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**Vancouver, BC**  
**January 17, 2012**

**(PROCEEDINGS RESUMED AT 9:04 A.M.)**

THE REGISTRAR: Order. This hearing is now resumed.

MR. VERTLIEB: I think Mr. Peck wishes to address you on a matter.

THE COMMISSIONER: All right.

MR. PECK: Thank you, Mr. Commissioner. This witness has been called by you, the Commission of Inquiry, as I understand it as an independent person with expertise in policing matters. I was told by Mr. Vertlieb that he would provide me the opportunity to interview the witness before I embarked upon a cross-examination. I'm told by you these cross-examinations have to be done this week. Yesterday at the conclusion of the proceedings I approached the witness, introduced myself and asked her for clarification of one word in her report. I was told that she would not speak to me on advice of counsel. This morning I spoke to her counsel and was told that I would not be permitted to interview this witness prior to cross-examination because she's under cross-examination. That rule, of course, doesn't quite work that way. The witness is your

1 witness; you have the authority. We're trying to  
2 shorten our cross-examinations -- at least I am.  
3 I've given Mr. Vertlieb my best estimate. I can  
4 probably hone that down if I can interview this  
5 witness. I have no objection to her counsel  
6 being present during the course of the interview.  
7 That's my submission.

8 THE COMMISSIONER: Thank you. Mr. Vertlieb.

9 MR. VERTLIEB: I actually agree with Mr. Peck on this. I  
10 think it might be helpful, particularly with  
11 lawyers who have just come into the proceeding  
12 and they're trying to get up to speed. I'm  
13 totally comfortable with that and I think it  
14 would help the process. I should say though, Mr.  
15 Peck, that it appears that Ms. Evans can be  
16 available certainly Monday next week if we need  
17 to carry over, but that doesn't change his  
18 concern. It doesn't need to be done right now, I  
19 think Mr. Peck wants to be able to speak with her  
20 at some point in the next day or so. I'm  
21 comfortable with that; I think it's totally  
22 reasonable.

23 THE COMMISSIONER: Are you going to tell me the same thing?

24 MR. HIRA: Exactly.

25 THE COMMISSIONER: Then I don't need to hear from you. Maybe

1 I'll hear from counsel. Tell me what objection  
2 you can have.

3 MS. BORDELEAU: I recognize, Mr. Commissioner, you can control  
4 your own process. My response to counsel  
5 yesterday and this morning was based on the fact  
6 that the deputy is under cross-examination and in  
7 general terms wouldn't be speaking to her  
8 evidence to other parties, and I recognize that  
9 allowing one would impact the others in this room  
10 and it was just my comment in terms of process  
11 that I didn't see that as appropriate in terms of  
12 the deputy being under cross-examination.  
13 However, I recognize it's for you to govern that  
14 but certainly that was my position.

15 THE COMMISSIONER: Thank you. I appreciate your concern and  
16 I'm sure it's well motivated. However, even in  
17 the courts when I was on the Supreme Court there  
18 were circumstances where in the interests of  
19 justice it dictated that that rule be waived.  
20 It's never really been a firm rule, I might add.  
21 It's a rule that has grown up over many years and  
22 nobody seems to know the origin of the rule. In  
23 any event, if it can expedite matters I'm quite  
24 prepared to allow the application in the  
25 interests of justice and I would think that if

1           you have any concerns -- and, counsel, obviously  
2           you have the right to be there. I've always  
3           found that over the years if you do this, at the  
4           end of the day it shortens matters, and  
5           particularly when you have lawyers who have had a  
6           lot of experience in these matters, so I'm  
7           prepared to accede to that request. Thank you.

8                        Ms. Tobias?

9 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias appearing for the  
10           Government of Canada. Just in terms of some  
11           housekeeping items, what I discussed with my  
12           friends as the plan for today for my  
13           cross-examination is having started early, and I  
14           thank you for the indulgence, we'll go until noon  
15           if that is agreeable to you and resume at 1:30.  
16           I'll leave at around 2:30 at the afternoon break,  
17           Ms. Hoffman will continue until 3:30 and then she  
18           will wrap up until tomorrow. We may finish  
19           sometime during the day tomorrow and I know Mr.  
20           Ward is prepared to continue at some point  
21           tomorrow if he has the opportunity to do so.

