

Vancouver, B.C.

January 11, 2012

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

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Good morning, and welcome back. I hope all of you are refreshed after the break. I do want to direct a few preliminary comments to you before we begin hearing the evidence. As you know, the terms of reference of the Missing Women's Commission of Inquiry designate this commission as a hearing and study commission whose work was to have been concluded by December 31st, 2011. That deadline now has been extended to June 30th, 2012. As commissioner my responsibilities include determining the facts in relation to the missing women's investigations and the decision of the Criminal Justice Branch to stay the 1997 charges against Robert Pickton as well as providing recommendations with a view to ensuring that what happened will not happen again. I am to discharge these responsibilities based on what is set out in the *Public Inquiry Act*. That legislation provides that the commission: (a) have the power to control its own processes and may make directives respecting practice and procedure to facilitate

1 the just and timely fulfillment of its duties; and
 2 (b) as a hearing and study commission may engage
 3 in any activity necessary to effectively and
 4 efficiently fulfil the duties of the commission.

5 To fulfil my mandate efficiently,
 6 effectively, and in a timely manner I will be
 7 issuing process directives which will set out
 8 procedural steps I consider necessary to fulfil my
 9 responsibilities in this inquiry. This is the
 10 first directive.

11 In respect of cross-examination of the
 12 witnesses under oath the procedure will be as
 13 follows: (a) after the witness is led in direct
 14 evidence reasonable time limits will be imposed on
 15 cross-examination, which will only be extended
 16 with leave; (b) counsel will not duplicate ground
 17 covered in prior cross-examination; (c) counsel
 18 will not ask questions that are inappropriately
 19 intrusive and disrespectful to the witnesses
 20 having regard to the purpose and nature of their
 21 evidence; (d) I may direct commission counsel as
 22 to the order in which cross-examination is to be
 23 conducted.

24 I am continuing to develop the manner in
 25 which I intend to fulfil my mandate. This will

1 include consideration of the information that will
 2 enable me to develop recommendations and the most
 3 efficient, effective, and inclusive processes
 4 throughout which to do that. Some processes have
 5 already been undertaken. As set out in detail in
 6 my status reports, the commission has held
 7 pre-hearing conferences and northern community
 8 forums, and further forums, public policy forums
 9 are scheduled this spring.

10 This commission has been established as a
 11 result of tragic events that have caused pain to
 12 so many. To that extent we have already fulfilled
 13 part of our mandate by giving an opportunity to
 14 hear the voices of persons who have not previously
 15 been heard. In my view, it is an important part
 16 of our work to listen to the impact these crimes
 17 have had on the families, on the community, and on
 18 our province. We are grateful to the many
 19 families who have come forward and provided
 20 assistance to this inquiry. No meaningful reform
 21 can take place without their information and
 22 advice. As well, deepening our understanding of
 23 these past events and the circumstances around
 24 their occurrences provides a foundation from which
 25 to make recommendations that will speak to the

1 future. These recommendations will cover a range
2 of topics, including the role of institutions and
3 their responsibilities and conduct of those
4 working within them as it relates to the victims,
5 their families, and the community at large.

6 This is a public inquiry and not a trial. It
7 is my job to protect the integrity of the process
8 and ensure this commission does not become stymied
9 through court-like procedures. I have in the past
10 in other forums been critical of the somewhat
11 cumbersome nature of our court process, which at
12 times becomes rule-bound and laborious. To be
13 sure, one of the intentions of the new *Public*
14 *Inquiry Act* was to create flexible processes that
15 allow the inquiries to search for the truth in an
16 efficient, effective, and timely manner.

17 I expect all those involved in the commission
18 will assist me in managing these proceedings
19 efficiently and effectively consistent with the
20 public purpose I am mandated to discharge and in
21 the service of the public interest. Commission
22 counsel is available to meet with any of the
23 participants with respect to this directive and to
24 answer any questions that any interested party or
25 the media may have in relation to this or the

1 overall work of the commission.

2 I note that one of your number has expressed
3 concern that this commission of inquiry is not
4 moving quickly enough. I could not agree more,
5 and it is with that in mind that we will be moving
6 much more quickly. Thank you. Mr. Vertlieb.

7 MR. VERTLIEB: Thank you, Mr. Commissioner. I'd like to call
8 to the stand Superintendent R.J. Williams, please.

9 THE COMMISSIONER: Yes. Thank you.

10 MR. WARD: Mr. Commissioner, before we hear from the next
11 witness I wish to respond on behalf of my clients.
12 It's Cameron Ward.

13 THE COMMISSIONER: No response is necessary. Why do you need
14 to respond? It's a directive I issued.

15 MR. WARD: I want to put one thing on the record then, please,
16 and that is simply this. And I should introduce
17 myself. Cameron Ward, counsel for the families of
18 25 missing and murdered women. The directive was
19 made without receiving input from counsel, and I
20 just want --

21 THE COMMISSIONER: Without what?

22 MR. WARD: Receiving input from counsel for the participants.

23 THE COMMISSIONER: Okay.

24 MR. WARD: Submissions. We made no submissions prior to the
25 directive.

1 THE COMMISSIONER: I might add you're not entitled to make
2 them, and so thank you.

3 MR. WARD: Thank you.

4 THE COMMISSIONER: All right.

5 MR. VERTLIEB: Superintendent R.J. Williams, please.

6 THE REGISTRAR: Good morning, sir.

7 **ROBERT JOHN WILLIAMS: Sworn**

8 THE REGISTRAR: Would you state your name, please?

9 A Robert John Williams, surname spelt
10 W-i-l-l-i-a-m-s.

11 THE REGISTRAR: Thank you.

12 THE COMMISSIONER: Have a seat, sir.

13 THE REGISTRAR: Counsel.

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

15 **EXAMINATION IN CHIEF BY MR. VERTLIEB:**

16 Q Thank you for being here, Superintendent. I first
17 want to mark your curriculum vitae. A copy has
18 been given to Mr. Giles, and if you would please
19 give a copy to Mr. Commissioner. The curriculum
20 vitae was updated as of March 2011. This is your
21 document prepared by you?

22 A Yes. Yes, sir.

23 MR. VERTLIEB: May that be the next exhibit, please, Mr. Giles?

24 THE REGISTRAR: That will be marked as Exhibit number 54 -- or,
25 I'm sorry, 55.

**(EXHIBIT 55: Document entitled - Curriculum Vitae
of Robert Williams)**

MR. VERTLIEB:

Q Sitting here with us this morning, what is your
work? What are you doing?

A I'm currently the officer in charge of the Serious
Crime Branch in "K" Division at Alberta.

Q And you have been a member of the RCMP altogether
how many years?

A Approximately 44 and a half years service.

Q In Alberta is there anyone more senior to you in
terms of service?

A No, sir.

Q Do you know where you stand in terms of service in
the entire force?

A I believe I'm number 2 in seniority.

Q Let's go to your report called an external review,
and it's been marked as an exhibit, Exhibit 2.
And I trust you have a copy before you. You know
the report I'm talking about?

A Yes, sir.

Q Thank you. And it was prepared as a request for
assistance and prepared by you in the year 2002
dated November 6, 2002?

THE COMMISSIONER: Excuse me. Yes.

1 MR. BRONGERS: Yes. Thank you. Jan Brongers for the
2 Government of Canada. No, the witness has no
3 documents in front of him. He didn't bring any to
4 the stand.

5 MR. VERTLIEB: Thank you.

6 MR. BRONGERS: We're happy to provide him with a copy.

7 MR. VERTLIEB: No, that's fine. Mr. Giles will give him a
8 copy.

9 Q This is your external review?

10 A Yes, it is.

11 Q And you called it "External Review". Please
12 explain what an external review is and what was
13 the purpose of your review and how it was
14 conducted.

15 A An external review is basically I'm a reviewing
16 officer from outside the division. In particular,
17 this is "E" Division British Columbia, and as a
18 Major Crime officer I'm -- was from outside the
19 division in Alberta. Externally, it's a fresh set
20 of eyes to do an independent look at the
21 investigation, and that's why they call it an
22 external review. It had nothing to do with the
23 investigation per se. So it was -- we came from
24 another division.

25 Q What was the purpose of the review?

1 A The purpose of the review was to assist the
2 Department of Justice in defending civil
3 litigation, for a civil litigation case and for
4 any future civil litigation cases that may arise.

5 Q So this report was prepared for the lawyers?

6 A That's correct.

7 Q How was it conducted?

8 A My reviewing partner, Staff Sergeant Simmill, and
9 I travelled to British Columbia from Edmonton and
10 met with a number of people who we felt were
11 decision makers and investigators and reviewed
12 pertinent material and completed our review as a
13 result of doing that.

14 Q When did you start, and when did you complete?

15 A We started at approximately the 16th of September
16 of 2002, and I believe we completed the review
17 about 12 days later. On the 28th of September we
18 returned to Edmonton.

19 Q And then more or less wrote it up so that it was
20 written and dated in November?

21 A That's correct. We commenced writing the report
22 in early October and finished and delivered it --
23 I believe it was -- it's dated the 6th of
24 November. We had a short diary date. They
25 requested the report or the review be completed as

1 soon as possible. Initially it was requested to
2 be done by the 15th of October, but we extended it
3 a couple -- two or three weeks.

4 Q How did you determine who to interview?

5 A Basically we made our determinations relative to
6 the decision makers on the file and a number of
7 investigators that resulted -- usually when
8 talking with the decision makers they diverted us
9 into other directions where we interviewed other
10 people.

11 Q In your report there are eight interviewees
12 listed?

13 A Yes, sir.

14 Q I'll give you the names, and I am going to ask you
15 if you interviewed anybody else. The names we've
16 identified are Henderson, Don Adam, Gary Bass,
17 Mike Connor, Frank Henley, Darryl Pollock, Earl
18 Moulton, and Brad Zalys. Did you interview anyone
19 else?

20 A Not complete interviews. We spoke with Constable
21 John Cater. We spoke with Staff Sergeant
22 Darbyshire, who was the liaison person with the
23 missing women family. I believe we talked to the
24 DCAS people, Carrie McPherson, but we didn't
25 interview them per se. We just basically met with

1 them and looked over various things.

2 Q So from your perspective anything you learned from
3 the people not listed in your report in your view
4 did not help you do your review?

5 A That's correct, sir.

6 Q So the eight people listed in your review are the
7 ones that you felt were the ones that you needed
8 to pay attention to?

9 A Yes, sir.

10 Q Now, I want to ask you, looking at your report,
11 page 3, section 2 -- and, incidentally, the
12 blackout SCP means solicitor-client privilege?

13 A I believe so, yes, sir.

14 Q The first paragraph at page 3 under "Historical
15 Background", the last sentence you say: "These
16 STW's..." That means sex trade workers?

17 A That's correct.

18 Q I'll read.

19 ...intheir daily habits are quite often
20 prone to violence, transient in nature, and
21 attract the criminal element especially (sic)
22 sexual predators.

23 I wanted to ask you about the reference to the sex
24 trade workers. You said that they were transient
25 in nature?

1 A Yes, sir.

2 Q Why did you say that?

3 A I believe from my experience in dealing with sex
4 trade workers they predominantly are transient in
5 nature. I've had, you know, experience with them,
6 and not -- I mean, some people I assume could be,
7 you know, working in the Downtown Eastside and may
8 have been there for some time, but certainly they
9 weren't brought up there or -- or stayed there.
10 Some -- some have a tendency to move around from
11 city to city, and that's indicated why we referred
12 to it as transient in nature.

13 Q Would it be fair to say that you relied on your
14 experience in dealing with the people in the sex
15 trade to make those comments?

16 A Yes, sir.

17 Q And your experience was based in Alberta and
18 Saskatchewan?

19 A Mostly Alberta.

20 Q And so your experience was based on the people
21 working in the prostitution field, for example, in
22 the oil sands?

23 A Yes, sir.

24 Q The Stampede?

25 A Yes, sir.

1 Q Klondike Days in Edmonton?

2 A Yes, sir.

3 Q So you don't have knowledge of working with people
4 that are involved in a marginalized community
5 where drugs and other issues are affected?

6 A Not predominantly, no.

7 Q So your sex trade work, when you made this comment
8 of transient nature, was based on your
9 understanding that the people in the sex trade
10 would often travel from the Stampede or the
11 Klondike Days or the oil sands to do work?

12 A Yes, sir.

13 Q Do you now understand that the sex trade work in
14 the Downtown Eastside of Vancouver may be
15 different than that?

16 A Yes, sir.

17 Q You didn't have that understanding when you wrote
18 this report?

19 A I don't believe, no, but I'm still -- I'm still --
20 would like to say that in a lot of cases they're
21 still transient in nature. Maybe not all cases,
22 but certainly a lot of cases.

23 Q We've heard evidence to the contrary here, but
24 that's your view, and I won't ask you about it.

25 A That's my view, yes.

1 Q Thank you. I want to move to page 4, section 3,
2 paragraph 3, line 1. I think it's just simply a
3 mistake. You referenced the time frame meeting in
4 1997. You said Inspector Henderson and now
5 Assistant Commissioner Gary Bass in the latter
6 part of 1997 were summoned to a meeting with the
7 then AJ, Dosanjh. You're familiar with that
8 statement?

9 A Yes, sir.

10 Q Our information suggests that was in 1999. I
11 think you just made a mistake; is that fair?

12 A Actually, the reference was made as a result of
13 the interview with Inspector Henderson. Inspector
14 Henderson's notebooks were I believe tied up with
15 the Air India task force proceedings, and when we
16 asked him, his recollection was 1997. I now know
17 it's 1999, but I only recorded in the report what
18 he had indicated.

19 Q Did you review any minutes from the meeting
20 between Mr. Bass and the Attorney General?

21 A No, I did not.

22 Q Would you believe there would be minutes from that
23 meeting?

24 A I'm sure there would have been, but I'm not
25 entirely -- I'm not entirely -- I wouldn't be able

1 to comment on that.

2 Q But with someone as senior as Mr. Bass would be at
3 a meeting, it's RCMP practice to have someone
4 there who would be a junior person taking notes?

5 A I can't speak for Assistant Commissioner Bass or
6 Deputy Commissioner Bass. Perhaps he would have
7 had somebody with him, perhaps not. I think he
8 was an inspector at that time, so I'm not sure if
9 he would have -- what his rank was or whatever,
10 whether he would have had somebody accompanying
11 him or not, though.

12 Q You just don't know?

13 A I don't know.

14 Q But you haven't seen any minutes of that meeting?

15 A No, sir.

16 Q Page 4 still, section 3 still, the next paragraph,
17 paragraph 4, and this starts out:

18 The offer for assistance from the RCMP was
19 made, however, no formal request was
20 forthcoming...

21 Do you see that statement?

22 A Yes, sir.

23 Q And again there's a reference to the year 1997?

24 A Yes, sir.

25 Q And that should be 1999?

1 A I'm only capsulizing the interview of Inspector
2 Henderson. As far as I'm concerned, the request
3 from Sergeant Field to conduct a file review would
4 have been relayed to me as 1997.

5 Q I understand. He told you '97.

6 A It could have been '99.

7 Q That's fine. It struck us as an error, and I just
8 wanted to give you a chance to address it.

9 A Okay.

10 Q The next page, page 5, second paragraph:

11 It has been determined that...HENDERSON did
12 attend a meeting at Coquitlam...in August of
13 1999.

14 Do you see that sentence?

15 A Yes, sir.

16 Q So let's just look at that and the next paragraph.
17 The way this is written it would seem to read that
18 there was a meeting in August of 1999 and then
19 there was a desire to form an investigative team
20 with accompanying strategies. Is that correct?

21 A Yes, sir.

22 Q Did you know that very shortly after that August
23 '99 meeting two members, namely Henley and
24 Ballantyne, were returned to their former units?

25 A No, sir.

1 Q So you were given the impression that there was
2 this desire to continue an investigation and they
3 would end up forming an investigative team, but no
4 one told you that within a very short period of
5 time two of the people were sent back to the
6 Unsolved Homicide Unit? You didn't know that?

7 A No, sir.

8 Q Thank you. Do you know what Henderson did with
9 respect to the, in your words, continuing missing
10 STWs from August '99 through the late 2000s? Do
11 you see that? It's the next -- it's the fourth
12 paragraph. It says:

13 As the Acting Officer...Henderson met in late
14 2000 with representatives of the VPD to
15 discuss the continuing missing sex trade
16 workers and the added media publicity.

17 A Yes, sir.

18 Q So the question I'm asking is in the previous
19 comments you talk about a meeting in August of
20 1999 that Henderson was part of, correct?

21 A Yes, sir.

22 Q And then you talk about he met in late 2000. Do
23 you see that?

24 A Yes, sir.

25 Q So the question is do you know what Henderson did

1 between August '99 and late 2000? So that's over
2 a year, it would seem, on your wording. Do you
3 know what he did in that time period?

4 A No, I can't explain that.

5 Q Still on page 5, the paragraph starting, fifth
6 paragraph:

7 ...HENDERSON assigned...Don ADAM...to develop
8 a plan of attack on the difficult situation
9 surrounding the missing sex trade workers
10 (i.e. no crime scenes,
11 gaps when they were reported, etcetera.
12 Do you see that paragraph?

13 A Yes, sir.

14 Q You say in there "incomplete profiles on the
15 missing women". You were talking about the
16 difficult situation, and then you put in brackets:

17 (no crime scenes, gaps when the sex trade
18 workers were actually reported missing,
19 you say,
20 no witnesses,
21 and then you say,

22 incomplete profiles on the missing women --

23 A Yes, sir.

24 Q --

25 no forensic evidence), all of which posed a

1 unique problem.

2 So the question is what did you mean when you said
3 "incomplete profiles"?

4 A Basically the profiles of the missing women -- you
5 would do a complete profile on them, their, you
6 know, name, date of birth, last known address,
7 associates, where they frequented, employment,
8 anything along those lines to complete it so that
9 you would be able to, you know, track -- all
10 kinds -- I mean, the profile would cover a variety
11 or an array of areas to further assist you in
12 understanding the person.

13 Q So in what way were the profiles incomplete?

14 A Well, I think when we looked at some of them, I
15 believe that Henderson or in discussing with
16 Henderson or Don Adam it came out that the -- that
17 the profiles were incomplete and they would have
18 to do some more work on them.

19 Q So whatever system was in place to make sure the
20 profiles were complete was evidently not working?

21 A It was evidently not fully completed to their
22 satisfaction. That's what I would gather from
23 that.

24 Q So the next paragraph, it states:

25 Sergeant HENDERSON further related the

1 potential of two other serial killers that
2 were connected to other murder crime scenes
3 and confirmed by forensic evidence.

4 A Yes.

5 Q Here's the sentence I want to ask you about.

6 One of the avenues explained by Staff
7 Sergeant HENDERSON would be to examine known
8 suspects, obtain their DNA and eliminate them
9 as serial killer suspects.

10 Do you see that sentence?

11 A Yes, sir.

12 Q Given the lack of forensic evidence that you
13 described above with respect to these missing
14 women -- we just covered that a few moments ago --
15 can you explain how this strategy of Adam's was
16 going to work?

17 A Well, I think the DNA -- the other two serial
18 killers' investigation had DNA at them, and I
19 think that was one of the areas where they wanted
20 to examine known suspects and obtain their DNA and
21 eliminate them as suspects in the other serial
22 killer murders. I think that's what that refers
23 to.

24 Q Oh, I see. So other cases?

25 A Yes, sir.

1 Q So you're not suggesting that that would work in
2 respect to the Downtown Eastside missing women
3 cases?

4 A Not without a suspect, no.

5 Q Or without some victim to check the DNA?

6 A Right.

7 Q So I'm not a police officer, but I gather the DNA
8 of a suspect is to --

9 A I think this reference in this paragraph was that
10 there was -- the other two serial killer
11 investigations in BC there was DNA, forensic DNA
12 at the scene.

13 Q Because bodies were found?

14 A That's correct.

15 Q But in the Pickton case the police didn't have
16 that?

17 A That's correct.

18 Q All right. So now we understand why you said what
19 you did. So I wanted to ask you then on the next
20 page, you familiarized yourself with what the plan
21 was going to be, the so-called four-phase approach
22 that was called an investigative strategy,
23 correct?

24 A That's on page 6 with Staff Sergeant Adam?

25 Q Yes.

1 A Yes, sir.

2 Q And that's towards the bottom of the page?

3 A Yes, sir.

4 Q

5 His investigational strategy was developed

6 through a four phase approach,

7 and then you outline the four phases?

8 A As he relayed them to us.

9 Q Yes, I understand. This was his way to do it?

10 A Yes.

11 Q So tell us how his investigative strategy was
12 going to stop women from going missing from the
13 Downtown Eastside?

14 A I'm not sure that the four-phase approach would be
15 doing -- would do that, would stop them -- the
16 women from missing.

17 Q Is there some reason that that comment was not
18 made in your report by you?

19 A That it would stop the women from missing?

20 Q No, that it would not stop the women from going
21 missing.

22 A No.

23 Q You then in the same page, second paragraph at the
24 top you say:

25 It is clear from...HENDERSON's interview that

1 on his direction and under his guidance
2 because of his concern, he initiated a review
3 team which ended up becoming a Task Force and
4 eventually culminated in the arrest of...
5 Pickton.

6 A Yes, sir.

7 Q Some might say those comments seem self-serving as
8 it relates to Henderson and others. What did you
9 do to verify?

10 A Well, I think when the -- when the search warrant
11 was completed on an unrelated offence at the
12 Pickton residence the two members of the Project
13 Evenhanded were present when the -- when they
14 searched the residence from Constable Wells' -- I
15 believe Nathan Wells' information regarding
16 weapons charges or weapons violations or criminal
17 weapon charges against Mr. Pickton, then he had
18 reasonable and probable grounds to obtain a search
19 warrant, and the two members of the -- that were
20 serving I believe with Project Evenhanded at the
21 time were on scene with him when Mr. Pickton was
22 arrested.

23 Q We can come back to that later. So in your
24 comments you say he, meaning Henderson, initiated
25 a review team which ended up becoming a task

1 force. When you use the words "task force", do
2 you mean that to be what came to be known as a
3 JFO, a joint force operation?

4 A Project Evenhanded, yes.

5 Q Okay. So the reference here to task force we can
6 synonymize with JFO?

7 A Yes, sir.

8 Q We've heard evidence here that it was the VPD that
9 seemed to take the initiative in requesting a JFO
10 rather than Henderson. Do you have any view about
11 that?

12 A I don't -- I never spoke with any Vancouver Police
13 Department members. Inspector or Staff Sergeant
14 Henderson at the time relayed to me that they had
15 concerns, and he appointed -- in talking with
16 management he eventually sought the services of
17 Sergeant Adam or Staff Sergeant Adam to consider a
18 JFO and to look at setting up a task force, as you
19 referred to.

20 Q So just so we're clear on the language that's used
21 here, is it your view that the RCMP took the
22 initiative on the JFO or was it the VPD that took
23 the initiative to get this JFO underway?

24 A I can only say that from my point of view from
25 my -- like I indicated to you, I didn't speak with

1 any Vancouver Police Department members, so I'm
2 assuming a joint force operation -- to set up a
3 joint force operation it's been my experience that
4 you have equal opportunity between them. So I'm
5 not suggesting that it was solely done by the
6 RCMP. I'm just saying from what I gathered in
7 speaking with -- from what we gathered in speaking
8 with Henderson that they did set up, and, you
9 know, I can't comment further than that other than
10 the fact that he was -- had got the service or
11 obtained the services of Sergeant Adam to proceed
12 with it.

13 Q So the word you use, he initiates a review team,
14 that may give the wrong impression?

15 A He initiated a review team by asking Staff
16 Sergeant Adam, yes.

17 Q Okay. Thank you for the clarification. I wanted
18 to move to page 7, and you say at the top of the
19 page:

20 Ultimately a timely investigation was not
21 being considered and with the vast amount of
22 material being researched by the review team
23 they would not be in a position to coordinate
24 any new incoming investigations.

25 A Yes, sir.

1 Q Now, by "new incoming investigations" you mean new
2 cases of women going missing?

3 A I believe that's what -- the words that Staff
4 Sergeant Adam -- going back to the previous page,
5 I mean, they had --

6 ...potential areas of concern were
7 identified, namely the responsibility...to
8 take ownership of any new missing...a timely
9 investigation was not being considered and
10 with the vast amount of material being
11 researched by the review team they would not
12 be in a position to coordinate any new
13 incoming investigations.

