ever betray his people and suggest they didn't
2 care when they were working like that, or betray
3 his department and pretend they weren't doing a
4 heck of a job. He simply didn't know that, wasn't
5 thinking of it when he gave those answers. And
6 I'm certain if he looked at the documents now and
7 was asked whether or not there was a sense of
8 urgency, I believe he would fully realize that
9 there absolutely was. You can't do the amount of
10 work we did in those few months and not have a
11 sense of urgency.

12 Q But we did hear that on August 30, 2001 you and
13 members of your team presented a briefing to
14 senior management from the VPD and RCMP about your
15 concerns about Evenhanded?

16 A No, not our concerns about Evenhanded. Our
17 concerns, of course, that we had -- we had had at
18 the August 14th realization that our systems had
19 not been telling us how many true missing there
20 were. And, Mr. Commissioner, if I go back to the
21 fact that is not a solved problem, there's still
22 problems with properly identifying missings. And
23 I'll just park that part. So for us to be finding
24 out that the number is not 27, it's not even 37,
25 to find out that the more and more we dug more and

1 more and more women were fitting our target moving
2 upwards. I think, as I told you, Evenhanded
3 eventually ended up searching for 250. That's not
4 good. I mean, that is not good, and clearly our
5 systems weren't doing it right. So it's the
6 realization that the numbers are wrong and now we
7 need to do something about it that causes us to
8 okay, we need to jump on this right now, we need
9 resources to search for these missing and confirm
10 them. And then -- and then -- I think you've
11 already heard me say, okay, if they're missing
12 what do we do, and that's where you see me meeting
13 with the city and trying to figure out what can we
14 do now, what's the proper thing to do, and that
15 led us to the proactive team and the other
16 initiatives that I've talked about.

17 Q So let me just ask you one last question about
18 this. And no one would suggest you're not
19 entitled to your annual vacation and your leave
20 which you've earned, and no one would suggest
21 that, but I want to ask you this question. Would
22 you have taken two months off in the summer of '01
23 if you had known there was an active killer still
24 taking women from the Downtown Eastside?

25 A Absolutely not, no, I wouldn't have.

1 Q Thank you. Now, I wanted to just cover the topic
2 area that we referred to as Pickton as a suspect.

3 A Yes.

4 Q Mr. LePard in giving the commission his evidence
5 stated that Evenhanded was not looking at Pickton.
6 The reference is page 47:

7 He was on their list of suspects, they were
8 never particularly looking at him, and there
9 were some reasons for that, but I don't think
10 we should inform the discussion by saying why
11 they would do that if Pickton could get rid
12 of bodies.

13 That was his evidence.

14 A Sorry?

15 Q Page 47 of LePard's evidence.

16 A Okay. Do I have that available to me here?

17 Q I don't know. I just read it to you.

18 A I know, but honestly it sounded like the answer
19 got sort of loquacious. I couldn't follow it.

20 Q Fair enough. Let me just suggest that LePard told
21 the commissioner that he did not believe
22 Evenhanded was looking at Pickton.

23 A Okay.

24 Q We heard from Ms. Shenher -- just keep that in
25 mind, please. We heard from Ms. Shenher that

1 Mr. Pickton was the most compelling suspect.

2 A Okay.

3 Q And we even heard from Mr. Williams that Pickton
4 would have been a strong suspect.

5 A But I believe you actually asked Superintendent
6 Williams that if he's the number one suspect,
7 number one suspect I believe was your word,
8 wouldn't you go on him. Well, that's a loaded
9 question. You know, I'm sure you didn't mean it
10 to be, but obviously if you sat here,
11 Mr. Commissioner, and asked me should people go on
12 their number one suspect that's a pretty obvious
13 answer. But I reiterate, now Lori Shenher was
14 off, and I'm not sure whether it was stress, but
15 Lori Shenher never interacted with me until the
16 24th of October, 2001 and then she did not bring
17 up Pickton even when we knew we had an active
18 serial killer and what were we going to do about
19 it. So Lori Shenher was not at the table. The
20 people that were at the table was Geramy Field,
21 and she is very clear with Deputy Evans, and will
22 be very clear I believe when she comes here, that
23 Pickton was not pushed as a person to go work on
24 simply because, of course, there's an entire
25 year's worth of documentation that the city quite

1 rightly recognized they needed to assess all of
2 their suspects. Mr. Pickton was assessed at that
3 time. He was a great suspect. So were others.
4 And that's the part that seems to get lost here.

5 Q Okay. So I gather from your answer you've read
6 Ms. Shenher's evidence and you've read --

7 A I haven't read her evidence, no.

8 Q Okay. You've read Mr. Williams' evidence?

9 A No, no, no. I listened to it and I remembered how
10 you asked that question.

11 Q So let me get an answer, if I may. Mr. LePard
12 told Commissioner Oppal and his evidence was that
13 Evenhanded was not looking at Pickton. Is that
14 yes? Can you help us, yes or no?

15 MS. WINTERINGHAM: Janet Winteringham for Don Adam. Just so
16 that the reference is clear, Sergeant Adam asked
17 for the actual transcript reference, what Doug
18 LePard has said is this, the evidence at trial was
19 that they were not particularly looking at
20 Pickton, he was on their list because of the
21 Victim 1997 incident, but otherwise he wasn't of
22 interest to them. And I just offer that because
23 Sergeant Adam had asked for that reference.

24 THE COMMISSIONER: Well, how does that differ from what
25 Mr. Vertlieb said?

1 MS. WINTERINGHAM: Because what Doug LePard was saying is I'm
2 referring to the evidence that was given at the
3 Pickton trial.

4 THE COMMISSIONER: Yeah.

5 MS. WINTERINGHAM: And so I expect that --

6 THE COMMISSIONER: Oh, I see the distinction.

7 MS. WINTERINGHAM: Yes.

8 THE WITNESS: And can I say there is a huge distinction. If
9 this commission is led to believe that all we knew
10 about Pickton was the Ms. Anderson attack that
11 would be absolutely wrong. We knew about Hiscox,
12 we knew about Caldwell, we knew all those things,
13 but we viewed it -- and I actually didn't
14 articulate myself very well, Mr. Vertlieb, last
15 time I was on the stand where I was trying to
16 explain that an investigation needs to look at all
17 of its suspects. Mr. Commissioner, I'm talking
18 about when you come in to do a review of a stalled
19 investigation, that's a critical thing you have to
20 do. And I wouldn't want other team commanders of
21 police if they were going to take any guidance
22 from the things we're saying here. When you come
23 into a new investigation obviously you look for
24 hot suspects and you go on them and try and make
25 your case. That's entirely appropriate. What

1 Project Amelia, Lori Shenher did with Hiscox, what
2 they did on the call, all of that is entirely good
3 solid police work. Coming in as a review team if
4 I had just ignored my mandate and decided that
5 there was a favourite I liked and I simply took my
6 team and went and did that, that's what would be
7 wrong. If I explained that right, a review team's
8 job in my circumstance was to look at everyone, to
9 not prejudge, to not pick favorites, stack them
10 all up, go through it systematically, drive out
11 your investigation. But events overtake that,
12 because of course by August we know we have a
13 different situation and so we move to a better
14 solution. And objectively it is a better
15 solution. It doesn't get us to Pickton in the
16 first few months, that is true, but it was getting
17 us there. And, of course, Mr. Pickton is in jail.

18 MR. VERTLIEB:

19 Q Just on the same discussion, while I was listening
20 I had a chance to find the evidence of Ms. Evans,
21 Deputy Chief Evans, and she said as well to the
22 commissioner, and this is January 18, 2012 at page
23 40, she said:

24 I don't believe what Evenhanded was doing was
25 an investigation. I believe they were doing

1 an historical review.

2 And coupled with that was your interview with her
3 on August 31, 2011 and you said:

4 So with that thinking coupled with the fact
5 that is important I'm being told that the
6 disappearances have stopped.

7 And I think you've said that here again this
8 morning that you were being told the
9 disappearances had stopped and hence that gave you
10 a different view of what needed to be done when
11 you were at Richmond working with Evenhanded.

12 A I believe I need to answer that very clearly,
13 Mr. Commissioner.

14 Q Please do.

15 A The being told that -- that -- and reading
16 documents that said they had stopped obviously
17 impacted -- impacts a person. After all the city
18 would be the people who would actually know that.
19 They had people on the ground in the Downtown
20 Eastside, they were watching it. But the fact
21 that both Geramy and I felt it was important to
22 make sure surely cannot be forgotten. The fact
23 that those efforts then identified, you know, that
24 there were three additional, the fact that we had
25 meetings on how we would handle it, the fact that

1 the city took ownership and got on that cannot be
2 forgotten. So, you know, Deputy Evans to describe
3 our investigation as a historical one -- in my
4 conversation, my interview with Deputy Evans it --
5 I could not seem to get her to understand that
6 with a review that it was important to go back,
7 especially given that there's a long history of
8 the behavioural scientists telling us we need to
9 do a proper review. That goes back to Dr. Rossmo,
10 it goes through Keith Davidson. It's entirely
11 proper and we needed to listen. But Deputy Evans
12 seemed to believe that that was of no value. She
13 didn't seem to understand that it was actually
14 important to know if you have other killer's DNA
15 of your target group. And then we got into a
16 dysfunctional discussion where she didn't believe
17 if that was worth doing why did I do it for the
18 whole province, and I was left mystified trying to
19 explain that these people are mobile. And then
20 when she finally understood that we moved to other
21 areas. But I can't believe she ever understood
22 our investigation, and that is crystal clear in
23 the way she describes it as historic. Which I
24 believe, Mr. Commissioner, from watching it you
25 fully see what we did from August on. How can you

1 describe that as historic? She simply is wrong.

2 Q It's funny you mention crystal clear, because
3 actually in your interview with her, and it was
4 six hours you said?

5 A I think it was something like that.

6 Q Let me just ask you, do you remember having a
7 discussion with her that Vancouver had actually --
8 Vancouver Police had never actually confirmed
9 people as missing, do you remember having that
10 discussion with her and that caused you concern?
11 You had assumed people had been confirmed by the
12 police as actually missing?

13 A No, no, no. Vancouver had confirmed 27 women as
14 missing. Then there was the new missings that
15 they were working on. What we're talking about --
16 without even going to her statement I know the
17 facts. What we're talking about is that by the
18 28th or 29th when Jim McKnight goes, and we have
19 his report that there wasn't a -- whilst they were
20 getting close there was not a single one they had
21 completed all their inquiries on to get to the
22 final they are confirmed.

23 Q Well --

24 A Sorry, excuse me. Now, where I do hold myself
25 accountable is that as a team commander you need

1 to own everyone's problems. There are no
2 barriers. You need to own everything. And what I
3 would do in hindsight, what I've learned,
4 Mr. Commissioner, is that when I believe the lab
5 has control of my situation we continually found
6 out that for various reasons it wasn't happening
7 the way we thought. The same really would be true
8 of Vancouver's Missing Persons Unit. With my
9 experience now I would have been out there
10 checking on all of these peripheral people to make
11 sure they were doing what I thought they were
12 doing, and if they needed help getting them help.
13 Those are things that we teach now on major case
14 management. Evenhanded's lessons have not been
15 lost, they're being used. I mean clearly with
16 more experience I've learned a lot of things.

17 Q So just to take this passage, it's mainly your
18 words to Ms. Evans on this page 66 of the --

19 A May I see it, please? Could I have --

20 Q I have just the one copy. Maybe Ms. Winteringham
21 has a copy.

22 MR. HIRA: I have a copy.

23 MR. VERTLIEB: Thank you, Mr. Hira.

24 THE WITNESS: I'm sorry, it just helps me.

25 MR. VERTLIEB: Of course. Page 66.

1 MR. HIRA: Mind if I stand by the witness so I can read too?

2 MR. VERTLIEB: Sure.

3 THE WITNESS: Thank you.

4 MR. VERTLIEB:

5 Q Do you remember discussing a missing person named
6 Wendy Crawford?

7 A Let me just check this.

8 Q Do you remember discussing Wendy Crawford?

9 A Sorry, I just want to get caught up to help orient
10 myself.

11 Q Page 66, line 23.

12 A I'm just working on it.

13 Q Okay.

14 A Yes, Wendy Crawford.

15 Q So you say -- why don't you just read out that so
16 I'm not misstating, just read it out to the
17 commissioner.

18 A So it appears we're trying to figure out who were
19 on that first three, and somehow we get to Wendy
20 Crawford, but I actually don't think that's
21 accurate, I don't think it was Wendy Crawford.

22 Q Just read your words out to the commissioner,
23 please.

24 A All right. But it needs to be in context. We're
25 trying to guess who those three were. We don't

1 actually need to guess about it.

2 So then there's Wendy Crawford, okay, they
3 say in a meeting, well, that's very -- except
4 then you get this business of where they're
5 explaining things...

6 My English is bad.

7 Well, you know, yes, women are always going
8 missing, you know, you can't get excited
9 about that because they go missing and then
10 sometimes they return, but we need to look
11 for them. And they had developed this
12 concept of confirmed missing which meant that
13 they had been properly looked for and then
14 they would be added to the list.

15 Q Keep going, please.

16 A She says:

17 Okay. So I don't know anything about this.

18 I'm going:

19 All right.

20 How is that going to look?

21 Well, they would do these searches and they
22 would tell us, you know. They're in --
23 they're the canary in the mine, they're going
24 to tell us. Additionally I'm sitting there
25 thinking okay, what can you do and what can't

1 you do at that point.

2 Q And Ms. Evans says m'hm?

3 A M'hm.

4 Q Will you keep going, keep reading.

5 A Is what I'm thinking. I'm thinking okay, we
6 have a mass of material we need to review, we
7 don't know if there's a live hand grenade
8 inside that material. You know, we're going
9 to end up owning it even though we can't read
10 it and potentially won't get to it for who
11 knows how long. We've also got this, you
12 know, here and now situation, and in my mind
13 I go...

14 My English is terrible.

15 ... okay, we're going to review to figure out
16 what's going on. We're doing our review to
17 figure out what's going on. The here and
18 now, you guys own that. So good. And
19 they're good, they're going to own that
20 problem, except that we find out is that for
21 whatever reason, busy or whatever, I don't
22 know the internal workings, although I
23 understand there's a report on it, that by
24 that time, you know, Jim goes down there, Jim
25 McKnight, and we find out that they have

1 never actually confirmed anyone missing.

2 Q As missing?

3 A Oh, as missing.

4 Q And she said m'hm, and then you continue.

5 A You know it's crystal clear to me now in
6 hindsight with my experience that I should
7 have as I'm getting this sort of like what's
8 going on and we're slowly starting to put our
9 own people into that...

10 So that's the missings:

11 ... that if I had more experience with the
12 whole situation and what have you, or my kind
13 of experience now...

14 It sounds like I'm saying what I just said to you,
15 Mr. Commissioner:

16 ... that I should have put more bodies, my
17 own bodies into it, because the moment we did
18 put our bodies into it we started to learn a
19 lot more.

20 Q Thank you. So that's the discussion I wanted just
21 to bring to your attention.

22 A Isn't that exactly what I said to Mr.
23 Commissioner?

24 Q Hearing that it sounds as though you were relying
25 on Vancouver Police to look for women as they were

1 reported missing and you were doing a review of
2 what had happened prior?

3 A Well, we were doing a whole bunch of things, but
4 we weren't just doing a review. We were working
5 on the DNA initiatives, we were working with the
6 lab to get a suspect to solve all those problems
7 I've talked to you about. We were doing a mass of
8 things. We're certainly not sitting around and
9 we're not not being urgent.

10 Q Now, one question I wanted to ask you about
11 whether or not your work would help the missing
12 women problem in the Downtown Eastside of
13 Vancouver, and Mr. LePard told the commissioner,
14 at page 24 he was asked this question:

15 As an experienced investigator, which of
16 course you are, was this strategy...
17 Referring to your investigational strategy, and we
18 covered that last time.

19 ... is this strategy going to be a timely
20 investigative response to the missing women
21 problem in the Downtown Eastside of
22 Vancouver?

23 And his answer was no. Do you agree?

24 A So, Mr. Commissioner, I know that in the interview
25 Deputy LePard had with Jennifer Evans that he

1 actually didn't think the proactive team had much
2 value. I'm paraphrasing somewhat. He has not
3 turned his mind to the fact that when we realized
4 that the women were going missing in realtime that
5 the first person -- well, that the first people I
6 met with relative to that were Project Amelia,
7 were Lori Shenher and Geramy Field, Dave Dickson,
8 and I believe Dan Dickhout. Like the top people.
9 And we had a good -- Jim McKnight obviously filled
10 out. So we have a discussion about what do we do
11 to get in front of the killer. Green River's
12 advice, Spokane serial killer's advice, good
13 advice, logical, sensible thought, but you need to
14 do it right. They all completely agree this is
15 what we need to do. And you see in the document
16 where we articulate out each of the various police
17 units and agencies that need to be brought
18 together. We then move with Daryl Hetherington,
19 she introduces me to those people, all of those
20 people agree, it's all documented, they all agree
21 it's a great idea and we move forward. The actual
22 -- so now you have 12 people co-ordinating the
23 efforts of how many people I don't know, but it's
24 one conduit. It's a terrific idea. It's the
25 right thing to do. It could be the right thing to

1 do if we had an active serial killer in the
2 Downtown Eastside tomorrow. Deputy LePard has not
3 put his mind to that. If he did I do not know how
4 he would stand here and say that every expert he
5 has in Vancouver is wrong and he is right. It
6 just doesn't work.

7 Q I want to move to a discussion about
8 communication --

9 A Yes.

10 Q -- between the differing police officers who were
11 investigating the Downtown Eastside missing women.
12 And what we've heard is it seems as though there
13 were three investigations. There is the Vancouver
14 Police investigation, and originally Ms. Shenher
15 was on that, there was a Coquitlam investigation
16 that Mr. Connor was on, and then what we've called
17 the Evenhanded investigation which started under
18 your command in late 2000, early 2001.

19 A It didn't start in late 2000, it started -- the
20 review started then. The actual task force we're
21 saying is the 26th of February, 2001.

22 Q Thank you. So I want to have a few moments
23 discussion with you about the communication
24 between the various police forces because we've
25 heard issues around communication in these

1 proceedings.

2 A Yes, of course.

3 Q The question I want you to answer, please, is
4 this. Did the Vancouver Police Department ever
5 tell you that Pickton was a top suspect?

6 A Well, I knew Pickton was one of their top
7 suspects, but of course when they -- when they
8 come to us, Mr. Commissioner, it's for the purpose
9 of doing a holistic review. There is the first
10 communication between either deputy -- sorry,
11 Acting Inspector Gord Spencer, and it is either
12 with Henderson or up, going up. He could not be
13 clearer, could not be clearer in the fact that
14 Vancouver wanted a review of everything. Could
15 not be clearer. So, you know, when you ask about
16 Pickton, if we were going to pretend that I didn't
17 see him as a priority suspect, wow, I've got real
18 problems. But of course I saw him as a priority
19 suspect. We know what my mandate was. I took on
20 that mandate, I followed that mandate along with
21 Mr. Pickton putting him in jail for life, but I
22 followed that mandate right through to the end on
23 everyone, which is exactly the mandate that the
24 police forces and the government of this province
25 financed and wanted me to do. We don't get to

1 change history here I hope.

2 Q Was there -- another issue about communication, do
3 you feel you were fully -- fully informed about
4 what you needed to know about ongoing missing
5 women in Vancouver?

6 A Did I know enough about it?

7 Q Was the extent of the missing women communicated
8 to you in the way you would have wanted it to be
9 communicated to you?

10 A Yes, Mr. Commissioner, there turned -- there ended
11 up being delays. I mean Brian Oger talks about
12 the fact that, you know, there had been a missing
13 we hadn't heard about. So that wasn't as
14 seamless. But -- so there is, you know, something
15 of a breakdown. That's not because of different
16 police forces. Jim McKnight was talking to Dan
17 Dickhout and Dave Dickson throughout, and his
18 notes will cover that. So he was in
19 communication. It wasn't a lack of communication.
20 I think that what it was was I didn't have a
21 proper appreciation of how many -- and I'm only
22 guessing this, as to how many ways that Missing
23 Person Unit was being pushed and pulled. So
24 that's my take. Two people for 2800 missing, if
25 I'd have realized that I would have realized well,

1 they can't do it, and I would have realized I
2 needed to get involved or what have you. I simply
3 didn't realize that again much -- that wasn't the
4 only place I missed things. I think I may have
5 mentioned when Pickton did break I was so busy
6 watching all the balls that I was about two weeks
7 with about a hundred, 150 investigators, and I
8 left poor Wayne Clary all by himself as the file
9 co-ordinator. It's a wonder he didn't take a
10 stick and hit me over the head. I just simply
11 suddenly come to realize what am I doing to him,
12 and unfortunately that's all part of experience
13 and living through it.

14 Q So just on again this point at page 121, if you
15 want the passage to read along.

16 A Yes, I would if I could.

17 MR. VERTLIEB: Sure. Mr. Hira, can I help you? Page 121 of
18 Ms. Evans' interview of Mr. Adam.

19 MR. HIRA: Happy to be your junior. One day hopefully I can
20 get a government job as a clerk. Never have had a
21 government job, but I'm working on it.

22 MR. VERTLIEB: Thanks. Page 121.

23 Q So just read that out, 'cause I did want to ask
24 you what you were referring to. So just read --
25 start at the top. You say:

1 Let me finish this 'cause it's important.
2 A Let me just go back and orient myself, please.
3 Q Sure. You're talking about the missings.
4 A Yes, sorry, I'm just trying to orient myself to
5 the conversation.
6 Q Okay?
7 A No, I'm sorry, I'm still reading. The actual
8 conversation seems to start flowing on the
9 previous page where we're having a discussion
10 about missing, and I'm saying to her well, wait a
11 second, you know, there are thousands of people go
12 missing and are you now telling me in hindsight
13 that the moment that they're reported I need to
14 believe that they're the victims of murder and
15 then change my plan based on that. And then she
16 goes, no, of course she's not saying that.
17 Q Okay. So pick it up then at 121, and just read
18 out to the commissioner. Those are your words.
19 A So she's trying to figure out where the names came
20 from. So she's trying to figure out what happened
21 in August, that's what this is about.
22 Q M'hm.
23 A Okay. So --
24 Q Are you on 121?
25 A Yes, I am finally.