22 THE COMMISSIONER: Thank you.

23 MS. TOBIAS: I've handed up a series of binders and they look  
24           a bit daunting but they're not all for this  
25           witness necessarily. In an attempt to make

1 things a bit less piecemeal we've put together a  
2 collection of documents that we plan to be  
3 referring to on and on over and over for the  
4 other witnesses as well, although we may have to  
5 add to them from time to time. You should have  
6 in front of you five binders of documents. I  
7 have to apologize, we got our volume 4 a bit  
8 mixed up and there's a highlighted version,  
9 that's my copy, and I just want to trade those  
10 back and my colleague Ms. Hoffman will take care  
11 of those logistics. What I'm asking is that for  
12 the sake of efficiency at this point if no one  
13 has any objection that those binders be marked  
14 for identification as the next series. I'm not  
15 sure where we are, what letter we're up to in  
16 terms of marking for identification.

17 THE COMMISSIONER: Do they need to be marked for  
18 identification or can we mark them as exhibits  
19 proper? Does anybody have any objection? Why  
20 don't we just mark them as exhibits unless  
21 there's an objection.

22 MS. TOBIAS: I think that Mr. Hern has observed that no one  
23 has seen them yet. We have distributed CDs to  
24 everybody and we distributed an index but I  
25 regret to say we were not able to do it with a

1 lot of notice. Perhaps we can do them for  
2 identification now and then when Ms. Hoffman  
3 concludes cross-examination we can change that  
4 hopefully to have them marked as numbered  
5 exhibits.

6 THE COMMISSIONER: All right.

7 MR. VERTLIEB: If it assists, we have no objection to them  
8 being marked as an exhibit. Most of this has  
9 been disclosed. There's perhaps a couple  
10 documents at the end that haven't been seen.

11 THE COMMISSIONER: We'll leave them as identification until  
12 the end as other counsel may have a concern about  
13 them.

14 THE REGISTRAR: Those will be marked M for identification with  
15 sequential numbers 1, 2, 3, 4. That will be M  
16 and 1, 2, 3, 4.

17 MS. TOBIAS: So the fifth volume -- there are five volumes.

18 THE REGISTRAR: The first number will be 60, that will be  
19 volume 1, number 2 will be 62, 62 will be volume  
20 3 -- I'm getting mixed up myself.

21 MS. TOBIAS: I think we're marking them for identification at  
22 this point.

23 THE REGISTRAR: Yes, I am getting mixed up. That will be  
24 marked as M for identification. The first one  
25 will be M1, M2 will be volume 2, M3 will be

1 volume 3, M4 will be volume 4 -- I'm sorry. I'll  
2 straighten that out at the break.

3 **JENNIFER EVANS: Resumed**

4 **CROSS-EXAMINATION BY MS. TOBIAS:**

5 Q Deputy Chief Evans, I wanted to start since it  
6 was raised in your examination yesterday with  
7 respect to the documents you received from the  
8 commission that originated with the RCMP and how  
9 you got those documents, just a couple of extra  
10 details.

11 So you, as you said yesterday, received  
12 documents from the police forces and specifically  
13 the RCMP through the commission rather than  
14 directly from the officers involved?

15 A That's correct.

16 Q And when you received the documents they were  
17 redacted?

18 A Yes, although I did receive some that were  
19 unredacted. At numerous times throughout the  
20 year there were several documents I received and  
21 then I received notice they had been further  
22 redacted and I was not to refer to those.

23 Q And in terms of which documents you had access  
24 to, there were a large number of documents, tens  
25 of thousands of pages in fact, that you received

1 without particularly asking for them?