14 I would -- I'm assuming that they meant new sex
15 trade workers going missing.

16 Q Thank you. We thought the same, so I just wanted
17 to have that clarification from you.

18 A Yes, sir.

19 Q When you use the words "timely investigation", is
20 that another way for saying that what was being
21 done was an historical investigation on old cases?

22 A Depending on the -- on the definition of
23 historical. Timely -- I mean, timely could be
24 delayed for a month or two.

25 Q Right.

1 A Historical is normally -- can be anywhere up to a
2 year or longer.

3 Q So did you have the impression that the work of
4 Mr. Adam was basically historical investigation on
5 older cases?

6 A Yes, sir.

7 Q So the question then is you make reference to new
8 incoming investigations, so there are obviously an
9 awareness of new cases coming up, right?

10 A Yes, sir.

11 Q Did it trouble you at all that given there was an
12 acknowledgment of new incoming investigations that
13 the strategy employed would not work and be in an
14 urgent way to save future victims?

15 A I think the strategy was that the investigation
16 and the material was overwhelming, and it's a
17 matter of when new -- if new cases came in they
18 would probably not receive the appropriate
19 attention at the -- in a timely fashion. They
20 would still be in the queue I guess is the easiest
21 way to say it. So there would be -- I think Staff
22 Sergeant Adam recognized that he was unable to
23 keep up with the massive amount of material and to
24 analyze and properly investigate it. That would
25 be a delay.

1 Q That's exactly why I asked you that question. Did
2 it trouble you at all that the approach that Mr.
3 Adam was using might result in more people going
4 missing in the future because that wasn't being
5 given urgent attention?

6 A It's always troubling if you were to lose extra --
7 additional people, but in order to properly
8 investigate these complex and massive amounts of
9 material and investigation surrounding this you
10 have -- you have to examine each -- each bit of
11 information. You have to go where the evidence
12 leads you. And so, you know -- like, you know,
13 once again, hindsight is 20/20. It's troubling.
14 If you have -- if you're at a certain stage and
15 additional people turn up missing, yes, it would
16 be troubling to me.

17 Q Would you agree as a senior police officer that
18 solving the potential crimes would be easier with
19 fresh cases? In other words, it's easier to find
20 witnesses for events if a crime has just been
21 committed than on these historical cases that are
22 months and years old?

23 A Yes, sir, but I want to elaborate a little bit on
24 these kind of people. It's very difficult with
25 witnesses, and the fresher the case probably the

1 better it is, I agree with that, but in a lot of
2 cases, the fresh cases here the witnesses are not
3 reliable and the timelines are hard, the profiles
4 are hard to put together. It's a difficult --
5 it's a difficult investigation by all means.

6 Q But unless you work on the case actively you
7 wouldn't know the people involved and how
8 difficult it is to obtain information?

9 A That's right.

10 Q So you were just commenting in a general way, not
11 specific to the missing women?

12 A Just from my experience in dealing with these,
13 yes.

14 Q You weren't trying to make a comment about the
15 missing women of the Downtown Eastside of
16 Vancouver?

17 A No, sir.

18 Q Thank you. Page 7, paragraph 4 starts:

19 On 2001 August 29 Staff Sergeant ADAM
20 presented a briefing report to senior
21 management of the RCMP and Vancouver
22 Police...

23 In his presentation he provided a brief history as
24 well as his work on the investigational strategy
25 that was going to be Project Evenhanded. Do you

1 see that?

2 A Yes, sir.

3 Q August 2001?

4 A Yes, sir.

5 Q It appears the plan, based on what we've heard,
6 did not actually become operational until January
7 2002. Do you know that or did you learn that in
8 your work?

9 A I don't recall that, no.

10 Q I think it's clear that that's what we've heard
11 about the case. So the question is let's assume
12 that what I put to you is correct, that the plan
13 became operational in January 2002.

14 A When you say "the plan", are you referring to the
15 MOU?

16 Q The Evenhanded.

17 A Yes. Yes, sir.

18 MR. BRONGERS: Mr. Commissioner, if I may, Jan Brongers.

19 THE COMMISSIONER: Yes.

20 MR. BRONGERS: My understanding of the evidence has always been
21 that in terms of the January 2002 date, that
22 referred to when Evenhanded started being
23 proactive in terms of putting investigators into
24 the Downtown Eastside and investigating these new
25 cases. I'm just concerned the question is a

1 little ambiguous. Evenhanded had started its
2 primary operations at least a year prior to that.
3 In January 2002 they shifted strategies. So I'm
4 just not sure if the witness got the nuance there.

5 THE COMMISSIONER: All right.

6 MR. VERTLIEB: If it's not clear to the witness, we'll just
7 leave that for now.

8 Q Let's go to February 2002. This is reference to
9 page 7, paragraph 5. And you state:

10 ...it is important to note that according to
11 Staff Sergeant ADAM, Robert William
12 PICKTON...(aka "Willie") had not surfaced on
13 any of the material reviewed up to that
14 point. The team, however, was aware of
15 PICKTON's activities in '97 and '99
16 respectively in Coquitlam...and that police
17 agencies had looked at him as a possible
18 suspect on one of the missing STW's.

19 Do you see that comment?

20 A Yes, sir.

21 Q Are you aware that Pickton seems to have been
22 considered a number one suspect by the Vancouver
23 Police Department for a long period of time?

24 A No, I was not aware of that.

25 Q Should the -- should that fact have been important

1 to Evenhanded and reviewed by them to see what the
2 VPD was finding in the way of principal suspects?

3 A Well, if what you said, if the Evenhanded is a --
4 is a project with a joint force operation with
5 Vancouver Police Department, I would suggest that
6 if the Vancouver Police Department considered him
7 to be the number one priority or number one
8 suspect that they would have relayed that to the
9 -- to the command triangle at Evenhanded.

10 Q You'd think that. So given that, does it now
11 strike you as interesting that Mr. Adam seems to
12 suggest that Willie Pickton, his name really
13 hadn't surfaced up to that point, meaning February
14 2002? Can you help us understand that?

15 A That's what Staff Sergeant Adam relayed to us.
16 That's what I recorded. I can't -- I can't say --
17 you know, I can't speak for him. However, this
18 is -- it indicated that there was a number of
19 suspects that they had, including Mr. Pickton.

20 Q You're just relating what you learned from Don
21 Adam?

22 A Yes, sir.

23 Q So in the course of doing your work there was a
24 mention of Pickton's activities, as you write, in
25 1997?

1 A Yes, sir.

2 Q And you understood that to be a case where he had
3 an altercation with a sex trade worker from the --
4 from Vancouver and ended up with a charge of
5 attempt murder and other charges?

6 A Yes, sir.

7 Q So you knew there was an issue around Pickton
8 possibly being involved in an attempt murder of a
9 Downtown Eastside sex trade worker?

10 A Yes, there was a case. I have that case, yes.

11 Q There's been information given to the commissioner
12 that Mr. Pickton has apparently talked to people
13 about his ability to dispose of bodies. Were you
14 aware of that?

15 A Yes, sir.

16 Q There was informant information regarding killing
17 another sex trade worker by Mr. Pickton and the
18 existence of trophies in his trailer?

19 A Yes, I believe that's what came out, yes.

20 Q So given those three facts that we just discussed,
21 in your review of this case were you made aware of
22 a better suspect than Mr. Pickton?

23 A Not -- not from our review, no. There was other
24 suspects, but not -- not from our review. Our
25 review centred around Pickton more than looking at

1 other suspects.

2 Q And that's the point. In your review there was no
3 better suspect that you were made aware of than
4 Mr. Pickton?

5 A I can't -- I didn't really look at other suspects
6 and prioritize them. I know there was a number of
7 suspects. Obviously we did this after the fact,
8 so as you can appreciate, the suspect pool
9 obviously dwindles a fair amount when you have
10 somebody that's arrested for these murders.

11 Q Well, the suspect pool would certainly diminish
12 once you've got someone who's got a charge of --
13 prior charge of attempt murder, admitted ability
14 to dispose of bodies, and comments talking about
15 the existence of trophies? That's a strong
16 suspect?

17 A That's a strong suspect, yes, sir.

18 Q You wouldn't need to be a 40-plus-year officer to
19 figure that out, would you?

20 A Not really.

21 Q Thank you. Can we move, please, to page 9?
22 You've just covered the discussion about Pickton
23 primarily the first time he's come to the
24 attention of police. Do you see that?

25 A Yes, sir.

1 Q What did you mean by primarily?

2 A That was primarily the first time he had -- he
3 didn't have -- if I recall, he didn't have a
4 lengthy criminal record, so this was kind of the
5 first time he came to the attention of our members
6 in Coquitlam, I believe, for a criminal --
7 criminal offence.

8 Q And the time you are referring to is 1997?

9 A Yes, sir.

10 Q I just want to have you look at the bottom of page
11 18 of your report. Just jump ahead, please.

12 A Yes, sir.

13 Q There's reference in there at the bottom to 1996
14 Moulton personally dealing with Pickton?

15 A Yes.

16 Q You may not -- have you read the Evans report,
17 Jennifer Evans report?

18 A Parts of it.

19 Q What parts?

20 A I read a bit of the executive summary. I didn't
21 go through it in detail.

22 Q There's a reference in her report, and I'll just
23 give you a highlight of it, that in 1990 there was
24 a request from Surrey RCMP to Corporal Connor to
25 attend at 963 Dominion and ascertain if a yellow

1 Ford vehicle was there in relation to a sexual
2 assault. Did you know about that?

3 A I recall reading that somewhere, but --

4 Q Well, it's page 8. It's 8-67, for my colleagues
5 and, most importantly, for you, Mr. Commissioner.

6 MR. BRONGERS: Just to be clear, Mr. Commissioner, is the
7 question was he aware of that at the time he wrote
8 his report or is he aware of that today?

9 THE COMMISSIONER: Good point.

10 MR. VERTLIEB:

11 Q Were you aware of it, I gather, when you wrote
12 your report?

13 A I don't believe so, no.

14 Q Of course not. So what Evans said is on November
15 4, '98, during his inquiries into Pickton Connor
16 was reminded of the January 11, 1990 request from
17 Surrey RCMP to attend to the Pickton property and
18 ascertain if a vehicle was present in relation to
19 a sexual assault. No one reminded you of that
20 when you were doing your work?

21 A No, sir.

22 Q If that's correct, then your report may not be
23 correct when it says what it does about when he
24 came to the attention of Coquitlam RCMP?

25 A Well, it -- it depends. I think primarily the

1 first time when we're talking about his criminal
2 convictions, criminal record, criminal charges.
3 What you're talking about here now is -- is to do
4 an inquiry for another detachment. There's no
5 indication that he was charged with sexual
6 assault, so subsequently that wouldn't be -- that
7 wouldn't show up on a criminal record. It might
8 show up on the -- PRIME I guess it is here.
9 Something like that, they checked it, but as far
10 as --

11 Q It might show up there?

12 A As far as doing a search, a criminal record
13 search, this was probably one of the first times
14 that his name came up.

15 Q I understand. But it might show up on PRIME, it
16 also might show up on an offline CPIC?

17 A It -- if his name was checked at that time, yes.
18 It could. But offline CPIC will only go back a
19 certain length of time.

20 Q But just hearing about this comment, does that
21 give you any concern that perhaps systemically the
22 recordkeeping and the way information was being
23 disseminated to all those investigating Pickton
24 may not have been as good as it needed to be?

25 A Subsequently, I guess, if you're looking at the

1 records, then you would have to go into -- if
2 you're searching for a name, you would have to go
3 in -- there's two or three databanks per se.
4 PRIME I believe is here. Prior to that it was
5 PIRS. Prior to that, you know, it was manual. So
6 I guess the records, there would be -- if you were
7 to check that, you'd have to check it off on PIRS
8 to -- to -- with his name to show that there was
9 any entries made.

10 Q But that's my question. There are systems
11 supposed to be in place to help police keep track
12 of information, particularly when there's multiple
13 detachments involved in an investigation, correct?

14 A Yes. It's -- it's -- it's complicated as well
15 too, but if you do -- if you have -- if you
16 conduct the proper searches and you -- and you use
17 all the tools available to you to conduct those
18 searches, you should be able to pick up any
19 references to him, whether it's a street check, a
20 Criminal Code violation, a provincial traffic
21 ticket or anything along those lines. It should
22 be in place.

23 Q So all of this speaks to the need to have a
24 coordinated, properly managed investigation,
25 particularly when you're involved in serious

1 crimes such as murder?

2 A Yes, it's certainly a benefit.

3 Q I want to discuss Ms. Ellingsen with you because
4 you reference that in your report. You're aware
5 of this name Ellingsen?

6 A Yes, sir.

7 Q Now, you understood that she denied what
8 informants had been providing to the police?

9 A Yes, sir, I believe on a couple of occasions.

10 Q Do you believe the methods by which her denials
11 were investigated were sufficient given the
12 importance of that information?

13 A It -- the members -- the members that did it are
14 -- both from Vancouver Police Department as well
15 as the Unsolved Homicide Unit are very experienced
16 members, and what they did they felt in their --
17 in their dealings with Ms. Ellingsen that they
18 properly completed it. Had I -- had I been the
19 person doing it I might have done things a little
20 bit different.

21 Q And what would you have done differently?

22 A Well, I think I probably would have worked on the
23 witness or so-called witness in a different manner
24 and -- and opened a number of options to try and
25 bring her to my side to -- so that I could, you

1 know, put some credibility to what she had relayed
2 to other people.

3 Q You would have done more work?

4 A I would have done more work, yeah, absolutely.

5 Q So without being unfairly critical of these two
6 police who came to that position, isn't that the
7 job of the management of any police organization,
8 to review what's being done and the decisions that
9 are being made and see if those are the right
10 decisions and are supported by facts and analysis?

11 A Very much so.

12 Q So again without being critical of these two
13 people who came to that conclusion, you would --
14 that's where you want your senior management to
15 come in and review what's going on so that
16 mistakes or other approaches are considered?

17 A If you do things properly based on the main
18 principles of major case management, and you
19 should have a supervisor, team commander,
20 whatever, if there's a major investigation,
21 absolutely. The supervisor or the person
22 responsible should make that determination, be
23 completely satisfied that they took every -- made
24 every effort to seek the truth.

25 Q And that goes to systemic issues in the way these

1 investigations are carried out?

2 A Yes, sir.

3 Q Thank you. Just as an aside, when she denied --
4 when she first consented to do a polygraph and
5 then declined on the advice of her lawyer, would
6 that have caused you any concern?

7 A Not really. I'm a polygraph examiner, sir. A lot
8 of people will say they'd take the polygraph and
9 in the last moment when you bring them in to take
10 the polygraph they automatically don't want to
11 take the polygraph. Normally polygraph is fear
12 of -- you know, fear of the unknown or fear of
13 actually knowing what the truth is. A lot of
14 people -- no criticism of lawyers, but if you talk
15 to a lawyer, a lot of people will -- or a lot of
16 lawyers will tell their clients not to take a
17 polygraph. It's not surprising that people turn
18 the polygraph down.

19 Q Are you saying that would cause you no concern in
20 whether or not her comments were actually made?

21 A Well, regarding not taking the polygraph or the
22 comments that she made?

23 Q Well, the issue is she had said things to a number
24 of people.

25 A Yeah, second -- this was all secondhand

1 information, yes.

2 Q We're aware.

3 A Yes. And I would -- and I think I mentioned to
4 you I would take -- I would have taken -- I
5 personally would have taken other steps to satisfy
6 that she was either not telling the truth or
7 telling the truth.

8 Q That's what I thought you said. That's why I
9 asked you. Can we conclude that the fact she
10 first said, "I'll take it," and then she declines
11 would have been something you would have been
12 wondering about?

13 A I believe she declined on the advice of her
14 lawyer.

15 Q That's correct. We knew that.

16 A Yes.

17 Q So would that be another factor for you to
18 consider?

19 A Yes, I would have -- I would have pressed on.

20 Q Thank you. Now, I wanted to move to page 11,
21 paragraph 3. You had a term there. You say that:

22 It is the review team's opinion that this
23 particular investigation surrounding the
24 details leading up to the identification of
25 Lynn ELLINGSEN and her involvement with

1 Robert William PICKTON are the focal point of
2 this review.

3 A Yes, sir.

4 Q Describe, please, what you mean by focal point of
5 this review?

6 A I believe that -- in all probability that the
7 credibility of the -- of Lynn Ellingsen's -- what
8 she allegedly saw and purported to tell other
9 people was very important, and certainly had --
10 had the steps been taken to go further with other
11 options to make a determination whether, in fact,
12 that she was telling the truth -- I believe, you
13 know, the whole -- the whole basis of this case --
14 this was very important to us, and, you know, we
15 were concerned about this.

16 Q When you say "we were concerned" and "this was
17 important to us", what do you mean by "we"?

18 A I think the review team, that we felt this was a
19 very -- this would have been -- I think it was one
20 of the things that bothered us a little bit I
21 guess is the easiest to say it. We would have --
22 we would have liked to have seen more effort or
23 different options or maybe -- maybe an
24 investigative meeting or briefing to go over how
25 to approach Miss Ellingsen in a different manner.

1 I think obviously this -- I'm not sure how -- how
2 to say this, but I think, you know, basically we
3 felt -- we felt that it was a very important part
4 of this review.

5 Q Can we conclude you did not think it was properly
6 handled?

7 A I wouldn't say it wasn't properly handled. I say
8 it was handled, but it wasn't sufficiently handled
9 to the -- to the extent that I would have handled
10 it.

11 Q So if you were indeed managing these men and women
12 under you --

13 A Yes, sir.

14 Q -- if you were in a managerial capacity as an
15 officer in charge in some way, what would you have
16 directed in terms of the investigation regarding
17 this issue around Ellingsen?

18 A This is my opinion only. What I would have done,
19 sir, is I would have put a team together, maybe
20 had a debriefing with some of the, you know,
21 resources that I needed from across the Lower
22 Mainland for the case, certainly a female person
23 as part of that team would be beneficial, sit down
24 and see how we could bond or meet with Miss
25 Ellingsen and see if we could get her onside.

1 There's a number of different ways through social
2 options, you know, groups or whatever to talk to
3 her, talk to her family, talk to her associates,
4 talk to her friends, try and -- try and inform her
5 of the importance and the validity behind what she
6 has indicated she has spoken to other people
7 about. And I would have taken -- I would have
8 gone a long ways to try and build a relationship
9 with her to see if she, you know, if she would
10 take the polygraph or certainly sit down with an
11 interview team or one on one with anyone
12 regardless of who it would be from the
13 investigative team to try and see if we could
14 substantiate what she indicated she saw.

15 Q You've been an officer in charge in your career?

16 A Yes, sir.

17 Q And do you consider that part of your duty as an
18 officer in charge, to supervise and make sure your
19 people in the detachment are working properly?

20 A Yes, sir.

21 Q Did you see -- did you ever discuss your concerns
22 with any of the officers -- with the officer in
23 charge of Coquitlam at any time?

24 A I don't believe we did because this was -- I mean,
25 we did this -- provided the report some eight or

1 nine months later after he was arrested, so I
2 think we -- we put it in our report because I'm
3 sure after the fact everyone was aware of what
4 transpired.

5 Q Did you ever discuss your concerns about the
6 supervision of the --

7 A No.

8 Q -- detachment with Mr. Bass?

9 A I interviewed the people, the decision makers, but
10 I never -- I don't think I mentioned it or I don't
11 think we touched base on it at all.

12 Q The officer in charge is all part of the systemic
13 way in which a police force works to make sure
14 there's proper management and supervision of the
15 men and women below?

16 A Yes. In the hierarchy, yes. Normally goes down,
17 and if you're -- the investigators report to an
18 NCO or a sergeant or -- who will report to a line
19 officer or staff sergeant or line officer, and
20 eventually it just goes up. And somebody in
21 charge of the investigation should have seen or
22 should have recognized that, you know, are they
23 satisfied with the two experienced homicide
24 investigators from the Unsolved Unit. They are
25 experienced, and they are very -- you know, are

1 very credible in their area, so it might have been
2 a little difficult if these two investigators
3 provided that -- that they felt that she wasn't
4 credible or wasn't telling the truth. I would
5 have -- I'm sure that they would have been
6 questioned by somebody in senior management, but I
7 can't say for sure that they were.

8 Q You would expect senior management would question
9 those decisions? They're important decisions on
10 serious cases?

11 A Yes, I believe they -- they're important
12 decisions. They were also tasked, I believe, in
13 our area there by Superintendent Rick Hall, who
14 was the officer in charge of Coquitlam at that
15 time, tasked I believe Henley and Ballantyne from
16 the Vancouver Police Department, Corporal Henley
17 and Detective Ballantyne to seek out Miss
18 Ellingsen and make -- and try and make a
19 determination if what she is alleged to have seen
20 is actually true, the truth.

21 Q Mr. Hall was the officer in charge of Coquitlam
22 Detachment at the time?

23 A Yes. He went to one briefing, but I would, you
24 know, defer down to the operations officer. The
25 operations officer would be the one that would

1 probably be more in line with the investigative
2 team at that particular time.

3 Q But still, as officer in charge you'd want to find
4 out what the decisions were and then say, "Well,
5 do we know that we covered every ground? Did we
6 miss something? Is there something else we should
7 be thinking about"?

8 A Ultimately he's the officer in charge, yes.

9 Q Just as an aside to what we've been discussing,
10 we've heard that Ellingsen said that she didn't
11 make the statements to these three people. It's
12 not as though she said, "That's untrue. They've
13 got it -- they misstated what I said," but she
14 denied making statements. You understand that?

15 A Yes, sir.

16 Q Does that strike you as odd, that -- if she's
17 denying making statements with three people, not
18 just one, not two, but three? Does that strike
19 you as odd to just accept it that easily?

20 A I wasn't -- it's hard for me to comment on that
21 because, like I said, the two members -- I think
22 there was a number of interviews with her. I'm
23 not -- I think you indicated there was three.

24 Q I didn't.

25 A Okay. I think there was three. If not three,

1 there certainly was two interviews, two separate
2 interviews with Ellingsen by different people.

3 Q She made these statements that were in question to
4 three different people, not police officers.

5 A I'm sorry, I misunderstood that.

6 Q That's no problem. All right. In your report,
7 page 13, second to last paragraph, the last
8 sentence you said:

9 The follow-up of this interview surrounded
10 several discussions concerning her mental
11 well-being and her drug related addictions
12 which perhaps hindered any validity to what
13 she supposedly disclosed to CALDWELL and
14 BEST.

15 A Yes, sir.

16 Q What do you mean by "supposedly disclosed"? Are
17 you suggesting that what she said wasn't said?

18 A I'm relaying what Corporal Connor said --

19 Q Oh.

20 A -- to us.

21 Q So that's not your opinion?

22 A No. Most of my report covers off, capsulizes the
23 interviews that we did.

24 Q And you didn't question Connor about why this view
25 was just accepted from these other two police?

1 A I'm sorry? I --

2 Q You didn't question Connor about why people just
3 accepted these two police who preferred Ellingsen
4 over others?

5 A No, sir.

6 Q I want to move to page 14, the first paragraph.

7 As the primary investigator and file
8 co-ordinator Corporal CONNOR, as a result of
9 prior dealings with PICKTON, felt strongly
10 that they were on to something, however
11 continuous surveillance of PICKTON showed
12 that he was not doing anything of concern.
13 There was,
14 and you bold this,
15 nothing,
16 and underline it,
17 nothing to substantiate or corroborate that
18 he in fact was "hunting down women" while he
19 was under surveillance.

20 A Yes. Yes, sir.

21 Q Were you aware when you wrote this that police had
22 followed Pickton to West Coast Reduction twice and
23 they also followed him into the Downtown Eastside
24 of Vancouver?

25 A I knew about the West Coast Reduction. The

1 Downtown Eastside, all we're -- all I think that
2 Connor related to us and we -- and we indicated
3 was that he -- he can travel anywhere he wants.
4 They're aware of where he did travel, but he
5 didn't -- it didn't appear that he was doing
6 anything or trying to pick up women or anything
7 like that. So his travels took him -- there was
8 nothing -- the surveillance teams that followed
9 him had nothing to -- of any significance to
10 report on his activities.