1 Q Just read it out. They're your words, it's better
2 that you say it I think.

3 A So it's in regard to the August.

4 So let me finish because it's important.

5 When they tell me that we have a new missing
6 I'm exactly like you, I don't actually know
7 what the situation is. So I'm going, okay,
8 what does that mean? Right. What does it
9 mean? Like does it mean -- and the answer is
10 it means women are always going missing. It
11 means we need to look for them before we go
12 jumping the gun.

13 So that is exactly what I've talked to you about,
14 the need to -- it's nice now to believe that
15 you're going to treat every missing as a homicide,
16 Mr. Commissioner, that would stop the police in
17 their tracks if you think about 27,500 or whatever
18 missing per year in British Columbia alone. So
19 then I go -- then she goes:

20 I agree. Okay.

21 Then I say:

22 The looking for them lived with Vancouver,
23 and they were never able to come back, they
24 never completed those inquiries. All right.
25 Now, as a team commander the very, you know,

1 had I understood that whole situation
2 better -- I missed the boat on that. I
3 should have been -- I should have been going
4 well, why are you not, why are you not coming
5 back and telling me they're confirmed.

6 Well, this of course is the exact conversation
7 I've had with you, Mr. Commissioner, that had I
8 had more experience with all of this type of thing
9 clearly I would have proceeded in a different way.
10 Is there more that I need to read on this?

11 Q The question I want to ask you is exactly what
12 you've read. What did you miss the boat on?

13 A Oh, I think, Mr. Commissioner, I've been pretty
14 clear on that, that with my experience at that
15 time I was handing out assignments. Jim McKnight
16 -- we weren't blind to it. Jim McKnight was
17 checking with them all the way, but I as the team
18 commander -- maybe I can give you a living
19 example. When we were investigating the Grewall
20 homicide -- he had murdered his wife for financial
21 reasons. He had taken out life insurance
22 policies. Well, I assigned that to a member from
23 fraud thinking they would do that. As we pushed
24 through that investigation I ended up realizing I
25 parked that, and then I suddenly realized it's not

1 getting done. Well, what I ended up realizing is
2 that that particular officer didn't have the
3 capability and I had to replace him. I didn't
4 come to that right away, it took me awhile to
5 realize that that problem wasn't getting handled
6 the way I wanted it to. That is I believe the way
7 we work in policing. It's probably the way
8 everyone works. You think something's in control,
9 you know, you move your eyes to something else,
10 you come back, wait it's not working and -- and
11 it's not working comes very clear to me in August.
12 And then of course you see move to make it work
13 and we do make it work. Is that -- are we -- does
14 that answer that?

15 Q I just wanted you to have an opportunity to answer
16 it, and you've done that.

17 A Oh, thank you.

18 Q Now, I wanted to ask a few questions about an
19 article that you sent to *The Vancouver Sun*. You
20 remember the article?

21 A I do.

22 Q And it was November 27, 2010. You wrote that. So
23 I wanted to ask you just a couple of questions
24 about it.

25 A Could I -- do we have the article? Could I have

1 it in front of me?

2 Q I actually had it, and I'm sure your lawyer will
3 have it. It's your article. You're familiar with
4 it. If you want to get a copy we'll get you a
5 copy.

6 A Thanks.

7 Q Okay.

8 THE COMMISSIONER: Why don't you put some of the questions
9 relating to the article and see if he recalls it
10 and if not then put the article in front of him.
11 In fairness to him he should have the article in
12 front of him.

13 MR. VERTLIEB: I'm very happy with that. I'm happy if your
14 client has it.

15 Q Just two sentences that I wanted to ask you about.
16 You said:

17 The RCMP asked me not to speak about the case
18 and I initially agreed. I realize now that
19 was the wrong decision.

20 THE COMMISSIONER: That was a what?

21 MR. VERTLIEB:

22 Q I realize now that was the wrong decision.

23 A That was the wrong decision. I needed to speak
24 up.

25 Q Okay. That's fine. So you remember that.

1 The RCMP asked me not to speak about the case
2 and I initially agreed. I realize now that
3 was the wrong decision.

4 So tell us why the RCMP told you they did not want
5 you to speak out?

6 A Let me think about that. I don't know if they
7 told me why. I'm not -- I'm not sure. They just
8 -- they just didn't want people speaking out. And
9 this would be after Mr. LePard's report. And
10 actually I'm ashamed to say that I was quite
11 disengaged from the pain that that article caused
12 the -- it caused pain to the families.

13 THE COMMISSIONER: Which article?

14 THE WITNESS: It was Deputy LePard's report.

15 THE COMMISSIONER: Oh, I see. All right.

16 THE WITNESS: Because it ended up characterizing police efforts
17 and Evenhanded's efforts in a way that I do not
18 believe is accurate, and I can only imagine how
19 the families felt about that. I certainly know
20 how the men and women of Evenhanded to have poured
21 years of their lives into this felt. And I
22 actually as a pensioner sat back somewhat
23 oblivious, and then all of a sudden I realized
24 that we're being called the worst investigation in
25 Canadian history, and people who have poured their

1 hearts into this, no one is speaking up for them.
2 I love the RCMP, but they're a great big giant
3 bureaucracy, and I don't think they actually get
4 down to care sometimes about what's happening to
5 the humans at the bottom, and that's wrong. And
6 those people needed someone to speak up for them,
7 and I believe I was the perfect person. I know
8 everything about this case or what I can remember.

9 MR. VERTLIEB:

10 Q So when the RCMP asked you not to speak out did
11 you have any discussion about that or not?

12 A Yes, they told me -- I had a contract with them
13 working on -- working with IHIT and the interview
14 team and then the Surrey six murders.

15 THE COMMISSIONER: Had you left the RCMP this time when you
16 wrote the article?

17 THE WITNESS: Yes, I had -- well, I had retired,
18 Mr. Commissioner, and immediately come back on the
19 ground floor. I managed to get rid of being an
20 inspector and I got to come back and re-engage at
21 the bottom level of -- not bottom level, but
22 interview interrogation, coaching IHIT, eventually
23 working with the command triangle of the Surrey
24 six. The RCMP told me that if I intended to write
25 something I could not be their employee so I quit.

1 MR. VERTLIEB:

2 Q Now, the next question flows from that. They
3 asked you not to speak out and you said:

4 ... I initially agreed. I realize now that
5 was the wrong decision.

6 So two questions. What made you change your mind?
7 That's the first question.

8 A I think I've already answered that, Mr.
9 Commissioner, pretty clearly.

10 THE COMMISSIONER: Yeah, he said that he felt because of what
11 Doug LePard had said in his report that he felt --
12 he felt aggrieved and he thought that he should
13 set the record straight. Is that it?

14 THE WITNESS: Not me aggrieved.

15 THE COMMISSIONER: No, no, no. The members of Evenhanded.

16 THE WITNESS: Yeah, the members. No, I'm pretty comfortable
17 with whatever people think of me, but I'm not
18 comfortable with them misunderstanding Evenhanded.

19 MR. VERTLIEB:

20 Q Thank you. And there's no other -- there was
21 nothing else involved in you changing your mind,
22 just exactly as you've told the commissioner?

23 A Nothing else comes to mind.

24 Q So you said:

25 I realize now that was the wrong decision.

1 Why do you feel it was the wrong decision?

2 A I'm sorry, Mr. Commissioner, I thought -- I
3 thought I've answered that.

4 Q Well, I want to be clear, 'cause maybe I'm missing
5 it.

6 A Okay.

7 Q If you feel you've answered it you --

8 A No, no. Maybe I'm not being clear. To allow
9 people to believe that Evenhanded didn't care, to
10 allow the families to be misled on the efforts we
11 put in hurts the families. It hurts the members.
12 It hurts the public. Mr. Commissioner, what you
13 said about the need for the police and the
14 communities to trust each other, trust me that
15 strikes a cord in my heart, and they're being told
16 not to trust us. And that's not good. That's not
17 good enough.

18 Q That's fine. Thank you.

19 A Okay.

20 Q Now, you had another statement in there I just
21 wanted to ask you about. You said:

22 My lack of understanding of Vancouver's
23 Downtown Eastside made me think sex trade
24 workers would be a much more fluid group than
25 the general public, perhaps disconnected from

1 their families because of lifestyle and
2 probably transient.

3 So the question that I wanted to ask you about is
4 this. When you became the leader of Evenhanded
5 when did you first go to the Downtown Eastside to
6 walk around and get a feeling for that
7 neighbourhood?

8 A I know you've asked me that question before, and I
9 need to say this. If somebody thinks they can
10 walk through the Downtown Eastside and they're
11 going to understand the Downtown Eastside, I would
12 really want them to go sit in front of a mirror
13 and ask themselves who do they think they are.
14 You can't soak up that culture. And I don't -- I
15 don't even know that culture right to this day.
16 My connection with all of this, the way I
17 connected with the families, I can't pretend to
18 understand what the actual women are going
19 through. I understand it, and I think you summed
20 it up perfectly for me, I understand it as what
21 would I feel if my daughter had fallen or my son
22 and they had become involved in drugs and this had
23 happened to them, that connects me very closely.
24 But to pretend that I would go in there and
25 suddenly soak this up, unbelievable. What I did

1 do is I listened to our people, I listened to
2 Geramy Field, to Jim McKnight. But the best one
3 was Daryl Hetherington. Daryl Hetherington is a
4 very seasoned Vancouver Police officer, she worked
5 Vice, and as we would drive around and meet with
6 people in the Downtown Eastside she would fill me
7 with these stories that would just break your
8 heart, horrible stories about what's happening.
9 You don't get it from walking through there.

10 Q So you just didn't see any benefit to spending one
11 evening late at night walking the Downtown
12 Eastside and getting a feeling for the women that
13 would be on the street and their vulnerability and
14 how that area would work, you just didn't see the
15 benefit at all?

16 A I'm sorry, Mr. Commissioner, perhaps -- I had
17 worked Special "O", all right, covert surveillance
18 in the City of Vancouver. I have sat down in
19 those areas. I have watched those poor people,
20 the poor women getting picked up and going away
21 and coming back and buying Coca Colas and gargling
22 to get the sperm out of their mouths and spitting
23 it out. I don't think I ever had any
24 misconception of what was going on down there.

25 Q And your Special "O" work was what years, please?

1 A '77, '78.

2 Q Now, in the article -- and I will at the break get
3 a copy to mark as an exhibit, Mr. Commissioner. I
4 wanted to ask you about another comment you made,
5 because it was about your words a decision that
6 would have major impact on the file?

7 A Where's that?

8 Q It's the third paragraph on page 8. Let me just
9 read it. It's simple.

10 I would make a decision that the search for
11 these and any other reports of missing women
12 needed to remain the responsibility of
13 Vancouver Police or the department where they
14 were reported missing. That decision, while
15 logical and proper practice, would have a
16 major impact on the file.

17 A That's a true statement.

18 Q Please, explain, sir, the major impact that this
19 did have then?

20 A Well, should I explain why I believe it's a proper
21 practice?

22 Q If you wish.

23 A I think it might be important. And I believe this
24 comes up by virtue of Deputy Chief Evans saying
25 that I should have taken over the missings right

1 away. And I answered that a little bit, but that
2 would have made no sense. And I went through it
3 once before, maybe I'll just go through it again
4 quickly. Firstly, I come in as one person to
5 learn. As I learn about this, and then of course
6 on January 30th I learn that there's some new
7 missings, but I'm also being told about the
8 confirmed, about the expertise that the city had.
9 It's very clear in all of the documents that not
10 only did Vancouver -- had Vancouver developed a
11 strategy for searching, but that that strategy had
12 been accepted across various policing communities
13 as something of a best practice, and I accept it
14 as a best practice 'cause I actually took their
15 checklist and passed it on to the RCMP,
16 Mr. Commissioner, to see if we were doing it well.
17 In the absence of any proof that the city didn't
18 have the capability, in the absence of any proof
19 which would be utterly contrary to what the
20 management and everyone was saying that they
21 couldn't do the job, for me to just arrogantly
22 decide that I could do it better and that I would
23 have drawn on scant resources to do a job that
24 they had taken on, and were happy to take on, I
25 don't know how you would get there. So that

1 answers one of the questions. And, sorry, in a
2 long winded way I've forgotten the second part of
3 it.

4 Q So the question was please explain the major
5 impact this had?

6 A Yes, sorry. The impact that had I think comes
7 right back to what I've already said to you, is
8 that was good. Jim McKnight was following that.
9 Please don't ever think we weren't following it.
10 That's not true. But with experience I would know
11 all of these balls need my attention. The fact of
12 the matter is I'm probably more of a primary
13 investigator personality than a team commander who
14 stays completely disengaged from the investigator
15 thinking and looks after all of the little balls.
16 So definitely, as I've said to you, if I were
17 doing it again and with my experience now I would
18 be watching all of those balls a lot better and a
19 lot closer. And that is what is taught now.
20 People have learned from Evenhanded's experience.

21 Q Now, I wanted to ask you about prevention. Did
22 your project ever discuss or consider the issue of
23 prevention and warning to the women of the
24 Downtown Eastside of Vancouver?

25 A Yes, we did. Mr. Commissioner, if you recall this

1 Appendix E, my little timeline, you'll see us
2 engaging right as of -- so on the 9th of May we're
3 engaging with the Provincial Prostitution Unit,
4 we're meeting, that's all about target hardening,
5 and you see us go through that. Additionally
6 there's a memo from Jim McKnight to Vancouver
7 where he's setting out the complaints after the
8 October 14th meeting. He's letting them know that
9 the victim families are not very pleased with the
10 city over what's occurred, mostly around the way
11 they're being treated when they tried to report
12 the missing. But there's a point in there -- and,
13 sorry, and that memo is from Jim McKnight to
14 Inspector Boyd, and in that he observes that
15 Inspector Boyd needs to talk to Inspector Heed,
16 Kash Heed, because he's running Vice and they need
17 to be aware about safety issues in the city. So
18 those documents are there and there's -- you know,
19 there -- it is well documented we were concerned.

20 Q What I meant really, maybe I was not clear, is
21 making warning to the potential victims, not
22 discussing with other police. Did you ever turn
23 your mind to saying we better get notices out to
24 people who are actually working the streets, the
25 vulnerable women?

1 A I'm sorry, maybe you misunderstand. I'm going to
2 the units that actually deal with people, like the
3 Prostitution Unit, that group of very concerned
4 officers, in May and they are dealing with people
5 on the street. Additionally though, maybe more
6 directly is the entire proactive team concept was
7 driven out to be exactly what the community felt
8 they needed. Additionally, of course, we are --
9 there's articles going out in the local papers and
10 whatever other media and there's documents to show
11 that this is a concern. Obviously it's a concern.
12 How could it not be a concern?

13 Q Okay. Now, I wanted to ask you about your
14 personal review of the Coquitlam file on Pickton.
15 You know that Mike Connor had been the lead
16 investigator on a specific Pickton investigation
17 starting in 1998. You're familiar with that?

18 A Yes, and I've listened to the testimony. I know
19 that on August the 20th or 24th he got transferred
20 away and then came back later. I know all about
21 this.

22 Q Did you actually review the Coquitlam file on
23 Pickton?

24 A Again, if you're asking did I? No. No, that's
25 not my job.

1 Q Did you assign someone to review it?

2 A No. What happened is Coquitlam had sent -- and I
3 believe I touched on this the other day. VPD had
4 Coquitlam's file, it had all of the information,
5 and I believe I've told you they've actually now
6 just recently been compared and there are very few
7 differences. There's certainly --
8 Mr. Commissioner, there would be no
9 investigational differences that would have
10 changed where Mr. Pickton sat as a suspect for us.
11 He sat as high as he could sit. So I didn't. But
12 I do know on Appendix E you'll see that during our
13 file reviews we're in and out of Coquitlam through
14 that spring of 2001. We're in and out of there
15 talking to everybody, reviewing the Anderson file,
16 reviewing, you know, the Pauline Johnson murder,
17 we're doing all of those things. So it's not like
18 we're absent from Coquitlam, we're right there.

19 Q But Coquitlam did have a file, we've heard about
20 that. So I'd like you to tell the commissioner
21 why you didn't either personally review it or
22 assign someone to review it to see what that
23 helped you with in terms of the work you were
24 doing with Evenhanded?

25 A Well, the answer to that, Mr. Commissioner, is

1 that we were viewing Pickton as one of our
2 suspects, priority suspects. He already was one
3 of our priority suspects. I know that Jim
4 McKnight had talked to Coquitlam about Pickton.
5 It's in the record. So to pretend that we were
6 going to learn something magically new about
7 Pickton is untrue. Factually untrue. So then the
8 question becomes if you need me to say that they
9 didn't go and review it, absolutely I can say
10 that. I'd be a little interested in what you
11 thought we would get from it even in hindsight.

12 Q Well, of course you're doing the investigation,
13 I'm not. Let me just ask you this just to close
14 the loop on this. When you took over Evenhanded
15 did you ever meet with Mike Connor to discuss his
16 views about Pickton?

17 A No.

18 Q Sorry, I didn't hear your answer.

19 A Oh, I was going to. I'm actually going to answer
20 that. I think that's an important, important
21 question. We are very, of course, Pickton
22 centric, because of course Pickton was one of the
23 main killers of the victim group. I would hope
24 we're not forgetting that if you try to make
25 Pickton the worst killer you can you'd probably

1 end up at 50. That means there's at least 14
2 other missing women that he did not kill and we
3 are pursuing those killers. Additionally our
4 mandate covered the sex trade workers whose bodies
5 were found. So I hope we don't lose sight of
6 that. Mr. Pickton -- I came into this and was
7 brought in and assigned to look at this from the
8 city's perspective. Mr. Pickton was a suspect.
9 So were lots of others. And you might well ask me
10 did I hunt down all of the investigators on all of
11 those other POIs which were priority ones? And
12 did I, as Mr. Vertlieb asked me the other day, did
13 I go and re-interview all of the victims from all
14 of those? I'm told that if I had done that the
15 victims are going to run into about a thousand
16 victims I would be interviewing. Did I go out and
17 talk to every investigator who had handled all of
18 those priorities? The answer to that is
19 absolutely not, because of course we're in the
20 process of rank ordering them, of putting them
21 together. It will be the next step. It would be
22 the next step that we would start to do that. If
23 we focus on Mr. Pickton and pretend he's the only
24 fish in the pond it does not advance policing as
25 you move forward, because they will not be in a

1 situation where the crime is solved and they're
2 getting to look at it in hindsight. They are
3 actually going to be facing a mystery, same as us,
4 and to do a file review they actually need to
5 follow procedures that have been accepted by other
6 inquiries that makes sense to them, ideas that
7 don't make sense to police officers they are not
8 going to follow.

9 Q So did you meet with Mike Connor to discuss what
10 he knew about Mr. Pickton?

11 A No, if that's an important question for
12 Mr. Vertlieb, Mr. Commissioner, no, I did not meet
13 with Mike Connor.

14 Q And no one under your direction did that?

15 A Well, I think -- I don't believe Mike Connor was
16 on Major Crime at that time. I believe Mike
17 Connor was transferred, wasn't he?

18 Q You didn't instruct anyone in Evenhanded to meet
19 with Mike Connor?

20 A Sorry, I think there's some thinking that isn't
21 quite exact here. Mike Connor gets transferred.
22 That file is being held by investigators.
23 Wouldn't we be going and talking to the people in
24 charge of the file? Like there's nothing magical
25 about Mike Connor. He was a person who worked

1 this file. Others are now working this file. You
2 would go to the file and find out who's handling
3 it.

4 Q We heard that Ms. Yurkiw took over the file after
5 Mike Connor. Did you speak with her?

6 A When did she have it? Was she in charge of the
7 file in March, April, May, June or July of the
8 summer of 2001?

9 Q Did you speak with Ms. Yurkiw about her
10 investigation?

11 A Well, I don't know if she was even there then.

12 Q Well, no --

13 A I'm sorry, not to be difficult, Mr. Commissioner.
14 I did not speak to any of the investigators of our
15 POI. I did not speak to them. My people,
16 Evenhanded, were out in those detachments looking
17 at those files, speaking to officers. They were
18 speaking to Brad Zalus, they would be speaking to
19 Darryl Pollock. They were having those
20 conversations. I was not with them. I would
21 never have been with them on those things. I was
22 the team commander.

23 Q You made a comment to -- in the Williams
24 interview, this is the September 19, 2002
25 interview, and I'll just leave the comment with

1 you, then we can take a break and you can read
2 your whole interview if you'd like because I don't
3 want to disadvantage you in any way. You said,
4 and this is at page 12:

5 Willie Pickton's name had not appeared on any
6 of the material that we'd reviewed up to that
7 point. In other words, we were aware of
8 Willie Pickton, we were aware of his
9 activities in '97 and '99 and the police had
10 looked at him. We were aware that his DNA
11 had been eliminated of the '95 killer as a
12 suspect. While he was a priority one there
13 were no additional sightings or reports of
14 him in the Downtown Eastside or complaints
15 about him that would trigger him to rise to
16 the surface.

17 A Yes, I can answer that right now rather than leave
18 it dangling, Mr. Commissioner.

19 Q Okay.

20 A You're aware, of course, that by November we've
21 decided that we need to be -- we've got our base
22 under us, we know there's an active killer, and I
23 talked to you about the various streams that we're
24 doing, right, the engaging in the missings as
25 homicides. And I've explained how that actually

1 took us -- that did take us right to Pickton
2 eventually. I talked about the proactive team.
3 And I talked about the advice that we obtained
4 from Green River and Spokane that we really needed
5 to have our antennae out for anything happening in
6 the here and now, and then of course you see us
7 get engaged with -- I guess we're not naming him,
8 but the Mr. S who took out the sex trade worker
9 and said he was the murderer, and then of course
10 Ridgway and then the other murders or other
11 deaths. My point was is that if Pickton had come
12 up during any of this time trying to get a woman
13 into his car with a connection, any of those
14 things, well now let's say that -- let's say an
15 event like that is an investigative possibility.
16 Can I use that term? So there's a chance. So we
17 need to -- if we had missed those chances then the
18 question would be well, why did we miss them?
19 Right. But Pickton was not showing up through
20 that period of time. He was staying -- obviously
21 he was killing, but he was staying under the
22 radar. He wasn't being a -- there was nothing
23 that we were aware of that surfaced him. I
24 believe if you review his material I'm not sure
25 whether he ever got checked or not, but we can

1 look at that. But there was no, you know, Willie
2 Pickton dragging a woman into a vehicle or
3 anything like that. What there was -- what there
4 was was, of course, our discovering Dinah Taylor
5 through just good investigation and then starting
6 to try and track her. I don't know if that helps,
7 but --

8 Q So when you told Mr. Williams those words "Willie
9 Pickton's name did not appear in any of the
10 material that we reviewed up to that point," that
11 is what you told Mr. Williams in '02?