2 A That's correct.

3 Q And the arrangement was that anything else you  
4 wanted to see you could ask for and receive them?

5 A That's correct.

6 Q And you did receive the documents that you  
7 requested as they were available?

8 A As they were available, yes.

9 Q Some of the documents that you asked for you were  
10 told did not exist or could not be obtained?

11 A Yes.

12 Q Those were relatively few?

13 A Yes, I would say so.

14 Q Yesterday you answered some questions about your  
15 policing experience and of course Exhibit A to  
16 your report sets that out in general terms, and I  
17 understand from your report at Appendix A-2 that  
18 you between the years of 1999 and 2002 were the  
19 primary investigator on five homicide  
20 investigations. Were you the primary  
21 investigator on other homicide investigations  
22 that are not set out there?

23 A No.

24 Q Were any of those homicide investigations serial  
25 murder cases?



1 A No.

2 Q What kind of cases were they?

3 A They were five homicide cases. Do you want me to  
4 go through them?

5 Q In very general terms. Were they smoking gun  
6 cases, domestic disputes?

7 A One was a drug offence gone bad where a woman was  
8 killed; the other was a boyfriend who killed his  
9 girlfriend; there was one that was a stabbing in  
10 a nightclub where there was over 1,200 teenagers  
11 in this nightclub and an unknown person stabbed  
12 my victim. I'm trying to remember them now.  
13 There was a historic sexual homicide that I was  
14 the primary investigator on that was solved  
15 through DNA. I know there's another one. None  
16 of them were serial.

17 Q What's the longest trial that resulted from any  
18 of those cases?

19 A I would say the trials -- looking back it seemed  
20 that they lasted longer than they actually  
21 were -- I would say six weeks, two months,  
22 something like that.

23 Q Did any of them involve wiretaps?

24 A No, they did not.

25 Q I am assuming that you would have had a lot of

1 search warrants and things of that nature,  
2 judicial authorizations?

3 A Yes.

4 Q I see that you did do one investigation in 1992  
5 of a serial rape?

6 A Yes, that's correct.

7 Q And one in 1987?

8 A That's correct.

9 Q And if I can ask you to refer to the serial rape  
10 investigation, was that a long trial?

11 A Yes, that was. That involved 11 victims where  
12 the offender was drugging and kidnapping and  
13 sexually assaulting the victims and there was 11  
14 victims, so that was a lengthy trial.

15 Q Measured in weeks, months, years?

16 A Probably weeks. It occurred over several months  
17 from what I recall. We didn't have a certain  
18 block of time. We would sit for a week or two  
19 and then would come back. There was a lot of  
20 court dates but I wouldn't be able to add them  
21 all up. It wasn't that lengthy.

22 Q Any wiretap there?

23 A No, there was not.

24 Q Have you done any investigations where you've  
25 written up applications for wiretaps?

1 A I'm trying to think about this. I know I've  
2 reviewed wiretap authorizations. You're asking  
3 if I've actually written them myself, I have not.

4 Q Have you been the primary investigator in any  
5 case in which a wiretap was written by another  
6 member of the team when you've run a wiretap  
7 investigation?

8 A Thinking back to one of my investigations, it was  
9 a consent authorization, that was written by  
10 myself on one of my homicide investigations.

11 Q One party consent?

12 A One party consent.

13 Q That was quite a while ago?

14 A That was quite a while ago, yes.

15 Q Was that a lengthy affidavit and report?

16 A Yes, I believe it was.

17 Q Over 100 pages?

18 A Yes.

19 Q What about interrogation, do you consider  
20 yourself an expert interrogator?

21 A No.

22 Q But you, I am assuming, have had experience  
23 interrogating different kinds of suspects?

24 A Yes, I have.

25 Q I'm looking back at the dates that you did the

1 serial investigations, 1992 and 1987. Those were  
2 fairly lengthy, as you said, but did you use any  
3 electronic case management tools at that time?