11 Q Was that your personal opinion or what Connor was
12 telling you?

13 A That's what Connor was telling me.

14 Q And when Connor told you that and when you wrote
15 your report, were you aware that there was
16 information that he was disposing of bodies and
17 taking them to a reduction plant?

18 A I don't believe so, no.

19 Q That's what I'm trying to get at with you, you
20 see. Some of the information available to police
21 in the summer of '99 was that Pickton was
22 disposing of remains at a reduction plant, and
23 West Coast Reduction is, in fact, a reduction
24 plant. Does that now give you any cause for what
25 you wrote back in 2002?

1 A No. I think he was -- he was routinely going to
2 the West Coast Reduction plant with his carcasses
3 from his pigs.

4 Q Well, we don't know what was in the barrels, do
5 we?

6 A No, we don't.

7 Q No one ever looked?

8 A No, we won't.

9 Q So on that very point, if you were a police
10 officer, you don't need 40 years of it, just a
11 police officer with the proper certifications and
12 you're told that he's disposing of bodies and
13 taking them to a reduction plant and he has the
14 ability to dispose of bodies and he's followed to
15 a reduction plant, would you have thought that
16 someone would get out of their car and check to
17 see what he had just done?

18 A I suppose you -- you could, yes. I'm not saying
19 you wouldn't or I wouldn't. I probably -- or some
20 people would, some people wouldn't.

21 Q You probably would?

22 A I might have. I might -- the interest -- I would
23 be interested, yes.

24 Q Of course you would. So if that's happening and
25 no one's saying to these police, "Hey, why didn't

1 you get out of your car," does that speak to
2 management of what's going on in the
3 investigation?

4 A It would be -- it should be up to the supervisor
5 or someone in the position, you know, the
6 primary -- primary investigator or whatever to --
7 yeah, is that -- that's a task that you would look
8 at. It wouldn't be a pleasant task, but it's
9 something that you would have to take a look at,
10 yes.

11 Q Right. And that's why we have managers and
12 officers in charge, to make sure that if mistakes
13 are being made -- and it's human to make mistakes?

14 A Absolutely.

15 Q -- that someone's realizing it and correcting it
16 and taking corrective action?

17 A Yes, I agree with you.

18 Q Moving on in your report -- and perhaps we can go
19 another few minutes, Mr. Commissioner, before
20 taking the morning break because we're starting on
21 a different time schedule.

22 THE COMMISSIONER: We'll go a little longer, yes.

23 MR. VERTLIEB:

24 Q So at page 14, last paragraph:

25 In March 2001, Sergeant CONNOR returned to

1 become the NCO in charge of the Major Crime
2 Unit. This particular investigation,
3 that meaning the Pickton, correct?

4 A Yes, sir. I believe, yes.

5 Q

6 ...remained a high priority file with
7 Constable YURKIW retaining the overall
8 responsibility of the file.

9 A Yes, sir.

10 Q Now, the words "high priority", were those your
11 words or what you were told?

12 A No, I think that was -- the high priority files
13 was a result of the plainclothes unit at the -- at
14 Coquitlam Detachment had, you know, a -- they have
15 their meetings, their monthly, bi-weekly meetings
16 and go through their files, and the file still
17 remained a high priority.

18 Q So that's what you were told?

19 A That's what we were told, yes.

20 Q Did you do your own audit, as it were, of that
21 comment to see whether the facts supported their
22 view that it was high priority?

23 A We only -- the only part that we looked at was the
24 minutes of the meeting and where it was -- all the
25 files were gone through. There was quite a number

1 of high priority files at Coquitlam Detachment.

2 It's a busy place, and there was a number of high
3 profile investigation ongoing; however, the
4 Pickton remained a high priority file as well.

5 Q So let me just ask you about some actions that
6 we've heard about because I want to ask you what
7 your thoughts would be. We've heard that in
8 September of 1999 RCMP phoned Pickton to schedule
9 an interview. Are you aware of that?

10 A I believe, yes, that was Pollock and Yurkiw, I
11 believe.

12 Q And they were put off?

13 A Yes.

14 Q They were put off because they wanted -- they were
15 told that Pickton would prefer to wait because of
16 the -- until the rainy season?

17 A Yes.

18 Q And, in fact, that seemed to happen. The
19 interview didn't take place until 2000. Are you
20 aware of that?

21 A Yes.

22 Q And so what we've heard is that the interview with
23 Yurkiw and Cater was in January 2000 and then in
24 February there were meetings about Pickton.

25 A I'm sorry, there was meetings what?

1 Q Meetings about Pickton.

2 A Yes.

3 Q In February. But then in April 2000 Yurkiw is
4 told by Inspector Moulton words to the effect,
5 "We'll do the best we can when we can." So I want
6 to ask you this. Does this sound to you like the
7 way in which a high priority file is investigated?

8 A Well, I can't speak -- I can't speak for Inspector
9 Moulton, but obviously if he -- he must have had a
10 reason, a good reason to relay that -- those
11 comments to Constable Yurkiw, so that's something
12 I guess Inspector Moulton would be in a position
13 to explain why we can only do the best we can with
14 what we're doing. Obviously I would take that to
15 mean that there's a number of ongoing high
16 priority files that -- and certainly this high
17 priority file was in the queue, but not at the
18 front of the queue. That's all -- I mean, that's
19 just my opinion.

20 Q In your report you mention at page 15 that
21 Inspector Moulton did what he could with respect
22 to human resources and funding. Do you remember
23 making that comment? Page 15, paragraph 3, line
24 3.

25 A Yes.

1 Q Does that suggest that Inspector Moulton was
2 dealing with some limit on his resources?

3 A I would suggest this. I don't believe funding was
4 ever an issue anywhere in this investigation. The
5 resources -- there's only so many resources. You
6 can only do what you can do. There's -- and
7 certainly the pressures -- you're playing the --
8 and I do this every day. You're playing the game,
9 the shell game in a lot of cases. So we're trying
10 to move -- trying to move resources around to
11 investigate the high priority investigations that
12 come to you on a daily basis. So I think what
13 Inspector Moulton indicated to us is he was -- he
14 was doing what he could with respect to this
15 investigation with the available human resources.

16 Q Human resources meaning people?

17 A Yes, that's correct.

18 Q So that's an understandable situation. You've
19 been an inspector before.

20 A Absolutely.

21 Q But there is an alternative. The inspector can go
22 to the officer in charge and say, "Look it, I need
23 more people on this"?

24 A Yes, he could.

25 Q The officer in charge can make a decision or go to

1 the head of the division?

2 A Yes.

3 Q So those are systemic concerns?

4 A Yes.

5 Q So there was the option to do that?

6 A There's always the option to ask for more.

7 There's no -- I guess -- you know, I'm not in this
8 division. I'm not a division -- senior manager in
9 this division. I would certainly suggest that if
10 the management in the division of the day, if you
11 could provide them with rationale why we needed
12 more people, we'd certainly try and assist you. I
13 don't have a problem on saying that.

14 Q So without being critical of Moulton, who did the
15 best he could with respect to the people he had
16 available, is it the officer in charge's -- part
17 of his or her obligation to make sure that his
18 people got the people they need?

19 A It's up to the operations officer, which would be
20 Moulton, to make sure that they had the resources
21 that they required.

22 Q Right. But the boss of the detachment should also
23 be saying to his people or her people, "Do you
24 have -- do you have the resources you need"?

25 A Or vice versa the other way. The officer in

1 charge of operations would be the one that would
2 be informed that there was a human resource
3 shortage, and he would go to the officer in
4 charge.

5 Q So it's a two-way street --

6 A Absolutely.

7 Q -- of communication --

8 A Yes.

9 Q -- and management supervision to make sure that
10 what needs to be done is getting done given the
11 seriousness of the work?

12 A Yes.

13 Q And you would agree with all of us that there's
14 not much more serious than a potential serial
15 murderer investigation?

16 A If we had a serial murderer investigation, yes.

17 MR. VERTLIEB: This might be a convenient time for the morning
18 break, unless -- I'm happy to continue. I'm
19 totally in your hands.

20 THE COMMISSIONER: Why don't we go on for another 10 minutes.

21 MR. VERTLIEB: Happy to.

22 Q Page 19, fifth paragraph. Pardon me, sixth
23 paragraph. Do you have the page, 19, sir?

24 A Yes, sir.

25 Q And it states:

1 Despite a number of high profile
2 investigations including other murders,
3 Inspector MOULTON ensured that appropriate
4 numbers of resources were dedicated to the
5 PICKTON investigation.

6 A Yes, sir.

7 Q Does that seem inconsistent with what we just
8 covered, where Moulton said he did the best he
9 could?

10 A I'm not -- the previous -- the previous I think
11 was from -- the previous -- I forget which page
12 you were on previously.

13 Q 15.

14 A Pardon me?

15 Q 15.

16 A No, that would be from Connors. This is the
17 interview of Inspector Moulton, and this is what
18 he indicated to us.

19 Q Oh, I see. So Connor is telling you Moulton did
20 the best he could?

21 A Yes, and then Moulton is indicating, you know,
22 despite a number of high profile investigations,
23 including other murders, which were ongoing in
24 Coquitlam at that time he -- he felt that there
25 was -- an appropriate number of resources were

1 dedicated to the Pickton investigation. That's
2 what he relayed to us.

3 Q Is there any inconsistency with the words -- am I
4 missing something?

5 A I guess it's a matter of who you speak to. I
6 mean, you can -- you can speak to the operations
7 officer and in his opinion he feels there's enough
8 and he's monitoring it. You might speak to the
9 staff sergeant and he might say, "I could use
10 another two or three more people." Another
11 sergeant or corporal, investigators might say,
12 "Yeah, we're doing good, we have enough." So
13 you're going to always get -- you're always going
14 to get -- in my experience, in my opinion, you are
15 always going to get, "We could sure use some more
16 people."

17 Q So when that happens, isn't that where the officer
18 in charge overall has to sit and look at what's
19 going on and help sort this out and say, "Yeah,
20 you do have enough," or, "No, you don't have
21 enough"?

22 A The officer in charge is relying totally on the
23 officer in charge of operations, which in this
24 particular case was Inspector Moulton. If
25 Inspector Moulton feels what he told me, that they

1 felt that they were -- had enough dedicated, then
2 obviously the officer in charge wouldn't be
3 informed that they were short unless somebody else
4 happened to --

5 Q Wouldn't the officer in charge say, "Well, does
6 everybody agree with you? Why do you say that"?
7 I mean, the officer in charge isn't just sitting
8 there in a corner. The person is supposed to be
9 actively involved in making sure it's being done
10 properly.

11 A He's actively involved, but the officer in charge
12 of operations is the one that's -- kind of looks
13 after the investigations.

14 Q So then let's stay on this and go to page 20,
15 second paragraph from the bottom.

16 A That's what I -- yes. Staff Sergeant Zalys, the
17 interview he was the plainclothes commander.

18 Q So the second paragraph from the bottom. So the
19 language of your report is, third sentence:

20 The Coquitlam Detachment Major Crime Unit
21 continued to work on PICKTON as the
22 opportunity arose...

23 A Yes.

24 Q

25 ...however, the file did not receive the

1 appropriate attention it should have. This
2 was primarily due to a number of incoming
3 serious priority investigations and other
4 related pressures.

5 A Yes, that's what the plainclothes commander said.

6 Q So when that person is talking about other related
7 pressures, that still relates back to human
8 resources available to do the job --

9 A Yes.

10 Q -- correct?

11 A I would say so, yes.

12 Q Of course. And so we've got different comments
13 going on. The Coquitlam -- the language is they
14 worked on Pickton as the opportunity arose. What
15 does that mean to you?

16 A That's -- that's in line with the staff sergeant,
17 the plainclothes commander, who's overall
18 responsible for all of the major files, major
19 cases on Coquitlam Detachment. That was his --
20 that was his -- he relayed that to the review
21 team. He felt -- I guess we're at loggerheads
22 here. He felt that the -- it did not receive the
23 appropriate attention it should have and because
24 probably there was a lot of incoming serious
25 priority investigations and other related

1 pressures. Now, on the other hand, Inspector
2 Moulton, who was the operations officer, felt that
3 there was sufficient resources dedicated to the
4 Pickton investigation.

5 Q So what we've just been discussing is the tension
6 concerning workload issues?

7 A Workload issues are always, you know, a
8 contention. There's never a shortage of work.

9 Q But there are work -- there has been a concern
10 about workload issues being expressed in these
11 comments?

12 A Yes. By certain individuals, yes.

13 Q Because of your experience and your seniority and
14 the respect you carry in the force did you ever
15 have opportunity to read a report that was
16 prepared by a person named Linda Duxbury, the
17 report concerning workplace issues at the RCMP in
18 2007?

19 A I've had the opportunity to -- just to read the
20 executive summary, yes.

21 Q And she was retained on behalf of the RCMP?

22 A I believe so, yes.

23 Q And she has expertise in organizational behaviour
24 and how organizations are working and if they're
25 working properly and if things need to be changed?

1 MR. BRONGERS: Mr. Commissioner, is that a fair question to ask
2 the witness about Professor Duxbury?

3 THE COMMISSIONER: Sorry, I didn't --

4 MR. BRONGERS: I'm --

5 THE COMMISSIONER: It wasn't a fair question because?

6 MR. BRONGERS: Because the witness has explained that he simply
7 read the executive summary. In fact, he just read
8 it for the first time yesterday evening, and we
9 have no indication that the witness, in fact,
10 knows Professor Duxbury.

11 MR. VERTLIEB: Okay. That's fine.

12 THE COMMISSIONER: All right.

13 MR. VERTLIEB:

14 Q So you've read this report. She talks about
15 workload issues needing to be confronted in the
16 RCMP. She says in her report it's a huge issue
17 with frontline and middle management. She's
18 writing in 2007. The question is back in the late
19 '90s and early 2000s of the history of the force
20 in this province and perhaps where you are. Is
21 there -- do you recognize the concern about
22 workload issues as it relates to the performance
23 of the people?

24 THE COMMISSIONER: Yes.

25 MR. BRONGERS: Thank you, Mr. Commissioner. I'm happy if

1 commission counsel asks general questions about
2 the superintendent's knowledge of issues within
3 the force. My concern with Mr. Vertlieb referring
4 to this particular report is that it does not
5 relate in any way to the missing women
6 investigations.

7 THE COMMISSIONER: You're talking about the Duxbury report?

8 MR. BRONGERS: The Duxbury report, exactly, which, again, we
9 were only told yesterday afternoon that commission
10 counsel might be referring --

11 THE COMMISSIONER: Okay.

12 MR. BRONGERS: -- to this report. So my concern is asking
13 questions about it, particularly because of the
14 constitutional issue it raises in the sense that a
15 provincial commission of inquiry does not have the
16 jurisdiction to inquire into the administration
17 and management of a federal institution. And I
18 have no doubt that that's not your intention, Mr.
19 Commissioner, to look into that. So I just want
20 to lay down a very clear marker that we are going
21 to object should this document somehow be entered
22 into evidence as evidence of systemic problems
23 within the RCMP.

24 THE COMMISSIONER: Well, I don't think commission counsel has
25 gone into that area regarding the policies of the

1 RCMP, but your other point is well taken that the
2 witness has not had an opportunity to look at the
3 Duxbury report. Maybe that part of the
4 examination can be deferred until he has had an
5 opportunity --

6 MR. VERTLIEB: Fair enough.

7 THE COMMISSIONER: -- in fairness to the witness.

8 MR. VERTLIEB: Thank you. I'm happy to do that.

9 THE COMMISSIONER: Okay.

10 MR. VERTLIEB:

11 Q Now, what we're discussing, though, in terms of
12 workload ultimately becomes issues around matters
13 of judgment; one person thinks we've got enough,
14 one person thinks we don't have enough?

15 A Absolutely, yes, sir.

16 Q And, again, that's where the system is supposed to
17 work to help sort through that and to make sure
18 the job gets done the way it needs to be done?

19 A Well, it stems from a lot of areas: the
20 complexity of the investigations, the
21 requirements, the disclosure, the affiants. You
22 know, it goes on and on and on. What -- you know,
23 going back 10, 15 years ago, when we did things we
24 did them a lot simpler, as you can appreciate.
25 The scrutiny now is much more -- you know, we're

1 in the public eye in the courts, etcetera, so
2 quite often the resources, the junior workforce,
3 we need more people with experience and such, so
4 there will always be -- there will always be a
5 request for additional -- more people. Human
6 resources are always a big factor in any
7 investigation, yes. I think the question -- going
8 back, you know, I -- I suppose if you have the
9 opportunity to -- to -- we asked Inspector Moulton
10 whether they had sufficient resources, and it
11 appeared that they did. On the other hand, Staff
12 Sergeant Zalys felt that they required more
13 resources.

14 Q And, in fact, Zalys told you that no formal
15 request was ever made as far as he was aware of
16 for additional resources?

17 A I'm not sure if Staff Sergeant Zalys made any
18 formal request to Inspector Moulton either.

19 Q No, but in your report you said the bottom of page
20 20:

21 ...ZALYS does not feel there was ever a
22 formal request made for additional resources
23 to Division Headquarters.

24 A I -- that's what he said. That's what we
25 reported. I don't believe -- based on Chief

1 Superintendent or Inspector Moulton's interview I
2 doubt if he made -- it didn't appear that he made
3 any additional request to Division Headquarters.

4 Q Nor did Hall?

5 A I'm not aware if Hall made any request or what
6 discussions they had.

7 Q From what I reviewed or we reviewed it didn't
8 appear that you had any notes of interviewing
9 Hall --

10 A We didn't.

11 Q -- in your report.

12 A We didn't interview Hall.

13 Q And he was the officer in charge?

14 A Yes, sir.

15 Q So that's the top person in that detachment?

16 A Yes, sir.

17 Q He would know about resources and requests?

18 A Well, my opinion is the operations officer would
19 be more in tune with resources and requests.

20 Q But when Zalys said to you he doesn't believe any
21 formal request was made to Division Headquarters
22 for more people, that would have been by Hall.
23 Did you never think to go to Hall and say, "Hey,
24 what about this"?

25 A Well, if -- if you go back to what I -- the

1 interview with Moulton, is Moulton said it was
2 sufficient -- in his opinion there was sufficient
3 resources, so obviously he wouldn't have went to
4 Hall to ask for more people. That's kind of I
5 think where we left it at.

6 THE COMMISSIONER: We'll take the morning break here.

7 THE REGISTRAR: The hearing will recess for 15 minutes.

8 **(PROCEEDINGS ADJOURNED AT 11:00 A.M.)**

9 **(PROCEEDINGS RESUMED AT 11:17 A.M.)**

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

11 MR. VERTLIEB: Thank you, Mr. Commissioner.

12 THE COMMISSIONER: Thank you.

13 MR. VERTLIEB:

14 Q Superintendent, you reference on page 20 the
15 interview conducted by Ms. Yurkiw with Pickton and
16 Gina Houston?

17 A Yes, sir.

18 Q If you had been the officer in charge and heard
19 that Ms. Yurkiw had conducted an interview of a
20 potential suspect and he had someone else in the
21 room with him, would you have wanted to talk to
22 that officer about perhaps redoing it and getting
23 that person out of there so it was just the
24 suspect himself?

25 A Yes. It's not a common practice to have someone

1 else in the interview room. I would have
2 anticipated that a supervisor or someone in -- in
3 -- you know, as a senior level to her would have
4 indicated that's not appropriate.

5 Q And one of the issues is that Ms. Yurkiw could
6 have been an officer for many years, but she may
7 just not have had the tools or experience to
8 conduct an interview of a potential serial killer?

9 A That's possible, yes.

10 Q Just because you're a police officer doesn't mean
11 you can interview any kind of suspect on any kind
12 of case?

13 A Definitely not.

14 Q And that's one of the purposes of management as
15 well, to make sure that if something's being done
16 it's being done by the right people who have the
17 right skills?

18 A That, once again, is up to a supervisor.

19 Q Right.

20 A Tasking out, for instance, Constable Yurkiw,
21 Yurkiw I believe her name is, to do an interview,
22 they would anticipate that the person that tasked
23 that out would have had the knowledge that she was
24 capable or not capable of doing it, and in this
25 particular instance I would suggest she would have

1 been capable if they gave that duty to her.

2 Q Right. So that's again one of the reasons that in
3 a system that's working properly someone senior in
4 charge will say, "Well, wait. That wasn't done
5 properly. We better redo it again"?

6 A Yes, sir.

7 Q Thank you. Now, I wanted to move on to this
8 Henley interview, Corporal Henley, and a corporal
9 is not a high ranking officer, right?

10 A No. Second level.

11 THE COMMISSIONER: Depends whether you talk to a corporal or
12 not.

13 MR. VERTLIEB:

14 Q So Henley decided on his own initiative that he
15 would go and speak with Pickton. You became aware
16 of that?

17 A Yes.

18 Q It's referenced at page 17 in your report.

19 A Yes, sir.

20 Q Now, that may have been well-intentioned, but if
21 you're investigating a potential serial killer you
22 wouldn't just on your own initiative take action?

23 A Not normally, no.

24 Q So again that speaks to the system that's in place
25 that allows him just on his own initiative to go

1 do something like that?

2 A It was -- it was obviously on his own initiative
3 because I'm sure that if anybody else was aware of
4 his intentions that they would have suggested that
5 somebody else should accompany him, yes.

6 Q Right. He shouldn't have gone alone?

7 A Not normally, no.

8 Q Now, even if he's going to go and not alone, you
9 would expect on a serial killer investigation that
10 there would be planning and foresight into what
11 kinds of questions would be asked?

12 A Yes. That would be something that should be done,
13 but it appears to me that from our interview with
14 Corporal Henley he just decided to go out and
15 visit Mr. Pickton.

16 Q No, I understand that, we all do, and we've heard
17 that.

18 A Should be some planning -- should be some planning
19 done. That's an important part of an interview,
20 is your planning.

21 Q Of course. And the more serious the crime, the
22 more planning you want to have?

23 A Absolutely, yes.

24 Q Of course. It's all common sense. You don't have
25 to be -- it's not brain science here.

1 A Preparation is very important.

2 Q Of course. So just tell me this. If you were the
3 officer in charge and you heard that had happened,
4 you would want to know how in the devil did that
5 occur, what took place that allowed somebody just
6 to go out on their own like that?

7 A I would have -- I would have questioned it, yes,
8 as the officer in charge, yes.

9 Q Now, I wanted to ask you a comment -- about a
10 comment at page 26, third paragraph from the
11 bottom. And we've covered this before, but just
12 because it's here, you say:

13 It was the RCMP that was proactive in
14 formulating the review team that led to the
15 Missing Women's Task Force.

16 A Yes, sir, that was our opinion.

17 Q We covered that earlier. You were given the
18 impression by the RCMP that led you to say they
19 were proactive?

20 A Yes. In -- in the interviews with Staff Sergeant
21 Henderson and Staff Sergeant Adam or Inspector
22 Henderson and Staff Sergeant Adam it was their
23 intentions to formulate a joint force operation,
24 so that's kind of -- we were proactive in it, yes.

25 Q Fair enough. That's how you mean. You're not

1 saying, to cover that ground we covered earlier,
2 that the RCMP thought of the idea and pressed it
3 on the VPD?

4 A Absolutely not, no.

5 Q Now, the next sentence:

6 One also must take into consideration that
7 the Vancouver Police Department was well
8 aware of the interest in and the fact that
9 Robert William PICKTON was a suspect in one
10 or more of the missing sex trade workers from
11 their jurisdiction.

12 Now, that statement is made by you, sir, in your
13 report?

14 A Yes, sir.

15 Q What's the point that you're trying to make with
16 this sentence?

17 A I believe that -- that they -- there was some
18 indication that they -- you know, based on all the
19 information that was available through the
20 Vancouver Police Department and that had been
21 turned over to Coquitlam that they -- they were --
22 obviously classified him as a prime suspect in
23 missing -- in at least one or more of some of the
24 sex trade workers.