12 A Okay. But, Mr. --

13 MS. WINTERINGHAM: Well, just put the whole of it to him,
14 because there's more.

15 THE WITNESS: Okay. So I'll just start here.

16 By the time February the 6th arrived we had
17 drawn out a number of suspects and were ready
18 to go with them and collect the castoffs.
19 Willie Pickton's name had not appeared on any
20 of the material we had reviewed up to that
21 point. In other words, we were aware of
22 Willie Pickton, we were aware of his
23 activities in '97 and '99, and that we said
24 look it, we were aware that his DNA had been
25 eliminated as the '95 killer, that's the

1 Valley, and as a suspect. While he was a
2 priority one there were no additional
3 sightings or reports of him in the Downtown
4 Eastside or complaints about him that would
5 trigger him to rise to the surface. On
6 February, I believe it was the 4th, we were
7 advised that Coquitlam was going to be
8 searching his residence for firearms. I say
9 I directed...

10 That's probably a little bit presumptuous, it was
11 Wayne Clary:

12 ... that two of our members attend and stand
13 by during the search against the potential
14 that some evidence might be uncovered that
15 would cause us to identify him as being more
16 active, and more actively involved than what
17 we knew at that point.

18 So that's what I'm -- oh, thanks. So that's what
19 I'm saying about we knew about Mr. Pickton.
20 Mr. Pickton was a priority one. Had there been
21 some triggering event -- the triggering event that
22 took us was finding out there was going to be a
23 search. Now, somehow that's become a bad thing in
24 everyone's minds. I would go back to Mr. Kabal
25 (phonetic) saying that police need breaks

1 sometimes and they need to capitalize on them. I
2 don't think, Mr. Commissioner, we would ever think
3 we didn't capitalize on that break. I just don't
4 think anybody could think that. There were no
5 earlier breaks I don't believe that we missed.

6 MR. VERTLIEB:

7 Q So just to offer a comment, and I listened to what
8 you said we had no information about Mr. Pickton
9 trying to get someone into his car or force
10 someone, whatever you just said to the
11 commissioner. You see had you been able to, and I
12 don't fault you for this, but I'm on the subject
13 of communication.

14 A Yeah, of course.

15 Q And in the Coquitlam file there was indication,
16 and it's well known here that Pickton was checked
17 on the New Westminster stroll in March of '99 and
18 then there was a meeting in April of '99 about
19 Pickton, and is it fair to say you didn't know
20 about that back when you were running Evenhanded?

21 A But even if I had, March of '99 when I come in,
22 you know, we'll call it January of 2001, like that
23 is not red hot information.

24 Q What about July 3, 2001, the Vancouver Police did
25 a street check and Pickton was there?

1 A Well, if I had known that that might have been of
2 interest to us. But in March remember we still
3 weren't looking at it as people disappearing in
4 the here and now. I can tell you hearing that
5 information in October, November would have
6 certainly been a very keen interest to us, because
7 by then we actually know it's happening.

8 Q So back in '01 when you were team commander you
9 didn't know that there had been a street check for
10 Pickton by the Vancouver Police Department July 3,
11 2001?

12 A Oh, I wouldn't have been following it at that
13 level.

14 Q Did anyone bring it to your attention?

15 A No, no, not again. I'm sorry. Nor -- nor,
16 because we're so Pickton centric right now, have
17 you ever looked at whether or not there were
18 street checks of our other priorities? We haven't
19 even looked at the other priorities. Deputy Evans
20 hasn't even looked at the other priorities.
21 Deputy LePard hasn't even looked at the other
22 priorities. We have no one we're comparing with
23 Mr. Pickton. We are in no way looking at what
24 inquiries Evenhanded did and what those other bad
25 people were doing during that time period. So

1 we're focusing on one human being now in hindsight
2 and we're pretending there was no one else. And
3 we're pretending that somehow we should have in
4 our efforts to collect everyone we should actually
5 have been driving out investigations into them.
6 And perhaps I take a moment to say to you,
7 Mr. Commissioner, if you're doing a file review
8 you never ever ever are just going to start going
9 through it, hitting somebody and creating an
10 investigation into this person or that. I know
11 that Deputy LePard said that perhaps 15 or 30
12 priority suspects are manageable. He has never
13 gone through that. In this situation they're not
14 manageable. Deputy LePard talks about eliminating
15 people. No, you cannot eliminate people. People
16 started -- before us started eliminating
17 Niedermayer and other people because they didn't
18 match the gold standard DNA from the Valley.
19 That's wrong thinking. You cannot identify them
20 because the scope of the years that occur, the
21 fact that you have multiple killers makes that
22 incredibly dangerous.

23 Q Is there any -- I'm going to ask you during the
24 break to read your letter to the newspaper in
25 November 2010, and then ask you if there's any

1 corrections or facts that are incorrect just in
2 fairness to you, and you can take your time during
3 the break to do that.

4 A Do you -- sorry. There were three articles.
5 There was my interview by Lori Culbert. There was
6 the short article that went in. Would you like me
7 to review the long article which was on their
8 website?

9 Q I'm talking about *The Vancouver Sun*, November 27,
10 2010. That was the article I was asking you
11 questions from.

12 A This one here?

13 Q November 27, 2010.

14 A But you're not concerned if I need to make
15 corrections in the longer Internet article?

16 Q No, but if you wish to feel free to do so.

17 A Well, if --

18 Q I've just asked you about November 27, 2010.

19 A I thought you were asking what I wrote and said.

20 Q Yes, I did.

21 A I'm trying to explain that I wrote and said more
22 than just this.

23 Q Well, I'm only interested in the November 27, 2010
24 article, but if you feel there are other articles
25 that should be put in we're happy to have that

1 happen.

2 A No, no. I'm in your hands, Mr. Vertlieb. I'll
3 read this.

4 Q Thank you. Now, I wanted to ask you, and you may
5 not be able to help the commissioner about this,
6 but we've heard about a lot of energy that went
7 into the Pickton investigation in 1999. Mike
8 Connor told the commissioner at length all the
9 effort that he put into that and the work and his
10 commitment and the toll it took on him. Did you
11 ever review the '99 work by the RCMP and the VPD
12 to sort out why it seems that the Pickton
13 investigation after the summer of '99 seemed to
14 lose some steam, did you ever look at that as part
15 of your review of the work?

16 A Well, I have now. And I understood then why --
17 well, of course I understood why it lost steam.

18 Q Did you at the time consider that issue and go and
19 ask people to give -- just to give you the flavour
20 of what was happening in '99 with the informed
21 information?

22 A Well, I was informed, Mr. Commissioner. I knew --
23 I knew about the issue with Mr. Hiscox, I was
24 aware of the Ellingsen information was secondhand,
25 I was aware that there was disagreement between

1 Major Crime and Coquitlam, I knew all those
2 things.

3 Q And you knew that back in 2001 when you were team
4 commander?

5 A Yes, I would have known.

6 Q So did you think at that time to maybe put some
7 more effort into Ellingsen and work her the way
8 others have said she should have been worked,
9 press on the polygraph, maybe arrest her, bring
10 her in for more interviews, did that ever occur to
11 you back when you were team commander?

12 A I'm sorry, Mr. Commissioner, and I hate to repeat
13 myself. The first step of my mandate is to
14 collect all of the suspects to figure out where
15 they sit as a priority one. Well articulated,
16 some of the most experienced people in the
17 province are saying this needs to be done, the
18 meeting with Dr. Rossmo and Keith Davidson in
19 November, all the Major Crime people are saying
20 this needs to be done. It's fully documented it
21 needs to be done. And I'm sorry to be a broken
22 record, but that needed to be done. What was not
23 called for at that moment was to branch off on
24 multiple and growing priority one suspects and
25 start to investigate them. You had to do the one,

1 then go to the next. Events got in the way, not
2 got in the way, took over from us and of course we
3 moved into a better plan. You know, the proactive
4 Downtown Eastside getting engaged in things that
5 were happening in the here and now, making sure we
6 were there on August the 4th Pickton, on August
7 the 5th we're there and we reacted.

8 Q The more aggressive plan started in January '02,
9 that's when you had the boots on the street?

10 MR. DICKSON: Sorry, Mr. Vertlieb. Tim Dickson for the VPD.
11 Inspector Adam, just for the record you said
12 August 4 and August 5th you got on to Pickton. I
13 think you meant February.

14 THE WITNESS: I did in fact. Thank you.

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

16 MR. VERTLIEB: I think we should take the break and I can
17 review. I want to wrap up quickly frankly. I'd
18 like to wrap up soon.

19 THE COMMISSIONER: Okay.

20 MR. VERTLIEB: Thank you.

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

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

23 **(PROCEEDINGS RESUMED AT 11:40 A.M.)**

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

25 MR. VERTLIEB:

1 Q Mr. Adam, you did during the extended break have a
2 chance to read your article again?

3 A Yes, I ran out of time just at sort of the
4 summary, the last couple pages, but I don't -- I'm
5 not sure if you're interested in that.

6 Q Well, we just spent so much time on break I think
7 all of us wanted to get back to work because
8 there's others who have questions. Are there any
9 changes you want to make in this newspaper article
10 written by you?

11 A Yes, I did see some errors. On page 4 at the very
12 top I've got:

13 Then there were two sex trade workers
14 murdered in 1988.

15 Actually there was more than that of course.

16 There was that potentially four to six.

17 Q Okay.

18 A Down at the mid page slightly below that:

19 In 1988, Vancouver Police formed its Missing
20 Women Review Team.

21 Q Which page?

22 A Sorry, same page, page 4. I've got 1988. I might
23 be wrong. I believe Amelia was formed in 1999.

24 Q Yes, it was.

25 A Oh, so that was a mistake.

1 Q Thank you.

2 A On page 5 under the bolded Evenhanded:

3 Understanding I've got -- I have the sentence:

4 I had not been present...

5 Blah blah blah, and then I put:

6 I would receive an e-mail...

7 I think I explained that I had always thought --

8 Q That's the first paragraph under that Evenhanded:

9 Understanding the Missing Women and the Valley

10 Murder Cases?

11 A That's right.

12 Q Thank you.

13 A I believe I did receive an e-mail from Doug

14 Henderson, but as I've explained to you my notes

15 show the meeting on the 21st of November, 2001.

16 Q Thank you.

17 A The paragraph below it:

18 I arranged to meet with Sergeant Field, and

19 anyone else she felt needed to be there, on

20 January 3rd, 2001.

21 That's actually inaccurate. I had A, forgotten I

22 met with her on the 12th of December before this,

23 and I always realized as I reviewed to come to the

24 commission that she was not at January 3rd's

25 meeting, it would actually be January the 17th

1 that I met with her. So I was wrong there.

2 Q One second. Let me just --

3 A Sorry.

4 Q Mr. Giles. Thank you. Keep going then.

5 A So that was page 5. Page 6, The Missing Women
6 Case and Robert "Willie" Pickton.

7 Q The following page?

8 A Yes. Sorry, Mr. Commissioner. That sentence:

9 Ultimately, I would come to view Evenhanded's
10 mandate as the complete investigation of all
11 of the Downtown Eastside missing sex trade
12 workers, including the Valley murders in 1995
13 and the alley murders...

14 Actually that was my mandate, so I was given that
15 mandate right from the beginning. I obviously
16 adopted the mandate, so that wording might not be
17 quite correct.

18 On the next page, page 7, the very first
19 sentence I again am saying that on January the
20 3rd. That should be January the 17th of 2001, not
21 the 3rd.

22 On page 8, right near the bottom, these
23 efforts took us to the summer of 2001.

24 Q Third paragraph from the bottom?

25 A Yes. And I have here that:

1 RCMP civilian member Sylvia Port was
2 searching for an answer to this question,
3 conducting specialized computer searches.

4 And that August the 16th, I think as I've
5 explained to you, Mr. Commissioner, actually that
6 isn't the way it occurred. I have a better
7 understanding of that, that in point of fact if it
8 was that combination of Jim McKnight and his
9 inquiries with the city leading to a discussion of
10 Evenhanded on the 13th leading to Margaret
11 Kingsbury asking Sylvia Port to do some work,
12 leading Margaret Kingsbury to then do the
13 extensive CPIC. So that just I didn't quite tell
14 that exactly right. On page 17.

15 Q What's the topic, please?

16 A If we just go to the -- well, the first two
17 paragraphs, but particularly the second one:

18 Vancouver Police supplied the first two task
19 force members in late February 2001.

20 I've completely forgotten to put in all of the
21 steps that we've talked about where Vancouver had
22 given three people in January, I've simply omitted
23 that kind of detail, so.

24 Q Thank you.

25 A Okay. On the 18th -- or the 18th, sorry, my lord,

1 or Mr. Commissioner, May through July 2001, page
2 18, I talk about I deliberately downplayed in a
3 2001 media interview what we were doing. I did
4 not want our investigation to get stamped by the
5 press, the public or our own organizations. I
6 also did not want to be alerting the killer or
7 killers to what we were doing, so I simply didn't
8 say that.

9 On page 19, on the third paragraph up, I have
10 explained the meaning of Green River,
11 Mr. Commissioner.

12 Q Third paragraph from the bottom, yes.

13 A So I had actually forgotten until I re-looked at
14 all the documents that the idea of a proactive
15 team did not flow from that November meeting, that
16 in point in fact, as I said to you,
17 Mr. Commissioner, we had started thinking about it
18 early and then by October were having meetings all
19 about it. So I'm giving that credit to Green
20 River, but it really needs to go back to the men
21 and women of Vancouver.

22 I observe on page 21 the fourth paragraph
23 from the bottom:

24 Throughout the life of the task force...

25 Q This is that Early 2002 heading?

1 A Yes. Fourth paragraph down:

2 ... there had been no new information on
3 Pickton, no street checks, cruising the
4 strolls, no new tips.

5 But as Mr. Vertlieb has pointed out, while we
6 didn't know about that street check in Vancouver
7 clearly there was one, but we didn't know about
8 it. So when I wrote this I believed it to be
9 accurate, but obviously there was one we were
10 unaware of.

11 Q What about one on December 22, 2000 when --

12 A Sorry?

13 Q What about one on December 22, 2000 Pickton and
14 Taylor were checked. Did you know about that one
15 as well?

16 A No, sorry, we didn't know about that one, and I
17 don't believe we knew about the January one. That
18 went back to the discussion we had about computer
19 systems and how they could have helped.

20 Q Thank you.

21 A So you're absolutely right, there were three of
22 them. And I got to the summary, I don't know if
23 there was anything, simply those were the ones I
24 saw to that point.

25 MR. VERTLIEB: All right. Thank you. Maybe that could be the

1 next exhibit, please, Mr. Commissioner.

2 THE COMMISSIONER: Yes.

3 MR. VERTLIEB: Thank you.

4 THE REGISTRAR: It will be marked as Exhibit 111.

5 MR. VERTLIEB: Thank you, Mr. Giles.

6 (EXHIBIT 111: Document entitled "Top Robert
7 Pickton cop in his own words" - *Vancouver Sun*
8 November 27, 2010)

9 THE WITNESS: Sorry, Mr. Commissioner, I've written my changes.

10 Is that of value or --

11 THE COMMISSIONER: No, that's fine.

12 THE WITNESS: Okay.

13 MR. VERTLIEB:

14 Q Now, who is Jim Scott?

15 A Jim Scott is a member of Vancouver Sex Assault
16 Squad back in 2001.

17 Q And he was -- he did work on September 7, he
18 showed the victim a photo lineup of Pickton, but
19 the victim didn't pick Pickton out?

20 A Is that the document he created in 2002?

21 Q Yes, it is, after the --

22 A May I have a copy of that if we're going to talk
23 about it?

24 Q Of course. So you're obviously alive to this
25 document. Very well, that will save some time.

1 A Yes, I'm aware of the document. Thank you.

2 Q So Scott was a police officer and McCartney a
3 police officer, they showed a picture, the victim
4 did not pick out Pickton. So there had been some
5 assault that had taken place?

6 A Yes, what had happened, Mr. Commissioner, is --
7 well, not some assault. This is Mr. S, this is
8 his investigation. So Mr. S picked up a sex trade
9 worker, and I've described that, takes her out,
10 tells her he's the killer, you know, she dives out
11 of the vehicle and the Sex Assault Squad launched
12 a major investigation into that incident. As they
13 went through that investigation I believe it is
14 Dave Dickson would tell them, oh, Pickton might be
15 a good suspect for this. So then they contacted
16 Jim McKnight looking for his picture. Jim
17 McKnight forwarded them to Coquitlam. They would
18 get his picture and show it to Mr. Pickton I guess
19 on September the 7th. The victim did not identify
20 Mr. Pickton, because Mr. Pickton of course wasn't
21 the person who did it. You should also be aware
22 that they showed photo -- 57, I believe, other
23 photos to this victim until they finally got Mr.
24 S.

25 Q Okay. Thank you. So let's go to the last entry,

1 October 10, 2001. Just let me ask you before we
2 read it, it's dated February 8, 2002, so this is
3 after the Nathan Wells work?

4 A Yes, this is after Pickton -- everyone is fully
5 aware of Pickton.

6 Q And who's Barbara Morris?

7 A Barb Morris was the inspector in charge of Sex
8 Assault Squad.

9 Q In Vancouver?

10 A A very capable person.

11 Q In Vancouver?

12 A Yes. Oh, I'm sorry.

13 Q And Paul Hucul, H-u-c-u-l, who's he?

14 A Sorry?

15 Q At the top. Look at the top. Paul Hucul.

16 A I don't know who Paul Hucul is.

17 Q Who is Bill Emerslin?

18 A I don't know who he is.

19 Q And Trisha Keen?

20 A Oh, Trish Keen is a terrific investigator. She
21 was one of the ones assigned in the early January
22 to do their file review. So I know Trish Keen.

23 Q And she was RCMP or VPD?

24 A Oh, she's VPD. Sorry.

25 Q So this was the subject Investigation of Pickton

1 Brothers. See at the top subject, SOS

2 Investigation of Pickton Brothers?

3 A Yes.

4 Q Let's go to October 10, 2001.

5 Inspector Morris, Sergeant Emerslin,

6 Detective Keen and Detective Constable Scott

7 of the Vancouver Police Department, and Staff

8 Sergeant Don Adams...

9 That's obviously you, but misspelled; right.

10 A Yes.

11 Q ... of the Missing Women's Task Force had a

12 meeting at the request of Detective Keen and

13 Detective Constable Scott.

14 Do you remember the meeting?

15 A Not really, but --

16 Q Okay. Let's keep reading:

17 At issue were women who had survived attacks

18 where it appeared that these women were going

19 to be killed. Detective Scott advised that

20 the media release and tip line had produced

21 information for women who could be classified

22 as "survivors."

23 A Yes.

24 Q Okay. That sounds familiar to you?

25 A Yes, I remember the -- yes, they had a group --

1 Q Okay. Let's keep going.

2 A -- of tips they were calling survivors, and we
3 needed to be looking at those, that information to
4 see how it meshed in with us. That was the gist
5 of this.

6 Q So two more sentences to read:

7 During this meeting the information obtained
8 on Robert Pickton was discussed.

9 Last sentence:

10 Staff Sergeant Adams indicated that he was
11 familiar with the Pickton file and advised
12 that he was not sure if information on the
13 Picktons was fact or urban myth.

14 A Yes, I think this needs some discussion.

15 Q Please.

16 A When Detective Scott, and you would have to ask
17 him, when he creates this document he knows that
18 it is not the Pickton brothers, he knows it never
19 was the Pickton brothers, he knows they had
20 nothing to do with this offence, and yet why he is
21 linking this to me is quite phenomenal. He knows
22 they're not involved in this. They have been
23 eliminated by photo ID. It's not even guessing as
24 if the person misidentified them, they know who
25 did it. So how you create a document in hindsight

1 that calls it the Investigation of the Pickton
2 Brothers is phenomenal to me. And I'm not sure
3 why or what he intended, perhaps he felt that the
4 RCMP were going to pretend we had never heard of
5 Pickton. I don't know, but I don't understand
6 this document.

7 Q Well, let's just focus on the last sentence. He
8 says in this:

9 Staff Sergeant Adam indicated that he was
10 familiar with the Pickton file...

11 Is that correct?

12 A Oh, I don't remember the conversation, so I
13 can't --

14 Q Well, were you familiar with the Pickton file at
15 the time of this memo which is February 8, 2002?

16 A Well, February the 8th was I aware of the Pickton
17 file? We were working on Pickton. He's out,
18 we're trying to keep him from killing or escaping.

19 Q That's what I thought.

20 A Of course I was aware of him.

21 Q So you probably did say then -- it would be
22 accurate if you said --

23 A I'm sorry, Mr. Vertlieb, I'm not going to adopt
24 something that this detective is now claiming was
25 several months earlier that he decides to write

1 about after Pickton. I'm not adopting that.

2 Q So he says -- let me just read the sentence again,
3 then you can say whether you said this or not,
4 because I'm just here to get your information.
5 I'll read it again.

6 A Good.

7 Q And you've got it in front of you.

8 A I do.

9 Q Staff Sergeant Adams indicated that he was
10 familiar with the Pickton file and advised
11 that he was not sure if information on the
12 Picktons was fact or urban myth.

13 A So my answer is I have no memory of making those
14 comments, but I sure wonder what would you be --
15 when you know this is not the suspect, you know
16 that this had nothing to do with Pickton, what is
17 the purpose of creating this? What is the purpose
18 of creating it?

19 Q Now, you said when I introduced this discussion
20 that you were familiar with the memo?

21 A Yes, I'd read this.

22 Q And when did you read it?

23 A It would be sometime in preparing for the
24 commission.

25 Q So that's in the last year or so?

1 A I would guess. I'm not sure.

2 Q Did you ever attempt to phone Jim Scott or speak
3 to him or communicate with him about these words?

4 A No.

5 MR. VERTLIEB: Thank you very much, Inspector Adam.

6 THE WITNESS: Thank you.

7 THE COMMISSIONER: Who's going to cross-examine?

8 MR. VERTLIEB: Mr. Gratl, please.

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

10 Q Mr. Adam, would you prefer to be addressed by your
11 rank?

12 A It doesn't matter. Whatever you want to call me.

13 Q All right. Anything?

14 A It doesn't matter.

15 Q All right. What was your last rank then with the
16 RCMP?

17 A I was an inspector.

18 Q Okay. I'll just go with inspector if that's all
19 right.

20 A Sure or sergeant. That was my favourite rank.

21 Q All right. Well, I'll just go with inspector. My
22 name is Jason Gratl, I'm appointed independent
23 counsel for Downtown Eastside interests, and in
24 particular sex workers and drug users.