4 A In 1987, no, and 1992, no, I would not have. I  
5 didn't have them available to me at the time.

6 Q Have you done any investigations that made  
7 extensive use of case management technology?

8 A In 1999 when I was a detective in the homicide  
9 bureau, yes.

10 Q What program were you using?

11 A We were using Power Case at the time.

12 Q Is it still in use?

13 A Yes, it is in Ontario with Peel police.

14 Q Have you used any other case management tools?

15 A I was the primary investigator on an historic  
16 cold case that was solved by DNA when I was in  
17 homicide in 1999. It involved homicide of an  
18 elderly female from 1990 that was solved, and  
19 prior to it being solved by DNA I was reviewing  
20 documents both through hard copy and through a  
21 system called Case File at the time.

22 Q Do you have any experience with Super Text?

23 A Very limited.

24 Q So over the course of your career you have, I  
25 imagine, seen a lot of changes in police

1 practices and in the tools that are available to  
2 you of which the electronic case management  
3 system is one example?

4 A Yes.

5 Q And I see your experience goes back to 1984 so  
6 you go back to the Stinchcombe days?

7 A Yes, I do.

8 Q So between Stinchcombe and other legal  
9 developments, the process of an investigation has  
10 become far more paper intensive than it used to  
11 be?

12 A I would agree.

13 Q If you contrast -- I know you didn't do homicide  
14 investigations in the 1980s but you did other  
15 serious cases obviously --

16 A Sorry, I don't mean to interrupt. I went to the  
17 youth bureau in 1987 so I was conducting criminal  
18 investigations in the 1980s.

19 Q Sorry, I didn't mean to suggest that you weren't,  
20 but I'm saying that you've done -- you were doing  
21 serious criminal investigations from the 1980s  
22 onwards?

23 A Yes, I was.

24 Q And so the size of the file in the 1980s compared  
25 to a comparable investigation today is vastly

1 different, the one today is far, far larger?

2 A I would agree with that.

3 Q So that problem is accentuated when you deal with  
4 very large investigations?

5 A I would agree.

6 Q Exponentially greater?

7 A Yes.

8 Q And similarly, the way things go, procedures take  
9 a while to catch up to development so that you  
10 had the paper long before you had enhanced tools  
11 to deal with it?

12 A With regards to the information on the  
13 investigation?

14 Q Yes.

15 A I would agree with that.

16 Q Did you or the Peel department use a system that  
17 is at all analogous to the tip system that you  
18 saw being used in this case?

19 A I'm familiar with the tip box system, yes.

20 Q Is that something your department used or you had  
21 experience with yourself?

22 A Yes.

23 Q Is that a common kind of approach for police  
24 departments pre-electronic case management  
25 systems?

1           A    Yes.  You would be receiving information and you  
2                    would be creating your own file system in bankers  
3                    boxes, what I would refer to as a tip box.  Each  
4                    officer would have their own unique way of  
5                    setting up their files.

6           Q    And would you say that the tip system is really  
7                    inadequate for a case of the nature of the one  
8                    that -- let me back up -- a case like Evenhanded?

9           A    Yes.

10          Q    Or Amelia?

11          A    Yes.

12          Q    Now, I wanted to ask you a bit about major case  
13                   management.  When did you take your training?

14          A    1999.

15          Q    And major case management at the time was just  
16                   becoming established?

17          A    No.  Major case management was -- there was major  
18                   case management courses.  When we did the  
19                   Bernardo review, I remember Justice Campbell  
20                   asking me -- I was at the Canadian Police College  
21                   in late December 1995 before I joined Justice  
22                   Campbell and he was asking me to obtain  
23                   information with regards to major case management  
24                   at that time.

25          Q    Perhaps the better question is how widely was it

1 implemented by the time you took your training?

2 A I think training in Ontario came as a result of  
3 Justice Campbell's recommendations in Bernardo  
4 which would have been following June of 1996, so  
5 June of 1966 is when Justice Campbell came out  
6 with the recommendations and it would have been I  
7 think probably several years before the courses  
8 were created and officers started getting  
9 training, so it would have been '97, '98,  
10 officers started getting training in Ontario.