25 Q Yes.

1 A That's -- that's kind of how we summed it up. The
2 VPD as well as -- you know, as well as Coquitlam
3 were -- we were under the impression that they --
4 they were well aware of Mr. Pickton's activities
5 and the fact that he was a suspect as well.

6 Q That's all you're saying?

7 A That's all we're saying.

8 Q You're not trying to suggest that there's
9 something more that they should have done at that
10 point in time?

11 A No, sir.

12 MR. VERTLIEB: Mr. Commissioner, I originally planned to ask
13 the superintendent about training and procedures,
14 but I've spoken with Mr. Brongers on behalf of the
15 Department of Justice, and the preference would be
16 to deal with that later on in a more informal way
17 and not -- we weren't then going to take this
18 witness through the training on subjects such as
19 informant handling, investigative procedures,
20 serial killer investigations, etcetera. I just
21 wanted to let you know that.

22 THE COMMISSIONER: All right.

23 MR. VERTLIEB: So I'm not going to proceed with those
24 questions.

25 Q Now, Superintendent, you are aware that Ms. Evans

1 from the Peel Regional Police has made comments in
2 a very thorough report that was prepared and
3 distributed to everyone in these proceedings?

4 A I was -- I became aware, yes.

5 MR. VERTLIEB: Mr. Giles, could you be good enough, please, to
6 give the superintendent a copy of the Evans
7 report?

8 THE REGISTRAR: The Evans report is -- do you recall which --

9 MR. VERTLIEB: 34, Mr. Giles, Exhibit 34.

10 MR. BRONGERS: Mr. Commissioner, if I may. We don't have our
11 copy of the Evans report with us today. Indeed,
12 we weren't provided with an index of documents by
13 commission counsel which would set out what
14 documents were going to be put to the witness, and
15 I am not being critical of commission counsel, I'm
16 just explaining why we don't have it here.
17 Obviously it would be helpful if we could follow
18 along as well by having a copy of the Evans
19 report.

20 THE COMMISSIONER: Is there any way a copy can be --

21 MR. VERTLIEB: We'll get a copy.

22 THE COMMISSIONER: Okay. Do you want me to stand down for a
23 few minutes?

24 MR. VERTLIEB: Ms. Brooks will give you her copy just to help
25 you.

1 MR. BRONGERS: Thank you, Mr. Vertlieb.

2 MR. VERTLIEB: You're welcome. Of course.

3 Q Do you have a copy, Superintendent?

4 A I do.

5 Q Thank you. And I'm not suggesting for a moment
6 that you should have read this carefully,
7 thoroughly, and commit yourself to every important
8 opinion or otherwise in here, so don't feel that
9 you should have done more, that you should have
10 analyzed this carefully. I don't want you to
11 think that at all. But I do want to ask you some
12 questions as it relates to some of the comments
13 she makes about RCMP, okay?

14 A Yes.

15 Q One of her comments, and it's at page 8-26, and
16 it's the sixth paragraph talking about Sergeant
17 Pollock, who was a supervisor. Okay. Do you see
18 that?

19 A Yes, sir.

20 Q Now, you understand, just to set the stage, that
21 Mike Connor was originally in charge of the
22 Coquitlam file and then he was transferred out and
23 the file then went to another officer, Constable
24 Yurkiw?

25 A Yes, sir.

1 Q And others have expressed a concern that the
2 investigation seems to have stalled when Connor
3 left. You don't have to agree with that, but
4 that's been a comment we've heard.

5 A Okay.

6 Q So it's in that reference that Deputy Chief
7 Constable Evans is talking about Pollock. She
8 says:

9 As the supervisor, Sergeant Pollock should
10 have ensured that the investigation did not
11 stall when Connor was transferred.

12 I just want to give you an opportunity. Do you
13 wish to say anything about that? Do you share
14 that view or do you disagree with it?

15 A I would assume that's her opinion. She should
16 have ensured that the investigation did not stall.
17 I can't say why -- why Sergeant Pollock let it
18 stall, if that's what she's referring to.

19 Q Okay. That's fair.

20 A It's --

21 Q Go to the next page, 8-27.

22 A Yes.

23 Q It's the second paragraph starting, "In my
24 opinion..."

25 A Yes.

1 Q

2 In my opinion, Sergeant Pollock did not
3 recognize or take ownership for the Pickton
4 investigation.

5 Here's the sentence I want to ask you about.

6 It was his duty as a supervisor to provide
7 Corporal Connor and Constable Yurkiw with the
8 necessary resources and the support they
9 required. This did not occur.

10 Do you agree that that's one of the jobs of a
11 supervisor?

12 A It's -- it's a supervisor's -- it's his duty as a
13 supervisor to provide them. I think Corporal
14 Connor did an admirable job on this before he
15 left, did a lot of work on this file, so I'm not
16 quite sure what she means when she says that. In
17 her opinion, she says.

18 Q That's right.

19 A That's not my -- I would not agree with that.

20 Q That's fine. That's why I'm asking. I wanted to
21 then ask you to look at page 8-30. And if you
22 look at the bottom paragraph, now talking about
23 Miss Ellingsen and Mr. Moulton. Can you see that
24 reference?

25 A Yes, sir.

1 Q So she says:

2 In my opinion, more resources should have
3 been applied to this investigation following
4 Ellingsen's refusal to show up for the
5 polygraph test. Coquitlam RCMP investigators
6 had information from multiple sources, albeit
7 second hand, that Pickton was responsible for
8 a murder and suspected of involvement in the
9 Missing Women from the Downtown Eastside.
10 The information demanded attention and
11 action. If he was unable to deal with it he
12 should have requested assistance and not just
13 ignored it.

14 We've covered the Ellingsen handling, and you've
15 already given us your view of it, and we
16 appreciate hearing your thoughts. Can you help us
17 with whether or not you share that opinion as
18 expressed by Ms. Evans?

19 A Well, if -- based on my interview or our interview
20 with Inspector Moulton, he -- it was referenced to
21 us that the resources -- he felt there was
22 sufficient resources working on Pickton. So her
23 opinion is she could have had more, and I -- I
24 think I covered a portion. After Ellingsen's
25 refusal to show up for the polygraph I would have

1 probably diverted my resources towards her to
2 check -- check the credibility of the information
3 that she supplied to other people secondhand. If
4 that's what she means, I would agree with that,
5 that they should -- steps should have been taken
6 to further seek out Ellingsen and make a
7 determination whether the information that she had
8 supplied other people was actually truthful or
9 not.

10 Q The next comment relates to the officer in charge,
11 Superintendent Hall, 8-31.

12 A Yes, sir.

13 Q He's the senior person in charge?

14 A Yes, he is.

15 Q Do you see the paragraph that's referencing the
16 Coquitlam RCMP, Superintendent Hall?

17 A Yes.

18 Q And she references her interview with him?

19 A Yes.

20 Q And I believe you said you did not interview
21 Superintendent Hall?

22 A No, I did not. We spoke with him, but we didn't
23 interview him.

24 Q So she says:

25 I did not see any documentation that would

1 demonstrate the level of knowledge that
2 Superintendent Hall had in relation to the
3 Pickton investigation. He was present during
4 the meeting on August 11th, 1999 and would
5 have been aware of some of the information.
6 In my opinion, he should have followed up
7 with his own investigators and sought out
8 their thoughts on the investigation.

9 Do you share her opinion?

10 A No. Deputy -- you know, with respect to the
11 deputy, she doesn't understand the hierarchy of
12 the Royal Canadian Mounted Police. The operations
13 officer, yes. The OIC, although he -- he should
14 have been -- he should have been briefed by the
15 operations officer with regard to the status of
16 the investigation, but it wouldn't normally be the
17 officer in charge should have followed up with his
18 own investigation. He's running a big detachment,
19 so the operations officer is responsible for the
20 operations of the detachment.

21 Q But wouldn't it be then, just following your
22 comment, that Hall then as the boss would say to
23 the operations officer, "Hey, you better get
24 someone following up on that"? That's the command
25 structure?

1 A And I think what they had them -- the initial
2 meeting that I think that you're referring to, and
3 I think Hall was there, you recall the meeting in
4 Moulton's office, and I think he -- he tasked
5 Corporal Henley at the time with -- to take a look
6 at the Ellingsen matter, and I believe that's what
7 she's referring to. And I guess the follow-up
8 with that is that in my opinion it would be the
9 operations officer that would go back. Henley
10 would have -- going off the chain of command
11 should have probably -- I mean, Superintendent
12 Hall at that time asked him, but whether or not he
13 would have went back to Hall on a one on one, I
14 would have thought he would have went to the
15 operations officer first.

16 Q But we're investigating murder charges. These
17 are --

18 A Yes.

19 Q All right. I just wanted to ask you. That's
20 fine. Page 8-33. She has an opinion respecting
21 Chief Superintendent Bass as officer in charge of
22 "E" Division. This is the --

23 A Yeah, that's incorrect.

24 Q Let me just read it.

25 In my opinion, Chief Superintendent Bass as

1 OIC of E Division should have made further
2 inquiries and acted upon this information,
3 and she references the information.

4 He was being told that there were at least
5 three serial killers operating in the
6 province. At the very least I would have
7 expected to see something result from that
8 meeting. Staff Sergeant Davidson stated that
9 he didn't recall the conversation, but that
10 he remembered that he was unsuccessful in his
11 attempt to get the RCMP involved.

12 Do you share her concern about the chief
13 superintendent given the fact there were at least
14 three serial killers operating in British
15 Columbia?

16 MR. BRONGERS: Mr. Commissioner, I'm sure later Deputy
17 Commissioner Bass will have an opportunity to
18 correct this, but it's such a glaring error in the
19 Evans report, which commission counsel did not
20 point out --

21 THE COMMISSIONER: This is a factual error?

22 MR. BRONGERS: Yes. Gary Bass was not the commanding officer
23 of "E" Division at that time. He was simply the
24 criminal operations officer, which is a much lower
25 rank. And so I want to make sure, perhaps Mr.

1 Vertlieb is not aware of that, but he put the
2 question to the witness as if this was a fact that
3 Gary Bass was in charge of the entire --

4 THE COMMISSIONER: So the factual basis of the question is
5 incorrect?

6 MR. BRONGERS: Correct. Thank you.

7 THE COMMISSIONER: All right. Okay.

8 MR. VERTLIEB: That's fine.

9 Q Do you have anything else you want to say?

10 A No.

11 Q Thank you.

12 A Chief Superintendent Bass -- I'm not sure the date
13 she's talking about. March of 2000. I'm not even
14 sure he would have been the criminal operations
15 officer at that time, but he could have been. But
16 he certainly wasn't in charge of the division
17 because there was a deputy commissioner.

18 Q Right. I've heard what Mr. Brongers said, and I
19 hadn't heard it before from him, and that's fine,
20 but my recall is, and I've been in this province
21 many years now, Gary Bass was in a higher rank in
22 the RCMP to Mr. Rick Hall, who was running
23 Coquitlam Detachment.

24 A I believe --

25 Q I don't know what his title was back in that time

1 frame, but at this time he was a senior member of
2 the RCMP?

3 A Depends on the date. Mr. -- Superintendent Rick
4 Hall is a senior officer. Superintendent Gary
5 Bass is a senior officer as well, but -- you know,
6 I don't have the dates and times here, but I am
7 going to say that Superintendent Hall was senior
8 to Gary Bass.

9 Q Okay.

10 A In service and rank at that particular time.
11 Obviously Gary Bass became chief superintendent,
12 assistant commissioner, and eventually the deputy
13 commissioner.

14 Q Okay. That's fine. Let's not worry about that
15 right now. The earlier comment that Ms. Evans
16 made about Evenhanded, she said at 8-34, just so
17 you hear this, the fifth paragraph:

18 In my opinion, the original Project Plan for
19 Evenhanded was flawed from the beginning as
20 they failed to recognize and operate that
21 women continued to go missing and were not
22 being found.

23 Do you see that comment?

24 A I'm sorry, you are in paragraph -- you're on page
25 8-34, paragraph, "In my opinion, the original

1 Project Plan..." Yes, I see that. Yes.

2 Q We covered that earlier?

3 A Yes.

4 Q Do you disagree with her concern she expresses?

5 A Well, the project plan was -- the original plan
6 was set out based on, I believe, Staff Sergeant
7 Adam in the MOU with the Vancouver Police
8 Department. I'm not sure what she means when she
9 says it was flawed. Obviously I think -- I think
10 there was some indication, and we covered it
11 before, that if there was -- additional cases were
12 brought -- brought into play that they wouldn't --
13 they wouldn't be able to investigate them. I
14 don't know how she can say that the plan was --
15 for Evenhanded was flawed because I think it was a
16 step in the right direction.

17 Q Well, she's saying it was flawed as she relates it
18 to the ongoing missing women, but we covered that
19 this morning.

20 A Yeah. That's her opinion, I guess, yeah. Yes.

21 Q A number of times this morning I've asked you
22 about systemic concerns. I want to spend some
23 time on that concern, and I want to start with a
24 discussion of the investigation into the serial
25 rapist and killer Paul Bernardo. You're aware, no

1 doubt, of the well-known report of Mr. Justice
2 Archie Campbell?

3 A I'm aware of it, yes.

4 Q And it was a report that received wide acclaim
5 throughout this country in the police community
6 and the non-police community?

7 A Yes.

8 Q And to this day it's still quoted as a report
9 that's helpful and illustrative of concerns that
10 exist in the policing world?

11 A I believe so, yes.

12 Q I want to read briefly from the report, and I'm
13 sure these words will ring true to you. I'm
14 sorry.

15 MR. BRONGERS: I'm sorry to interrupt, Mr. Vertlieb, but,
16 again, we weren't given notice that you were going
17 to be referring to the report. I don't have a
18 problem with that, but maybe we could have a copy
19 of what you're going to refer to.

20 MR. VERTLIEB: I'm just going to read it. It's very brief, Mr.
21 Brongers. I think we've all heard this before,
22 but I'll just read through it. If you need a
23 copy, I'll give you one.

24 Q "The Bernardo case like" -- page 1, in the
25 introduction. I am just going to read it?

1 The Bernardo case, like every similar
2 investigation, had its share of human error.
3 But this is not a story of human error or
4 lack of dedication or investigative skill.
5 It is a story of systemic failure.

6 I want to stop. Do you remember words like that
7 from Mr. Justice Campbell?

8 A I believe I've heard something to that effect,
9 yes.

10 Q And the fact is, is we all know in every walk of
11 life all of us make mistakes?

12 A Yes.

13 Q And that is why systems are important, to correct
14 the mistakes made by humans doing what they just
15 naturally do?

16 A Yes.

17 Q

18 It is easy, knowing now that Bernardo was the
19 rapist and the killer, to ask why he was not
20 identified earlier for what he was.

21 And that has a striking similarity to the Pickton
22 case, doesn't it?

23 A Very much so, yes.

24 Q

25 But the same question and the same problems

1 have arisen in so many other similar
2 tragedies in other countries.

3 You know that to be so?

4 A I -- I believe that, yes.

5 Q

6 Virtually every interjurisdictional serial
7 killer case including Sutcliffe,
8 which was the Yorkshire Ripper,
9 and Black (the cross-border child killer) in
10 England, Ted Bundy and the Green River Killer
11 in the United States and Clifford Olsen in
12 Canada, demonstrate the same problems and
13 raise the same questions. And always the
14 answer turns out to be the same - systemic
15 failure. Always the problems turn out to be
16 the same, the mistakes the same, and the
17 systemic failures the same.

18 Now, those are words that are familiar to you?

19 A Yes.

20 Q Just -- Mr. Brongers and all of my colleagues
21 here, the Campbell report I'm reminded is Exhibit
22 45 in the background section of Deputy Chief
23 LePard, tab 19.

24 By systemic failures, the types of failures
25 that Mr. Justice Campbell found to contribute to

1 police investigative failures included -- one of
2 the things he said is ineffective case management
3 system. Do you agree with that?

4 A Absolutely, yes.

5 Q Non-existent systems for early recognition of
6 linked offences. Do you agree with that?

7 A That can be a problem, yes.

8 Q Inadequate specialized training for investigation
9 of serial offenders. Do you agree with that?

10 A I'm not aware of any formalized specialized
11 training for serial offenders, but I agree with
12 that, yes.

13 Q We covered that a few moments ago, that just
14 because you're a police officer doesn't mean you
15 can -- you would be appropriate to do an
16 interview.

17 A That's right.

18 Q Next point he makes, inadequate systems for
19 cooperation among police forces.

20 A That's --

21 Q You know that's an issue?

22 A That -- that in some areas tends to be a problem,
23 yes.

24 Q Inadequate jurisdictional communication systems.

25 A Yes.

1 Q Inadequate information management systems. You
2 know that's a problem?

3 A Yes.

4 Q And, in fact, we've heard that that was a problem
5 here, different computer systems. Do you know
6 about that or not?

7 A I -- I believe they were on different computer
8 systems as Vancouver is on a different system than
9 the RCMP, yes.

10 Q Thank you. And then he speaks to this.
11 Ineffective accountable structures --
12 accountability structures. You understand that?

13 A Yes.

14 Q So this is what I wanted to ask you. When you
15 prepared this report did you consider any of these
16 concerns as expressed by Mr. Justice Campbell?

17 A No, I -- I don't think we -- we referred to
18 anything along those lines. Some of these areas
19 have -- I mean, Justice Campbell's report came
20 out, and some of these areas are -- are covered
21 off now by various police departments. Major case
22 management principles. Specialized training. The
23 cooperation we continue to work on.
24 Jurisdictional issues are -- are something that --
25 that we work on quite a bit. Information

1 management systems is all electronic now. We're
2 trying to standardize those across the country.
3 So some of these areas have been certainly brought
4 up to speed, in our force at least. Like, I'm
5 thinking that -- Justice Campbell, I believe one
6 of his areas of recommendations was the principles
7 of major case management, and that certainly
8 covers a lot of areas. When we -- when we have a
9 major file now, every -- basically every major
10 police department in Canada works under the major
11 case management -- principles of major case
12 management, which are taught at the Canadian
13 Police College. The specialized training. We
14 continually train as many people as we can. Early
15 detection, it's very important now. Missing
16 people, suspicious or foul play and everything, it
17 comes to the forefront in our force now. You
18 know, heaven forbid the day goes by when we have a
19 missing child or something like that. Like, we
20 pay particular close attention to that kind of
21 stuff, and we're right on it right away. The
22 cooperation between police departments is we're
23 more integrated across the country. We work
24 together in a lot more areas. Granted integration
25 doesn't always work, but certainly joint force

1 operations are prevalent right across the country.
2 Jurisdictional issues. It's always been a little
3 bit of a problem with jurisdiction. I don't see
4 any problems with jurisdictional issues with
5 regard to police departments working in other
6 police departments' areas, certainly have no
7 hesitation in my particular area where I am. I --
8 we work in Edmonton, and we work in Calgary, we
9 work everywhere, as long as we let them know, and
10 they're always there to help us, or if they can't
11 help us, they're certainly aware of our presence.
12 Information management system. We all -- all the
13 RCMP works on what we call Evidence and Report
14 3.5. It's an information management system where
15 all our major files go, are electronic and go on
16 this. This was used in the Evenhanded. It was a
17 large component of the Evenhanded situation
18 dealing with evidence reports. It's electronic,
19 and it's recognized Canada wide.

20 Q Well, just -- I couldn't help but think as you
21 were speaking, and I appreciate your answers,
22 we've heard that Evenhanded did not have the
23 Coquitlam RCMP file when it was doing its work.
24 Did you know that?

25 A I'm not aware of that, no.

1 Q But if that's the case, that doesn't speak to good
2 communication?

3 A It would -- it would -- yeah, I -- I'll agree with
4 you it wouldn't speak to communication, but
5 somebody should have been -- you know, if they
6 were aware of this, they should have been
7 providing the joint force or the task force, I
8 guess, with -- with all relevant information.

9 Q But the somebody, instead of criticizing the staff
10 sergeant or a sergeant, again that goes to the job
11 of officers in charge and senior people?

12 A Or the information managers, yes.

13 Q Okay. So I guess this is what I wanted to lead to
14 in asking you this question. Did you consider the
15 possibility that similar systemic failures as
16 outlined by Mr. Justice Campbell could have
17 contributed to the delay in arresting Robert
18 Pickton?

19 A I think on the seven recommendations that you
20 provided me I would say that some of them would
21 have caused the problem, yes. Not all of them,
22 but some of them, certainly.

23 Q One of the terms of reference that you were asked
24 to look at was to refer to the communications with
25 other police forces. Am I correct in that? Did I

1 misread it? Look at the bottom of page 1 and the
2 top of page 2.

3 A Which part are you now, sir?

4 Q I'm looking at the bottom of your -- on the topic
5 mandate.

6 A Okay. In my report?

7 Q Yes, sir.

8 A Okay.

9 Q So in your report under Mandate you say:

10 The objectives of the review team,
11 and that's you?

12 A Yes.

13 Q
14 ...was to provide a response to the following
15 allegations,
16 and then you outline the allegations?

17 A Yes, sir.

18 Q And you say in (c) the allegation was that RCMP
19 failed to share information with and communicate
20 with other police forces and officers that would
21 have assisted in detecting Pickton's activities?

22 A That was one of the areas that we were mandated to
23 have a look at.

24 Q I understand.

25 A And that the RCMP failed to share information with

1 and communicate with other police forces.

2 Q The reason I wanted to ask you this, and I am not
3 trying to be critical of what you did, earlier we
4 covered the fact that you interviewed eight RCMP
5 officers?

6 A Yes, sir.

7 Q And you interviewed no Vancouver Police officers?

8 A That's correct.

9 Q How would you be able to have an opinion or even
10 develop a fact outline concerning communication
11 with other police forces if you don't speak to the
12 Vancouver Police?

13 A I guess where -- the people that we dealt with and
14 the decision makers, there was never any -- ever
15 any indication that -- that there was dissension
16 amongst the Vancouver Police Department and the
17 RCMP, and we felt that it was -- it was a two-way
18 street. They were providing us with information,
19 and we were providing them with information.
20 Some -- some -- I know there's some areas where
21 there was some reports that weren't shared or
22 there was reasonable expectations that there's
23 some weren't shared, but for the most part we --
24 we asked the RCMP decision makers whether or not
25 there was any problems with sharing information

1 and communicating with the other police
2 departments. We never found any, and we -- and I
3 agree with you we did not speak with the Vancouver
4 Police Department.

5 Q Again, I'm not trying to be critical of you, but I
6 can see you asking the RCMP --

7 A Yes, that's --

8 Q -- what do you think about communication. They
9 could say it was wonderful. But to find out --

10 A That's not -- that's not totally correct,
11 counsellor. I think if there was a problem I
12 would have certainly been -- we would have been
13 told that there was a communication problem.

14 Q Have you read Doug LePard's report?

15 A No. Parts of it. Parts of it. Executive
16 summary, but that's about it.

17 Q Did you get the sense from reading his executive
18 summary that he thought there was excellent
19 communication between the VPD and RCMP?

20 A I can't recall. I can't say what Deputy LePard's
21 report says. I don't recall that part of it. All
22 I can say is in our discussions with our members,
23 the members that we interviewed, communication was
24 excellent, and all -- and they never had no
25 problems. The working relationships were great,

1 and everything was -- everything was okay from
2 that point of view.

3 Q Thank you. I just want to give you an opportunity
4 to comment. I appreciate you doing that.

5 A The -- the dealings with the Vancouver Police
6 Department from all the people that we dealt with,
7 the relationships in all -- in all areas was
8 basically outstanding and excellent in different
9 -- different areas. There was never any
10 dissension that we uncovered, albeit -- albeit we
11 did not interview any Vancouver Police Department
12 members.

13 Q So I wanted to discuss the systemic in the context
14 of Linda Duxbury's comments. Did you have a
15 chance during the break to read those?

16 A I read the -- I read the executive summary last
17 evening.

18 MR. VERTLIEB: And this is on the website, Mr. Commissioner, of
19 the RCMP, so it's not a mysterious document. It's
20 on their website, and it's titled "The RCMP
21 Yesterday, Today and Tomorrow - by Linda Duxbury,
22 An Independent Report concerning Workplace Issues
23 at the Royal Canadian Mounted Police". So it's
24 not some secret document that we managed to find.
25 It's there for everyone to read and understand.