25 A Yes.

1 Q And so you'll appreciate of course that one of the
2 things that is my task to do is to look at
3 systemic issues that might have interfered with
4 your investigation, and in your case I'm really
5 interested in allocation of resource issues to
6 test the theory that perhaps the RCMP allocated
7 fewer resources than they ought to have given the
8 identity of the victims in this case.

9 A I understand.

10 Q So you were the team commander?

11 A Of a unit, yes, I was.

12 Q All right. And when did you assume the role of
13 team commander?

14 A February the 26th of 2001.

15 Q And what was your role before then?

16 A Like involving this matter?

17 Q Yes, of course, of course. Before February 26th,
18 2001 what was your role --

19 A My role was --

20 Q -- in this matter?

21 A Yes, my role was to assess the entire situation
22 inclusive -- well, if we could go to my mandate
23 letter would probably be the best rather than me
24 winging it.

25 Q Well, why don't you just test your recollection as

1 far as you can go. I take it you don't have any
2 difficulties with your memory?

3 A Yes, I actually do.

4 Q What are the nature of your difficulties with your
5 memory?

6 A I'd like to think that temporarily my brain is
7 full and I'm hoping that it will unfill when this
8 is finished.

9 Q I just want to make sure that you're not suffering
10 from some kind of disability or anything.

11 A I'm hoping not.

12 Q Okay. But you're not sure?

13 A I don't like the fact that I'm forgetting certain
14 things that I've done.

15 Q All right. But I'm just saying that you don't
16 have any difficulties with your memory that you
17 know of?

18 A And I'm trying to tell you that yesterday I
19 couldn't remember my daughter's friend's name. So
20 I'm not happy about that, I'm hoping it's
21 temporary, I'm assuming it's just stress from this
22 I hope.

23 Q Okay. So your memory's better normally than it is
24 today?

25 A My memory used to be something I was quite proud

1 of. I listened to people, able to recount
2 conversations from 11 years ago right down to
3 certain words. I can't do that anymore.

4 Q Okay.

5 A So I've gone from something I thought I had pretty
6 good memory to where now when I review things I
7 remember them. Like I can do that, but I don't
8 recall --

9 Q Your memory as a faculty generally isn't as sharp
10 as it used to be is what you're saying?

11 A I would say that's true.

12 Q But it hasn't reached any kind of diagnosable
13 state?

14 A No, it hasn't.

15 Q Okay. I just want to be fair to you.

16 A If it continues the way it is I probably will go
17 and talk to my doctor.

18 Q Okay. I just want to be fair to you.

19 A Well, to be fair is to put the document in front
20 of me and then I wouldn't be guessing. Wouldn't
21 that be the best.

22 Q Well, let's test your memory first. February 26,
23 2001 you're team commander. What's your role
24 before then?

25 A My role, I received instructions that I was to

1 assess both the Valley murder, the missing
2 Vancouvers. I was also to look at potential
3 murders up north in the northern part of BC.
4 There was a series of murders that might be
5 connected on Vancouver Island. I was supposed to
6 holistically look at all of that and then -- and
7 potentially even going outside the province if I
8 felt it was warranted, and then I was to report
9 back to the RCMP on what might be done about these
10 issues.

11 Q When did you get those instructions and from whom
12 did you get them?

13 A There was an e-mail that I was cc'd to Gary Bass
14 setting out what my assignment was going to be.
15 It might have been the, and I'm guessing here,
16 Mr. Commissioner, 23rd of November, 2001 perhaps.
17 But the date is readily available to you.

18 Q That's a three month period then roughly from the
19 time you received those instructions to the time
20 you become the team commander?

21 A There's a period of time where I'm doing an
22 assessment. All right. So there's an assessment
23 period that really starts on the 12th of December.
24 And the reason for that, of course, as I've
25 explained is that I'm actually front-line involved

1 in a series of murder investigations and
2 interrogations. I'm sent out of the province for
3 I think about ten days. When I come back and get
4 my head above water I contact Geramy Field on the
5 12th of December, 2000.

6 Q I've reviewed your notes from -- from about
7 November until midsummer, November of 2000 till
8 midsummer of 2001 and a lot of the pages are
9 redacted, more than half. Would you agree with
10 that assessment?

11 A Oh, easily. But I think maybe where you're being
12 misled slightly, Mr. Commissioner, is that --

13 Q And I just want to say they're redacted because
14 you've redacted other investigations and other
15 investigations you were involved in?

16 A Absolutely.

17 Q Okay.

18 A Absolutely.

19 Q So you're not dedicated full time then to the --
20 to this project then, missing women?

21 A I've answered once before, Mr. Commissioner, but I
22 think it's an important point. When you look
23 at my notes --

24 Q It's actually a relatively simple question
25 about whether you're dedicated full time.

1 MS. WINTERINGHAM: No, he's trying to answer the question.

2 THE COMMISSIONER: Let him answer it. Go ahead.

3 THE WITNESS: Thank you, Mr. Commissioner. So you may be
4 looking at my notebooks thinking that's my only
5 involvement in this case. That's wrong. I had --
6 I was a bit addicted to technology and I had one
7 of those Palm Pilots that had the plug-in
8 keyboard, so I started making notes on that so
9 that I wouldn't have to handwrite and move it to
10 type. So if you actually look at our daily logs,
11 if you look at a timeline of Evenhanded you will
12 actually see that I am engaged in our business
13 fully. I wasn't missing.

14 MR. GRATL:

15 Q All right. So I'll just ask you, Inspector, to
16 listen carefully to the question and respond to
17 that question. Were you employed on a full-time
18 basis on this project between November of 2000 and
19 midsummer of 2001?

20 A Yes. Yes, I was.

21 Q So it was full time?

22 A Well, of course, I was a full-time police officer.

23 Q So you weren't involved heavily in other projects
24 then?

25 A I was involved in other duties and I was managing

1 those duties.

2 Q One of the duties was you were setting up a team
3 of interrogation, an interrogation unit or group;
4 correct?

5 A Yes.

6 Q Okay. And how long did that take you?

7 A Well, we already had it set up. My goal was to
8 keep it working and engaged and eventually to have
9 it become -- the goal was to have it become a
10 permanent unit in the mounted police.

11 Q Aside from that how many other separate
12 investigations were you involved in between
13 November the 23rd, 2000 until you took a two month
14 vacation in the summer of 2001, do you know
15 offhand?

16 A How many -- so how many interviews did I get
17 involved in?

18 Q Yeah, you're an interrogator; correct? You do
19 witness interviews and interrogations?

20 A Yes, I do.

21 Q And you were brought in on a number of different
22 files to do witness interviews and interrogations?

23 A Yes, that's true.

24 Q Each one of them takes a couple of days of prep?

25 A No, I would disagree with you on that.

1 Q Okay. They involve travelling around the
2 province?

3 A I didn't do a lot of travelling. I'm aware of one
4 going on my weekend up to -- up to Kelowna where
5 one -- my work with the interview team and my work
6 with Project Evenhanded and the members it meshed.
7 There is no -- like the purpose I take it of your
8 questions is to see whether I was neglecting
9 Evenhanded duties. That would be the actual
10 question, isn't it?

11 Q No, no, I'm just asking you to answer my question
12 and not the question that you think I'm asking.

13 A Okay.

14 Q How many other interrogations or files were you
15 involved in from November of 2000 until you took a
16 two month vacation in the summer of 2001?

17 A I don't know.

18 Q Okay. Well, I'm going to ask you to count the
19 number of different files that you can find in
20 your notebooks --

21 A Certainly.

22 Q -- over the lunch break, if that's all right.

23 A Yes. Absolutely, Mr. Commissioner.

24 Q Okay. So between December 12th, you say you're
25 not able to start the file until December 12th,

1 2000?

2 A Sorry, from -- you're saying from November the
3 21st to --

4 Q Yeah, until December the 12th you say you weren't
5 available to satisfy your instructions during that
6 slightly more than two week period?

7 A I'm not saying that. My job was to get together
8 and do a review. All right. That was the first
9 time that I was able to do that because of other
10 duties.

11 Q But you weren't able to start until the 12th. You
12 got your instructions on November the 23rd and you
13 weren't able to start until December the 12th;
14 correct?

15 A Yes, that would probably be fairly accurate.

16 Q Then when were you informed for the first time
17 that there were missing women other than the 27
18 missing women?

19 A I believe that was the 30th of January.

20 Q Okay. And who told you that?

21 A I believe it was Geramy Field.

22 Q And how many missing women did she speak of?

23 A I thought there was three, but we have our
24 document -- we have the minutes of that meeting,
25 and they're available to us, Mr. Commissioner.

1 Q Well, do you remember now how many there were?

2 A I'm not sure I actually trust you to be playing
3 that game. Mr. Commissioner, I would like the
4 documents in front of me.

5 THE COMMISSIONER: Sorry?

6 MR. GRATL:

7 Q Do you remember how many women --

8 THE COMMISSIONER: Just a minute. Is there a document you need
9 in order to answer the question?

10 THE WITNESS: Yes, there is, Mr. Commissioner. I --

11 MR. GRATL: If you can't remember just say I can't remember and
12 I'll provide you with a document if we have it.
13 That's how the whole document review process is
14 usually triggered is the witness exhausts their
15 memory and then they'll have an opportunity to
16 refresh their recollection having access to the
17 document. If you're saying you can't remember
18 then I'll put the document to the witness.

19 THE WITNESS: I prefer to take your direction on this,
20 Mr. Commissioner.

21 THE COMMISSIONER: Well, you know, there are two ways of doing
22 it. One is to put the document to the witness in
23 his cross-examination, that's done. The other way
24 of doing it is what you're doing now. Do you have
25 any concerns here?

1 MS. WINTERINGHAM: Well, he's asked to see the document. We're
2 going back 12 years, and we've already messed up a
3 date that could easily have been corrected had a
4 document book been put before him. This isn't a
5 memory test.

6 THE COMMISSIONER: Yeah.

7 MS. WINTERINGHAM: And the documents, the records really speak
8 for themselves, so in fairness to Sergeant Adam he
9 should have that.

10 THE COMMISSIONER: I agree. You have to be fair to the
11 witness.

12 MR. GRATL: Oh, I think, Mr. Commissioner, I'm being fair with
13 the witness. If the witness can't remember all he
14 has to do is say so and I'll take him to the
15 document if we have it.

16 MS. WINTERINGHAM: And he has said that.

17 THE COMMISSIONER: Okay.

18 MR. GRATL:

19 Q Now, witness, I'm showing you a document, it's a
20 continuation report, it seems to have a date on it
21 January 31st, 2001, and on the second page you'll
22 see a highlighted portion.

23 A Okay. Thank you. Yes, so there are five names
24 identified in this report.

25 Q So that refreshes your recollection now?

1 A I have no independent memory of this other than
2 reading this report.

3 Q All right. And so you're being advised by two
4 individuals that there are five new missing women?

5 A Well, it's part of a briefing. Sylvia Port is --
6 is the provincial Rapid ID manager and Geramy
7 Field, together they're letting me know, because
8 of course they've been asked to search this data
9 out, Mr. Commissioner, that this is what it looks
10 like, and that now we need to move forward and
11 figure out whether they're truly missing.

12 Q Okay. So at that point, January 31st, 2001,
13 you're aware that you might have an active serial
14 killer on your hands. You don't know -- you
15 didn't know necessarily what you were
16 investigating before then, but on January 31st,
17 2001 you become aware that you might have an
18 active serial killer investigation on your hands?

19 A No. I become aware that work needs to be done on
20 these women. If they've never been searched for
21 then there's a lot of times what happens is that
22 people will get reported and then they'll return,
23 they're not taken off the system, there's just a
24 myriad of reasons why you would never just
25 suddenly say these are murdered women. They need

1 to be properly looked at.

2 Q Inspector, could you please read out the little
3 passage there that records what information you
4 were provided on January 31st, 2001?

5 A Sylvia Port and Geramy Field now advise that
6 there have been five further girls identified
7 as missing they are as follows:

8 All right.

9 Q And then read out that information if you could,
10 please.

11 A Oh, certainly. Cynthia Felix Mongovious is
12 missing since 1997 out of New Westminster. Brenda
13 Wolfe disappeared on February of 1999 out of
14 Vancouver. Dawn Crey disappeared in December 2000
15 out of Vancouver. Deborah Jones December of 2000
16 out of Vancouver. Wendy Crawford December of 1999
17 disappeared out of Vancouver, reported to
18 Chilliwack.

19 Q Okay. There isn't any record there of you being
20 told that their disappearances haven't been
21 investigated, is there?

22 A They had not been investigated. If you follow the
23 timelines, you follow the documentation you will
24 see they are assigned. You will see that
25 Vancouver goes public and says that they're being

1 looked for.

2 Q I'm asking you to tell me whether there's anything
3 on that document there that indicates that their
4 disappearances hadn't been investigated?

5 A And I can -- I can do that, Mr. Commissioner. Are
6 we then going to have to go in to downstream
7 documents to show what actually happened. I can
8 do that, Mr. Gratl. I don't believe there's
9 anything here that says they haven't been searched
10 for on this document.

11 Q Okay. Thank you. What criteria did you then use
12 to determine whether they had been confirmed
13 missing?

14 A Well, Vancouver Police had a specific protocol
15 that would show they were confirmed missing, and
16 that's available to the commissioner.

17 Q What was that to your mind at that time?

18 A Mr. Commissioner, to try and pretend I can
19 remember those conversations would be a disservice
20 to you.

21 Q So you're saying you don't remember what the
22 criteria being used were to confirm that a person
23 was truly missing?

24 A I know from reviewing the documents what occurred,
25 but if you're asking me do I have a specific

1 memory of sitting in a room on the 31st or --
2 yeah, on the 31st of January and recalling
3 conversations about that then you need to
4 understand the answer I do not have that memory.

5 Q Okay. Now, did you ever talk to Dr. Rossmo about
6 his statistical regression of CPIC data which
7 showed that once a person is missing for a period
8 of longer than two weeks it's extremely unlikely
9 that they will be found?

10 A Firstly, I've never actually had a conversation
11 with Dr. Rossmo. Secondly, if they haven't been
12 looked for a person could be on CPIC and happily
13 living their life back in their home, and if they
14 haven't been removed they actually aren't missing.
15 It is after a proper search has been done that you
16 can then say yes, those people are missing.

17 Q Okay. You're saying that you hadn't talked to
18 Dr. Rossmo about that criteria?

19 A I have never met Dr. Rossmo.

20 Q Did you ever talk to anybody else about the use of
21 that criteria to determine that women were truly
22 missing?

23 A Well, yes. Geramy Field, Dave Dickson, Dan
24 Dickhout, all of the people who truly were the
25 experts in it.

1 Q Because I'm sure Sergeant Field would have known
2 about Dr. Rossmo's research in that regard because
3 it was completed in around April and May of 1999.
4 Did Sergeant Field tell you about the use of that
5 criterion at the Vancouver Police Department?

6 A You're going to have to ask Geramy Field what she
7 knew about Dr. Rossmo.

8 Q No, I'm asking you whether Sergeant Field ever
9 told you about the use of that criteria?

10 A And, Mr. Commissioner, I have no memory of those
11 conversations. Not that they didn't occur or they
12 did occur, my memory comes from reviewing this
13 material.

14 Q Well, as I understand your evidence you say that
15 you didn't conclude you had an active serial
16 killer on your hands until after you got back from
17 your vacation in August of 2001. Did I understand
18 that correctly?

19 A No. What you might come to understand is that
20 when we had information that there were
21 potentially new missings that they were assigned.
22 That when they were -- the work was done, when
23 they were confirmed then we would be adding them
24 to the list. Now, Cindy Feliks, if she was
25 confirmed to be missing from 1997, would not be

1 indicative that the ongoing disappearances were
2 current, but -- but when the disappearances in
3 December of 2000 absolutely, like when those were
4 confirmed that took us in the absolute direction
5 of knowing we had an active serial killer.

6 Q In your interview with Jennifer Evans you stated
7 that when you had an active -- when you knew --
8 when you realized that you had an active serial
9 killer you completely changed your plan?

10 A May I see the document and review it, please?

11 Q It's page 118 of your -- you don't have a copy of
12 that?

13 A Thank you. Did you want this back? This is
14 yours.

15 Q Sure, if your counsel can bring that back on the
16 way back. Page 118, line 24. It says:

17 When we realized, you know, that we had an
18 active serial killer we completely changed
19 our plan.

20 A Sorry, I'm just orienting myself to what we're
21 talking about. Yes.

22 Q Okay. So then my question is when did you realize
23 that you had an active serial killer?

24 A We moved -- we moved in August to make sure that
25 we had resources to assist Vancouver to confirm

1 those unconfirmed missings to help by I believe it
2 would be roughly mid -- mid-October. So that --
3 and I say August, so it's in September I'm
4 requesting resources on the 30th, then they start
5 coming. Then we were already going, okay, we now
6 believe it's probably active, so you see me on the
7 24th of October then I start meeting with people
8 moving towards what will be an effective plan.

9 Q Okay. Again, so I'll ask my question again. When
10 did you realize that you had an active serial
11 killer?

12 A Like felt certain of it, yes, so --

13 Q Well, here you say in your passage here with your
14 interview with Deputy Chief Evans, you say:

15 When we realized we had an active serial
16 killer we completely changed our plan.

17 A Yes.

18 Q Yes, and when was that when you realized that you
19 had an active serial killer and you completely
20 changed your plan?

21 A So we started obviously changing our plan on
22 September the 30th, then that took us to being
23 satisfied that the women could not be found. By
24 then we're saying, you know, mid-October or so.
25 And then we move towards the proactive team, you

1 know, by now we're all ready, we have resources,
2 we're engaging in a search for the missing. So
3 that is what I'm talking about.

4 Q I thought Brian Oger's report came out sometime in
5 around October the 20th, 2001. August 23rd?

6 A August 23rd is when he was authoring it. I
7 believe I became aware of it sometime in and
8 around the 30th of August.

9 Q And I had understood from your evidence earlier
10 that you weren't crediting Oger with this
11 discovery or announcements that you had an active
12 serial killer, that you had already figured that
13 out before Oger's memo was circulated. Was I
14 wrong about that?

15 A Yeah, you actually are. You're confusing knowing
16 that we have an active serial killer with
17 realizing that we have missing that needed to be
18 searched for and that the potential existed that
19 they could be in the middle of an active serial
20 killer. That was recognized, I believe,
21 Mr. Commissioner, you've heard it over and over,
22 in and around the 14th of August. Brian Oger was
23 aware of that, and I've taken -- Mr. Commissioner,
24 I've taken you through all of that.

25 Q So here's my question then. If you're in a

1 position in August that you realize you have
2 missing that need to be searched for.

3 A Yes.

4 Q You didn't really advance the inquiry on whether
5 those women were truly missing from the time you
6 found out about it in January, the end of January,
7 January 31st, 2001, so that seven months or so
8 lapse before you actually start trying to confirm
9 that the women are actually missing. Am I wrong
10 about that?

11 A Yes, you are.

12 Q Okay. These five women, Cindy Feliks, Brenda
13 Wolfe, Dawn Crey, Deborah Jones, Wendy Crawford,
14 when did you confirm that they were actually
15 missing?

16 A I wonder if I could have Jim McKnight's report
17 from the 29th of August?

18 THE COMMISSIONER: Yes.

19 THE WITNESS: And he details each one of those.

20 THE COMMISSIONER: Do you have it there?

21 MR. GRATL: I don't have it.

22 MS. WINTERINGHAM: This is going to be Exhibit 98.

23 MR. GRATL: Let's start with Cindy Feliks.

24 THE COMMISSIONER: No, no, let --

25 THE WITNESS: I haven't found it yet.

1 MR. GRATL: Okay.

2 THE WITNESS: Sergeant McKnight did up -- it actually is a
3 document he filled out that would be on the longer
4 foolscap, and he --

5 THE COMMISSIONER: The document you're looking for is not
6 there?

7 THE WITNESS: I don't see it here. I don't --

8 THE COMMISSIONER: Well, in any event, we'll take the noon hour
9 break.

10 MR. GRATL: Thank you. Actually, Mr. Commissioner, if on the
11 break this witness could figure out how many
12 investigations he was involved in aside from this
13 one from November 23rd until he took his summer
14 vacation, and also figure out when he confirmed
15 that each of these women, these five women, the
16 January 31st, 2001 women, were actually missing.

17 THE COMMISSIONER: All right.

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

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

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

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

22 MR. GRATL: So, Inspector Adam, over the lunch break I had an
23 opportunity to make photocopies of the document I
24 referred to, and I placed one in front of you. I
25 provided two copies to Mr. Giles, and I ask that

1 that document be marked as the next exhibit.

2 THE REGISTRAR: Marked as Exhibit 112.

3 **(EXHIBIT 112: Copies of RCMP continuation**
4 **reports)**

5 MR. GRATL: And, Mr. Commissioner, it's page 5 of that document
6 -- sorry, page 6 of that document contains the
7 list of women, five missing women.

8 A Yes, I have it.

9 Q All right. And just to review the significance of
10 further missing women, you appreciate then if
11 there are more women who are confirmed missing as
12 opposed to reported missing you will have an
13 active serial killer on your hands?

14 A Well, you actually have two problems. One is
15 what's wrong with our systems that they're only
16 showing 27 when there could be significantly more.
17 In other words, historical ones. And I've already
18 said it's quite broken. The other is Mr. Gratl's
19 right, is there something happening in the here
20 and now in which case you need to know that.

21 Q Okay. Did you consider both of those problems
22 part of your mandate as team commander?

23 A Yes.

24 Q Okay. And those problems first came to your
25 awareness on January 31st, 2001?

1 A Not -- well, in the sense that you need to back up
2 a step. I of course in December, and then my
3 first meeting with Sylvia Port, had been wondering
4 about those issues. So I made inquiries right
5 from the git-go. It's not very much of a hardship
6 to be thinking well, are these stats solid. Like
7 have they really stopped missing since '99 and do
8 we know all of them. So I think you see,
9 Mr. Commissioner, those were live issues for me
10 right from the git-go.