11 Q If you transport yourself back to 1998, 1999, in  
12 the Peel region would you have expected the  
13 homicide units or the serious case units,  
14 something analogous to what the Coquitlam  
15 detachment had, would you expect major case  
16 management to be used on those files?

17 A Yes.

18 Q On every homicide investigation that came in?

19 A In 1999, yes.

20 Q That was implemented there, was it?

21 A Yes.

22 Q And that requires a good deal of manpower?

23 A Yes, it does.

24 Q So did you have to switch up the organization of  
25 the units to permit that to be implemented? You



1           couldn't simply impose it on top of the existing  
2           structure?

3           A    What Peel police has done historically with their  
4           homicide investigations is -- it's a term we call  
5           "front end load" the investigation.  If we have a  
6           homicide today then we assign officers from the  
7           homicide bureau to be the major case manager, the  
8           primary and the file coordinator and we have  
9           officers from various divisions come in and  
10          assist for the first 48 to 72 hours so that way  
11          we are getting more resources after the homicide.

12          Q    Today.  I'd like to answer that question as of  
13          1998.

14          A    I was.  Sorry.

15          Q    You had the change in structure to accommodate  
16          that?

17          A    Yes, we were doing that.

18          Q    Could the witness be shown Exhibit J please for  
19          identification, page 227.

20   THE REGISTRAR:  She has it.

21          A    227?

22   MS. TOBIAS:

23          Q    Yes.

24          A    Yes.

25          Q    First of all, just to put some context here, this

1 is a memorandum dated August 25, 2000 to  
2 Inspector Doug LePard from Geramy Field and it's  
3 entitled Staffing Request Study. Do you see  
4 that?

5 A Yes.

6 Q Would you turn to page 5, please. There's a  
7 heading Major Case Management?

8 A Yes.

9 Q And you'll see that there's a commentary, I won't  
10 read the paragraph to you. Take a minute to read  
11 it if you like. In the middle of the page there  
12 is a sentence describing a lack of manpower  
13 required in the early stages of the investigation  
14 in order to implement major case management  
15 model. Do you see that?

16 A I'm just finishing reading the paragraph. Yes, I  
17 see that.

18 Q And I take it that you agree that that would be  
19 necessary, that there would have to be an  
20 increase in manpower available in the early  
21 stages of the investigation?

22 A Yes. Sergeant Field has put: "If this  
23 department is committed to solving crime they  
24 must embrace this philosophy. However, it is  
25 apparent this will not occur without an increase

1 in manpower somewhere within the Major Crime  
2 section." I would agree with that.

3 Q I'm going to come back to this document later so  
4 I'm going to ask you to leave it open to that  
5 page right now. One thing that I think you don't  
6 have in Ontario is Crown approval of charges?

7 A That's correct.

8 Q And that is something that you heard about in the  
9 course of your interviews but that you have no  
10 experience with?

11 A Yes.

12 Q And no experience on the effect that that might  
13 have on the course of an investigation?

14 A No.

15 Q So you are testifying here to provide your  
16 expertise to the commission, and I take it your  
17 primary expertise in serial murder investigations  
18 specifically is as a result of your involvement  
19 with the Bernardo study?

20 A I know my involvement with the Bernardo review  
21 gives me a bit of background with investigations.  
22 I also was a violent crime analyst following my  
23 secondment to work with Justice Campbell. I then  
24 worked for a year and a half, two years at the  
25 Ontario Provincial Violent Crime Linkage Analysis

1 System Office, the ViCLAS office, so at that time  
2 I was an analyst analyzing sexual assaults as  
3 well as homicides looking for potential linkages  
4 to see if they became serial, so I have  
5 experience from that as well.

6 Q I would expect that any form of experience  
7 dealing with complicated and serial criminal  
8 investigations helps someone when they approach a  
9 serial murder investigation?