1 THE COMMISSIONER: All right.

2 MR. VERTLIEB:

3 Q So -- and the concern that I want to discuss with
4 you is whether or not you found any indication of
5 systemic issues that might have impacted on the
6 missing women investigation that the commissioner
7 is mandated to review. Do you understand why I'm
8 asking you?

9 A Yes.

10 Q So from her view, and I'm not asking you to agree
11 with her opinion, but she discusses the fact that
12 there's concern over supportive work environment
13 and workload issues. You must be familiar with
14 that as a concern in the RCMP?

15 A Yes.

16 Q So if there are workload issues in the RCMP that
17 were concluded to be the case by her in 2007, do
18 you believe those problems were existent back in
19 the time when the RCMP were investigating Pickton?

20 A It's possible. I can't comment on that because I
21 wasn't in this division, but certainly, you know,
22 it's possible. That's all I can basically say.
23 My opinion, it's possible.

24 Q She says, for example, on the third page:

25 ...management has often over-promised and

1 under-delivered, many managers are not

2 managing and not held accountable...

3 Those are critical comments made by her about the
4 RCMP?

5 A Yes.

6 Q Given the discussion we had earlier, do you have
7 concerns that perhaps managers were not managing
8 the file as they ought to have been managing?

9 A In this particular instance?

10 Q Yes.

11 A I would have to disagree. There were some pretty
12 experienced major crime investigators working on
13 this file all the way down from, you know, Deputy
14 Bass, a very experienced major crime investigator,
15 worked his way up through the ranks. Chief
16 Superintendent Al Macintyre was involved, a very
17 experienced major crime investigator. Inspector
18 Don Adam, a very experienced major crime
19 investigator. Inspector Henderson, Doug
20 Henderson, a very experienced crime investigator.
21 Superintendent Larry Killaly, a very experienced
22 -- and it goes on and on. Brad Zalys, who is an
23 experienced major crime investigator. Connor was
24 an experienced crime investigator. I think they
25 were fortunate certainly from our side of the

1 house to have a very experienced team
2 investigating major crimes, probably done some
3 fabulous work over the years in "E" Division and
4 very, very experienced, and certainly I'd have to
5 say that I'd be comfortable with having those
6 people on my team any time.

7 Q But all the experience in the world doesn't mean
8 you're perfect? People make mistakes?

9 A Absolutely not.

10 Q So let's just think about some potential mistakes.

11 A Okay.

12 Q We discussed the polygraph. It's pretty clear I
13 think to everyone here that you would have taken
14 different steps with the way the polygraph of
15 Ellingsen unfolded?

16 A A polygraph is voluntary. I would have to --
17 obviously you're not -- you don't have to take a
18 polygraph. It's not admissible unless you provide
19 something. So it's a little more difficult doing
20 -- witness polygraph examinations are a little
21 more difficult than say suspect examinations. I
22 would certainly encourage her. That's one way
23 of -- it's a truth verification instrument. It's
24 an investigative tool that we use. I would have
25 certainly encouraged her and explained it to her a

1 little bit more, maybe had the polygraph guy or
2 member of the forensic polygraph examiner explain
3 things to her a little bit more and try that
4 route, yes.

5 Q Okay. So that's a potential mistake?

6 A That's the determination that -- that's my opinion
7 that I would have done. I don't know if I'd say
8 it was a mistake. That was the determination made
9 by the investigative team at that particular time
10 not to proceed further.

11 Q What about the interview with Pickton when he had
12 Gina Houston with him?

13 A That -- to me it's not common -- it's very
14 uncommon or -- very uncommon to have another
15 person in the interview room when you're
16 interviewing somebody, whether they're a suspect
17 or a witness or whatever. Yes, I -- it's -- it's
18 a last --

19 Q Is that a mistake?

20 A Pardon me?

21 Q Is that a mistake?

22 A I would -- I would say so. I suppose it's
23 probably, "Well, I'll give you the interview if
24 this person can stay." At the last -- you know,
25 if you make every effort to try and remove that

1 other person and if there was no other way, then
2 perhaps you might let him, but I think you'd have
3 to -- if he ever allowed that, then you would have
4 to make -- set the ground rules with that other
5 person in the room. I -- personally, I wouldn't
6 have allowed them to be in that room.

7 Q What about the comment, "Wait till the rainy
8 season and then I'll come for an interview"?

9 A That one's obviously -- I wouldn't say it's a
10 mistake, but I certainly would have never accepted
11 that as an answer. If I was the supervisor, I'd
12 have sent them right back. And it's unfortunate,
13 because I think the supervisor was there, and so
14 I'm not totally sure. Another supervisor should
15 have picked that up. And I'm not sure that was
16 brought to the supervisor's attention higher than
17 -- he was the supervisor in charge of the unit at
18 the time, so --

19 Q That's all the more reason to have managers on top
20 of supervisors to make sure --

21 A I guess the hierarchy, yes, you keep track of all
22 those things.

23 Q Right. Of course. What about the going to the
24 West Coast Reduction and not checking to see what
25 was in the barrels?

1 A Well, I -- you know, hindsight is 20/20, sort of
2 thing. I think -- I think that certainly I would
3 have tasked that out to probably check the
4 contents of -- I don't know if I could say we
5 could check every barrel going in there because
6 obviously that particular -- the contents of those
7 barrels would have to be taken to a crime, you
8 know, detection laboratory, for the most part, or
9 to the -- a medical examiner would have to be
10 present or something, somebody that has the
11 knowledge and ability to make a determination
12 whether or not those are human remains.

13 Q From a systemic standpoint, what about not asking
14 for more resources given the seriousness of the
15 criminal offences?

16 A If -- once again, if there was a need to ask for
17 more resources, then they should have been asked
18 for. Is it a mistake not asking for it? You
19 know, I'm looking at the supervisor. Inspector
20 Moulton said there was sufficient resources.
21 Staff Sergeant Zalys says there wasn't. So I
22 guess it's a matter of opinion and who's in charge
23 and who makes that determination. In this
24 particular --

25 Q Sorry.

1 A In this particular case Inspector Moulton felt
2 that there was sufficient resources. Now, had he
3 been -- had he been requested for -- had he been
4 asked for additional resources, it doesn't appear
5 that he was formally, and from what I can gather
6 there was no additional resources made to Division
7 Headquarters. I'm only -- my experience is if --
8 in my position as the officer in charge of serious
9 crimes, if I need the resources, I make that call
10 very quickly, and I've done it several times over
11 my career, and I never have a problem.

12 Q What about the systemic concerns when someone like
13 Henley is out there on his own to pay a social
14 visit to Pickton?

15 A Well, those are Unsolved Homicide Unit
16 investigators. He obviously had a reason for
17 going there, and I -- it's surprising that he --
18 is it a systemic mistake? It's -- normally we
19 like to work in pairs. There's nothing that says
20 you have to work in pairs, but it's nice to have
21 people for officer safety, you know, different
22 angles of interviewing people. You might miss
23 something, I might pick it up, vice versa. But I
24 don't know if I could say it's a systematic
25 mistake. Systemic mistake. I'm sorry.

1 Q If you were officer in charge and this potential
2 suspect had been the subject in an attempt murder
3 investigation and you were now considering that
4 same suspect on murder investigations, such as
5 with Pickton.

6 A Yes.

7 Q Officer in charge, you've done that job?

8 A Yes.

9 Q Would you want to know whether your people had
10 gone back to the '97 charge and determined whether
11 there was any DNA evidence that might help?

12 A I think -- I think that would be important, yes,
13 and I believe there was. I believe they did go
14 back and get the DNA.

15 Q Yeah, they did after Pickton was arrested.

16 A Yes.

17 Q Do you understand that?

18 A Yes. I wasn't aware of that, but I recall they
19 got the DNA.

20 Q No, you're right, they did, months after he was
21 arrested. So there's an example systemically
22 where the officer in charge might have said, "Hey,
23 go back and get that '97 file, see what we've got
24 in that that could help us with this fellow here
25 in '99, 2000"?

1 A I'm not familiar with -- I remember -- I recall
2 them getting the exhibits, but I'm not familiar
3 where the exhibits were stored or held or how they
4 were held and what type of DNA they got.

5 Q So --

6 A But it would certainly be something -- if you're
7 collecting DNA and you had the opportunity to
8 collect the DNA of the suspect, that would have
9 been an area that -- somebody should have
10 recognized that, specifically Connor because
11 Connor looked after the -- he was the primary or
12 the lead investigator in the '97 file.

13 Q Jennifer Evans said in her report there was a
14 suggestion to resubmit the handcuffs from the 1997
15 attempted murder. She says:

16 This was an excellent investigative strategy
17 to determine if any other DNA was found but
18 unfortunately it was not pursued.

19 That's in her report 8-126, Mr. Commissioner. So
20 when you hear that does that give you any concern
21 for what sort of management's taking place and
22 whether the managers are, in fact, managing as
23 they're supposed to do?

24 A I think you're looking -- you're talking about the
25 handcuffs that were seized after his arrest or

1 from 1997 they were seized?

2 Q Yes.

3 A Okay. At that particular time I suppose that the
4 option is there, is to check DNA, but then when
5 you're -- if you're checking DNA or you're asking
6 the lab, the crime detection laboratory to give
7 you a DNA profile, they might be able to give you
8 a DNA profile, but then you would have nobody to
9 compare it to unless you had -- unless you had --
10 unless you had a victim.

11 Q Well, aside from that comment, which we can all
12 understand, Evans says it was an excellent
13 investigative strategy, but it wasn't pursued, so
14 the concern is where's the management when a good
15 strategy's suggested but it's not being done.
16 Shouldn't the manager be alive to saying, "Hey,
17 you didn't do this. That was a good idea"?

18 A In 1997 -- you know, I'm only giving you my
19 opinion on this. 1997 was the attempt murder.
20 The evidence that they would be securing from the
21 scene would be to support the attempt murder
22 charge. I don't know that they would be sending
23 it in for DNA to -- you know, for someone else.

24 Q No, I understand that, but I'm talking about a
25 meeting that took place February 14, 2000.

1 A Okay.

2 Q You see, now they're investigating Pickton as a
3 serial killer or --

4 A Yes.

5 Q -- or for murder charges. So at the 2000 February
6 14 meeting they say what about going and getting
7 his handcuffs from '97. Now, she says, and I
8 think everybody will say, that's a good idea, that
9 seems like a really, as she puts it, "excellent
10 investigative strategy to see if any other DNA was
11 found".

12 A I wasn't -- I'm not aware of that happening.

13 Q No, but -- I understand that, sir.

14 A But I see where you're coming from, yeah.

15 Q So let's just take this as a fact. You don't have
16 to agree with her opinion, but we're told in this
17 report that February 14, 2000, there was a meeting
18 with Corporal RCMP McCartney, Constable Cater, and
19 Staff Sergeant Davidson, a profiler, and other
20 people. A whole group of RCMP and police
21 officers. Okay. Just accept that as a fact.

22 A Okay.

23 Q Thank you. And somebody had the idea to resubmit
24 the handcuffs from the 1997 attempt murder that
25 everybody knew about.

1 A Right.

2 Q Okay. She says, meaning Evans:

3 This was an excellent investigative strategy

4 to determine if any other DNA was found...

5 That makes sense to you, doesn't it?

6 A Yes.

7 Q But she says:

8 ...unfortunately it was not pursued.

9 A I can't answer that.

10 Q I know you can't, but let's assume that's

11 factually correct.

12 A Right.

13 Q Does that give you a concern about the management,

14 the systemic management of this corporation?

15 A I think you just referred to me there was a number

16 of people at that meeting. If you -- somebody --

17 somebody had to have knowledge of the exhibits at

18 that meeting. Somebody had to be -- kind of call

19 that meeting. Somebody had to be in charge of

20 that meeting. Somebody should have tasked it out

21 to have somebody to do it, and I don't know which

22 people were at the meeting, but I can't -- I can't

23 very much say that the supervisors at Coquitlam

24 Detachment should have done that because they

25 might not have been aware based on what you tell

1 me. I don't know who was at that meeting other
2 than Cater. I recognize Cater's name. Davidson
3 is a profiler. And the other people, I don't
4 really know who -- if it was Pollock or Zalys or
5 whatever at that meeting, I would have thought
6 that they would have instructed whomever that
7 brought the idea up, "Yeah, that's a good idea,
8 and let's do it." I can't -- I can't honestly say
9 why it wasn't done.

10 Q No, that's the whole point. It should have been
11 done, but it wasn't done according to our
12 information. Doesn't that then speak to who's
13 managing this place? Isn't that what it speaks
14 to?

15 A It speaks to the supervisor who was on site there
16 at that meeting. I would think so.

17 Q Right. But supervisors don't just --

18 A Somebody's managing -- I mean, somebody's managing
19 the file. I'm not sure -- when you refer to this
20 meeting that Deputy Evans is talking about, I'm
21 not sure who was -- how this meeting was
22 orchestrated and who called it.

23 Q Let me just conclude this little discussion. Does
24 that information give you any concern that
25 managers may not have been managing and not being

1 held accountable, to use the words of Ms. Duxbury
2 in her report in 2007?

3 A I -- you know, that's one area, and without
4 talking to those people why they didn't do that I
5 don't know how I can -- I can compare that to the
6 doctor's report to say that the managers weren't
7 managing.

8 Q Okay. So on the systemic issues again, later on
9 she says bottom of page 4:

10 I strongly recommend you confront the
11 workload issues within the RCMP.
12 I want to just identify what she means by "you".
13 This was a report that references the fact there
14 was a new commissioner coming into the force?

15 A I believe that was the last commissioner.

16 Q Yes, Mr. Elliott.

17 A Mr. Elliott, yes.

18 Q So she says:

19 I strongly recommend you confront the
20 workload issues within the RCMP.

21 She says page 5:

22 This is a huge issue with the front line and
23 middle management. It will show that you are
24 attentive to their needs and increase
25 receptivity to change. One way to deal with

1 workloads is to examine priorities.

2 These comments make sense to you, don't they?

3 A Yes.

4 Q Of course they do. Here's the question that
5 she -- that I want to develop with you. She says:

6 If it is a priority fund it. If you cannot
7 fund it, get out.

8 Now --

9 A That's --

10 Q Let me just --

11 A Okay.

12 Q Thank you. We've heard from Deputy Chief
13 Constable LePard, who makes it clear that the
14 Vancouver Police in their mind had allowed the
15 RCMP to control this investigation. You
16 understand that's the VPD view of what happened
17 here once Pickton is being actively worked as a
18 major suspect?

19 A It's -- I'm under the impression it was a joint
20 force operation. The team commander was an RCMP
21 member. The primary investigator, a very
22 important position of the command triangle, was a
23 Vancouver Police Department member, I believe.

24 Q Let me put it this way. Take her words.

25 If it's a priority fund it. If you cannot

1 fund it, get out.

2 We have taken some time here together to talk
3 about views about human resources, which we call
4 people. You know there was a live issue from your
5 review that there was not complete agreement that
6 enough people were on this file?

7 A Yes.

8 Q Right?

9 A That's correct.

10 Q Okay. And you've also heard that there was
11 discussion about we'll get around to it when we
12 can, there's other cases that have come in that
13 are pressing. We've covered that this morning
14 together?

15 A Yes.

16 Q Okay. So if you look at what Duxbury is saying,
17 "If you can't fund it, get out," that makes sense
18 to you?

19 A I disagree with that opinion.

20 Q Oh, you do.

21 A Yes.

22 Q If you can't do it with the priority it needs,
23 what do you do, you just keep working along and --

24 A But I guess my -- my -- we do certain things that
25 we classify as priorities. Priorities are --

1 are -- as a policing -- in the policing universe
2 the priority of some small town might be barking
3 dogs, and that might be a priority. We're not
4 talking about major investigations here. We're
5 talking about the overall policing universe with
6 the RCMP across Canada. Different priorities
7 exist different places.

8 Q You lost me there.

9 A If you can't -- if you can't fund it, get out.
10 I'm not too sure I totally agree with that, but --

11 Q Well, I don't know what the across Canada is all
12 about either. Let's just talk about Pickton.

13 A Okay.

14 Q Because that's what the commissioner's job is.

15 A That's right.

16 Q And what we're talking about now is the way the
17 Coquitlam Detachment was dealing with Pickton, not
18 Evenhanded, because that was a separate
19 investigation, right? Correct?

20 A Correct.

21 Q They even had their own office. They weren't in
22 the Coquitlam Detachment, right?

23 A Evenhanded was -- no, they weren't.

24 Q Right. So what I'm focusing on -- and Moulton
25 wasn't in Evenhanded? He wasn't in that special

1 office with all their --

2 A No, he was in Coquitlam.

3 Q Right. So it was clear to you we're discussing
4 what Coquitlam did with Pickton?

5 A Yes.

6 Q Thank you. So we've covered comments that we'll
7 get around to it when we can, we have other
8 priority issues?

9 A Yes.

10 Q We covered that earlier?

11 A Yes.

12 Q You accept that as factually correct?

13 A Yes.

14 Q We've heard of disagreement about people that were
15 given to this task?

16 A Difference of opinion, yes.

17 Q So the point is, is that if you can't give it the
18 priority that some people think it needs -- isn't
19 Ms. Duxbury saying if you can't do it right, get
20 out, don't pretend to do it and not do it well?

21 MR. BRONGERS: Mr. Commissioner, the way the question was asked
22 is did Ms. Duxbury mean X. Obviously the witness
23 can't answer that. The witness has said that he
24 disagrees with Professor Duxbury's opinion, and he
25 has the right to disagree with that opinion and

1 explain it.

2 THE COMMISSIONER: That doesn't mean that commission counsel
3 can't ask whether or not he agrees with this
4 particular statement that Duxbury has made. I
5 mean, that's all he's doing here.

6 MR. BRONGERS: Correct, Commissioner. If that's the way it's
7 being asked as opposed to asking did Duxbury mean
8 X, I'm comfortable with the question.

9 THE COMMISSIONER: You know, he may completely disagree with
10 what Duxbury said.

11 MR. VERTLIEB: Exactly. Thank you.

12 Q So here's where I want to get your thought for the
13 benefit of giving the commissioner information.
14 Clearly we've shown concerns about the priority
15 given to this Pickton murder investigation?

16 A Yes, there are some concerns, yes.

17 Q Did any of that suggest to you that the senior
18 people of the RCMP should have told the Vancouver
19 Police, "We can't give this the priority it needs.
20 You people better take this investigation back"?

21 A I don't believe they would do that, no.

22 Q Why not?

23 A That's just -- I just -- you know, I can't -- I'm
24 not sure that I would be in a position to answer
25 that question. I'm just simply saying that's not

1 something that police forces do. Certainly from
2 my experience in the RCMP I think we would try and
3 work through it to get the job done. We're here
4 for the protection of life and property. By
5 simply saying we can't do it and we're getting out
6 of it, I don't think that's a -- I don't think
7 that's something that would be accepted by senior
8 management or, for that matter, the commissioner
9 or anyone. We're under provincial -- you know, I
10 don't know enough about "E" Division, but
11 certainly we're under provincial contract as a
12 provincial police service. We're there to provide
13 the service as best as we can.

14 Q But we understand -- say you were in a small town
15 and you are the only police force. That's one
16 thing. But here you've got a major police force.

17 A You know --

18 Q Why not let them know you're not able to assign
19 all the resources that some people think we should
20 assign, that you're working on it when you can,
21 that perhaps we haven't been able to do all the
22 things we'd like to do because there's been other
23 priority events happen? Why not at least tell the
24 police chief in Vancouver, who's concerned about
25 missing women, "This is the state of affairs out

1 in Coquitlam. Do you want to take this thing back
2 from us and run it"? Why not do that?

3 A I -- I'm -- I can't say that that wasn't done, but
4 I would suggest that if -- if there was a problem
5 then the Coquitlam management should have informed
6 Criminal Operations, who in turn would have spoken
7 with the deputy in Vancouver or perhaps the chief
8 constable that they were experiencing some
9 problems, whether it be, you know, human resources
10 or financial. I don't think there's ever a
11 problem with obtaining the money, that part of it.
12 Yes, the human resources could be an issue, but,
13 you know, I'm not at liberty to comment on whether
14 or not that was done or there was -- it was ever
15 done or was ever considered. I'm just -- I'm
16 assuming that if there was an issue or a problem
17 or a concern by Coquitlam in conjunction with
18 Criminal Operations that it would be only
19 appropriate that that message should be relayed to
20 the Vancouver Police Department.

21 Q Of course. That's exactly what I was trying to
22 elicit from you.

23 A Yes.

24 Q And that brings up this concern about the way the
25 systemic issues are unfolding as it relates to the

1 Pickton investigation; can we agree on that?

2 A Yes.

3 MR. VERTLIEB: Thank you. Perhaps this would be a good time
4 for the lunch break.

5 THE COMMISSIONER: Okay. How much longer are you going to be?
6 How much longer are you --

7 MR. VERTLIEB: Mr. Commissioner, we've made very good progress.
8 I think the normal lunch break will be fine.

9 THE COMMISSIONER: All right. Thank you.

10 THE REGISTRAR: The hearing will now adjourn until 2:00 p.m.

11 **(PROCEEDINGS ADJOURNED AT 12:22 P.M.)**

12 **(PROCEEDINGS RESUMED AT 2:00 P.M.)**

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

14 THE COMMISSIONER: Yes.

15 MR. VERTLIEB: Mr. Commissioner, one housekeeping issue, and
16 that is that Ms. McKeachie and Mr. Giles now have
17 all of the appendices for Superintendent Williams'
18 report, and they have been dealt with by the
19 owners of the documents, and they can now be
20 officially marked by Mr. Giles, and he will do
21 that and then at his convenience tell everyone how
22 he's marked them and what particular numbers they
23 are. I just want to let you know it is ready, the
24 documents have now been given to Mr. Giles in the
25 proper form.

1 THE COMMISSIONER: All right. Thank you.

2 MR. VERTLIEB: And he can do that at his convenience.

3 Q Superintendent Williams, the report of yours at
4 page 25, would you please look at your last
5 paragraph, and I'll just read it. I just want to
6 read that sentence:

7 From a global perspective covering the
8 elements outlined at the beginning of this
9 report, we are of the opinion the RCMP acted
10 appropriately and followed up investigative
11 leads, with respect to Robert William
12 PICKTON.

13 Now, what I want to do is just ask you to revisit
14 that comment in light of the evidence we heard
15 this morning where you have told us how you would
16 have done things differently as it relates to Miss
17 Ellingsen, your comments about the interview
18 conducted by Constable Yurkiw where she had -- or
19 allowed Miss Houston to stay in the room. You
20 mentioned about Henley going out on his own to
21 interview Pickton, and you mentioned about the
22 priority issue and letting the Vancouver Police
23 know. Just taking into account some of those
24 comments, do you wish to in any way modify that
25 statement that you made back in 2002 now that

1 we're here in 2012?

2 A I -- I believe the wording "acted appropriately
3 and followed up investigative leads", perhaps if I
4 had to rephrase it, followed up investigative
5 leads but maybe not to the full investigative
6 ability that could have been done. But I think
7 that each -- each area that you referred to, I
8 mean, there was investigations done. The
9 "appropriately and followed up", in certain areas
10 I would have -- I guess I could have expanded on
11 to say that, you know, there was some room for
12 improvement or expansion in some of the areas,
13 yes.

14 Q So then following on that answer, look at page 27,
15 please, the second paragraph, and that reads:

16 Although this was a complex review, with very
17 unique circumstances, based on our experience
18 and from the interviews conducted, it is
19 suffice to say nothing would have changed
20 dramatically if those involved had to do it
21 over again.

22 A That was the opinion of the review team.

23 Q I understand that, and that was written in 2002.

24 A Yes.

25 Q Now that we're in 2012, 10 years later --

1 A Yes.

2 Q -- given what we've discussed, do you still wish
3 to stand by that statement?

4 A I -- I would -- I would probably suffice to say
5 some things would not have changed as opposed to
6 nothing. I guess 10 years later I could say I
7 probably would have changed a few things. So
8 suffice to say nothing would have changed,
9 probably nothing is not something that -- I would
10 say that there was -- would be room for
11 improvement and some things would have changed.