11 Q Did somebody tell you before January the 31st,
12 2001 that the killer had stopped killing?

13 A No. The belief as articulated in the behavioural
14 science meeting, are we going to call it that for
15 the twentieth -- sorry, Mr. Commissioner. The
16 November meeting with Dr. Rossmo, Keith Davidson,
17 Major Crime Units, in that they were advised by
18 that group that there were two additional issues.
19 One was missing or murders up in the northern BC,
20 all right, so we would now know that that
21 ultimately becomes tied to the Highway of Tears,
22 and that there was now a series of murders on
23 Vancouver Island. So the issue -- they were alive
24 to that issue. I was brought to be alive to that
25 issue, and then I added a couple of other

1 dimensions of just could we check, because
2 remember my mandate is to understand all of this.
3 So that's why I'm trying to understand all of it.
4 That's why I'm travelling to the Island in the
5 beginning of January to see has our killer moved.
6 Confirmed, have --

7 Q Do you recall the question, Inspector?

8 A Sorry?

9 Q What was the question I asked?

10 A I don't remember it, but I believe I was answering
11 it.

12 Q Maybe we can start again. You believed both of
13 those problems were part of your mandate. One, do
14 we have a problem in the system used to identify
15 missing women, confirm they are missing, and two,
16 do we have new missing women, is the killer there.
17 Those were part of your mandate; correct?

18 A I believe my answer was actually correct,
19 Mr. Commissioner. I believe that you -- the fact
20 that I was being told that the new murders, the
21 killer may have moved to the Island is actually
22 part of your answer, isn't it?

23 Q No.

24 A I'm confused then, Mr. Commissioner.

25 Q I'm just asking whether you thought those two

1 tasks, figuring out, firstly, whether you had
2 identified all the missing women --

3 A Yes.

4 Q You agree that was part of your task as team
5 commander?

6 A Oh, absolutely, yes.

7 Q So let's just deal with that for a moment.

8 A Okay.

9 Q The first name on the list here of women
10 identified to you by Sylvia Port and Geramy Field
11 as missing is Cindy Feliks.

12 A Yes.

13 Q Do you see that?

14 A Yes, I do.

15 Q When did you confirm whether Cindy Feliks was more
16 than just reported missing?

17 A When did I ask that that be worked on?

18 Q No, when did you confirm in your mind, when did
19 you figure that out in your mind?

20 A Okay. You're saying that like when did I do it or
21 my team do it, 'cause --

22 Q When did you find out whether Cindy Feliks was
23 confirmed missing?

24 A There was a document that I talked about, Jim
25 McKnight's report, where he drilled right into

1 this, and if I could see it then I think I'd be
2 able to tell you.

3 MS. WINTERINGHAM: Mr. Giles, that's Exhibit 99, the thin
4 binder.

5 THE REGISTRAR: He has it.

6 MS. WINTERINGHAM: Thank you.

7 THE WITNESS: And the actual points are tabbed here, so I need
8 to work off the original.

9 THE REGISTRAR: In what tab?

10 THE WITNESS: Oh, wow.

11 MS. WINTERINGHAM: It's dated August 29th, 2001, and it's in
12 the collection of daily logs.

13 THE WITNESS: Sorry, I thought I was asked for a tab and that
14 didn't make any sense to me.

15 MR. GRATL: Mr. Giles, do you have an extra copy of that
16 exhibit? I didn't anticipate we'd be referring to
17 it.

18 THE REGISTRAR: No, I don't. The commissioner has one and the
19 witness has one.

20 THE WITNESS: Is that it? Okay. So this is the investigation
21 that Sergeant McKnight did, our primary
22 investigator, where he went and met with the VPD.

23 MR. GRATL:

24 Q I'm just asking for a date.

25 A Oh, sorry, I'll find it. I believe it's the 29th

1 of -- 29th of August.

2 Q 2001?

3 A Yes, I'm sorry.

4 So I...

5 Being Jim McKnight:

6 ... met with the investigators of VPD Missing
7 Persons Squad. The purpose of the meeting
8 was to determine the status of some of the
9 Vancouver files that may be related to the
10 missing sex trade workers. A list of
11 possible files on missing sex trade workers
12 had been identified through CPIC.

13 So that would be the additional work we were
14 doing.

15 All of the files associated with the missing
16 sex trade workers that are currently under
17 investigation by VPD Missing Persons Unit or
18 under review by Evenhanded are noted as
19 follows:

20 And then he deals with --

21 Q And Cindy Feliks, if you could go to Cindy Feliks,
22 please.

23 A I'm sorry, Mr. Gratl, I was trying to set this for
24 you so you knew what it was.

25 Q I know. I'm asking you a question about Cindy

1 Feliks.

2 A Okay. Yes.

3 Q And what does it say there about Cindy Feliks?

4 A Okay. It says:

5 There were several other files that are on
6 the CPIC list...

7 So that's the new list:

8 ... provided to me that do not appear to be
9 related to missing sex trade workers. The
10 other files on the CPIC list are assigned to
11 other investigators within the RCMP and
12 outside agencies. The investigators need to
13 be contacted to determine if the files are
14 related to Evenhanded. They are listed as
15 follows:

16 And Cindy Feliks is --

17 Q Could you read everything it says about Cindy
18 Feliks, please, Inspector?

19 A Sure. It says:

20 01-0634 Feliks, Cindy. 97/11/26 New West PD.

21 Q All right. And that doesn't confirm whether or
22 not Cindy Feliks is confirmed missing, does it?

23 A No, it means that we're going to have to get a
24 hold of New Westminster and see what's happening
25 with that file.

1 Q All right. So I'll ask you again, when did you
2 confirm in your mind that Cindy Feliks was missing
3 or simply reported missing? When did that happen
4 for you?

5 A Well --

6 Q This document doesn't do it, does it?

7 A Sorry, may I answer? May I answer the
8 commissioner?

9 THE COMMISSIONER: Yes, go ahead.

10 THE WITNESS: Thank you, sir. Mr. Gratl says me, but it's our
11 team that's doing this inquiries, it's not me as a
12 person, and it would help if he asked about my
13 team. The answer is that probably sometime in
14 September we were finalizing the poster, who would
15 be on the poster, and she was going to be on that
16 poster as a confirmed missing.

17 MR. GRATL:

18 Q When in September did that happen? I asked you
19 over the lunch break to review when you found a --
20 confirmed each of these women were missing. Were
21 you able to do that?

22 A Okay. What I can say -- I actually don't have
23 those -- that documentation in front of me. You
24 didn't direct me towards anything I could find. I
25 had this which tells about Jim McKnight's efforts.

1 Q You did consult with your own counsel; correct?

2 A Yes, I did.

3 Q And you consulted with counsel for the RCMP over
4 the lunch hour; correct?

5 A No, I didn't.

6 Q No?

7 A No.

8 Q Your counsel tried to help you find a document
9 that would --

10 A I actually can answer if you -- may I answer?

11 Q Go ahead.

12 THE COMMISSIONER: Yes, go ahead.

13 THE WITNESS: Thank you, Mr. Commissioner. What we do know,
14 and can put a point on, is that when we were
15 preparing our new poster someone leaked it to *The*
16 *Vancouver Sun* and they did an article on the new
17 18, and I believe that you have media articles and
18 it would tell you when they -- when they printed
19 it. So we would know that, and we would know then
20 for sure at that point she's confirmed missing.

21 MR. GRATL:

22 Q So just in relation to Cindy Feliks, obviously the
23 August 27th, is it, August 29th report doesn't
24 confirm whether she's missing, does it?

25 MS. WINTERINGHAM: Janet Winteringham for Don Adam. Just to be

1 fair to the witness, he was trying to start to
2 answer the question that was put to him, and it's
3 not as simple as when did you, Sergeant Adam,
4 confirm that Cindy Feliks had been confirmed
5 missing. That's not the way that he's answering
6 the question. He's answering it fairly and
7 honestly in a way that describes the efforts that
8 were taken, and then now he's telling you that
9 once she was confirmed missing she was put onto a
10 poster he believes in September. Nothing's been
11 put before him to assist him on this, and in
12 fairness he's answered it.

13 THE COMMISSIONER: Well, that's what I thought he said is she
14 was confirmed missing in September when they were
15 going to prepare the poster.

16 MR. GRATL:

17 Q All right. Did you refer to a document over the
18 lunch hour that refreshed your recollection on
19 that point?

20 A No, I didn't. But, Mr. Commissioner, I need to be
21 careful. Like I'm saying maybe in September, but
22 the actual, we would know if we knew when that *Sun*
23 article came out. I just don't want to be
24 guessing and be wrong by, you know, even a month.
25 I don't know.

1 THE COMMISSIONER: Okay. So what turns on this?

2 MR. GRATL: Well, let me ask then.

3 Q In January 31st, 2001 you find out Cindy Feliks
4 may be a new missing person?

5 A An historic missing, yes.

6 Q No, no. It says right here there have been five
7 further girls identified as missing, and they
8 include Cindy Feliks?

9 A Yeah, but isn't her missing date in '97? That
10 would be a newly discovered historic missing,
11 isn't it?

12 Q All right. Let's just deal with Cindy Feliks
13 then.

14 A Certainly.

15 Q You don't confirm whether she is missing in the
16 sense of murdered or can't be located until
17 sometime after August when you can't be exactly
18 sure?

19 A So the investigation is assigned. All right. The
20 VPD has got that assignment. When we checked in
21 -- when Jim McKnight checked on the 29th of August
22 he realized that they had not been able to
23 complete all of those inquiries. All right. And
24 then as we know, Mr. Commissioner, of course we
25 asked for additional resources and we worked with

1 them to help finish those.

2 Q The job of the team commander is to make sure that
3 tasks that have been assigned are completed?

4 A Yes, it is. Absolutely it is.

5 Q So that's your job?

6 A Absolutely.

7 Q And I take it that when you found out that you
8 might have new missings at the end of January 2001
9 you assigned at that time that task to find out
10 whether they could be confirmed as missing?

11 MS. WINTERINGHAM: To be clear his evidence on this point is
12 that he asked for confirmation at his meeting on
13 December 12th, 2000.

14 MR. GRATL: Is this an objection or a --

15 MS. WINTERINGHAM: In fairness to the witness --

16 THE COMMISSIONER: It is insofar as your friend is suggesting
17 that you're not putting the question to him
18 accurately. That's the objection that I see.

19 MR. GRATL:

20 Q I'm not -- it's not an accuracy or not accuracy of
21 the question, I'm asking whether he assigned in --
22 at the end of January 2001 he assigned somebody to
23 confirm whether these women were missing or not?

24 A That's absolutely true.

25 Q Okay. And did you follow up on that assignment?

1 A Yes, my primary investigator. You use the term
2 me. Do you mean Evenhanded, because we're a team.

3 Q Okay. And who else is your primary investigator,
4 when were they assigned?

5 A Jim McKnight was our primary investigator and he
6 arrived on the 26th of February, 2009.

7 Q That's the date of assignment of Jim McKnight, the
8 27th of February?

9 A 26th.

10 Q 26th of February. And what about the file
11 co-ordinator?

12 A Wayne Clary ended up -- and I've explained this,
13 Mr. Commissioner, that Paul McCarl was supposed to
14 come. Wayne Clary was assigned on the 2nd or 4th
15 of April of 2001, and was with us on the 26th or
16 28th from memory.

17 Q All right. So at the time that you received this
18 information about these five new missing women.

19 A Yes.

20 Q You're the team commander?

21 A No, no, I'm not the team commander. There is no
22 team. There is no Evenhanded. There's just Don
23 Adam trying to learn what's going on.

24 Q Okay. And part of what you learning what's going
25 on means is that you're asking people to come to

1 meetings and you're sending them away to get more
2 information?

3 A Yes, yes, that's true.

4 Q Okay. So you sent somebody away on January 31st,
5 2001 to get more information about these five
6 missing women?

7 A No, that's not accurate. Geramy Field is a
8 sergeant with VPD Homicide. All right. She -- I
9 can't remember the date that the Missing Persons
10 Unit came in, it's in the documentation,
11 Mr. Commissioner, but that was assigned to them.
12 Not by me. All right. I'm still -- I'm a person
13 trying to listen and understand, but that was VPD
14 Missing Persons took over that. There's lots of
15 documentation about that, Mr. Commissioner. All
16 right. So I don't have a task force, there's just
17 me. You know, now I've got people working with
18 me, Mr. Gratl's absolutely right, but there's no
19 task force until I actually have McKnight and
20 Little on the 26th.

21 Q Okay. I don't want you to get lost in this
22 whether there was a task force or wasn't a task
23 force. What I'm trying to get at is when you
24 understood there was an active serial killer. You
25 appreciate that's the thrust of my questions here?

1 A Oh, the answer to that is I would have believed
2 that --

3 Q No, that's the general thrust of my questions. Do
4 you understand that's where I'm going with this?

5 A Oh, you don't want an answer to it, you just want
6 me to understand that. Yes, I do understand.

7 Q That's the purpose of my questions. And so what I
8 see here is at the end of January 2001 Field and
9 Port come to you with these names of five new
10 missing women, two of whom have disappeared last
11 month out of Vancouver?

12 A Yes.

13 Q So that means there could be an active serial
14 killer. I'm wondering whether you followed up on
15 that --

16 A Okay. Let me try again.

17 Q -- to find out whether you had an active serial
18 killer, to confirm whether it was in fact an
19 active serial killer you were dealing with?

20 A Good. I understand the question.

21 Q And how did you go about doing it?

22 A Okay. So now you've asked two. May I answer them
23 now?

24 THE COMMISSIONER: Go ahead.

25 THE WITNESS: Thank you, Mr. Commissioner. Sometimes it's hard

1 because he keeps coming at me. The answer to that
2 is that of course these are newly discovered.
3 That means they have not been looked for yet is
4 the way I understood it, which I believe is
5 accurate. So they're new names that have come to
6 the city through Sylvia Port, now they need to be
7 looked for. That was assigned. And then -- and
8 then when Jim McKnight came on board there is a
9 strong record of him dealing with Dick Dickhout --
10 with Dan Dickhout and Dave Dickson talking about
11 wanting weekly meetings with them. This was not
12 something that was ignored that just drifted off
13 into the sunset.

14 Q You said you assigned someone to look for them.

15 A Okay.

16 Q Who did you assign to look for them?

17 A Okay. I'll try again. VPD Missing Persons Unit.

18 Q Anybody in particular?

19 A Well, I believe -- I believe it was Sergeant
20 Dickhout, but I'm not -- from memory I don't
21 remember.

22 Q Okay. So when did they get back to you?

23 A I'll try again. They would come to our meetings,
24 there's a record of them coming, these matters
25 were discussed. Mr. Commissioner, there's a

1 record of it. We don't need to guess. I don't
2 need to guess around, I know there's a record of
3 it. I know that there's a record of Jim McKnight
4 following up, Mr. Commissioner. I'm not sure --

5 Q Okay. Well --

6 A May I finish?

7 Q Yes, please.

8 A I'm just not sure. It seems I'm going over and
9 over the same ground.

10 THE COMMISSIONER: All right.

11 MR. GRATL:

12 Q Okay. Let's turn to Dawn Crey. You see that's
13 the third name there. She was -- you were told
14 that she had disappeared in December of 2000 out
15 of Vancouver?

16 A Yes.

17 Q You were told that in January --

18 A Yes.

19 Q -- of 2001? When did you find out whether or not
20 Dawn Crey was confirmed missing? And you can look
21 back at your Jim McKnight document if you wish.

22 A Oh, thank you. So on the 29th of August, 2001
23 this is what Detective Constable Dickhout is
24 investigating the file.

25 Crey fits the profile of the missing sex

1 trade workers. I was advised that the
2 initial investigation is nearly completed and
3 that the file will be forwarded to
4 Evenhanded.

5 Crey is not on the reward poster, so now she's
6 going to get added to the reward poster. So it's
7 nearly completed, it's coming to us.

8 Q Okay. Now, that's a period of seven months then.
9 Am I right, do I have that correctly?

10 A From?

11 Q From the time that you learned that Dawn Crey had
12 disappeared out of Vancouver a month prior to the
13 time that you learn that the investigation of her
14 is almost complete, that's a period of seven
15 months?

16 A Sure. Yes.

17 Q Okay. Is that to your mind an acceptable period
18 of time to figure out whether you have a new
19 missing woman or a woman who has gone missing in
20 December of 2000 to figure out if she's a victim
21 of a serial killer?

22 A No, that's not ideal, Mr. Commissioner.

23 Q I'm not asking whether it's ideal. I'm asking
24 whether it's acceptable to you as an investigator?

25 A It wouldn't be.

1 Q All right. And I take it the same goes for
2 Deborah Jones?

3 A Well, the same, Mr. Commissioner, goes for all of
4 them. I've explained what I did. I believe I've
5 already explained that clearly that was something
6 that I know now I should have been watching
7 closer. But it was being watched, Mr. Gratl. Jim
8 McKnight was talking to these people all along,
9 and Jim McKnight actually was doing some inquiries
10 of his own. So please do not pretend it wasn't
11 being looked at. Perhaps that does not fit your
12 theory, but it was being looked at. It was not
13 being ignored.

14 Q I'm not purporting to have a theory. I'm not
15 discussing theories with you, Inspector. I'm
16 asking whether you're prepared to admit to the
17 families of Dawn Crey and Deborah Jones that seven
18 months is an unacceptably long delay to figure out
19 whether or not the women are actually missing?

20 A I actually can't answer that, Mr. Commissioner,
21 because I've never actually worked on those
22 missings using the -- using their template.
23 There's a lot that goes in there. And -- and the
24 history of the missing is entirely shrouded in
25 ambiguity insofar as that women did move away,

1 they did create new lives for themselves, they did
2 not want their families to know they had gone
3 away. There's a well-documented history of that,
4 changing their names, dying under other names.
5 People -- there was -- the city had developed a
6 system that required extensive work, and I believe
7 if you look at the Project Amelia, I don't know if
8 you ever asked Lori Shenher how long it would take
9 to do all of those inquiries, but I would suggest
10 that it seemed the longer you looked you have to
11 remember that we actually were finding women who
12 were reported missing by doing an extensive amount
13 of work. So it isn't easy, I've never done it, so
14 perhaps, you know, if Dave Dickson is coming he
15 would be able to really professionally answer that
16 question.

17 Q So your answer then is no, you won't admit to the
18 families of Dawn Crey and Deborah Jones --

19 MS. WINTERINGHAM: Mr. Commissioner, that's not what he --

20 THE COMMISSIONER: Let him finish the question.

21 MR. GRATL:

22 Q You won't admit to the families of Dawn Crey and
23 Deborah Jones that seven months is an unacceptable
24 delay in figuring out whether a woman who has been
25 reported missing is actually missing?

1 A I can't --

2 THE COMMISSIONER: Don't answer.

3 MS. WINTERINGHAM: He is here -- he is not here under a
4 subpoena, he is here to assist the commission in
5 describing what these police officers did with
6 respect to Project Evenhanded. He is not here to
7 make admissions to certain family members because
8 of Mr. Gratl's line of questioning.

9 THE COMMISSIONER: I agree. I agree.

10 MR. GRATL:

11 Q Okay. Well, let's take away the family members.
12 Are you prepared to admit that seven months is too
13 long to wait, an unacceptable delay to figure out
14 whether Dawn Crey and Deborah Jones were missing?

15 A I'm here to say that, Mr. Commissioner, that is an
16 unacceptable amount of time. That's one of the
17 reasons that you're holding this commission is to
18 find out what was occurring. I believe it is also
19 unacceptable that there can be upwards of 250
20 missings that we thought there was 27. You know,
21 Mr. Commissioner, there was lots to be learned
22 from this.

23 Q And I just want to refer to these five. I take it
24 you agree that if it had been investigated sooner
25 whether these reported missing women were actually

1 missing then you could have shifted your
2 investigation to take a proactive approach
3 earlier?

4 A They were investigated. Do I now in hindsight
5 with my experience believe that I should have
6 watched that ball closer? I believe I've already
7 said that. All right. Is that where -- do you
8 need me to say again absolutely with the
9 experience I now have, with the experience our --

10 Q No, I --

11 A Excuse me. With the experience our country has
12 having gone through this, absolutely I don't think
13 anyone else is gonna not watch that ball. There
14 were many balls that were up in the air, and as I
15 worked through them there was many balls that I
16 didn't watch until I had learned later I needed to
17 be watching that more and more.

18 Q Okay. And that brings me to the other question I
19 asked you to look at over the lunch hour. How
20 many other investigations were you called in to
21 investigate between November 23rd, 2000 and the
22 time you went on a two month vacation in the
23 summer of 2001?

24 A Yes. All right. And again may I just say
25 Mr. Gratl seems to think that I'm a frontline

1 investigator.

2 THE COMMISSIONER: How about just answer the question.

3 THE WITNESS: Okay. So I went through my notebook, and I need
4 to be clear, Mr. Commissioner, throughout my
5 notebook I'm always receiving calls and giving --
6 taking advice, I suppose. I counted 21 cases.
7 Now, that's a bit misleading too, because I was --
8 I would sometimes be in and out of those cases
9 over the months, I was giving testimony for about
10 two or three days, and during that period there
11 were seven days where I was training interviewers.
12 Definitely, you know, there's a lot of my time is
13 being used up on this file and on other issues.

14 MR. GRATL:

15 Q Okay. So you're saying of those 21 cases some of
16 them were reasonable, but the others are more
17 extensive?

18 A That's right.

19 Q Okay. I take it you never did a file review of
20 the 27 missing people, missing women on the
21 Vancouver Police Department list?

22 A Jim McKnight did that. That was the first job he
23 did.

24 Q All right. And when was that done?

25 A Oh, I would assume he started it -- it was his

1 first job, so he came to us on the 26th, on the
2 27th we went out to the Valley to look at those.
3 I haven't got a calendar in front of me, whether
4 the 28th is a working day, but it would have been
5 right in there.

6 Q I mean, part of all of this creation of a task
7 force and so forth, all of that came out of
8 Vancouver Police Department in part wanting a
9 review of their missing persons cases?

10 A They wanted a review -- well, really they wanted a
11 review of their suspects.

12 Q And not of the missing persons cases?

13 A If I could have that, my mandate document, I could
14 tell you exactly what they were asking for.

15 Q All right. We don't need to refer to that again.
16 The computer system wasn't up and running until
17 late October 2001; isn't that right?