10 A Yes.

11 Q But there are some challenges that are perhaps  
12 peculiar to serial killer investigation, are  
13 there not?

14 A Could you give me an example of what specifically  
15 you're referring to?

16 Q Yes, I will. There is the issue of -- perhaps  
17 "peculiar" is not the right word -- but there are  
18 some challenges that are notable with serial  
19 murder investigations and particularly when the  
20 offences are stranger-to-stranger situations and  
21 that I would suggest to you results in a  
22 situation where you have a much larger suspect  
23 pool than you have in a situation where you have  
24 a murder, perhaps a multiple murder, but where  
25 the victims and the offender are known to each

1 other?

2 A I would agree.

3 Q And similarly, and this is an aspect that  
4 particularly relates to this case, if you have a  
5 serial offence investigation in which you don't  
6 have a crime scene that you have access to to get  
7 that forensic evidence?

8 A I would agree.

9 Q Is it fair to characterize that as a major, major  
10 challenge?

11 A I would say that would be a challenge, yes.

12 Q And we've already alluded to it, but when you're  
13 talking about a stranger-to-stranger serial  
14 murder offence you are talking about very, very  
15 large amounts of information?

16 A I would agree with that, yes.

17 Q And the information comes from many different  
18 sources?

19 A Yes.

20 Q And those kinds of investigations require a lot  
21 of participation by a lot of different people, a  
22 lot of different investigative bodies, if I can  
23 put it that way?

24 A Human resources, yes, a lot of investigators.

25 Q So when you have a lot of people involved then

1           you have a coordination problem or a challenge,  
2           if I can put it that way?

3           A    A challenge.  I wouldn't suggest it would be a  
4           problem.  If I was leading an investigation I  
5           would want more resources than less.  You're  
6           saying you would have more of a challenge with  
7           coordinating these people, these investigators?

8           Q    Yes.  Coordinating what do they do, what they  
9           know, what they find out.

10          A    I've never found that while leading homicide  
11          investigations.  I've led homicide investigations  
12          where I've had up to 25 people on certain days  
13          given tasks as long as I keep track of my tasks  
14          and keep track of my tasks, I have a system in  
15          place and receive the information back and  
16          everyone is aware of it, but I agree it would be  
17          challenging to some.

18          Q    One aspect of the serial offence, particularly  
19          the serial murder offence that has received even  
20          academic attention, is what has been described as  
21          linkage blindness; is that right?

22          A    How so?  I'm not sure I understand the question.

23          Q    That's one of the phenomena that occurs  
24          frequently and if it occurs it creates real  
25          problems for finding an offender?

1           A    Linkage blindness and the fact that the  
2                    investigators aren't linking the two cases  
3                    together or multiple cases together, I would say  
4                    that has been a problem, yes.

5           Q    That was a problem that was referred to in the  
6                    Bernardo report.  I'm not going to ask you to  
7                    turn it up because I think what I'm about to read  
8                    to you is both short and something you'll be very  
9                    familiar with, but one of the statements in that  
10                  report is:  "It is imperative that police forces  
11                  have the capacity and use the capacity to  
12                  recognize linkages between crimes in different  
13                  communities."  It continues:  "Unless these  
14                  linkages are recognized earlier the serial  
15                  predator can continue his hunt and strike at will  
16                  in different communities with very little risk of  
17                  detection."

18          A    I would agree with that.

19          Q    To go on:  "Identification of linkages will not  
20                  by itself solve cases.  Cases are solved by  
21                  painstaking investigations supported by forensic  
22                  work and often by lucky breaks that have to be  
23                  recognized and followed up."  Do you agree with  
24                  it?

25          A    Justice Campbell wrote it; I would agree with it.

1 Q Linkage blindness is a concept that on the one  
2 hand is described here as the ability to see a  
3 connection between say victims that occur in a  
4 lot of different places?