12 Q Do you concede that if some of those things had
13 been changed Pickton might have been arrested
14 sooner?

15 A Perhaps.

16 MR. VERTLIEB: Thank you. That concludes my examination in
17 chief, Mr. Commissioner. I want to tell you going
18 forward and consistent with your directive there
19 will be no need for you to make any order on the
20 cross-examination because there is sufficient time
21 based on what we've been told by our colleagues.
22 Let me just tell you what we are informed. Mr.
23 Brongers for the DOJ says he needs 30 minutes, Mr.
24 Ward four hours, Darrell Roberts 45 minutes, Mr.
25 Gratl one hour, Ms. Gervais one hour, Mr. Dickson

1 for the Vancouver Police one hour. That totals
2 eight hours, 15 minutes. That works because it
3 was -- it allows us to finish Superintendent
4 Williams by the end of the day Friday. We will
5 start Detective -- Deputy Constable Evans on
6 Monday. This time estimate -- these times work,
7 and all of my colleagues understand your
8 directive, and they know that they will be held
9 accountable to those times.

10 THE COMMISSIONER: All right.

11 MR. VERTLIEB: I should also tell you that Mr. Giles has kindly
12 agreed to monitor the time of when counsel start,
13 and he will inform you when their time is
14 concluded, but, of course, your directive
15 envisions that the lawyers can seek leave to
16 extend that time, but I'm pleased to say that that
17 arrangement has been made during the break, and
18 that will work for the purposes to allow you to
19 move this in an efficient and timely way.

20 THE COMMISSIONER: All right. Thank you. Yes. Mr. Brongers.

21 MR. BRONGERS: Thank you, Mr. Commissioner. For the record,
22 Jan Brongers for the Government of Canada.
23 Superintendent Williams, I've prepared a binder of
24 documents that is going to be put to you. I've
25 already provided it to the other counsel in the

1 room and to the Registrar. So thank you, Mr.
2 Registrar, for passing that copy to you. Mr.
3 Commissioner, in terms of marking these documents,
4 I was initially under the impression that we would
5 do it in the old-fashioned way, marking each
6 exhibit one at a time as I refer to them, but I've
7 also been told that the practice has been by some
8 counsel to simply ask that the entire binder be
9 marked as an exhibit and then we refer to tabs.

10 THE COMMISSIONER: Yes, I prefer that, subject to any concerns
11 or objections anyone else may have.

12 MR. BRONGERS: No, I would prefer that as well.

13 THE COMMISSIONER: All right. Thank you.

14 MR. BRONGERS: So should I ask for that at the conclusion or
15 can we simply -- since my friends have already
16 seen these documents, I doubt --

17 THE COMMISSIONER: Is there any objection to this being marked
18 now? All right, we'll mark it now.

19 THE REGISTRAR: That document will be marked as Exhibit 56.

20 **(EXHIBIT 56: Document entitled - Department of**
21 **Justice, Book of Documents for Examination of Mr.**
22 **Williams)**

23 MR. BRONGERS: Thank you, Mr. Commissioner.

24 **CROSS-EXAMINATION BY MR. BRONGERS:**

25 Q Superintendent Williams, Mr. Vertlieb took you

1 through your curriculum vitae, which is also at
2 tab 1 of this exhibit, so I'm not going to go
3 through that with you again. The only question I
4 would like to ask you about your experience is if
5 you could tell the commission what was your rank
6 and position at the time you prepared your report
7 back in 2002, please?

8 A I was -- my rank was inspector. I was the officer
9 in charge of the Major Crimes Unit North in "K"
10 Division in Edmonton.

11 Q And is there a difference between that position
12 and the one you currently occupy?

13 A I currently occupy the officer in charge of the
14 Serious Crime Branch, which is the overall in-
15 charge-of-the-whole-province division of the RCMP
16 Major Crime, Serious Crime affiliates, which
17 include a number of areas, Major Crime Units
18 throughout the province, Project Care, the
19 behavioural sciences falls underneath me as well
20 as auto theft, livestock, polygraph, and certain
21 general investigation sections.

22 Q Thank you. Mr. Vertlieb asked you to describe the
23 purpose of the assignment you were given back in
24 2002, and you explained to the commission that it
25 was to prepare a review of the missing women

1 investigation for the purpose of assisting the
2 Department of Justice in preparing for civil
3 litigation. Could you explain to the commission,
4 were there any other purposes for this assignment?

5 A No, that was basically the -- the request that was
6 made to us, to prepare and assist the Department
7 of Justice for current and future civil litigation
8 cases.

9 Q So just to be clear then, was the purpose of the
10 assignment to assess whether any individual member
11 should be disciplined for their work on the file?

12 A No, it was not.

13 Q Similarly, was the purpose of the assignment to
14 assess whether any individual member should be
15 praised or commended for their work on the file?

16 A No, it was not.

17 Q Was the purpose of the assignment to develop
18 recommendations on making changes to police
19 practice and procedure, sort of a lessons learned,
20 for example?

21 A No, it was not.

22 Q And to your knowledge, has the RCMP ever prepared
23 a lessons learned review of the missing women
24 investigation?

25 A Not to my knowledge, no.

1 Q Was the purpose of this assignment to develop an
2 official RCMP position on the quality and adequacy
3 of the investigation?

4 A No, it was not. We were simply doing -- assisting
5 the Department of Justice for future -- or civil
6 litigation and future civil litigation cases.

7 Q And just to cover this off for the record, was the
8 purpose of the assignment to provide the public at
9 large with an accounting of the RCMP's work on the
10 missing women investigation?

11 A No, that was not our mandate.

12 Q So I understand from the report that it was
13 addressed to the commanding officer of "E"
14 Division, even though you explained that the
15 report was actually prepared for the Department of
16 Justice. Could you just tell the commissioner why
17 it was sent to the attention of the commanding
18 officer of "E" Division?

19 A It was -- the request that formally came out to
20 "K" Division from "E" Division was from the deputy
21 commissioner of Northwest -- or, pardon me,
22 Pacific Region and commanding officer of "E"
23 Division. Within the request it was requested by
24 her that a copy of the report should be sent
25 directly to her, and that's who -- how we

1 addressed it.

2 Q Now, the title of the report is External Review.
3 You covered this a little before, but just to be
4 clear, given that you are part of the RCMP and it
5 doesn't seem logical to call it an external
6 review, if you could explain what that term meant?

7 A External review, and I mentioned it this morning
8 briefly, is it's a review from a fresh set of
9 eyes, normally from -- it's not an uncommon
10 occurrence. It's usually from another division or
11 someone that hasn't worked closely on the file,
12 and in this particular case the request was made
13 to us from an outside division, such as Alberta,
14 and so we classified it as an external. Outside
15 the division basically is what it means.

16 Q To your knowledge, has the RCMP done any other
17 reviews of the missing women investigation prior
18 to your assignment?

19 A I am -- not prior to my assignment, no. Not that
20 I'm aware of.

21 Q And have they done any reviews of it since your
22 assignment?

23 A Not that I'm aware.

24 Q Could you just explain briefly how you were tasked
25 with the assignment, who approached you and how?

1 A We were approached or at least I was approached by
2 members of the Major Crime Unit from "E" Division,
3 in particular I believe it was Inspector Henderson
4 and Superintendent Killaly in Edmonton, in an
5 informal setting, and they had asked if we would
6 be interested or we could assist them in
7 conducting an external review.

8 Q If I could just ask you to turn to tab 4 of the
9 exhibit binder that I passed up to you. Can you
10 just explain to the commissioner what these
11 documents are?

12 A An e-mail from myself to Superintendent Ed Spaans,
13 who was my immediate superior, as well as Gord
14 Button, who was chief superintendent, he was
15 officer in charge of Criminal Operations in "K"
16 Division, as well as Superintendent Ron Lamabe,
17 who was the contract policing officer, just simply
18 informing them that "E" Division was going to be
19 making a formal request to do a review on Project
20 Evenhanded centering around civil liability
21 concerning complaints and a lack of action taken,
22 etcetera -- Chief Superintendent Button is
23 obviously the criminal operations officer and as
24 well as my officer -- immediate superior -- that I
25 would be away for a specific time subject to their

1 approval.

2 Q If you could just read out the date of that
3 e-mail, please?

4 A That was September the 11th of 2002, 8:46 a.m. in
5 the morning.

6 Q If you could turn now to tab 5 and identify to the
7 commission what that document is.

8 A This document is an informal request from the
9 Deputy Commissioner Pacific Region and Commanding
10 Officer "E" Division, Beverley Busson, at the time
11 addressed to Assistant Commissioner W.S. Sweeney,
12 who is the commanding officer in "K" Division,
13 requesting -- indicating a formal request for our
14 assistance.

15 Q And if you could just read out the second
16 paragraph, which indicates the purpose of the
17 review?

18 A
19 The purpose of the review is to allow the
20 RCMP to prepare for current and future civil
21 litigation in this matter. All costs related
22 to the review process will be borne by "E"
23 Division.

24 Q And the letter indicates a deadline by which you
25 were expected to complete the report. If you

1 could just turn to the third page of the letter
2 and indicate to the commission the deadline you
3 were given in terms of when you had to complete
4 your report?

5 A Given the time constraints that "E" Division faced
6 it was requested "that the external review team
7 provide me with a preliminary report by October
8 15th, 2002".

9 Q So according to this you were given one month to
10 conduct your investigation and to produce your
11 report. Was that, in fact, the deadline you were
12 expected to meet?

13 A Initially it was the deadline of October 15th,
14 yes.

15 Q And was it subsequently extended?

16 A Yes, it was. After we completed our 12 days I
17 believe we were here and we had started to write
18 the report it was -- there was a fair amount of
19 material to cover to put together, and I requested
20 an additional extension of time to complete the
21 report and -- a full report and deliver it to "E"
22 Division. I spoke with Chief Superintendent
23 Macintyre and extended it to mid-November or as
24 soon as possible thereafter. We needed probably
25 two or three more weeks to get it completed.

1 Q And indeed looking at the date on your report,
2 when was it completed?

3 A The final date on the report was the 6th of
4 November, 2002.

5 Q Superintendent, had you been given this sort of
6 assignment before?

7 A I have done similar assignments in my career, yes.

8 Q And I see in your CV, which is -- which was marked
9 as an exhibit earlier this morning, as Exhibit 55,
10 could you just confirm that at page 3 of that --
11 or 4 of the CV that sets out some of the other
12 investigations you've done?

13 A Yes, I've done -- I've done several similar
14 investigations or reviews of --

15 Q It's okay, you don't have to explain them. I just
16 wanted to identify them for the record.

17 A Yes.

18 Q What was your understanding as to why you were
19 chosen for this assignment, you in particular as
20 an individual?

21 A Number one, I'm a fairly experienced Major Crime
22 officer outside of the division to make an
23 external review. There's -- there's not a lot
24 of -- at that particular time there wasn't a lot
25 of Major Crime officers in the force. Primarily

1 "E" Division BC and "K" Division were the only
2 ones that probably had the rank of inspector, and
3 we had worked closely with "E" Division on various
4 cases, so they were aware of my experience.

5 Q Did you feel you were qualified for the
6 assignment?

7 A Yes. I feel so, yes.

8 Q Now, you've told us about the purpose of the
9 assignment. Were you told what the expected scope
10 of the assignment should be, in other words, how
11 detailed and in depth a review you were expected
12 to do?

13 A No, I think we just wanted to interview as many
14 people as possible, and I indicated before to Mr.
15 Vertlieb I wanted to talk to decision makers and
16 some -- some of the investigative team to get an
17 idea exactly what transpired and to collect as
18 much material as possible to deliver to "E"
19 Division in furtherance to the Department of
20 Justice for their information.

21 Q You prepared this report with the assistance of
22 someone else. Who was that?

23 A Yes, that -- my co-reviewer was Staff Sergeant
24 Kevin Simmill. He was the operations support NCO
25 for Major Crimes North at that particular time.

1 Q Could you just identify to the commission what the
2 document at tab 10 is for the commission's
3 reference.

4 A Yes, the CV of Staff Sergeant Kevin Simmill,
5 retired.

6 Q And why was he assigned to this task?

7 A He was probably one of the more or most
8 experienced NCOs certainly in "K" Division with
9 regard to a Major Crime background, and there are
10 very few people that have his experience, and
11 certainly he was a good fit for -- to be my
12 co-reviewer.

13 Q Other than Staff Sergeant Simmill and yourself,
14 did anyone else assist with the preparation of
15 this report?

16 A Not other than transcribers assisting us on our
17 interviews and statements from Project Evenhanded,
18 as well as my assistant in Edmonton transcribing
19 and helping putting the binders together.

20 Q And just for the record, you prepared this for a
21 lawyer, but did a lawyer assist you with writing
22 the report or reviewing the report?

23 A No.

24 Q Did a media relations consultant assist you with
25 preparing your report?

1 A No.

2 Q What additional resources, if any, were given to
3 you to work on this task? Were you given a
4 computer, recording devices, office space?

5 A We were given a stand-alone computer, and we were
6 given a temporary office in the Surrey satellite
7 area where Project Evenhanded was situated, and we
8 worked off -- in a small office in that facility.

9 Q Were you given a specific budget for your task?

10 A No, there was no budget. All expenses were
11 charged to "E" Division, and we -- we had no --
12 there was no real expenses other than our
13 accommodation and meals, etcetera.

14 Q Did you at any time ask for more resources for
15 this task, either human resources or other?

16 A No, I did not.

17 Q So you've explained how much time you were given
18 for this report. Basically you were able to start
19 in mid-September, and it was supposed to be done
20 by early November. Did you feel that that time
21 was adequate for you to do your report?

22 A We did. We, you know, spent 12 days here and went
23 through all the material that we thought was --
24 should be included in our report, and we felt that
25 we had spoken to enough people.

1 Q Did you ever expect your report to be made public?

2 A No, I did not.

3 Q Was it ever your understanding that you would be
4 presenting your report to the media?

5 A No, not me.

6 Q What prior knowledge did you have of the missing
7 women investigations before were you assigned to
8 this task?

9 A Very little other than, you know, reading --
10 reading perhaps news or media document --
11 documentaries, etcetera, but nothing other than
12 that.

13 Q What sources of information did you consult for
14 your report?

15 A We basically started off by looking at various
16 files. We got a hold of the people in Evenhanded
17 and made a list of some of the files that we
18 wanted to look at, you know, missing persons
19 policy, and we eventually, you know, got -- had
20 access to the electronic material if we required
21 it. Our -- the basis of our report was done
22 mostly with personal interviews, and we continued
23 on by interviewing various people that we felt
24 were appropriate to be -- for our review as well
25 as -- as we progressed along with the interviews

1 we looked at other material, analytical material,
2 the missing person files and, you know, various
3 things like MOUs and stuff like that. We attached
4 everything into our reports.

5 Q Okay. If I could just ask you to turn to two of
6 the documents in the exhibit binder, the ones at
7 tab 2 and tab 7, and if you could explain to the
8 commission what those documents are?

9 A Tab 2 is a continuation report. It's basically a
10 timeline that was prepared by Staff Sergeant
11 Simmill. It kind of outlines our day-to-day
12 activity for the two-week period or the 12-day
13 period that we were here. It's a brief overview
14 of what we did each day. Staff Sergeant Simmill
15 wanted to keep track of who we spoke to and times,
16 etcetera, and where we did our interviews and what
17 files and such or what messages we needed and what
18 message we sent. So he kept a running tally of,
19 you know, when we did our investigation or our
20 review.

21 Q So would this set out chronologically the steps
22 that you --

23 A Yes, I believe it is. It basically starts on the
24 15th and progresses -- or, pardon me, the 16th and
25 progresses through until we returned home on the

1 28th.

2 MR. BRONGERS: Mr. Commissioner, may I briefly lead the witness
3 just through the chronology?

4 THE COMMISSIONER: Yes.

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

6 Q Can you confirm, Superintendent Williams, then
7 that you travelled to Vancouver from September
8 16th to the 28th of 2002?

9 A That's correct.

10 Q And then in terms of drafting, it appears from
11 this document that you started drafting on October
12 2nd and you finished on November 5th. You were
13 working about 12 days on drafting your report?

14 A We still had our regular job, so we tried to, you
15 know -- where we could we worked on it during the
16 day, and where we had -- had other office duties
17 or we were called away we made every effort to
18 work after hours, usually into the evening, eight
19 or nine o'clock, and some days we worked during
20 the day, some days we worked into the evening.

21 Q So just taking you through these days, I gather
22 that your first meeting was on Tuesday, September
23 17th with DOJ counsel, Superintendent Killaly,
24 Inspector Henderson, and Staff Sergeant Adam; is
25 that correct?

1 A That's correct.

2 Q And then your first formal interview was the next
3 day, September 18th. You had an interview with
4 Inspector Henderson; is that correct?

5 A Yes, I believe that's correct, yes.

6 Q And who is Inspector Henderson?

7 A Inspector Henderson was the officer in charge of
8 the "E" Division Unsolved Homicide Unit at the
9 time.

10 Q And on September 19th you interviewed Staff
11 Sergeant Don Adam. Could you explain what
12 position he held at the time?

13 A Don Adam was the NCO in charge of the Missing
14 Women Task Force or Project Evenhanded.

15 Q And then on September 20th you interviewed
16 Corporal Frank Henley. Who was Corporal Henley?

17 A Corporal Henley was a member of the Provincial
18 Unsolved Homicide Unit.

19 Q And on Monday, September 23rd you had a phone
20 interview with Gary Bass. Could you explain what
21 position he had at the time of the interview?

22 A Gary, I believe he was the officer in charge of
23 Criminal Operations.

24 Q Now, just as a housekeeping matter, when you were
25 being asked by Mr. Vertlieb about Gary Bass's

1 position, I believe I suggested that back in March
2 2000, the report of Jennifer Evans, that his
3 position at that time in fact was the OIC of Major
4 Crimes at "E" Division. Would that be correct to
5 your understanding?

6 A If I'm going back into 2000, I would suggest he
7 was probably -- yeah, I would think that he would
8 be the OIC of Major Crimes at that -- in 2000.

9 Q Mr. Commissioner, we'll clarify this, of course,
10 with Jennifer Evans when she's testifying, but
11 again just for the record, Gary Bass in March of
12 2000 was the OIC of Major Crimes "E" Division.

13 All right. Also on September 23rd you
14 interviewed Sergeant Connor; isn't that correct?

15 A Yes.

16 Q What was his position during the relevant time
17 period?

18 A Sergeant Connor was a member of the Serious Crime
19 Unit in Coquitlam Detachment.

20 Q And then on September 24th you interviewed Staff
21 Sergeant Zalys. What was his position at the
22 relevant time?

23 A Staff Sergeant Brad Zalys was the plainclothes
24 commander at Coquitlam Detachment.

25 Q And then I see on September 25th you did a review

1 of missing women files. Could you explain that to
2 the commission?

3 A Yes. We looked at all the missing -- the missing
4 files that had been reported to the RCM -- the
5 people that were reported missing to RCMP
6 jurisdictions. We reviewed a number of files.

7 Q And then on September 26th, if I understand
8 correctly, you visited the Pickton property?

9 A Yes, we went out and toured the site.

10 Q On September 27th I gather you had your interview
11 with Chief Superintendent Moulton?

12 A Yes.

13 Q And what was his position at the time -- sorry,
14 during the relevant time of the investigation?

15 A He would have been the officer in charge of
16 operations at Coquitlam Detachment during our
17 review period.

18 Q And then on September 28th, 12 days after you
19 arrived in Vancouver, you returned to Edmonton; is
20 that correct?

21 A That's correct.

22 Q Then you had one last phone interview on October
23 2nd with Sergeant Darryl Pollock?

24 A Yes. Sergeant Pollock I believe, if I recall, was
25 away on duty in Regina at that time, and we

1 tracked him down via phone and had our interview
2 over the phone with him because he was attending a
3 course, I believe, in Regina at the time.

4 Q Now, you explained briefly the documents you
5 consulted. Would you just explain generally why
6 you chose to look at those documents rather than
7 others?

8 A Which?

9 Q Well, we can do it by reference to tab 2, page 3.
10 The bottom of the page there you identify seven
11 types of documents that you were looking at, and
12 I'm just wondering if you could explain generally
13 why you chose to look at those documents rather
14 than others, if you were told, for example, to
15 look at those. If you could just explain.

16 A I take it between Staff Sergeant Simmill and I we
17 prepared a list of items that we wanted to -- you
18 know, presented to members of the project team
19 that we wanted to have a look at to kind of get an
20 idea of what we were dealing with. Certainly
21 there was a serial offender from 1995, and then
22 the other Coquitlam -- two files from Coquitlam,
23 and we did the profiles, and the historic PIRS and
24 indices checks on Mr. Pickton as well as the
25 profile and corresponding timeline up to Project

1 Evenhanded, and then we also wanted to attach the
2 MOUs and ops plans and requests for assistance or
3 any info of Vancouver Police Department, what was
4 officially received or requested.

5 Q Now, you explained that you interviewed eight
6 individuals. Why did you select those particular
7 individuals as opposed to others?

8 A As I indicated previously this morning, we
9 indicated we felt that those were the decision
10 makers for the most part, and we initially started
11 with less than that, but some of the decision
12 makers, and we wanted a cross-section of people
13 that we could -- you know, with the short period
14 time that we had we wanted to cover off as many
15 people as we could and gather as much information,
16 so we selected those people hoping that as the
17 decision makers and a cross-section of
18 investigators that we would obtain the material
19 that we required to complete this review.

20 Q Now, in terms of investigators, you spoke with
21 Sergeant Connor and Corporal Henley, but it is
22 notable that you did not speak to Constable
23 Yurkiw, who was the one who interviewed Mr.
24 Pickton. Could you explain why you did not speak
25 with Constable Yurkiw?

1 A I can't exactly recall, but I -- Constable Yurkiw
2 had retired from the force, and I'm -- I --
3 something sticks in my mind that she wasn't
4 available when we were around, but I'm not totally
5 certain of that. But, in any event, we had the --
6 a copy of the statement that she took from
7 Pickton, so we didn't -- I don't think we felt it
8 was warranted that we had to wait and interview
9 her for any reason.

10 Q Now, you told the commission that you did not
11 speak with any VPD officials involved in the
12 investigations. Could you explain to the
13 commission why you did not speak with any
14 Vancouver Police Department officials?

15 A That's correct. Initially when we spoke with
16 Assistant Commissioner Bass he inquired as to
17 whether or not we would be speaking with Vancouver
18 Police Department officials, so in discussing it
19 with Department of Justice counsel, Ms. Helen
20 Roberts at the time, it was her recommendation
21 that we not speak with Vancouver Police Department
22 as a result of the solicitor-client privilege, and
23 we were doing civil litigation, so we took it upon
24 her recommendation not to interview them, and we
25 left it at that.

1 Q Now, you didn't consult with any outside experts
2 either, did you?

3 A No, sir.

4 Q Why not?

5 A We had no reason to consult or ask outside -- any
6 outside experts for assistance. We felt that we
7 had everything that we needed at the particular
8 time.

9 Q Could you explain to the commission how you
10 drafted the report?

11 A Basically we went into a room and went through bit
12 by bit our interviews, attached all the
13 interviews. The report -- the external review
14 basically outlines the mandate, and we go through
15 each individual person that we interviewed, and
16 any relevant material we attached as appendices.
17 All the statements that we took from people are
18 the best of their recollections. We didn't leave
19 anything out. We attached everything that we
20 could as well as all the other material that we --
21 we gathered that we felt would be beneficial to
22 the Department of Justice litigators.

23 Q Who drafted the report?

24 A Staff Sergeant Simmill and myself.

25 Q Did you split it up by sections or --

1 A No, we basically sat down and hammered it --
2 hammered it out.

3 Q And just again to be clear, who reviewed the
4 report?

5 A Just Staff Sergeant Simmill and myself.

6 Q And what's your own assessment of the quality of
7 your report?

8 A You know, I thought we covered -- based on 12
9 days I thought we covered -- we were supplied a
10 lot of material. We covered the, you know, the
11 highlights that we thought that we needed to.
12 Certainly there was a lot of material that we
13 attached to our report. So, yeah, I think we
14 covered, you know, as much as we -- based on the
15 time frame that we had to satisfy the Department
16 of Justice.