18 A Was it even up and running then? I'd have to -- I
19 thought it was about November before we could
20 finally get it over and get training and get --
21 get the contractors to actually do what we needed
22 done.

23 Q All right. And I take it that would be part of
24 the responsibilities of the team commander to get
25 a computer system up and running?

1 A Yes, it would.

2 Q And before the computer system was up and running
3 you were using an index card system, a manual
4 index card system?

5 A No, a tip box.

6 Q Yes, that uses index cards?

7 A No, I don't think so.

8 Q No. How does a tip box work, a manual tip box?

9 A A tip box is a physical box, and there will be a
10 ledger sheet, and every assignment will be
11 identified, there will be, you know, usually a
12 diary date on it. So it's all documented when did
13 you get it, who did you assign it to, did they
14 complete it, et cetera, et cetera. And then the
15 RCMP uses file folders and they go inside the box.

16 Q All right. I take it you'll agree that even in
17 2001 the use of a computer database system,
18 whether data mining or just document managing, is
19 essential to a successful major case management?

20 A Oh, absolutely. Mr. Commissioner, I talked all
21 about this.

22 Q And so you'll agree that it's unacceptable from
23 the point of view of major case management
24 principles not to have that computer system in
25 place until November of 2001?

1 A Oh, then I failed in my responsibility, isn't that
2 what you're asking?

3 Q Well, it's unacceptable from the major case
4 management point of view?

5 A Something may be unacceptable, but the bottom line
6 is there was absolutely -- well, utterly
7 documented, Mr. Commissioner, our efforts to get
8 that system working. Given that I'm not a
9 computer tech, I don't know their system, I
10 researched to find the best one. I believe I've
11 articulated why we chose SIUSS. We really didn't
12 have a choice otherwise we would have been
13 delaying the investigation potentially a year to
14 enter all that data in a new system. That's all
15 fully documented. There is nothing that I could
16 have done that would have got that sooner other
17 than -- other than if I had realized, all right,
18 that all of our efforts to make that SIUSS work
19 were going to come to naught, but the only way I
20 can learn that is to actually experience, 'cause
21 who would think you couldn't get a computer to
22 work properly if you had money and people. It did
23 not work.

24 Q Well, Doug LePard was able to get the SIUSS system
25 to work pretty well for his Home Invasion Task

1 Force. Were you aware of that?

2 A I wasn't aware of that. Good for him.

3 Q Okay. So it wasn't as though SIUSS was a totally
4 unsuccessful computer system?

5 A SIUSS, as the data was entered into Amelia it was
6 not properly linked, it was not properly backed up
7 with paper. I think I mentioned there was 115
8 files simply that there was nothing there. It was
9 fraught with problems. They recognized, they
10 being Amelia, Mr. Commissioner, that it was
11 fraught with problems. They were asking for help
12 to get it fixed. The help didn't get it fixed.
13 The database administrator couldn't come with us,
14 so we didn't have anyone. Like if you don't
15 believe these are problems you need to try them.
16 It did not work for us.

17 Q I don't say computers always work as they're
18 supposed to or computer techies help you out when
19 they have a contractual obligation to. What I'm
20 saying is that the team commander has an
21 obligation to identify, to fix significant
22 computer things, and that you didn't do that.

23 A Wow, Mr. Commissioner, it is utterly documented
24 that was a battle I was engaged in. At one point
25 fired -- well, first after 9/11 the SIUSS

1 contractor simply decided he wasn't going to bring
2 it to us. I tried to move to another product.
3 All of the RCMP, the inner resources were tied up
4 now on 9/11 issues. What was I going to do? So I
5 swallowed my pride and went back and tried to get
6 SIUSS to work. Eventually in spite of our effort,
7 effort, effort it did arrive, and even then it
8 never was a product that could move as robustly as
9 we needed. You could lay that on my doorstep if
10 you really want to, but that would be quite
11 frankly under the circumstances crazy.

12 Q Well, I'm just testing the level of responsibility
13 you're prepared to accept, and I take it you're
14 saying that was due to other people?

15 A That I'm blaming someone else?

16 MS. WINTERINGHAM: That's not what he said.

17 THE COMMISSIONER: No, he didn't say that.

18 THE WITNESS: Mr. Gratl, the SIUSS efforts we put in, and the
19 city and Geramy Field before us, it may sound easy
20 when someone says well, there's -- we're not sure
21 of data integrity, we're not sure of the linkages.
22 I thought oh, good, you simply go in and fix that,
23 but that did not happen for a variety of reasons.
24 We ended up losing our database administrator.
25 All right. How do I manufacture somebody that no

1 one knows this product?

2 THE COMMISSIONER: You know, this cross-examination has gone
3 way off the rails. You have to answer the
4 question. Listen carefully to the questions.
5 Don't get involved in long answers. And half your
6 questions are argumentative. They're long, there
7 are some theories that you're putting to the
8 witness. Why don't you ask short questions that
9 would require yes or no answers or short answers
10 in response. I mean, I'm having trouble following
11 some of your questions. I don't know where you're
12 going in half your cross-examination.

13 MR. GRATL:

14 Q Once you determined that you had an active serial
15 killer on your hands you decided to take a
16 proactive approach; correct?

17 A Yes.

18 Q That proactive approach consisted of putting some
19 VPD, some RCMP officers in the Downtown Eastside
20 in a semi-covert capacity; correct?

21 A Yes.

22 Q That didn't start until mid-January, 2002;
23 correct?

24 A No, that's not correct.

25 Q When did the first boots hit the ground on the

1 proactive team?

2 A So the first resource that came to us was Sergeant
3 Duplante, and with him with Project Evenhanded,
4 that may have been in November or December, then
5 it was a matter of amalgamating the people,
6 planning how they're going to --

7 Q Do you know the expression boots on the ground?

8 A So when they actually were on the street.

9 Q Yes, when were the boots on the ground in the
10 Downtown Eastside?

11 A That would be probably mid-January, I believe.

12 Q All right.

13 A Or early -- I thought it was around the 7th of
14 January, but --

15 Q All right. So we've got a gap from the end of
16 August until mid-January before the boots are on
17 the ground?

18 A No, we don't have a gap.

19 Q Okay. I had understood from your review of
20 McKnight's document --

21 A Yes.

22 Q -- that you knew that you had new missings by the
23 end of August 2001?

24 A We knew -- we knew that we had potentially a large
25 number of new missings, and we elected to get

1 resources and confirm that first. When that was
2 -- as we discovered that then we moved to the idea
3 of the proactive team and we researched and
4 figured out how that would look. And I believe on
5 the 30th or 31st of October I asked then for 12
6 new resources. I believe that's how it went.

7 Q Okay. So am I right to say that you decided you
8 had an active serial killer at the end of August
9 2001?

10 A No. You're right to say that we were very
11 concerned, had a meeting with upper management and
12 said look, we need to look for these missing
13 properly, we need resources for that job, and if
14 we can't find them then we have an active
15 situation.

16 Q Okay. So you hadn't confirmed any new missings by
17 the end of August 2001?

18 A That would be true, yes.

19 Q Okay. So what's the first date on which you
20 confirmed new missings?

21 A Mr. Commissioner, we went through that. I believe
22 that that's going to be sometime in September.

23 I'm tying it to the --

24 THE COMMISSIONER: Your answer is September?

25 THE WITNESS: I believe, but remember I said I was tying it to.

1 I just don't want to mislead you. It could have
2 been in October.

3 MR. GRATL:

4 Q Okay. So let's say it's September. If it's
5 September you've got a period of three months,
6 four months, October, November, December, January
7 until you have boots on the ground?

8 A No.

9 MS. WINTERINGHAM: And again because of the nature of the
10 cross-examination the questions are being put in a
11 way that is not reflective of what the evidence
12 is. There is a document that was put in in
13 Exhibit number 98 --

14 THE COMMISSIONER: Yes.

15 MS. WINTERINGHAM: -- that actually has the dates when people
16 start coming to Project Evenhanded, including the
17 proactive team. It shouldn't be a guessing game.
18 Isn't it much easier to take tab 2 of Exhibit 98
19 and say --

20 THE COMMISSIONER: Tab 2?

21 MS. WINTERINGHAM: Tab 2.

22 THE COMMISSIONER: And what does it say?

23 MS. WINTERINGHAM: Tab 2, and it's that page that's in
24 sideways, and you see at the bottom we've got
25 proactive team members. Do you see that middle

1 column where it says position, and we see some of
2 the first proactive people coming on December the
3 6th, 2001.

4 MR. GRATL: Yes, these are not boots on the ground. I'm asking
5 a very practical question, Mr. Commissioner.

6 THE COMMISSIONER: Wait a minute. Let me hear the objection.

7 MS. WINTERINGHAM: All I want to do is this. I can fix all of
8 this in re-examination, and I'm making my list of
9 documents that weren't put to the witness that he
10 has asked to see, or we can do it properly in my
11 respectful submission and actually put a document
12 to him so he can say on December the 6th, 2001 we
13 have Duplante who was already researching. That's
14 the date he comes to Project Evenhanded.

15 MR. GRATL: That's not my question, Mr. Commissioner, and I
16 appreciate counsel not interrupting my -- my
17 question deals with officers with boots on the
18 ground on the Downtown Eastside, not when people
19 come to meetings, not when people first pick up
20 the phone and --

21 THE COMMISSIONER: Wait a minute. What does the document say?

22 MR. GRATL: It refers to when people first are assigned to
23 Evenhanded, it doesn't say when the covert or
24 semi-covert members get to the Downtown Eastside.
25 And I'm just -- I want to cut through all of this

1 elaborate verbiage and explanation about all the
2 management meetings and say from a practical point
3 of view how much time elapsed between the time
4 when you found out you had an active serial killer
5 and the time when your investigators actually got
6 out there and started doing some fieldwork.

7 THE COMMISSIONER: All right. Are you able to answer that?

8 THE WITNESS: I absolutely can. But Mr. Gratl
9 misunderstands --

10 THE COMMISSIONER: Don't tell me about that, just tell me your
11 answer.

12 THE WITNESS: Okay. Yes, we had boots on the ground looking
13 for the new missings by about September the 19th,
14 additional resources.

15 THE COMMISSIONER: Okay.

16 THE WITNESS: By the time we're into October, November we've
17 grown from a -- to a team of about 18 to 20 people
18 with boots on the ground actually working,
19 actually out on target, out on -- you know, and
20 you've heard all that, Mr. Commissioner. So we
21 have boots on the ground, we have now I believe
22 seven streams of investigation underway. All
23 right. Some of those are directly related to the
24 pursuit of an active serial killer directly, and
25 the proactive team is one of those streams.

1 THE COMMISSIONER: All right.

2 THE WITNESS: Thank you.

3 MR. GRATL:

4 Q All right. So my question related to the
5 semi-covert teams that went to the Downtown
6 Eastside.

7 A Yes.

8 Q You're saying they arrived in September?

9 A Do I -- I'm not sure. I don't --

10 Q Will you agree with me that it was mid-January?

11 A Yes, the proactive team, boots on the ground for
12 the proactive team we'll call it, I believe it was
13 the 7th, but mid-January is fine.

14 Q Okay. And after Robert William Pickton was
15 arrested on February 5th, 2002 you decided within
16 a month of that to cease the proactive
17 investigation; isn't that right?

18 A No, that's not right.

19 Q When did that proactive team stop working, when
20 did it leave the Downtown Eastside?

21 A Well, we incorporated it into the Evenhanded
22 investigation. We -- well, it was part of the --
23 but we incorporated it into work in the Downtown
24 Eastside developing witnesses for us, all of those
25 things. We also kept tracking to make sure that

1 there were no other women going missing, all
2 right, but this didn't extend beyond Mr. Pickton.

3 Q So did it stay at full strength?

4 A I don't recall. I know -- I know we amalgamated
5 them into our work, but we kept -- I believe most
6 of them were still involved down there. I don't
7 know the nuances of that, Mr. Commissioner.

8 Q You made a trip to Victoria to visit Corporal
9 Henley in February of 2001?

10 A Yes, I did.

11 Q Did Corporal Henley talk to you about Pickton at
12 that time?

13 A No. That was in regard to that they thought there
14 was a new serial killer on the Island, and Staff
15 Sergeant Davidson had alerted me to that so I went
16 over to the Island to talk to the investigators of
17 that new murder.

18 Q When did Corporal Henley talk to you about
19 Pickton?

20 A I believe it would have been sometime in the
21 spring of '01. I'm not sure when.

22 Q I take it that part of what you were trying to
23 develop was to do a province wide DNA analysis for
24 all the cold cases involving sex workers or
25 hitchhikers?

1 A No.

2 Q Including sex assaults and homicides?

3 A No, I was trying to look for both suspects and
4 suspect's DNA at crime scenes that would lead us
5 to the killer of the missing women and potentially
6 the killer of the other found bodies that fell
7 within my purview.

8 Q Sure. Plus all of the hitchhiker homicides?

9 A The reason we included hitchhikers is because we
10 thought a man who might have attacked and killed
11 one of our missing, that another group that would
12 be easy prey for him would be somebody -- who
13 would be someone who would willingly get in a car
14 and could then become his victim. Instead of
15 being a transaction for sex it's the getting in
16 the car, 'cause it's what happens in the car
17 that's important.

18 Q Okay. And then you also included sex assaults
19 'cause they could be predicate offences to
20 homicides?

21 A Sorry, they could be what?

22 Q They could be predicate offences, offences that
23 precede a homicide.

24 A Well, the behavioural scientists said that we
25 needed to watch for lead up on botched crimes. So

1 those, you know, in discussion with them and
2 everybody else we decided the safest approach was
3 to cast the net wide enough so that we made sure
4 or as close as you ever could, Mr. Commissioner,
5 that the killer or killers weren't going to be
6 inside the net.

7 Q Yes, and by the time you're done building the net
8 the net looks like a province wide DNA analysis of
9 cold cases involving sex workers or hitchhikers
10 and offences including sex assault all the way to
11 homicide, that's the size of the net that you're
12 casting?

13 A The size of the net was large, Mr. Gratl.

14 Q I'm not criticizing, I'm just asking is that a
15 fair characterization?

16 A No, it's not a fair characterization that we're
17 doing some sort of nice to do DNA collection for
18 the province. We're directly touching on things
19 that we believe we need to do to make sure that
20 we're going to get the killers, however many there
21 be, of our victim group.

22 Q Yes, and that includes DNA analysis; right?

23 A Of crime scenes, yes.

24 Q In relation to sex workers and hitchhikers?

25 A Yes.

1 Q For cold cases that include sex assaults and
2 homicides?
3 A Yes.
4 Q That's what the net looks like?
5 A Yes, the net is large.
6 Q It's a large net. I'm not criticizing you, but --
7 A No, no, no.
8 Q -- what I'm saying is by the time you're done
9 building this net it no longer bears resemblance
10 to other serial killer investigations like the
11 investigation of the Spokane killer or the Green
12 River killer?
13 A No, I disagree with you.
14 Q Okay. Now, what did Corporal Henley tell you
15 specifically about the Pickton investigation?
16 A I don't recall specifically what he told me.
17 Q He told you words to the effect that don't pursue
18 Pickton as a suspect. Do I have that right?
19 A He didn't believe in Pickton as a suspect. Like I
20 don't remember the words he used, but no, he
21 didn't -- he didn't believe -- he didn't believe
22 in Mike Connor's investigation and he didn't
23 believe that Pickton was -- was a killer.
24 Q How did it come up, I mean, did he just out of the
25 blue just say --

1 A He came and saw me.

2 Q Okay. So he if he was -- well, I mean it sounds
3 like he was sort of worried that you were
4 investigating Pickton and he came and made a
5 special trip to see you to explain why you
6 shouldn't be pursuing Pickton?

7 A I don't know why he came to me, but yeah, he came
8 to my office and said these things and left.

9 Q Okay. You didn't ask well, why are you coming to
10 me on Pickton, I'm doing a province wide DNA
11 analysis of all these cold cases dealing with sex
12 workers and hitchhikers, I'm not doing a Pickton
13 investigation, why are you here. Did you ask him
14 that?

15 A Okay. Of course beyond that Phase 1 work you're
16 speaking of you're aware that we were doing a
17 suspect review specific to Project Amelia, and
18 then when that was done it would be specific also
19 to the suspects of the Valley. And he recognized
20 that was part of our mandate. Everyone knew that,
21 so obviously I'm assuming, because Mr. Henley
22 could speak for himself, but I'm assuming he knew
23 that and he felt he had an opinion to offer.
24 Which Henley is a strong willed person, good for
25 him. Bob Paulson when he came through my door and

1 had his opinions, good for them. Detective
2 Wolthers, good for him. It's good, I'm glad
3 people are bringing their opinions.

4 Q While we're on the subject of Fell and Wolthers
5 I'm going to ask that you provide, because I'm not
6 sure, there are two suspects that Fell and
7 Wolthers were interested in. Am I right about
8 that?

9 A Well, I think there was more than that, but it
10 evolved in -- from memory, Mr. Commissioner, in
11 the latter part of -- oh, it might have even been
12 in January Detective Wolthers felt very strongly
13 that his two suspects weren't being rated at the
14 very top and so he had Inspector Beach come and --
15 well, sorry, I got called in to Inspector Beach to
16 make sure I was taking a good look at his
17 suspects, which is good for him by the way.

18 Q And I can see they came in on a number of
19 occasions.

20 A Who came in?

21 Q Fell I think came in on a number of occasions to
22 speak with you. Am I right about that?

23 A No. I met with -- I met with Doug Fell to discuss
24 his thoughts. It was recommended by Christine
25 Wozney that I should talk to Doug Fell that he

1 knew and had a lot of opinions about this. That
2 was back in the formative stage when I was trying
3 to learn, hear from as many people as I could what
4 was going on.

5 Q I've got a note here that he came in May of 2000,
6 Mark Wolthers came to speak to you?

7 A Mark Wolthers did? May I check my notebooks,
8 Mr. Commissioner?

9 MR. VERTLIEB: Yes, Mr. Commissioner, just while the witness is
10 checking his notes.

11 MR. GRATL: 2001.

12 MR. VERTLIEB: Our timing has gone a bit astray here because
13 Mr. Gratl was going to be half an hour, just so
14 you hear this, and whether we should take a break
15 now and Mr. Gratl can reflect on his notes,
16 because this has really gone on a bit longer than
17 I had anticipated.

18 THE COMMISSIONER: Well, what was Mr. Gratl's time estimate?

19 MR. VERTLIEB: Thirty minutes.

20 THE COMMISSIONER: Oh.

21 MR. VERTLIEB: And Ms. Gervais and Mr. Baynham because they're
22 together have estimated one hour, Ms. Tobias 45
23 minutes, and I believe Mr. Hira had said he wanted
24 a half an hour, and the City of Vancouver,
25 Vancouver Police were approximately an hour.

1 MR. GRATL: Do you know, Mr. Commissioner, I'm mindful of the
2 reality that Cameron Ward will have an opportunity
3 to ask questions as well and he'll be probably
4 covering some of this area, so --

5 THE COMMISSIONER: He'll be what?

6 MR. GRATL: I expect Mr. Ward will have an interest in some of
7 the same topics.

8 THE COMMISSIONER: Well, we don't want to hear the same topics.

9 MR. GRATL: No, I understand, that's why I'll leave some room
10 here for Mr. Ward and conclude my
11 cross-examination of this witness. We want to
12 finish him today. I'm with you there and
13 commission counsel.

14 THE COMMISSIONER: Well, he's going to have to come back.

15 MR. VERTLIEB: There's no way we'll finish this witness today,
16 Mr. Commissioner, because we knew Mr. Ward was not
17 going to be here.

18 THE COMMISSIONER: Right.

19 MR. VERTLIEB: But I would like to -- I just wanted to remind
20 everybody what we were being told. And I gather
21 Mr. Gratl's now finished, so the next
22 cross-examiner I understand would be Ms. Gervais
23 or I think Mr. Baynham, and I think Mr. Baynham is
24 not here because he had a conflict. So if we want
25 to move to the police it should either be

1 Mr. Dickson or Ms. Tobias.

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

3 MR. GRATL: I can finish now. I can rely on Mr. Ward to cover
4 areas that I --

5 THE COMMISSIONER: Okay. Well, finish it and then --

6 MR. VERTLIEB: So we could take the break and --

7 THE COMMISSIONER: Well, let's let Mr. Gratl finish. Do you
8 need the break now?

9 MR. GRATL: Perhaps it would be a good idea to have the break
10 and then I'll have a look at my questions.

11 THE COMMISSIONER: All right.

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

13 **(PROCEEDINGS ADJOURNED AT 2:43 P.M.)**

14 **(PROCEEDINGS RESUMED AT 2:57 P.M.)**

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

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

17 Q Inspector, you're familiar with the duty to warn,
18 the Jane Doe case and the Metropolitan Toronto
19 Police Board case?

20 A I'm aware of the term, I'm not aware of the case.

21 Q Okay. And you appreciate that if there's a
22 specific risk to a specific set of individuals
23 there's a duty on the police to warn those
24 individuals that they're at risk?

25 A Yes. I think that -- didn't that come from a

1 rapist, they didn't warn the community that there
2 was a rapist, is that the case?

3 Q Yes, Toronto balcony rapist 1988.

4 A Okay.

5 Q And the Toronto Police Board was held liable to
6 two women who were raped by the balcony rapist
7 after the police failed to put out a warning. You
8 remember that case?

9 A No, I don't remember the case, but I'm aware of
10 that concept, yes.

11 Q And I take it that sometime in September, as you
12 said, you became aware that there was an active
13 serial killer preying on the women of the Downtown
14 Eastside, specifically sex workers?

15 A Yes.

16 Q And you did not warn those sex workers?

17 A I don't believe that's accurate.

18 Q Oh, was there a warning?

19 A I believe that -- I would have to look through the
20 records and I could find out. There was certainly
21 -- there was the memo from Jim McKnight to the
22 city where he was asking Al Boyd to look into
23 those things. I know after the family meeting
24 there were concerns about how we would do that,
25 so.

1 Q I thought for sure your evidence was that you
2 didn't want to let the public know that you were
3 investigating a serial killer?

4 A No, I didn't -- no, that's absolutely inaccurate.
5 I didn't want the public to know how we were going
6 to investigate the serial killer, 'cause I didn't
7 want to alert the serial killer. I don't think
8 there's anybody -- I think it was very clear we
9 were pursuing a killer. I believe it was quite
10 clear we were pursuing a serial killer.

11 Q You say that was publicly acknowledged in the
12 newspapers that there's an active serial killer
13 preying on the sex workers in the Downtown
14 Eastside?