5 A The inability to recognize, to see.

6 Q I'm sorry, inability.

7 A Yes.

8 Q But the concept could equally be applied to  
9 possible -- whereas here, you have a number of  
10 victims that emanate from the same point,  
11 Downtown Eastside, and the offender or offenders  
12 could be in a lot of different places?

13 A That's correct.

14 Q Because the Downtown Eastside is a place where  
15 the johns collect from all over?

16 A That's what I understand.

17 Q So avoiding linkage blindness means that you then  
18 have to make sure that you cast your net wide  
19 enough that a predator or predators will fall  
20 within it?

21 A I would agree with that.

22 Q That is particularly the case where you've got no  
23 -- you don't have your crime scene and it's a  
24 stranger-to-stranger situation and so you have a  
25 missing person, you don't have any direct links,



1                   so then your pool of suspects is very large  
2                   indeed?

3           A    I would agree with that.  I apologize, Mr.  
4                   Commissioner, I seem to focusing my attention  
5                   over to Ms. Tobias.

6 THE COMMISSIONER:  I can hear you.

7 MS. TOBIAS:

8           Q    What has to happen for an efficient  
9                   investigation, I'm judging from the evidence  
10                  you've given and the writing of various authors  
11                  including Mr. Justice Campbell, is that given  
12                  that the offenders -- the offences can be spread  
13                  over a wide area and over a long period of time,  
14                  mechanisms are essential in order to have the  
15                  information about the various incidents available  
16                  to any and all investigators who come up with a  
17                  suspicious disappearance, let's say?

18          A    I would agree.

19          Q    And some of those mechanisms are going to have to  
20                  be electronic information systems in this day and  
21                  age?

22          A    Yes.

23          Q    And offences, these serial murder or serial  
24                  offence investigations are necessarily in that  
25                  vein going across jurisdictional boundaries?

1           When I say "jurisdictional boundaries" what I  
2           mean is boundaries between different policing  
3           areas.

4           A    Sorry, I didn't get the question there.

5           Q    I'll try and make it a bit clearer.  You can  
6           never approach a serial offence case assuming  
7           that all the information you need is going to be  
8           within one particular policing jurisdiction.  
9           I'll give an example.

10          A    Yes, please.

11          Q    Bernardo, for example, you said that Peel covers  
12          Mississauga and I think it was Brampton?

13          A    Brampton.

14          Q    And right next door is Toronto, Hamilton, St.  
15          Catharines?

16          A    Yes.

17          Q    So really your jurisdiction is one area within a  
18          much larger urban area?

19          A    That's correct.

20          Q    And so if you were approaching an investigation  
21          it wouldn't be reasonable to think that you only  
22          needed to talk to other Peel police?

23          A    No, no.  If we had a suspect in mind we'd be  
24          making contacts with other police agencies to see  
25          if they had contacts with that person of

1 interest.

2 Q If the Peel region was expanded to include  
3 Toronto, Hamilton, St. Catharines and one of the  
4 other neighbouring, you'd still need to go  
5 outside the borders of that region if you're  
6 doing an investigation like that?

7 A I'm not sure I understand the question. Right  
8 now I could do a query name and we have  
9 something, it's the police information portal, so  
10 all the information now if I run Bernardo's name  
11 it would provide me information from the other  
12 police services. Are you talking about just the  
13 exchange of information?

14 Q I'm talking about the exchange of information.  
15 I'm saying even if the Peel region were bigger  
16 than it is now if you had a serial murder  
17 investigation you'd be looking to your border  
18 agencies however much you expanded your borders?

19 A Yes, we would.

20 Q The key, as you've said, is strong communication  
21 systems?

22 A Yes.

23 Q Another key that I think you have mentioned is  
24 the necessity for the investigators and the  
25 managers involved to have a co-operative spirit?

1 A Yes.

2 Q As opposed to a competitive spirit?

3 A Yes.

4 Q And that there be -- we've talked now about  
5 external communication, communication across  
6 police boundaries, but equally you need strong  
7 internal communication?

8 A Yes, you do.

9 Q I would suggest to you that the larger your  
10 policing organization the more robust your  
11 mechanisms -- your systems need to be?