17 Q Mr. Vertlieb has been very thorough in asking you
18 questions about the report itself. I won't be
19 asking you any others. I would like to ask you,
20 though, a few questions about what follow-up, if
21 any, there was to this report. Specifically,
22 could you tell the commission what response, if
23 any, did you receive to your report?

24 A The only response we received was from an
25 appreciation letter, a memorandum from the deputy

1 commissioner.

2 Q Could you perhaps identify that to the commission.

3 It's at tab 8.

4 A Yes. This was a letter from Deputy Commissioner
5 Bev Busson to Assistant Commissioner Sweeney and
6 -- where they requested our assistance, and they
7 indicated that Staff Sergeant Simmill and myself
8 had completed the work and she had the report in
9 hand and please pass on to the two members, you
10 know, her compliments on a job well done.

11 Q So that was dated December 16th, 2002?

12 A Yes.

13 Q By reference to the document at tab 9 could you
14 explain when you in fact learned of this letter?

15 A I think that -- a bit of a glitch in the assistant
16 commissioner's office. The letter was forwarded
17 to us approximately seven months later.

18 Q So other than this letter, did you get any other
19 feedback from anyone at the RCMP about your
20 report?

21 A I think I recall getting a message from Deputy --
22 or, pardon me, Assistant Commissioner Bass just
23 thanking us for the report, but that was just in
24 the form of an e-mail.

25 Q Did the Department of Justice counsel follow up

1 with you at all with respect to the report?

2 A No. In the summation of my report on the very
3 last page it was clear Staff Sergeant Simmill and
4 I --

5 ...should there be a need for any further
6 clarification or investigation that would be
7 helpful to our D.O.J. Counsel, we would be
8 pleased to assist in any way we could.

9 We never did hear from the Department of Justice
10 counsel.

11 Q And what's your understanding of the status of
12 that -- those litigation files?

13 A I -- I'm not totally sure. I --

14 Q All right. So just again to confirm, prior to
15 this inquiry being convened last year were you
16 ever contacted by the Department of Justice to
17 discuss your report?

18 A No, sir.

19 Q And other than Gary Bass's communication to you,
20 prior to this inquiry being convened last year
21 were you ever contacted by the RCMP with respect
22 to your report?

23 A I was contacted I believe a couple years ago, and
24 I'm not exactly sure of the dates, by contract
25 policing officer at the time Superintendent Dahl

1 Chambers asking me if I still had a copy of the
2 report, and I think that they -- he wasn't aware
3 that I had done the review or something along
4 those lines, so I think they were looking for did
5 I still have a copy of the report, and eventually
6 he called me right back and said that they had
7 located it, so it was obviously in -- in "E"
8 Division records somewhere at some point, and
9 that's the only time I was contacted.

10 Q Did he indicate to you why he was looking for it?

11 A No, he did not.

12 Q Again, prior to the inquiry being convened have
13 you ever been involved in any meetings or
14 conferences to discuss your report?

15 A No, sir.

16 Q And has your report ever been used to formally
17 assess the performance of any of the individuals
18 involved in the missing women investigation as far
19 as you know?

20 A Not that I'm aware of, no.

21 Q To your knowledge, has your report ever been used
22 to develop recommendations on changes to RCMP
23 practice and procedure?

24 A Not that I am aware of.

25 Q Now, we heard testimony from Deputy Chief

1 Constable LePard of the Vancouver Police
2 Department that he obtained a copy of your report
3 back in 2003. Were you consulted prior to your
4 report being shared with the VPD?

5 A No, I was not. But that wouldn't be uncommon. I
6 sent the letter to the deputy commissioner. If --
7 it was for her attention. If she'd choose to
8 disseminate the report, that would be up to -- up
9 to the deputy.

10 Q When did you become aware that your report had
11 been disclosed to the media?

12 A I believe I -- I don't think I was ever told that
13 it was disclosed to the media. I just happened to
14 see it on -- that it had -- in some media release
15 it had been released and referred to as the
16 Williams report.

17 Q When did you become aware that the VPD had
18 prepared its own internal evaluation, what we now
19 call the LePard report?

20 A Actually, the first -- the first time I saw that
21 is I think when it hit the media. I never was
22 aware that Deputy LePard had provided that report
23 or --

24 Q So were you ever asked by the RCMP to do a review
25 of the LePard report?

1 A No.

2 Q Have you read the LePard report?

3 A Bits and pieces. Not all of it. The executive
4 summary, I breezed through it, but not all of it.

5 Q And from your general understanding then of the
6 LePard report, how would you say it compares with
7 yours?

8 A Well, my report was done over a period of two
9 weeks. I attached all the material that I thought
10 was relevant. I didn't have the luxury of having
11 a longer time, you know, years or whatever, so I
12 think that my report was done for a little bit
13 different reason. It was done for civil
14 litigation, not to look at the rights and wrongs
15 of an investigation per se.

16 THE REGISTRAR: Mr. Brongers, that's your time allocation.

17 MR. BRONGERS: Thank you. With leave, Mr. Commissioner, I just
18 have four more quick questions.

19 THE COMMISSIONER: All right.

20 MR. BRONGERS: Thank you, Mr. Commissioner.

21 Q And again just for the record, did you ever give a
22 press conference about your report?

23 A No, sir.

24 Q Did you ever answer any media questions about your
25 report?

1 A No, sir.

2 Q Prior to testifying at this inquiry today have you
3 ever discussed your report publicly?

4 A No, sir.

5 Q And is it your understanding that your report
6 represents the position of the RCMP with respect
7 to the quality and the adequacy of the missing
8 women investigations?

9 A No, absolutely not. Our mandate was for -- to
10 prepare for civil litigation and nothing to do
11 with the investigation, as you have indicated.

12 MR. BRONGERS: Thank you very much, Superintendent.

13 THE COMMISSIONER: All right. Who's next?

14 THE REGISTRAR: Mr. Commissioner, before we go on to the next
15 cross perhaps I can read in the documents that
16 were listed.

17 THE COMMISSIONER: All right.

18 THE REGISTRAR: The Williams appendices that were to be entered
19 on December 1st now being entered today. Exhibit
20 number 2A will be entitled the Williams
21 appendices. 2B, Williams Witness Brief, Appendix
22 H. 2C, Williams Witness Brief, Appendix H, Binder
23 1. 2D will be Williams Witness Brief, Appendix H,
24 Binder 2. And Exhibit 2E will be Williams Witness
25 Brief, Appendix H, Binder 3. Thank you.

1 THE COMMISSIONER: All right. Who's next?

2 MR. WARD: Mr. Commissioner, Cameron Ward, counsel for the
3 families of 25 missing and murdered women. Just
4 before I begin, one of my clients, Michelle
5 Pineault, who is here today, has asked that I
6 record that today is the 15th anniversary of the
7 death of her daughter, Stephanie Lane, who died on
8 this date in 1997 at the age of 20.

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

10 Q Sir, to put the context of your report or to
11 provide further context for your report, could you
12 please go to Exhibit 56, tab 5. That's Mr.
13 Brongers' brief of documents. It's a white -- my
14 copy's a white binder.

15 THE REGISTRAR: That was the one just handed up by Mr.
16 Brongers.

17 A I'm sorry.

18 MR. WARD:

19 Q Exhibit 56, Mr. Brongers' binder, tab 5, please.

20 A That's the letter to Assistant Commissioner
21 Sweeney?

22 Q Indeed.

23 A Yes. Okay.

24 Q So what happened was that the Deputy Commissioner,
25 Beverley Busson, the commanding officer of "E"

1 Division, wrote to her counterpart in Alberta,
2 Assistant Commissioner Sweeney, commanding officer
3 of "K" Division, seeking the assistance of a
4 two-person review team with respect to this
5 matter, correct?

6 A That's correct.

7 Q And she, Deputy Commissioner Busson, described the
8 mandate at the foot of the first page in which you
9 were instructed to consider claims "that the RCMP
10 failed to properly investigate information from
11 various sources received between 1983 and 2002,
12 which information indicated that the lands located
13 at 953 Dominion Avenue in Port Coquitlam, BC and
14 that Robert William Pickton was," perhaps should
15 be were, "involved in the disappearances",
16 correct?

17 A Yes.

18 Q And, of course, at that point in time the
19 intensive forensic search of the lands at 953
20 Dominion Avenue were well underway and evidence
21 was being recovered that linked those lands to
22 some disappearances?

23 A I believe so, yes.

24 Q And if I could just take you further down that
25 same page, Deputy Commissioner Busson has written

1 right about a third of the way down:

2 In order to defend the civil claim(s),
3 Counsel will require the following facts,
4 and then there's a list there. I just want to ask
5 you about three, the first three. You were asked
6 to consider what information the RCMP had and
7 when, what the RCMP did to follow up on the
8 information, and if the RCMP did not follow up on
9 the information, why not, as well as those other
10 tasks or facts set out below, correct?

11 A That's correct, yes.

12 Q And that would be, at least in part, information
13 respecting the link between either the lands at
14 953 Dominion or Mr. Pickton and the women's
15 disappearances, right?

16 A I believe that would be correct, yes.

17 Q And once you got this letter you appreciated that
18 the purpose of your review, the work you and your
19 colleague were undertaking, was to assist the
20 Department of Justice lawyers in defending these
21 two lawsuits, correct?

22 A To assist them, yes.

23 Q Would you agree then that by definition your
24 review and subsequent report were intended to be
25 defensive in nature?

1 A I wouldn't say defensive in nature. We basically
2 provided the review. We collected as much
3 material as we could. There would be no reason to
4 be defensive in nature. We weren't there to
5 critique any -- any -- or criticize anyone for
6 what they had done. We were just simply gathering
7 the facts to try and relay it to the Department of
8 Justice.

9 Q Okay. As you indicated, the review work, the
10 legwork, if you will, involved in interviewing
11 witnesses and reading documents took you about 12
12 days?

13 A On and off, yes. About 12, yes. That's what --
14 the full time was 12 days we were on the road,
15 yes.

16 Q And as I believe you've said, the interviews
17 consisted -- consisted of interviews of eight RCMP
18 members, but no VPD members and no civilians,
19 right?

20 A That's correct.

21 Q Did you review any documents beyond those that you
22 attached as appendices to your report?

23 A Well, the appendices are -- there's two or three
24 binders. I suppose if the question was asked did
25 we review other material, we may have reviewed

1 other material, but if it wasn't relevant or we
2 felt that it wasn't -- I mean, the entire file was
3 a mega file, so we took the relevant information.
4 So did I review other material? Probably. I
5 can't -- I wouldn't be able to tell you what
6 material I looked at, but we certainly looked at
7 any material that we felt was -- would be
8 beneficial to the review, and we attached what we
9 could. So I guess the question is I probably
10 looked at other material or my counterpart may
11 have looked at other material that we felt wasn't
12 beneficial to our review, and we wouldn't have
13 attached it.

14 Q Fair enough. And when you say the entire file was
15 a mega file, the entire RCMP investigative file
16 related to Pickton by that point in time was
17 probably hundreds of thousands of pages in length,
18 fair?

19 A I would say so, yes.

20 Q Would it be fair then to suggest that your review
21 and the report based on it were brief and somewhat
22 superficial in nature?

23 A I would say brief, yes. I had a two-week --
24 basically a month to complete everything, to have
25 a look at -- if anything surfaced to -- to my

1 partner and myself of any significance, we would
2 have -- I hope we would have picked it up, picked
3 something up from a result of our interviews with
4 the -- with the -- you know, the number of people
5 that we interviewed, yes.

6 Q Thank you. I'd like to turn next to the report
7 itself and ask you some questions about the
8 content. The report is Exhibit 2, and I'd like to
9 start with some questions surrounding one of the
10 factual matters you identified in your report,
11 namely, the review of the 1997 incident involving
12 Robert William Pickton and his assault of a woman,
13 which for your information we are calling Anderson
14 in the context of this hearing.

15 A Yes.

16 Q You know what I'm speaking of?

17 A Yes.

18 Q Okay. And I actually want to take you right to
19 the end or close to the end, page 26 of 27 of your
20 report, please.

21 A Yes.

22 Q In the fourth paragraph down from the top of the
23 page you say this -- and I note that in your
24 report Anderson's name has been given a different
25 identifier. It's Vic 97. And you appreciate that

1 they're one in the same, correct?

2 A I don't have that in my report, but yes, okay.

3 Q All right. Anyway, four paragraphs down on page
4 26 you've written this:

5 The Vic 97 or Anderson matter referred to in
6 this report was handled and investigated in
7 an appropriate manner. The desired result
8 would have been a conviction before the
9 courts, however, circumstances as outlined
10 dictated otherwise.

11 Do you see that?

12 A Yes.

13 Q And then if we go back in the report to where you
14 deal in more detail with that matter, which is
15 page 9, we find your review of the summary of your
16 examination of that particular file, correct?
17 Page 9. It's item --

18 A Yes. I'm not sure. I think that's -- I think
19 that's our review, yes. I'm not sure if we -- if
20 we took that out of the file or not, but, in any
21 event, that's what we -- we wrote, yes.

22 Q Okay. So item number 6 is the Coquitlam file
23 reference related to the Pickton attack of
24 Anderson in March of '97?

25 A That's correct.

1 Q And you are aware, of course, that he, Mr.
2 Pickton, was charged shortly after that date,
3 March 23rd, 1997, with attempted murder, assault
4 with a weapon, forcible confinement, and
5 aggravated assault?

6 A I'm certainly -- I'm not -- I can't say for sure
7 of all the charges, but I can see that the caption
8 was sexual assault, attempt murder et al, so that
9 leads me to believe that there's additional
10 charges, yes.

11 Q All right. In any event, you appreciated that he
12 was charged with some very serious offences then?

13 A Yes.

14 Q Over on page 10, the next page -- pardon me. Just
15 at the very foot of that page 9 is where the
16 sentence starts.

17 PICKTON was charged with numerous Criminal
18 Code offences,
19 and then over on page 10 you've written,
20 however, Vic 97 refused to cooperate with
21 both the police and the Crown which
22 eventually left no alternative for the Crown
23 Prosecutor in this case but to enter a "stay
24 of proceedings" on all charges against Robert
25 William PICKTON.

1 A That's what we were led to believe, yes.

2 Q I want to ask you about that. How were you led to
3 believe that?

4 A I believe that we had spoken to, and I'm not sure
5 if it's Connor, but we were under the impression
6 that the court case -- that the charges had been
7 done, completed against him, against Robert
8 William Pickton, and the witness -- there was some
9 difficulty in getting the witness to cooperate
10 with them whether as a witness or, you know,
11 eventually to come to testify, and I'm assuming
12 based on the decision by the Crown prosecutor that
13 they couldn't proceed to trial or -- or whatever
14 system, whatever it was at, whether it was a trial
15 or preliminary or whatever, but she -- she or he
16 elected to have no choice but to enter a stay of
17 proceedings. That's what we were led to believe.
18 We didn't -- we never did talk to the Crown
19 prosecutor, so I can't comment further other than
20 that's the information that we were supplied.

21 Q So just to narrow that down, if you will, the
22 source of the information or the basis -- the
23 source of the information supporting this
24 statement about refusal to cooperate was an oral
25 statement to you by Connor?

1 A I believe -- I believe it was by Connor, yes.

2 Q I suggest you found no documents in the course of
3 your review that supported your statement that
4 there was a refusal to cooperate on the part of
5 the victim. Do you agree?

6 A I can't say that. The entire investigation was
7 copied onto a compact disk. Certainly if I could
8 refer to that Appendix H I'm sure the material
9 would be in there. Whether or not there was any
10 indication that the witness refused to cooperate,
11 there must have been a reason for the Crown
12 prosecutor to stay the -- to stay the charges.
13 I'm not suggesting for a minute that -- that the
14 Crown would simply stay it without a valid reason.

15 Q Well --

16 A So I'm not sure where you want me to go with this.
17 We -- the impression we were left with by Connor
18 and by looking at the investigation is that the
19 Crown entered a stay of proceedings. Now, for
20 what reason I can't totally -- I'm -- I guess -- I
21 think we were under the impression that there was
22 a bit of a problem with the witness cooperating or
23 refusing to testify or there was something that
24 led the Crown -- I don't think the Crown would
25 take -- take a charge -- charges of that serious

1 nature and stay them without valid reason. If I
2 had the opportunity to review the file, and, I'm
3 sorry, it's been quite a while ago, in the
4 appendix that we've attached the entire file,
5 there should be some reference in there or a
6 letter or some reference from the Crown prosecutor
7 as to why exactly she or he stayed the charges.

8 Q Well, I've done that. I've reviewed the file, and
9 it is indeed part of the record now. It's
10 Appendix H to your report, and I believe it's
11 contained in several binders which have just been
12 marked. Let me summarize just for the moment what
13 I found in the file and then I will direct you to
14 one or more specific documents, if I may. If you
15 need to -- certainly you could have the file at
16 your ready to refer to it if you need it to answer
17 any of these summary questions. So, Mr. Giles, if
18 you could please put the Exhibit -- or Appendix H
19 portion of Exhibit 2.

20 THE REGISTRAR: All 3 or --

21 MR. WARD: All 3. So those I think are 2C, 2D and E; is that
22 correct?

23 THE REGISTRAR: That's correct.

24 MR. WARD:

25 Q Now, just by way of summary -- and, again, if you

1 actually require the documents to answer any of
2 these questions, please take that opportunity.

3 A I will, because I haven't -- I haven't looked at
4 that for nine years.

5 MR. BRONGERS: Mr. Commissioner, just for the record, and again
6 not to be critical of Mr. Ward, we were not told
7 he was going to be examining with respect to that
8 portion of the appendix, and it is extremely
9 voluminous. We don't have a copy of it either.
10 If this proves to be difficult, of course, we
11 could deal with this line of questioning tomorrow,
12 I would assume.

13 MR. WARD: I agree. I agree.

14 THE COMMISSIONER: Yes. I think it might be more appropriate
15 to -- I mean, he's -- he has no personal knowledge
16 of any of this, and all he's doing is going by
17 what he saw and what Mr. Connor apparently told
18 him, and so I don't know where any of this gets
19 us. Maybe -- Mr. Vertlieb.

20 MR. VERTLIEB: Just to echo your comment, Mr. Commissioner, we
21 will of course be calling people who were involved
22 in that to give you the information about actually
23 what happened, so this -- I'm not sure this is
24 helpful to us given the time estimates.

25 THE COMMISSIONER: I don't know how it's going to help me from

1 what his knowledge of the facts are when he really
2 doesn't know anything about them, and the
3 commission counsel apparently -- well, obviously
4 will be calling those people associated with the
5 stay of proceedings.

6 MR. WARD:

7 Q Thank you. And I'll perhaps just leave it this
8 way. I'll ask you, sir, and you may wish to
9 provide an answer later, perhaps tomorrow or even
10 through your counsel, but I'll leave this question
11 with you. Do you agree that there are no
12 documents in the file that you attached as the
13 appendix to your report that suggest that the
14 witness, the victim of Pickton's assault failed to
15 cooperate with either the police or the Crown?
16 And one subsidiary question, and I just want --
17 I'll ask you to confirm this once you review the
18 documents. The victim had given statements to the
19 police. She was under subpoena to attend the
20 trial on February 2nd, 1998. The subpoena itself
21 asked her to come into the office a half hour
22 before the trial to meet with Crown. And the
23 Crown -- there are documents revealing that the
24 Crown de-notified the witnesses for trial on
25 January 27, 1998. I'll just ask you to confirm

1 those facts from the file that you attached as the
2 appendix.

3 THE COMMISSIONER: Yes.

4 MR. BRONGERS: Mr. Commissioner, it seems that -- I'm grateful
5 for Mr. Ward's suggestion. That's the type of
6 question that can easily be answered by a counsel.
7 We can review the file and indicate.

8 THE COMMISSIONER: I think in fairness -- I don't want to stop
9 your cross-examination, and you can be as vigorous
10 as you want, but, in fairness, you're really
11 asking him to comment on things of which he has no
12 knowledge, and, secondly, are there -- is there
13 any kind of written material as to what Mr. Ward
14 is asking? Is there anything to that effect
15 anywhere?

16 MR. VERTLIEB: You know, it's certainly up to Mr. Ward to use
17 his time as he sees fit. I want to say that.
18 He's been given his allotment. But having said
19 that, there will be a report that Mr. Celle is
20 going to provide that will have the information.
21 If Mr. Ward feels this is important to press, you
22 know, it's his time he's using.

23 THE COMMISSIONER: Okay.

24 MR. BRONGERS: Mr. Commissioner, this is one of the few moments
25 that it would be nice to have our Criminal Justice

1 Branch colleagues here today.

2 THE COMMISSIONER: Yes.

3 MR. BRONGERS: They presumably would have an answer to that,
4 that type of a question, so --

5 THE COMMISSIONER: Yes. All right. Well, in any event, we'll
6 take the afternoon break here.

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

8 **(PROCEEDINGS ADJOURNED AT 3:05 P.M.)**

9 **(PROCEEDINGS RESUMED AT 3:23 P.M.)**

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

11 MR. WARD:

12 Q Sir, I'm still on the subject of the March 23rd,
13 1997 incident.

14 THE COMMISSIONER: Yes.

15 MR. WARD:

16 Q Before I leave it I want to ask you again about
17 what you wrote in your report at page 10 in
18 respect of that. I quoted it to you earlier, but
19 you said this:

20 ...the victim refused to cooperate with both
21 the police and the Crown which eventually
22 left no alternative for the Crown...but to
23 enter a "stay of proceedings"...

24 You've written that, right?

25 A Yes, sir.

1 Q And I am going to put to you, sir, that that
2 statement in your report is simply wrong or
3 mistaken. Do you agree?

4 A No, sir.

5 Q Okay. Now, in your lengthy experience as an RCMP
6 member you have come to appreciate that the police
7 work cooperatively with Crown counsel with respect
8 to prosecution of cases in the courts, fair?

9 A That's fair, yes.

10 Q And you've no doubt experienced in the course of
11 your lengthy career that the police and the RCMP
12 in particular have the opportunity to influence
13 whether or not a prosecution proceeds to trial,
14 fair?

15 A In some cases that's fair, yes.

16 Q You would agree with me as well based on your
17 lengthy experience that the RCMP, being Canada's
18 national police force, with all its members and
19 resources has the ability to enforce subpoenas, if
20 necessary, by compelling witnesses to attend in
21 court for proceedings, right?

22 A That's correct.

23 Q You know, I expect, that the victim of the 1997
24 attack, who we call Anderson, in fact testified in
25 Mr. Pickton's preliminary hearing on the multiple

1 murder charges he later faced after his property
2 was searched in 2002?

3 A I'm not aware of if she did, but I'll take your
4 word for it.

5 Q All right. You said in the first passage from the
6 report I read to you, it's a passage that appears
7 at page 26, that the desired result in respect of
8 this incident would have been a conviction of Mr.
9 Pickton, correct?

10 A That's correct, yes.

11 Q And the reason you used that language and said
12 that the desired result would have been a
13 conviction was, I suggest, that if Mr. Pickton had
14 been convicted and sentenced to a term of
15 imprisonment for his 1997 assault of a Vancouver
16 sex trade worker he would then not have had the
17 opportunity to murder other women during the time
18 he was incarcerated? That's obvious, isn't it?
19 That's fair?

20 A Again, I guess it would depend on what his
21 sentence would be, yes.

22 Q All right. So -- and just finally on this point,
23 do you have any -- have you seen anything, other
24 than receiving Corporal Connor's oral statement,
25 any evidence of any kind, especially documentary

1 evidence, suggesting that the victim refused to
2 cooperate with either the police or the Crown?

3 A No, I don't recall seeing anything like that.

4 Q Thank you. Now, moving to another area, and this
5 part of my cross-examination, sir, will focus
6 squarely on one of the questions that Deputy
7 Commissioner Busson asked you, which was what
8 information the RCMP had and when concerning the
9 activities on the Pickton lands.

10 A I believe that was one of the questions that they
11 wanted us to consider, yes.

12 Q And you know as a result of your work on this file
13 that the Coquitlam Detachment of the RCMP was
14 primarily responsible for policing the geographic
15 area that included Port Coquitlam, BC, correct?