15 A I certainly wouldn't have put it that way. I
16 don't know how it was put. I would have to review
17 the documents to be able to answer that for you.

18 Q But do you recall a warning going out to sex
19 workers?

20 A I recall reading some media material on how they
21 were going to do that.

22 Q You're the team commander?

23 A Yes, I am.

24 Q And you have an enormous media team at your
25 disposal for the Project Evenhanded. You've got

1 Eli Sopow; correct?

2 A Yes, we did.

3 Q Scott Driemel?

4 A Yes.

5 Q Grant Learned?

6 A Yes.

7 Q Kate Galliford?

8 A Well, late -- December the 6th Kate and Scott were

9 actually our main two people.

10 Q Okay. So you've got that team working for you;

11 correct?

12 A Yes. Available to us, yes.

13 Q And you're saying you instructed them as team

14 commander, they're working for you, they're part

15 of your case management structure; correct?

16 A They're available resources to me, yes.

17 Q And they're part of your major case management

18 structure?

19 A Well, not Grant Learned or the VPD media. Scott

20 Driemel and Kate Galliford, you know, say in

21 December of 2001 are. But, I'm sorry, if you're

22 asking me did we warn the public.

23 Q No, I'm asking you are these individuals part of

24 your case management structure, yes or no? Are

25 they under your command as part of the case

1 management structure, 'cause you'll agree with me
2 that generally the media team, media liaison
3 officers are part of the major case management
4 structure; correct?

5 A They can exist that way or they can exist outside
6 of it, but I believe if you look at our command
7 structure media were attached to us. Like I
8 believe it was in December it would be Kate
9 Galliford. Before that it was being handled
10 somewhat ad hoc by Grant Learned, and by I think
11 Scott Driemel outside. They didn't report to me.
12 I didn't have media people assigned to me until I
13 would say early mid-December.

14 Q You're the team commander, you're responsible for
15 public messaging, 'cause that's part of the
16 investigative strategy?

17 A Yes, that is one piece.

18 Q Okay. So if there is a duty to warn it comes back
19 to you, the team commander?

20 A Oh, yes. Yes, I'm comfortable with that.

21 Q Okay. Now, are you saying that you arranged for a
22 warning to be sent to the sex workers of the
23 Downtown Eastside that there was an active serial
24 killer preying on them sometime before February
25 5th, 2002?

1 A Sorry, Mr. Commissioner, I take that on my
2 shoulders, but it actually lives jointly with
3 Vancouver Police and myself. They're the policing
4 -- police force of jurisdiction, so I believe that
5 they had told the public that they were going to
6 be looking after the missings while we did a
7 structured review. But if I can research that
8 question I can tell you what we did. I can't tell
9 you from memory.

10 Q Okay. So at this time you can't remember whether
11 or not you actually directed anybody to warn sex
12 workers of the Downtown Eastside there was an
13 active serial killer?

14 A I'm sorry, Mr. Commissioner, I would need to
15 research it to give a proper answer.

16 THE COMMISSIONER: All right.

17 MR. GRATL:

18 Q So then you're saying you cannot remember. Am I
19 right about that?

20 THE COMMISSIONER: Well, he said that he doesn't know, he'd
21 have to research it. I mean, what could be
22 clearer than that.

23 MR. GRATL: Okay. Fair enough. And I think that Mr. Ward will
24 probably follow up on this line of questioning, so
25 if you could research that question.

1 THE WITNESS: I will research it, Mr. Commissioner.

2 MR. GRATL: That would be great from my point of view. Thank
3 you very much.

4 MR. DICKSON: Yes, Mr. Commissioner, it's Tim Dickson for the
5 Vancouver Police Department.

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

7 Q Good afternoon, Inspector. Mr. Giles, I wonder if
8 you might make sure that the inspector has my
9 package there. And, Inspector, do you have the
10 overview that you referred to with your counsel
11 Ms. Winteringham?

12 A Yes, I do.

13 Q And also Exhibit 98NR, which is the larger of the
14 two binders that Ms. Winteringham handed to you?

15 A I have that too.

16 Q Very well. I want to begin, Inspector, by turning
17 again to this issue of whether the killer or
18 killers were active or inactive, and I want to
19 focus first on what that distinction means for
20 your operational plan. Okay?

21 A Yes.

22 Q In April of 2001, as I understand it, the
23 operational plan focused on building up a DNA
24 databank from historical offences, and then
25 identifying suspects and obtaining their DNA, and

1 then comparing the DNA from the two groups to see
2 if there's a match. Is that a fair summary?

3 A Yes, there's the -- well, there's the independent
4 review of Project Amelia for suspects, rank
5 ordering those suspects.

6 Q And RCMP files for suspects as well?

7 A Absolutely. But they stood as their own distinct
8 pieces of work, 'cause of course they were to be
9 the centre piece of everything, and then as you're
10 aware sort of I moved slightly away from the
11 Valley and became more Vancouver centric relative
12 to that. So then we've got that piece, and then
13 as a separate piece but co-existing when we did
14 this is the initiative to find crime scenes and
15 bring in more suspects so that we had a complete
16 picture of suspects.

17 Q And that work -- it's fair to say that's an
18 enormous undertaking?

19 A That is a large undertaking, yes.

20 Q It takes a great deal of time?

21 A Yes, it does.

22 Q And it was -- it was predicated, I think, on the
23 premise that the killer was inactive. And I'll
24 tell you why I say that, because in your interview
25 with Deputy Chief Evans you agreed with her that

1 that operational plan would not have been a good
2 one had the killer been active. I'll take you to
3 the reference.

4 A No, no, no. No, absolutely it wouldn't have been
5 a good plan if you -- once you fully knew you had
6 an active serial killer that plan was not
7 sufficient. Where we disagreed with Jennifer
8 Evans, Deputy Evans, is that you would abandon all
9 of that work to go -- you would stop what you're
10 doing there and go over here and just start
11 working on the new missings. I disagreed
12 completely with her on that point, if that makes
13 sense.

14 Q Right. Fair enough. So the original operational
15 plan was geared toward a scenario where the killer
16 is inactive?

17 A That's right.

18 Q And, of course, as we've seen it changes
19 significantly when you come to the realization
20 that the killer is in fact active?

21 A Yes, it does.

22 Q And if we can go into your overview, at page 24
23 this is where you set out in summary -- in a
24 summary way the various streams that I think are
25 added, or sorry, the various streams that are

1 incorporated in the fall of 2001?

2 A That's right. It's an evolving understanding of
3 our situation and how we can tackle it better and
4 better.

5 Q Yes. And several of these streams are new ones,
6 of course. And I'll show you what I mean. D, for
7 instance, investigation of the new missing women
8 as homicides, that of course is a new initiative
9 on the part of Evenhanded?

10 A Yes.

11 Q And that's -- and that's coming, of course, after
12 you realize that the killer is active?

13 A That's right. We first joined with Vancouver
14 missing to help them finish the work and then --
15 and then now we come to that, okay, yes, this
16 person is active and now we're going to -- we need
17 to investigate any new missings as homicides,
18 because obviously there's a difference in the
19 quality of that investigation.

20 Q Yes. And you start investigating the most recent
21 new missing women first?

22 A Yes.

23 Q And as you've described Ted Vanoverbeek
24 investigates Angela Joesbury and that leads him to
25 the hotel and to Dinah Taylor?

1 A That's right.

2 Q Correct?

3 A Yes.

4 Q And that connection with Dinah Taylor is made on
5 February 6 after the initial date of the search at
6 the farm?

7 A Yes, I believe that's accurate.

8 Q And another step here that's new is of course the
9 implementation of the proactive team?

10 A Yes.

11 Q And again that's something that was added as a
12 result of coming to the realization that the
13 killer is active?

14 A Yes.

15 Q And a third step that's new is (g) in paragraph
16 84, and that's responding to any new hot
17 information?

18 A Yes.

19 Q And you discuss that at paragraph 97 of your
20 overview. It begins there, but over the page on
21 page 30 there are some examples of what Evenhanded
22 did in this regard?

23 A Yes.

24 Q And paragraph 98, you are investigating that
25 suspect Mr. S we call him?

1 A We're assisting Vancouver Sex Assault Squad. They
2 had done an enormous amount of work and then they
3 came to us and asked for help and we pitched in.

4 Q Right. And part of how you're assisting the VPD
5 is by doing surveillance and obtaining cast off
6 DNA and making an arrest and searching the vehicle
7 and his residence and processing exhibits and
8 processing porn videos and conducting an
9 interrogation and the polygraph. I just read from
10 that.

11 A Yeah, I see arrest, but I believe that was either
12 Trish Keen or Detective Scott.

13 Q Fair enough.

14 A Yeah, like I don't think we did the arrest, they
15 did the arrest, but I got involved in monitoring
16 the interviews and interrogation of him.

17 Q At least some of these steps Evenhanded was
18 actively --

19 A Oh, yes. Definitely, yes.

20 Q And then the next paragraph, paragraph 99, you
21 note that Evenhanded got a tip line up and
22 running?

23 A Yes, that's correct.

24 Q And Wayne Clary as file co-ordinator was tipping
25 out those tips immediately, you say?

1 A Yes. Well, then of course Ridgway occurred.

2 Q Yes.

3 A So then that brought in active tips that we
4 followed up on.

5 Q Right. That's paragraph 100. You were actively
6 investigating Ridgway because there's a suggestion
7 that he travelled up to Vancouver?

8 A Yeah, Ridgway's a serial killer, and if he's been
9 up here obviously we need to know what he did.

10 Q And indeed you do an interview of him, or somebody
11 did?

12 A Bill Fordy interviewed Ridgway.

13 Q Right. In paragraph 101 there's another -- I
14 won't identify him, I don't know if he's protected
15 or not, but there's another person of interest
16 there noted who was investigated by Vanoverbeek
17 and including by getting DNA by consent and
18 polygraphing; yes?

19 A Yes. He was more of a POI, from memory, on a
20 similar offence outside of I believe maybe the
21 Island even.

22 Q I believe he may have been on Vancouver Island,
23 yes.

24 A So we just weighed in on that.

25 Q So in this stream part of what you were doing here

1 is investigating suspects?

2 A Yes.

3 Q And that's again something that was added after
4 you come to the realization that the killer is
5 active?

6 A Yes.

7 Q And so obviously from all of this after you come
8 to that realization the operational plan is very
9 different?

10 A Yes, very different.

11 Q Because it's not -- it's not enough at this stage
12 with this realization to build up the DNA databank
13 because the situation is much more urgent?

14 A Well, I would describe it there's things you need
15 to be doing in the here and now, but you still
16 need to continue. I believe you needed to
17 continue with both.

18 Q Yes, I'm sorry, I didn't mean to suggest --

19 A It's just Deputy Chief Evans disagrees, so I keep
20 repeating that.

21 Q Fair enough. But you do need to pursue these
22 avenues if the killer is active?

23 A Oh, absolutely. And any avenues you can think of
24 as a team.

25 Q Because that realization that the killer is active

1 obviously has enormous significance for how you're
2 going to go about the investigation?

3 A Of course, yes.

4 Q Now, in mid-August, I think it's August 14th, 2001
5 that Evenhanded investigators become aware of the
6 large number of new missing women, and then by the
7 end of August 2001 the belief is that there could
8 be a further 22 women missing?

9 A That's right, that haven't been properly looked
10 for, because of course they're brand new.

11 Q Yes. You don't know whether they've been killed
12 or whether they might be found alive and further
13 investigation needs to be done to confirm that
14 they're missing, and Evenhanded actually ends up
15 taking over those investigations?

16 A Yes, you know, we do downstream. And I think of
17 that original 18 or 22 I believe there's eight
18 that are found, but of course there's -- as the
19 more we dig the more we keep learning of new
20 missings, like historic missings.

21 Q Yes. And you had a discussion with Mr. Gratl
22 about when you came to the practical realization
23 that these women, these new missings were likely
24 confirmed missings, they really were missing?

25 A Yes, that's right, that we needed to move forward

1 in different streams.

2 Q Yes. And you said that you think it might have
3 been in September, but it could have been in
4 October, and I just put this to you if I can. I
5 thought earlier in your evidence you stated that
6 it was in mid to late October that you began to
7 conclude that the women were really missing, and
8 that prompted you to have that meeting on October
9 24th with Project Amelia members, former members,
10 and you started talking to them about the
11 proactive team. Does that jibe with your
12 recollection?

13 A I think, as always with Evenhanded, there's a
14 bunch of things that were occurring, but I would
15 think by roughly mid-October we're pretty certain
16 there's a problem, 'cause when we have a
17 discussion -- well, we have our first family
18 meeting we're advising them that we think there's
19 18 new missing, and I believe that if we check the
20 records I believe those families were invited, but
21 I could be -- I think we could check on that, and
22 I think they might be, and it might be that *The*
23 *Sun* had already written an article. Like we could
24 confirm that, Mr. Commissioner.

25 Q Okay. Well, that's fair enough. Now, I will

1 just -- I know that there was some discussion
2 about when -- when the missings were sort of
3 formally confirmed, finally confirmed --

4 A Yes.

5 Q -- to be missing. And I think it's on November
6 8th from your continuation report, and I'll just
7 take you to tab 5 of my little package. Not of --
8 sorry, not of that exhibit, but of this cerloxed
9 package that Mr. Registrar handed to you recently.

10 A Yes, sorry.

11 Q Yes, at tab 5, and it's just on page 1 there, and
12 you can see it's November 8th, 2001. Do you have
13 it?

14 A I'm reading, yes.

15 Q Yes. Okay. And then this is submitted by Don
16 Jarvis, and he says that they have concluded
17 preliminary investigations into the files of the
18 18 women being considered as additions to the
19 list.

20 A M'hm.

21 Q And this hasn't been an exhaustive investigation,
22 that will occur in Phase 2, but it's sufficient to
23 determine that all should be added to the list.
24 And then if you go down he describes inquiries
25 that they have made, and you can see right above

1 the list of names:

2 All inquiries, with few exceptions, have been
3 negative. It is our collective opinion,
4 based on our investigation to date that the
5 following names should be added to the list
6 of missing women.

7 And there's 18 names. Do you see that?

8 A I do see that.

9 Q Anyway for the record, just from my looking at the
10 records, it seems like this is the time when they
11 are formally confirmed to be missing by Evenhanded
12 and added to the list. Is that fair?

13 A But haven't I already on the 31st of October, I
14 think I've already asked for the resources for the
15 proactive team, haven't I?

16 Q Yeah, I think that may be so. And you tell us,
17 Inspector, I think from your evidence you are
18 coming to the realization that they're not going
19 to be found sometime in October?

20 A Yes, and I believe we told the families from
21 having read the minutes of that meeting that there
22 were the additional -- there could be 18. So I
23 believe this is Don Jarvis, a seasoned homicide
24 investigator from Vancouver who was in charge of
25 this, this is him submitting a formal report to

1 me. But already I -- because I think if you check
2 by now I believe there's even documentation in the
3 VPD that we're going to want these bodies. I
4 don't know if you have that, but I think all of
5 those things were happening.

6 Q I don't have it with me, but fair enough, so
7 you're saying that it could be the end of October
8 that you're asking for more resources to pursue
9 these streams?

10 A Certainly by -- obviously by the victim family
11 meetings we're talking about it, but then -- and
12 then -- by the way, the reason we're meeting with
13 Amelia on the 24th is there had been this whole
14 private investigator, there was all these things
15 we learned from the families, so we needed to
16 discuss that with Lori Shenher and Geramy. And of
17 course, you know, as I say Dan Dickhout was there
18 and so was Dave Dickson. But then I also wanted,
19 pulled them aside for a separate meeting on what
20 would we do with the current situation --

21 Q Right.

22 A -- that there's a serial killer.

23 Q Right. And that's October 24th, 2001, that
24 meeting with Amelia members?

25 A Yes.

1 Q And that -- somewhere from then to, say, November
2 8th, around then, you are determining what should
3 be done in terms of going forward?

4 A Yeah, what will be an effective plan, I believe,
5 that Daryl Hetherington is taking in to meet
6 everybody who is sitting in. All of those things
7 are happening. I don't know the exact dates, but
8 they're available.

9 Q That will do. And so what you determine should be
10 done includes the three things we looked at, the
11 three new streams, investigating --

12 A Yes, it does.

13 Q -- the new missings to the same standard as a
14 homicide, implementing the proactive team and
15 dealing with hot information; right?

16 A Yes.

17 Q And so whether that's late October, early November
18 that that's happening, obviously that followed
19 that realization on August 14th, 2001 that there
20 could be new missings?

21 A Yes.

22 Q And in your testimony I think with
23 Ms. Winteringham you stated, and quite fairly I
24 think, that the commissioner has to consider
25 whether that time period was too long?

1 A Yes.

2 Q Do you recall that?

3 A Yes, of course he does.

4 Q And I take it from that that in hindsight, with
5 the benefit of hindsight and benefit of where you
6 stand now you agree that that period should have
7 been shorter?

8 A No. I believe that with the experience I have now
9 I obviously would be very alive to these kinds of
10 issues. You know, I believe -- I believe that the
11 way we were moving forward was entirely reasonable
12 at the time. Both the management of the VPD and
13 the RCMP were in -- fully knew what was going on.
14 Obviously I had fully briefed them. So we were
15 moving ahead in what was a structured, logical
16 way. Now, having had the experience that this
17 country has had with this situation do I think
18 that with that experience would we be recommending
19 different things? The answer is yes.

20 Q Right. From what you know now if you were to do
21 it over again, it's sort of difficult to combine
22 those two thoughts I know, but if you have the
23 experience you have now and if a similar situation
24 were faced now you'd want that time period to be
25 shorter?

1 A It is nice to say that, but there are a couple of
2 things that a team commander would still have to
3 take into consideration. Do you -- do you jump to
4 the conclusion that all of these new missing are
5 murdered? Because if we had started looking at
6 them as murdered right away without doing our leg
7 work then you would have been investing massive
8 amounts of energy into say the eight that were
9 found, you turn them into a homicide investigation
10 you're now going to be running potentially 18
11 homicide investigations. I think that's always
12 going to be the circumstances are going to have to
13 dictate that, and that will have to be watched
14 closely by the team commander and closely by the
15 joint management team to make sure they're
16 comfortable.

17 Q Now, one of the reasons that Evenhanded took over
18 investigating the new missing person reports in
19 the fall of 2001 is that they weren't being
20 investigated quickly enough by other police
21 forces; is that fair?

22 A I'm not sure what the status was of the RCMP ones.

23 Q M'hm.

24 A I think there was some active investigations going
25 on in the RCMP world. And I'm not -- probably

1 when Jim McKnight comes he can answer, he really
2 was dealing directly with the officers. For me to
3 be passing judgment on their efforts when I don't
4 know, Mr. Commissioner, I don't think it's
5 entirely right.

6 Q Fair enough. Now, let me -- just on the RCMP
7 missing person files let me take you, if I can, to
8 tab 3 of that little cerlox package.

9 A Sorry, your package?

10 Q Yes.

11 A Yes.

12 Q And this is -- I think it's Jim McKnight's August
13 28th, 2001 continuation report. Do you see that?

14 A I do see it.

15 Q And if we go to the fourth page, at the bottom he
16 lists the possible additions?

17 A Yes.

18 Q The possible new missing women; correct?

19 A Yes.

20 Q And if you flip through, on the right you can see
21 a column there file number and it indicates the
22 police department or detachment that has the file,
23 and you can see some of them are RCMP or other
24 municipality files as in --

25 A Yes, I do see. They're a variety from Victoria

1 through to Lower Mainland, Chilliwack, Abbotsford,
2 I see that.

3 Q About half of them are VPD, the other half are
4 other police departments?

5 A Roughly I would agree with you, yes.

6 Q Importantly -- the important ones, of course, are
7 where the date last seen is after 1999, because
8 that would indicate perhaps if they truly are
9 missing that the killer is active?

10 A Yes, I -- yes. The newest dates, yes.

11 Q And there's Annette Perhkonen whose date last seen
12 was July 2000. Do you see that?

13 A Yes, I see that.

14 Q And that's a Burnaby file?

15 A Yes.

16 Q And then down the list is Heather Chinnock, and
17 that's April 2001 date last seen?

18 A Yes.

19 Q And that's a Surrey file?

20 A Yes.

21 Q And there's a problem, I think, that these files
22 aren't being followed up and aren't being flagged
23 fast enough by the RCMP, those two files anyway;
24 is that correct?

25 A You would have to ask the RCMP about that.

1 Q Fair enough. I read in your interview with Deputy
2 Chief Evans that you had assigned Sylvia Port,
3 that she was a member of your team?

4 A No, she was a member of ViCLAS.

5 Q Oh, fair enough.

6 A And she was a resource that I was given access to
7 use, and definitely wasn't working doing -- she
8 had to do her regular work and then work for us.

9 Q Okay. And so she was outside of Evenhanded, but
10 she was doing work for Evenhanded?

11 A Yes. She had -- she has the computer system, the
12 ViCLAS -- she's plugged into ViCLAS.

13 Q Yes. And she was tasked with looking for new
14 missings, I believe, but there was some trouble
15 with that; is that fair?

16 A She had been -- the whole issue with new missings,
17 Mr. Commissioner, I believe that Sylvia Port had
18 been working on that assignment long before
19 Evenhanded came along. I believe it's documented
20 by Keith Davidson that that's one of the things
21 that we needed to keep working on. You know,
22 again when you look at things that I've learned it
23 took me a long time to realize that our systems
24 weren't really helping Sylvia Port. So that --
25 you know, and that would be -- I finally came to

1 that realization in mid-August trying to
2 understand how we could keep coming up with new
3 missings, and that's when we assigned Bev
4 Zaporozan to assist, and then we really started to
5 build those numbers. You saw they go right up to
6 60 to 64, and obviously, Mr. Commissioner,
7 potentially as high as 250 if we hadn't been
8 putting the effort into finding them.

9 Q And I read in your report with the deputy chief,
10 or sorry, in your interview with the deputy chief
11 that Sylvia Port was trying to get the
12 detachments, the RCMP detachments to peruse their
13 missing person files to see if they had a sex
14 trade worker history, but that wasn't being
15 actually completed. Do you recall that?

16 A I do. And it might be worth finding out, because
17 I believe she was the Rapid ID manager for the
18 province, so that very well may have included the
19 PDs. I know -- in fact I would imagine it did,
20 because ViCLAS hadn't been getting good compliance
21 from the PDs or the RCMP on filling out those new
22 ViCLAS forms, so they had actually formed up a ten
23 person team to go out and do that work, so I
24 suspect it's all tied to the same thing,
25 compliance.