16 A I believe that's correct, yes.

17 Q And, sir, I've just prepared for the purpose of a
18 visual aid a map showing the respective locations
19 of what I understand to be the two nearest RCMP
20 detachments in relation to the Pickton property at
21 953 Dominion Avenue, and I am going to show that
22 to you now. And, Mr. Commissioner, I reviewed
23 this earlier with counsel. It's actually a little
24 bit hard to see from this distance, but, sir, I
25 put a map just behind you, and it is a map of the

1 Lower Mainland. I can say it's taken off the
2 Google Map function, and it shows moving from left
3 to right -- there are three pushpin indicators
4 moving from left to right starting at the top.
5 Can you just confirm that the first red indicator
6 shows the Coquitlam Detachment of the RCMP? Can
7 you just give that a laser point, if you would.
8 Right there. And then in a south-west direction
9 along Lougheed the next indicator shows the
10 location of the Pickton brothers' property at 953
11 Dominion Avenue?

12 A Yes.

13 Q And the third on that map shows the location of
14 the Maple Ridge RCMP detachment further along
15 Lougheed Avenue, correct?

16 A Yes.

17 Q And you actually yourself went out to the Pickton
18 property at 953 Dominion and looked around while
19 it was being searched, correct?

20 A Yes, that's correct.

21 Q And you would agree, I expect, that the RCMP also
22 had other detachments in the neighbouring
23 communities of Burnaby, Surrey, Langley and
24 Mission? Do you know that?

25 A Yes.

1 MR. WARD: Mr. Commissioner, if there's no objection, I'd ask
2 that the large map be marked as the next exhibit.

3 THE COMMISSIONER: Yes.

4 THE REGISTRAR: That will be marked as Exhibit number 57.

5 **(EXHIBIT 57: Document - Large, Aerial View, Map**
6 **Board of the City of Vancouver)**

7 MR. WARD:

8 Q And, sir, one of the aspects of your file review
9 was your interviewing the officer in charge of the
10 Coquitlam Detachment, Earl Moulton, correct?

11 A He's not -- he wasn't the officer in charge.

12 Q Excuse me then. What was his --

13 A He was the officer in charge of operations.

14 Q Thank you. And you included as one of the
15 appendices to your report the transcript of that
16 interview?

17 A I believe it's in there, yes.

18 Q And in my copy it's Appendix Q, Mr. Commissioner.
19 That would be found in Exhibit 2A, I believe, and
20 I think my index is different, but perhaps it can
21 be located in 2A as Appendix Q. I do wish to take
22 you to some passages in there.

23 A I don't have 2A. I'm sorry.

24 THE REGISTRAR: You've got it now.

25 A Yes, I have 2A now.

1 MR. WARD:

2 Q When you interviewed him -- I'm just looking at
3 page 1 of the transcript -- his rank was chief
4 superintendent.

5 MR. BRONGERS: I just want one moment. I don't think -- the
6 witness is trying to find it.

7 MR. WARD: Pardon me. Sorry.

8 A Okay. I've got it. He was -- when we interviewed
9 him he was chief superintendent, yes.

10 MR. WARD:

11 Q And his title was Deputy Criminal Operations
12 Officer at "E" Division Headquarters?

13 A Yes, Deputy Criminal Operations Officer Contract,
14 "E" Division Headquarters.

15 Q And what's the significance of contract?

16 A Contract is -- there's two deputy criminal
17 operations officers. One is for contract, which
18 is all your uniforms primarily, and federal is --
19 deputy criminal operations officer federal would
20 be your federal employees.

21 Q Now, in the course of your sitting down with the
22 chief superintendent, who during the time under
23 review was OIC operations for the commission (sic)
24 detachment, you became aware that both he and
25 members of his detachment had pre-existing

1 knowledge of the Pickton brothers' activities, and
2 by pre-existing I mean before the execution of the
3 search warrant in February of 2002, correct?

4 A Yes, I believe he had dealings with the Pickton
5 brothers.

6 Q And, in fact, Moulton himself, Chief
7 Superintendent Moulton had dealt with both Robert
8 William Pickton and Dave Pickton personally
9 starting in 1996 with respect to the efforts to
10 shut down Piggy's Palace, correct?

11 A That's what he relayed to us, yes.

12 Q And I want to take you to something he said about
13 that, and if you could go, please, to page 10 of
14 the transcript. And I gather from the transcript
15 that you and your colleague, Staff Sergeant
16 Simmill, were sitting down with Chief
17 Superintendent Moulton and conducting this
18 interview?

19 A That's correct.

20 Q All right. Page 10 of 12 your colleague asks,
21 middle of the page:

22 Sir, at the beginning of our interview today,
23 in '96 you talked about Piggy's Palace.

24 Would you explain that a little bit? That's
25 kind of the first time we've heard that.

1 Do you see that?

2 A Yes.

3 Q And then I'm going to paraphrase what Chief
4 Superintendent Moulton told you. He said that --
5 I am actually going to quote him. In reference to
6 Piggy's Palace he said in the middle of the
7 answer:

8 The nature of their clients and such was that
9 we didn't want that going on, and we took
10 some steps to interfere. We seized a bunch
11 of kegs of beer and things as well as worked
12 with the fire department and so on.

13 Do you see that?

14 A Yes.

15 Q And did you become aware from your interview or
16 other discussions with Chief Superintendent
17 Moulton that what he meant by the phrase "the
18 nature of their clients and such" was that he knew
19 that the Pickton brothers were associates of an
20 outlaw motorcycle gang and that the gang members
21 and sex trade workers from Vancouver congregated
22 at Piggy's Palace, where drug deals and drug
23 taking activities occurred?

24 A I -- I don't recall specifically that. I'm
25 just -- "the nature of their clients was such that

1 we didn't want this going on", so I'm assuming
2 that obviously there was -- you know, they said
3 they seized a bunch of kegs of beer, so I'm
4 assuming that there was some sort of liquor
5 licence violations of some sort because I believe
6 in British Columbia when you -- there's special
7 occasions permits and stuff like that the police
8 have the right to refuse, so if there was some
9 problems and there was associates of outlaw gang
10 members, as you referred to, and any other
11 undesirables, I guess is a better way of saying
12 it, that they might take some steps to try and
13 prevent this from continuing on, but he doesn't --
14 I don't believe he mentioned in that outline the
15 particular people he was referring to.

16 Q He didn't in this interview, nor did you probe him
17 at all on what he meant by that, did you?

18 A No. It appears that we didn't, no.

19 Q And if I may take you just to the next page, in
20 the middle there's an exchange just at the end of
21 this transcript, and if I can just read it out.
22 This is you questioning Chief Superintendent Earl
23 Moulton. You say:

24 Were you aware of whether or not the
25 detachment personnel at Coquitlam Detachment

1 were aware of your concerns or were aware of
2 the concerns of Pickton?

3 Moulton:

4 Oh, yeah.

5 You, Inspector Williams:

6 Was there something put to the other
7 detachment people to kind of keep an eye on
8 or stop this person or --

9 Constable -- Chief Superintendent Moulton:

10 Yeah, it became a matter of general knowledge
11 and -- and that --

12 And then Inspector Williams:

13 The watches, etcetera, and traffic were
14 briefed?

15 Chief Superintendent Moulton:

16 Oh, very much so.

17 And you concluded the interview. Do you see that?

18 A Yes.

19 Q Let me suggest to you that your interview of Chief
20 Superintendent Moulton revealed that he and
21 personnel within the Coquitlam Detachment were
22 well aware of a number of concerns concerning the
23 activities of the Picktons in Coquitlam and that
24 members of the watch, members of the detachment
25 were briefed about those matters. Is that the

1 sense you got?

2 A The sense I got, yes, relative to Piggy's Palace.

3 Q All right. And did you get the sense from your
4 discussions with Chief Superintendent Moulton that
5 Piggy's Palace was a place that was frequented by
6 Vancouver sex trade workers, sex trade workers
7 from downtown Vancouver?

8 A Well, I don't think Chief Superintendent Moulton
9 relayed that in those terms. I don't believe in
10 our interview with him that -- I don't see it came
11 out. I don't recall him saying that, so I -- I
12 can't say for sure what -- if that's what he meant
13 or suggested that.

14 Q All right. I believe he's coming to testify, so
15 I'll ask him these questions.

16 A Yes, I believe he is, yes.

17 Q But you learned in the course of your review, I
18 suggest, that in addition to the general knowledge
19 circulating within the membership of the Coquitlam
20 RCMP detachment there was a civilian employee of
21 the RCMP who lived near the Pickton brothers and
22 who had known them for over 20 years and was well
23 aware of their activities, right?

24 A I believe -- I believe that's referenced somewhere
25 in our review, yes.

1 Q Now, I'll take you to it now. You interviewed
2 Sergeant Pollock of Coquitlam, correct?

3 A Yes, we did.

4 Q And if you go to his interview transcript, it's
5 Appendix P, as in Pollock.

6 A Yes, I have that.

7 Q Tab 17.

8 A Page 17.

9 Q Sorry, it's page -- it's my tab 17. It probably
10 differs from yours. It's page 10.

11 A Yes.

12 Q All right. In response to one of your questions
13 -- or, pardon me, one of your colleague's
14 questions, Staff Sergeant Simmill, Sergeant
15 Pollock said this on page 10. And this related
16 to, in effect, why more wasn't done to put Pickton
17 under surveillance after it was known he was a
18 suspect. Pollock said this about 10 lines down,
19 and I quote:

20 Number one. Well, I'm sure you're aware that
21 you know we had someone also in the office
22 who was very familiar with the Picktons and
23 everybody that lived in that area, and we
24 felt there was no possibility of,
25 something blacked out,

1 which there was limited possibility of that
2 anyways.

3 Do you see that?

4 A Yes.

5 Q All right. And let me ask you to confirm your
6 understanding of this person. This civilian
7 member was named Bev Hyacinthe, correct?

8 A I'm not sure. I don't have it here, so I'm not
9 sure of the name.

10 Q All right. Well, do you recall learning this:
11 Beverly Hyacinthe is a long-time civilian
12 employee of the Coquitlam RCMP detachment.
13 She was married to a man named Tom Hyacinthe,
14 who had known both Pickton brothers all his
15 life. They had a son named Brad, who worked
16 for the Pickton brothers, and the Hyacinthe
17 family lived just down the street from them.

18 A Okay.

19 Q All right.

20 MR. BRONGERS: Just to be clear, is the witness acknowledging
21 that he was aware of that information or is he
22 simply acknowledging that he heard what you said?
23 I'm not sure we can proceed --

24 THE COMMISSIONER: Maybe you can clarify that for us.

25 A Oh. I'm aware that there was a reference made to

1 a person, I just couldn't recall the name, and
2 that they lived in close proximity and she was an
3 employee. But I'm not -- you know, I can't show
4 you on the map or anything where they were or --

5 MR. WARD:

6 Q All right. You learned, in any event, I suggest,
7 that there was an employee of the Coquitlam
8 Detachment, this woman Ms. Hyacinthe, who had
9 intimate knowledge of the Picktons and their
10 activities on their properties over the course of
11 more than two decades, fair?

12 A I think we learned something like that, yes.

13 Q All right.

14 A But to what degree I can't recall other than the
15 fact that she had some knowledge of supposedly
16 what went on at the residence, yes.

17 Q And looking at the portion of the interview
18 transcript, in particular the part that's been
19 blacked out, it appears, and this is my inference,
20 perhaps you can confirm it, it appears that
21 Sergeant Pollock was conveying that because of the
22 relationship between this RCMP employee and the
23 Picktons it was likely that the Picktons would
24 learn through her of any efforts of surveillance
25 or other attempts that the RCMP might make to

1 learn more about what was going on on his
2 property. Is that a fair inference?

3 A It could be, but I couldn't -- I wouldn't be in a
4 position to provide an opinion on that.

5 MR. WARD: This blacked out portion is marked PIT, and, Mr.

6 Commissioner, I wish to apply either right now or
7 at the appropriate time for an order that this be
8 removed. And there are others like it. Let me
9 take you to another, if I may, just to illustrate
10 the point. In the report itself -- really this is
11 by way of giving notice because it may be
12 appropriate to deal with it later, but, Mr.

13 Commissioner, I'll take a moment now, if I may.

14 Page 11 of the report under the heading page 8
15 there's a lengthy redaction titled, similarly,
16 PIT. I understand that PIT is an acronym for
17 police investigative techniques. My position on
18 this, Mr. Commissioner, which I would urge upon
19 you at the appropriate time, is that redaction of
20 information on the basis that it may disclose
21 police investigative techniques in the context of
22 this inquiry is inappropriate because we are here
23 inquiring into the investigations that were done,
24 and indeed the investigations took place, in the
25 case of this particular entry, back in 1998, some

1 14 years ago, 13 or 14 years ago, and there could
2 be no conceivable prejudice or jeopardy of
3 anything if the historical investigative
4 techniques were now disclosed to you, and further,
5 that you should be aware of what those
6 investigative techniques being contemplated or
7 actually being performed back then were in order
8 to discharge your fact-finding mandate. So I'll
9 leave that just with counsel for the moment, but I
10 see Mr. Brongers wants an opportunity.

11 MR. BRONGERS: Thank you very much, Mr. Ward. Thank you, Mr.
12 Ward. This is, of course, the first that we have
13 heard of what appears to be an application to
14 challenge an immunity that has been asserted by
15 the RCMP and the Government of Canada with respect
16 to evidence. I would suggest that if we are going
17 to proceed down this road that it will be best to
18 have a formal application where Mr. Ward does, in
19 fact, identify all of the redactions that he is
20 concerned with and we are then given an
21 opportunity to respond with evidence, if
22 necessary, to show that the public interest in
23 protecting this information outweighs any
24 probative value it might have for the commission.
25 This is obviously a labour-intensive exercise, and

1 I don't think it can or should be done in the
2 midst of a cross-examination of a witness. We've
3 had no notice of this whatsoever.

4 THE COMMISSIONER: All right.

5 MR. WARD: And I'm not disagreeing. I'm in substantial
6 agreement, but I doubt whether I'd be physically
7 capable of identifying all of the PIT redactions.
8 But, in any event, I flag it now, and that's all I
9 intended to do so that both you, Mr. Commissioner,
10 and my friends are now aware of the concern
11 because we're dealing with the report today.

12 MR. BRONGERS: I'm sorry, Mr. Ward, but, again, because this is
13 going to be time and labour intensive I think we
14 ought to know whether there is, in fact, an
15 application or there will be an application to
16 challenge these redactions or do we simply go
17 forward until we hear further from Mr. Ward as to
18 what he wants to do about it. I'm at a bit of a
19 loss as to what my client and I are now expected
20 to do with this.

21 THE COMMISSIONER: I think in fairness counsel should know so
22 that they can be prepared.

23 MR. WARD: Yes, and by flagging it I was, I suppose, motivated
24 to encourage my friends to consider whether the
25 PIT redaction could or should be sustained. But,

1 yes, I intend if the redaction is in place and is
2 intended to remain to apply formally at the
3 appropriate time for removal of it, and I will
4 provide written materials in support of that
5 unless there's a change in position.

6 THE COMMISSIONER: All right.

7 MR. WARD: And I trust that assists. Thank you.

8 Q Sir, with respect to the knowledge of the Picktons
9 gleaned by the RCMP's employee, you didn't
10 interview her once you became aware of her
11 existence, did you?

12 A No, sir.

13 Q Why not?

14 A I don't -- I didn't -- I didn't feel that it was
15 necessary to interview her.

16 Q Do you know now that she was able to provide
17 information to the effect that she had seen or
18 believed she had seen a missing sex trade worker
19 at Piggy's Palace on one occasion?

20 A I'm not aware of that, no.

21 Q Do you know now that she indicated in July of 1999
22 that cockfights were occurring every weekend,
23 every summer weekend on the Picktons' property?

24 A I believe that was referenced somewhere in our
25 report, that there was cockfights supposedly at

1 the farm, yes.

2 Q All right. And you agree with me that
3 cockfighting is a form of animal abuse and it's a
4 serious offence that the RCMP take seriously?

5 A Yes, sir.

6 Q Do you have any explanation after reviewing this
7 file why the information in '99 about the illegal
8 cockfights was not acted upon by the RCMP?

9 A No, I can't comment on that, no.

10 Q No doubt you are aware based on your experience
11 within the RCMP that the police force, the RCMP,
12 have raided suspected cockfighting operations in
13 the Province of British Columbia?

14 A I'm not fully aware of that. I have served in
15 British Columbia, but I don't recall ever -- I
16 don't recall any incidents or investigations that
17 I was personally involved in or aware of of
18 cockfighting, but I assume it happens.

19 Q Your investigation revealed with respect to the
20 knowledge in the possession of the Coquitlam RCMP
21 that they knew the following facts, I suggest.
22 1996 it was well known within the RCMP that the
23 Pickton brothers were operating an unlawful
24 establishment called Piggy's Palace on Burns Road
25 near the farm at 953 Dominion, correct?

1 A I believe we learned that from Chief
2 Superintendent Moulton, yes.

3 Q Coquitlam RCMP and Moulton certainly became aware
4 of the incident that resulted in the serious
5 charges, the incident of March 23rd, 1997, wherein
6 Robert William Pickton had stabbed and nearly
7 killed a downtown Vancouver sex trade worker on
8 the premises at 953 Dominion Street?

9 A Yes, I'm certain certain people or certain members
10 of the Coquitlam Detachment would be aware of
11 that, yes.

12 Q And you learned that the Coquitlam RCMP in the
13 course of investigating that matter became aware
14 of a Surrey attempt murder file that was linked to
15 Robert William Pickton in respect of the assault
16 of a sex trade worker earlier? Do you remember
17 that?

18 A I believe it -- I think you said Surrey.

19 Q A Surrey file, yes.

20 A Surrey. I thought it was a sexual assault, but --
21 and not an attempt murder, but --

22 Q Pardon me. I stand corrected. A sexual assault
23 file from Surrey indicating --

24 A I believe that was brought to -- Corporal Connor
25 mentioned that somewhere in our review, that we

1 did see that, yes. I think it was more of a --
2 there was a request by Surrey Detachment to check
3 for certain vehicles, that he might have been a
4 suspect, yes.

5 Q All right. So just to recap, here's the timing
6 and nature of the knowledge that the Coquitlam
7 RCMP receives about the Picktons. '96 -- by '96
8 they're aware of the illegal operation of Piggy's
9 Palace and what I will characterize as the
10 unsavory nature of their clientele, fair?

11 A I believe so, yes.

12 Q '97, March, become aware of the attempted murder
13 and the earlier alleged sexual assault implicating
14 Robert William Pickton?

15 A I believe that was earlier. I believe it was like
16 1990, but I could be -- stand to be corrected.

17 Q Fair enough. Shortly after that incident, March
18 23rd, 1996, they become aware of the existence
19 right across the street of an illegal marijuana
20 grow operation in the house that the victim ran
21 to, right?

22 A I'm not aware of that.

23 Q All right. Later in 1998 the first of four
24 informants comes to the Coquitlam RCMP's
25 attention, a man named Bill Hiscox, who provides

1 information that Willie Pickton in Port Coquitlam
2 is probably responsible for the disappearance of
3 Sarah de Vries and the other Vancouver women who
4 have gone missing and that he has the means to
5 dispose of their bodies, correct?

6 A Yes, I believe Mr. Hiscox came to the forefront,
7 yes.

8 Q And you're aware that after that three more
9 informants came forward independently to provide
10 information that ended up in Coquitlam RCMP
11 members' possession to the same effect?

12 A I'm not sure -- I'm not sure if I want to say
13 three, but there were some, yes.

14 Q Okay. By July of 1999 based on the information
15 from the informants as well as the civilian
16 employee I referenced earlier the Coquitlam RCMP
17 members are aware that these weekend weekly
18 cockfights are occurring on the property in
19 question?

20 A I believe that -- you know, I'm not going to speak
21 for Coquitlam because I wasn't there and I have no
22 knowledge. Certainly there was some indication
23 that there was some illegal activity, cockfighting
24 going on there. I am not going to say every
25 weekend. That's something that you'd have to

1 check with the -- when Chief Superintendent
2 Moulton testifies perhaps he'd be in a better
3 position than for me to say that.

4 Q Now, are you able based on your review to explain
5 why the members under Superintendent Moulton's
6 command in the Coquitlam RCMP detachment, knowing
7 all of these things about the Picktons, took no
8 steps that would have prevented the murders from
9 continuing up until February of 2002?

10 A Well, I believe there was steps taken. Corporal
11 Connor -- Sergeant Connor, Corporal Connor at the
12 time, did a fair amount of work on this, on Mr.
13 Pickton, and conducted a number of -- well, not
14 investigations, but surveillance, and they were --
15 they were aware of his presence. And I'm
16 certainly -- once he left it was turned over to
17 Yurkiw, and granted they didn't continually work
18 on it, they worked on when they could. Same with
19 surveillance. They worked on him. Nothing was
20 out of the ordinary. And so could you have
21 prevented anything? That's a tough question to
22 answer.

23 Q Is it fair to say based on your lengthy experience
24 within the RCMP that a detachment charged with
25 policing a community like Port Coquitlam, which

1 then I think had about a population of 45 or
2 50,000 people, would have a general awareness of
3 the hot spots of criminal or illegal activities?

4 A I would think based on Coquitlam and Port
5 Coquitlam that the intelligence gathered by the
6 plainclothes units or detachment members would
7 identify hot spots.

8 Q And, in particular, I understand that the RCMP as
9 an institution prides itself on its ability to
10 monitor and deal with gang-related organized
11 crime?

12 A They try to deal with it, yes.

13 Q And is it your explanation for why nothing was
14 done prior to February 5, 2002, that would
15 effectively stop Robert William Pickton from
16 committing crimes of murder, is it your
17 explanation that it was because the detachment
18 members were too busy with other things?

19 A No, I wouldn't say so. I think there was a fair
20 amount done up until February of 2002 by a number
21 of units. Project Evenhanded was working on it.
22 Coquitlam still had been doing some work on it.
23 And they were aware of his presence. Hindsight is
24 20/20 again, and I'm sure we'll mention this much
25 more. Evenhanded was -- started the task force,

1 and they -- they had -- they had a number of
2 suspects, quite a number of suspects, and they
3 were analyzing all the materials for every one --
4 every one of the suspects, and it's a massive
5 undertaking, as you can appreciate. The
6 prevention. You know, it's something that
7 probably will haunt a lot of people. Could we --
8 could we have done anything different to -- to
9 save a lot of people? I suppose in some areas
10 that you could, but they had -- they had done a
11 lot of work on Mr. Pickton, as well as others too,
12 and I don't want to get away with the blind --
13 putting the blinders on and going after one person
14 or we're accused of tunnel vision too much. I
15 don't really want to suggest that that was
16 happening, but when you say, you know, could they
17 have done more, I suppose the ultimate goal would
18 be to catch him as soon as possible. That would
19 be -- or catch the person responsible as soon as
20 possible. That would be the ultimate goal of the
21 policing universe.

22 Q Would you accept that when Bill Hiscox, the first
23 informant, came forward with his information that
24 much more could have been done to act on it to
25 endeavour to apprehend Mr. Pickton right then in

1 the summer or late fall of 1998?

2 A Well, it depends a lot on your informant when he
3 comes forward. You know, is the informant
4 reliable, believable, honest? Can you, you know,
5 lend some credibility to the information he's
6 supplying you? And that's -- that was, you know,
7 based on members from Coquitlam and the Vancouver
8 Police Department, and I'm sure they -- they tried
9 everything to verify his information.

10 MR. WARD: Thank you, sir. Mr. Commissioner, I do note the
11 time, and given our early start it's been a longer
12 than usual day. I can say that my time estimate
13 which Mr. Vertlieb advised you of was a maximum
14 and that at this point I fully expect to be
15 substantially less than that original time
16 estimate, so --

17 THE COMMISSIONER: All right.

18 MR. WARD: -- in my view there's no need to sit later than
19 usual, and this might be a convenient time to
20 break.

21 THE COMMISSIONER: All right. We've already gone over here.
22 All right. Thank you.

23 THE REGISTRAR: The hearing is now adjourned for the day and
24 will resume at 9:30 tomorrow morning.

25 **(PROCEEDINGS ADJOURNED AT 4:06 P.M.)**

1
2 I hereby certify the foregoing to
3 be a true and accurate transcript
4 of the proceedings transcribed to
5 the best of my skill and ability.
6

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