1 Q So what I think we see is that there were a number
2 of problems of following up with the missing
3 person reports. Is that fair?

4 A Well, you'd have to get down to Jim McKnight who
5 really looked into this.

6 Q Okay. Well, I'll move on from that. Now, I
7 want -- I'll try and step up a little bit from
8 that sort of granular detail and go back to this
9 question of whether the killer or killers were
10 active or inactive. And you'll agree, I think,
11 Inspector, in hindsight that that was an issue
12 that had to be determined urgently?

13 A Well, it would be determined through the
14 investigation and/or of course there could have
15 been a tip or reports. I mean it could be
16 determined in many ways. There were of course no
17 tips, there was no triggering event other than the
18 missing issue.

19 Q And I want to take you back to that January 31,
20 2001 meeting with Geramy Field and Sylvia Port.
21 You recall that?

22 A Well, it wasn't just them, there was an entire
23 meeting.

24 Q Very well. You can find that in Exhibit 98NR,
25 which is that big binder Ms. Winteringham was

1 taking you through, and it's at tab 20. And this
2 is your continuation report?

3 A Yes.

4 Q And you can see there on that page the date is
5 January 31st, 2001?

6 A Yes.

7 Q And then if you go -- you go five pages in you get
8 to the page that Mr. Gratl took you to with the
9 names of the new missing women who may have to be
10 added to the list. Do you see that?

11 A No, that need to be investigated.

12 Q Yes.

13 A Please.

14 Q Fair enough. Sorry, I didn't mean to suggest
15 that. I said may need to be added to the list.

16 A Once they're investigated, fair enough.

17 Q And I want to focus on some of the language in
18 this continuation report, because it may reflect
19 the mind-set on that date. You noted in this
20 continuation report that at present Detective
21 Field -- you see that first paragraph at the top
22 of the page?

23 A Yes.

24 Q At present Detective Field in conjunction
25 with ViCLAS believe that there are 24 street

1 trade workers who they feel are probable
2 homicide victims.

3 A Yes.

4 Q And that's -- just to pause there for a second,
5 that was the tenor of their message that they are
6 probable homicide victims?

7 A Well, no, not probable. We believe that our
8 entire premise is that they had been murdered.

9 Q Oh, yes, but -- yes, fair enough. Sorry. And
10 then she goes on:

11 Additionally there had been a belief that the
12 street trade workers had stopped disappearing
13 in approximately 1999 which had led to an
14 investigative theory that the perpetrator had
15 moved away or been incarcerated.

16 A Yes, that's accurate.

17 Q And so of course she's -- you're reporting her as
18 saying there had been this belief; right?

19 A Well, no, it's completely documented through the
20 city upward right to the chief. No, the city
21 fully document that belief.

22 Q Yes, that was the belief at least in the past?

23 A Up to this date, yes.

24 Q Yes. And then you go on in this continuation
25 report, and of course you note that they now

1 advise that there have been five further girls
2 identified as missing and they list who they are?

3 A Yes.

4 Q And then you set out the following investigative
5 tasks. Do you see that?

6 A Yes, I do.

7 Q And you assigned one to yourself?

8 A Yes.

9 Q And the first one, and that says this:

10 Adam to check with provincial prostitution
11 squads to find out if RCMP detachments are
12 making lists and keeping on top of missing
13 prostitutes. Purpose is to ensure that if
14 there is an ongoing serial killer we are not
15 missing an accurate picture of how many
16 street trade workers are going missing.

17 A Yes.

18 Q And I stress that word if.

19 A Yes.

20 Q Because isn't that -- isn't that the scenario at
21 the time on January 31st that there may be, there
22 may be one or more active serial killers, but you
23 don't know if they're active or inactive?

24 A Well, what's occurring is I have now been
25 presented with a new issue, all right, and that

1 is, okay, there may be this. You have to remember
2 that it's also being explained to me that -- that
3 women -- the missing are occurring all the time,
4 and that I believe it was at some point Dan
5 Dickhout explained that maybe three women sex
6 trade workers per month might get reported, and of
7 course I'm also having been explained that there
8 have been times in the past, '97 and '99, when
9 those numbers were seen to be quite large. And of
10 course when a full investigation is done it
11 appeared that all but one was found in '97, and
12 all ten were found in '99. So I'm being told,
13 okay, it's something we need to look at, but it
14 has occurred in the past, and it's turned out when
15 we looked properly it wasn't an issue. So, okay,
16 so I'm listening to that, and I'm handing out
17 assignments let's be looking at this.

18 Q Yes. Now, we've gone through, of course, the
19 comparison between the operational plans in April
20 and then in the fall of 2001?

21 A Yes.

22 Q And we've seen that the operational plan of course
23 changes significantly when Evenhanded realizes
24 that the killer is active?

25 A Yes.

1 Q And I just put it to you, Inspector, that in
2 hindsight when you're presented -- when this
3 question arises January 31st, 2001 that there may
4 be, you don't know, there may be an active serial
5 killer, that is an issue that is an enormously
6 significant one and had to be investigated
7 urgently.

8 A Okay. I can work with that. So I of course am
9 not a task force at that time. The people
10 bringing me this information are Vancouver
11 officers. Vancouver Police owns the issue of the
12 Downtown Eastside. They have a unit that has
13 specific knowledge about this. They have created
14 a very detailed checklist which they stand behind,
15 and they are going to do that checklist. And the
16 head of their department fully agrees it's their
17 responsibility. I'm not even a task force yet,
18 I'm a little wondering what you would have me do
19 at that exact moment.

20 Q No, fair enough. You become a task force in
21 February 2001?

22 A That's right.

23 Q And my point is just -- is just this. That
24 looking back, in hindsight that issue of whether
25 the killer is active or inactive was a very

1 significant one, and one that if you were to do it
2 over again more attention would need to be put to
3 that issue?

4 A You're going to tell me now that I was a fool to
5 trust Vancouver Police when they said they would
6 do that work?

7 Q Oh, I'm saying nothing of the sort, Inspector.
8 I'm saying nothing of the sort. But I am saying
9 this, that that issue was central for Evenhanded?

10 A Excuse me, that issue was central for everyone.

11 Q Right.

12 A Like Vancouver Police doesn't get to walk away and
13 say, oh, Evenhanded with five people take this on.
14 They had a unit, their department believed their
15 unit could do it, they took ownership, they
16 advised the public they would do it, I believed
17 they would do it. You know, when I discovered
18 that it wasn't being done well enough then we
19 moved in.

20 Q Right.

21 A Like I'm a little confused how you would change
22 that.

23 Q No, I changed nothing of that.

24 A Okay.

25 Q I changed nothing of that, Inspector. But I do

1 say that when you did find out that that process
2 of confirming the missings was not happening as
3 quickly as it should have been; right?

4 A Yes.

5 Q It wasn't happening as quickly as it should have
6 been?

7 A Yes.

8 Q And you come to that realization in August 2001?

9 A Yes.

10 Q And when you do that more resources are put to
11 that task, fair enough?

12 A They're requested on the 30th of August, and both
13 the Vancouver Police and the RCMP free up
14 resources for us to do that work.

15 Q Right.

16 A And for me to continue on with my investigation.

17 Q Because it's clear that this issue is very
18 important to Evenhanded's investigation?

19 A Well, it's very important to everyone.

20 Q Yes. And I'm asking you as team commander of
21 Evenhanded, I'm asking about the significance for
22 Evenhanded this is a very important issue?

23 A Yes, the significance for Evenhanded is that we
24 need to make sure that those searches get done so
25 we know what footing we're on as we move forward

1 and form investigative plans.

2 Q Right. And that's in August 2001 that we've just
3 been speaking of, this realization?

4 A Yes.

5 Q It needs more resources going into this issue?

6 A Well, the meeting was on August the 30th, so more
7 resources came, you know, in October,
8 Mr. Commissioner.

9 Q Yes. And that of course is longer -- sorry, and
10 that is about six months, seven months after
11 January 31st, 2001?

12 A Yes.

13 Q And my simple point is in hindsight more resources
14 should have been put earlier, that ball needed to
15 be watched earlier because this issue is so
16 central?

17 A Wow. That ball was being watched. Vancouver had
18 taken ownership of that. Their department took
19 ownership of that. If -- you know, and of course
20 Sergeant McKnight is talking to them. If they had
21 felt they couldn't do it or there was a problem,
22 they were coming to our meetings, they never
23 expressed a problem. They said, you know, that
24 they were doing it. Obviously it's an extensive
25 amount of work. Obviously there's a long history

1 of where women have been found. I've done an
2 entire document on it. You know, I accepted that
3 this could take time, and I accepted that they
4 were working on it because they said they were
5 working on it. I mean in hindsight --

6 Q They were working on --

7 A Excuse me, I'd like to finish.

8 Q Oh, sorry.

9 A In hindsight, if we really want to look at it, my
10 not insisting that Amelia actually come with me,
11 that there be people that came, that I accepted
12 new people, and it's probably my biggest weakness
13 is that I was given no one who came with me who
14 came with file knowledge.

15 Q Now, there's an issue -- there's a concept in
16 environmental law called the precautionary
17 approach. Have you ever heard of that?

18 A No, that means nothing to me.

19 Q This notion is that if it's not known whether or
20 not an action will harm the environment then the
21 onus is on those who want to take the action to
22 show that it's not harmful. And so to put it
23 another way it's just a matter of saying if we
24 don't know what the consequences will be for the
25 environment then we should err on the side of

1 protecting the environment. Fair enough. So
2 that's the concept.

3 A Sure.

4 Q It strikes me that if we think about this going
5 forward, if we think about this in the future,
6 that if you don't know whether the killer is
7 active or inactive, and there's information that
8 suggests he might be active, then I wonder whether
9 the more precautionous approach --

10 MS. WINTERINGHAM: Mr. Commissioner, this is a nice speech. He
11 says he doesn't understand this environmental
12 principle. We've had a long lead up about what
13 this precautionary thing in environmental law
14 might mean. He says it doesn't mean anything to
15 him. The speech is nice, but I don't think it's
16 an appropriate question.

17 THE COMMISSIONER: Yeah, I agree.

18 MR. DICKSON: I'll move on then, Mr. Commissioner.

19 Q I want -- I want to turn, Inspector, to Pickton.

20 A Yes.

21 Q And I want -- I want to ask you whether you agree
22 based on the information that you know now.

23 A Yes.

24 Q That the information that existed in 2001 pointing
25 to Pickton was so compelling that it demanded a

1 very serious investigation of him?

2 A Well, I thought there was a serious investigation
3 of it.

4 Q And which in the -- fair enough.

5 A Sorry, in 2001?

6 Q Yes.

7 A Well, really you need to go back. By 1999, the
8 summer of 1999 there was compelling information.
9 Really nothing had changed by 2001.

10 Q Oh, well, some things had changed, Inspector.

11 A Oh.

12 Q But certainly I would completely agree that in
13 1999 there was very compelling information
14 pointing to Pickton. But I'm asking just in
15 2001 --

16 A Sorry, let's just be very, very careful here.
17 There was secondhand information that was
18 compelling to investigate, but it is not the same
19 as having firsthand information. It's a very
20 different situation.

21 Q Well, let's -- I want to take you through the key
22 pieces of information that was available in 2001
23 that pointed to Pickton. All right?

24 A Okay. Yes.

25 Q So the first piece of information was the 1997

1 attempted murder of Anderson?

2 A Yes.

3 Q Fair enough?

4 A Yes.

5 Q And that of course suggested that Pickton had a
6 history of picking up a Downtown Eastside sex
7 worker?

8 A Well, it suggested he picked up one.

9 Q Yeah.

10 A And that, you know, his version is she attacked
11 him, her version was he attacked her, but there
12 was charges laid and then withdrawn. So, yes, I
13 believe that he had attacked her.

14 Q Yes. So he had picked up a Downtown Eastside sex
15 worker, and so that piece of information was
16 available?

17 A Yes.

18 Q And obviously he had attacked her, he had a
19 history of extreme violence towards a Downtown
20 Eastside sex worker?

21 A Yes. That one, yes.

22 Q And from that information obviously it was clear
23 he lived in an isolated area where he may be able
24 to dispose of bodies?

25 A Yes, that's clear.

1 Q And Ms. Anderson, I don't know if you know this,
2 but Ms. Anderson said in her statement that she
3 gave to Coquitlam RCMP that she suspected that
4 there were women's bodies on the property. Do you
5 recall that?

6 A No, I don't recall that.

7 Q And then a second category of information came, of
8 course, in 1998 from Hiscox; yes?

9 A Yes. Secondhand information, yes.

10 Q Yes. And that information suggested from --
11 through him from Lisa Yelds --

12 A Yes.

13 Q -- that Pickton had women's IDs and bloody
14 clothing in his trailer?

15 A Yes. That would get refuted of course.

16 Q And there was information from Hiscox that Pickton
17 had said that he could dispose of bodies?

18 A Yes.

19 Q And then in the spring of 1999 Pickton was checked
20 on the stroll in New Westminster and so there's
21 another connection with sex workers?

22 A Yes.

23 Q And then of course in 1999 the Ellingsen
24 information comes in first through Caldwell?

25 A Yes.

1 Q And of course that information is about her
2 apparently having seen Pickton butchering a sex
3 worker in his barn?

4 A Yes.

5 Q And that information from Ellingsen didn't come
6 only through Caldwell, but it also came in through
7 Best and Menard. Fair enough?

8 A Menard was slightly different, but I believe she
9 told two people that story, and then I believe
10 Menard's is a different -- different version of
11 things. But, in essence, she's telling three
12 people, two people one fairly consistent story,
13 one person a slightly different story, but it all
14 leads into the same thing, yes.

15 Q Right. It all dovetails a fair amount together,
16 and it's three independent people?

17 A Yes.

18 Q There's not -- yes, I'll just leave it there. And
19 so it appears because of that that the police are
20 accurately receiving what Ellingsen actually said
21 to these people?

22 A Could you ask that again?

23 Q Sure.

24 A Yeah, please.

25 Q From the police assessment of Caldwell and of Best

1 and Menard, and from the fact that at least two of
2 them are telling a very consistent story, and then
3 Menard as you say his is slightly different, but
4 in the main it is consistent, it would appear that
5 the police are accurately being told what
6 Ellingsen said?

7 A Yes. Yeah, I would agree. I believe what you can
8 get from that is Ellingsen is telling the story.
9 The problem is is it true or isn't it true what
10 she's saying.

11 Q Right. And of course she was interviewed and she
12 denied this story?

13 A Yes.

14 Q And then there was a division among the
15 investigators as to whether to believe her denial
16 or not?

17 A Yes, believe whether or not this occurred or not
18 perhaps. I'm not sure, I wasn't there.

19 Q Right. And the lead investigator is Corporal
20 Connor at the time, and he and others believed
21 that the story was actually true, that the denial
22 was a lie?

23 A Yes, I think that's accurate.

24 Q And I suggest there was quite a lot of information
25 to support his view, and one of those is that

1 Ellingsen got it right that human fat is yellow,
2 and you wouldn't expect a person like her, you
3 wouldn't expect most people to know that?

4 A You know, that is interesting, Mr. Commissioner.
5 Lynn Ellingsen was interviewed over and over and
6 over again by ourselves, by Crown, she never ever
7 adopted that. She never testified to that in
8 court that she ever -- that that whole thing she
9 just never ever adopted. Never testified to. I
10 don't know.

11 Q Fair enough. But at the time the police are
12 presented with a story that includes this unique
13 piece of information that Lynn Ellingsen didn't
14 realize that human fat is yellow?

15 A But if Lynn Ellingsen has never accepted that she
16 either saw yellow fat, and has never accepted --
17 and why she wouldn't, she was fully co-operative
18 eventually with us, that she said that, I'm not
19 sure where we get to that she did say it. Aren't
20 we kind of in no man's land there? She may have
21 said it and forgot, I don't know how you would
22 forget that, or B, she never did say it and
23 somebody attributed it to her. I don't think we
24 can get past that point, can we?

25 Q I think where I'm going with it is that when you

1 hear that as a police officer you think well, how
2 would she know that unless she saw it?

3 A Absolutely I agree, that's a --

4 Q So that would tend to indicate that she saw it?

5 A But my question would remain if she -- we knew
6 about that and we could never get her to confirm
7 that.

8 Q Right. No, because she denied -- she denied
9 having seen the incident.

10 A No, no, no, you misunderstand me. When we had her
11 co-operating when she was getting ready to
12 testify, when she testified on the stand she never
13 adopted that.

14 Q Fair enough.

15 A So --

16 Q But that's many years after. At the time -- at
17 the time police have this story with this piece of
18 information, and I'm just saying it would tend to
19 make an officer, I suggest, think well, that's one
20 piece of information on that side of the scales,
21 because if she didn't actually see the incident
22 how would she know that?

23 A Oh, yes, I absolutely agree with you.

24 Q Fair enough. And another piece of information I
25 suggest that would support the incident having

1 taken place, support the story being true, is that
2 she mentioned handcuffs, the use of handcuffs on a
3 sex worker. And of course we knew that Pickton
4 had handcuffs because he used them in 1997, but
5 also Caldwell was reporting to the police that he
6 had seen handcuffs in Pickton's trailer.

7 A I'm sorry, you're saying that Lynn Ellingsen said
8 that Pickton used handcuffs on that victim?

9 Q Yes, she was led out of the trailer in handcuffs
10 to the barn.

11 A I sat through her testimony in court, and I
12 suppose that would be available, I don't think she
13 testified to that.

14 Q Well, she may not have testified to it, I don't
15 know what she testified to, Inspector, but what
16 I'm speaking of is what is coming from Caldwell
17 about what Ellingsen had told him.

18 A Okay. Well, you've gone beyond my knowledge base
19 now.

20 Q You don't know that?

21 A No, I don't know that.

22 Q Okay. And I'm just saying if that's true that's
23 another small piece of information that would tend
24 to support her story?

25 A Well, yes, her -- but I mean what needs to happen

1 is she needs to be the primary person. She's the
2 witness. You know, you need to get to her.
3 Hearsay gets you nowhere.

4 Q I'm not suggesting -- I'm not suggesting that you
5 can go and prosecute Pickton without doing further
6 investigation. I'm not suggesting that for a
7 second. Now, another piece of information that
8 came through from her story was that she said that
9 she had seen the woman hoisted up in the middle of
10 the barn, and Caldwell had gone to the barn and
11 he'd personally seen that that is in fact where
12 the pigs are butchered, it's in the middle of the
13 barn and there's this hoisting mechanism, and
14 again that's some corroboration of Ellingsen's
15 story?

16 A Well, I don't think so, because I think it's --
17 certainly Ellingsen had been at Pickton's, and I
18 think it's pretty clear through our investigation
19 that, you know, that people went out to the barn.

20 Q Right.

21 A If you go in the barn you're going to realize --
22 like I'm not trying to move away from it. I don't
23 know what you want from me.

24 Q Oh, I'm just saying that that's one small piece of
25 corroboration that --

1 A That she had been in the barn for sure.

2 Q Yes.

3 A Yes, yes.

4 Q And another piece of information is there was, I
5 think, tend not to believe Ellingsen's denial of
6 having seen the incident is that Ellingsen denied
7 telling the story to anyone when clearly she had
8 told it to three different people?

9 A Yes, that was my analysis of that at the homicide
10 seminar with Deputy Chief LePard. Yes, you
11 clearly had a problem. She's told people this
12 story. And there's a difference between saying I
13 didn't see it and I didn't tell it. She's lying
14 to you when she says she didn't tell it for sure.

15 Q Right. And so, of course, naturally that makes
16 you think well, she may be lying when she's
17 denying having seen it?

18 A Oh, of course you would.

19 Q Right. And, indeed, she could reasonably have
20 been expected to be scared of turning Pickton in,
21 of implicating him?

22 A Well, didn't they have some information that she
23 was blackmailing or getting money from him?

24 Q Indeed, that's another piece of information they
25 had that she was extorting him for money, and so

1 that would tend to make one think well, she won't
2 want to tell the police about this story, she's
3 extorting Pickton for money?

4 A I think Corporal Connor rightly assumed there's
5 more work needs to be done on this situation.

6 Q Right.

7 A Of course.

8 Q Yes. And of course Ellingsen was anti police in
9 any event, I mean she didn't have a cozy
10 relationship with the police?

11 A No, I think that's fair.

12 Q And she refused to take a polygraph after that
13 interview?

14 A She did, yes.

15 MR. DICKSON: Okay. Mr. Commissioner, I have a few more
16 questions on this topic, but I see it's a little
17 after four.

18 THE COMMISSIONER: How much longer are you going to be in
19 total?

20 MR. DICKSON: I have maybe half an hour longer.

21 THE COMMISSIONER: All right. Well, we'll come back.

22 MR. DICKSON: Okay.

23 THE COMMISSIONER: So what's the schedule now?

24 MR. VERTLIEB: We have a panel next week, Monday, Tuesday is
25 the plan, and then we want to finish this witness

1 on Wednesday.

2 THE COMMISSIONER: On Wednesday?

3 MR. VERTLIEB: Yes.

4 THE COMMISSIONER: All right. So what's the time estimate now
5 for --

6 MR. VERTLIEB: We haven't heard from Mr. Ward, and I just don't
7 know, but we still have Mr. Baynham, and he's
8 estimated an hour, Ms. Tobias 45 minutes, Mr. Hira
9 30 minutes, so that's more or less a morning,
10 leaving Mr. Ward perhaps an hour and a half or so.
11 We haven't heard from him.

12 THE COMMISSIONER: All right.

13 MS. WINTERINGHAM: Mr. Commissioner, just so that it's clear, I
14 hope that we can finish him on Wednesday, he is
15 required out of province in another homicide
16 investigation, so I'm --

17 THE COMMISSIONER: Well, I hope we can too.

18 MS. WINTERINGHAM: Thank you.

19 THE COMMISSIONER: Thank you.

20 THE WITNESS: Thank you, Mr. Commissioner.

21 THE REGISTRAR: The hearing is now adjourned till Monday, March
22 the 5th at 9:30 a.m.

23

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1 **(PROCEEDINGS ADJOURNED AT 4:02 P.M.)**

2

3 I hereby certify the foregoing to be a

4 true and accurate transcript of the

5 proceedings herein transcribed to the

6 best of my skill and ability.

7

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