12 A I would agree with that.

13 Q Because when you've got a small office with six  
14 people they'll pretty much wander down the halls  
15 and talk to each other, assuming they get along?

16 A Let's hope, yes.

17 Q As things get better bigger and are on different  
18 floors or different areas of the city, then  
19 you're needing the same kind of tools I would  
20 suggest as you would between police forces?

21 A Yes, you would. Internally people work different  
22 shifts. Just because my desk is next to your  
23 desk doesn't mean we talk every day if we're on  
24 different shifts, so it's very important to have  
25 these mechanisms in place.

1 Q And you need strong systems for management levels  
2 to communicate together?

3 A Yes, you do.

4 Q So what is important is to have a system that  
5 works as opposed to -- let me back up. This is  
6 not a one-size-fits-all situation. You need a  
7 system that works and there might be more than  
8 one that fits the bill?

9 A I would agree with that.

10 Q And the whole cross-regional problem, getting the  
11 information and so forth, is in fact not -- if  
12 you expand your view, it's international,  
13 especially in Canada; would you not agree with  
14 that?

15 A My view -- I'm not sure of the question. I'm  
16 sorry.

17 Q Let me put it to you -- let's start with the  
18 serial murder situation. Peel is not so far from  
19 the border?

20 A That's correct.

21 Q If you're looking for offenders your offender  
22 might well be in the United States as well?

23 A It's possible.

24 Q So you need to communicate with that agency?

25 A Yes.

1 Q So you need international communication systems  
2 that are effective?

3 A I would agree.

4 Q And you're familiar with the extradition process?

5 A I am.

6 Q So aside from serial murders there are lots of  
7 different kinds of offences that require  
8 international co-operation, not necessarily only  
9 with the United States but with jurisdictions  
10 that are more far flung than that?

11 A Yes, I would agree.

12 Q I'd like you to take up your report please at  
13 page -- start with page 4-1. The first heading  
14 under Methodology you describe what you were  
15 engaged to do. The wording that you have used in  
16 that paragraph repeats the terms of reference  
17 from this commission, does it not? In other  
18 words, investigations conducted between January  
19 23, 1997 and February 5, 2002 by police  
20 departments in British Columbia respecting women  
21 reported missing from the Downtown Eastside of  
22 the City of Vancouver.

23 A That's correct.

24 Q On page 6-1, the first paragraph you say that, as  
25 we've just discussed, you're guided by the terms

1 of reference and then you say your report  
2 identifies issues that you have determined to be  
3 relevant during the course of your review. So I  
4 want to ask you some questions about your use of  
5 the word "relevant" there and what the ambit of  
6 your review was.

7 We know from your report that you spent a  
8 considerable amount of time reviewing the  
9 investigation conducted by the Coquitlam  
10 detachment into the information that Robert  
11 Pickton may have been murdering a woman but  
12 potentially other women on his farm?

13 A That's correct.

14 Q And that seems to occupy -- that's the biggest  
15 single piece of your report almost, it's quite a  
16 lengthy section.

17 A It is.

18 Q And you pay quite a bit of attention to the  
19 Missing Womens Investigation conducted by the  
20 Vancouver Police Department during that period of  
21 time that became known as Project Amelia?

22 A Yes.

23 Q And then spent some time looking at the  
24 Evenhanded project up to and including February  
25 of 2002?

1 A Yes.

2 Q If you look back at your -- at page 4-1, you talk  
3 about investigations conducted between 1997 and  
4 2002 respecting women reported missing from the  
5 Downtown Eastside in the City of Vancouver. Did  
6 your review include investigations in the Fraser  
7 Valley that were taking place during that time  
8 into the murders of women from the Downtown  
9 Eastside?

10 A I would have to be provided with the names so I  
11 could check my list.

12 Q Pipe, Olajide, Younker.

13 A No, I did not.

14 Q During the course of the Evenhanded investigation  
15 there was an investigation into the murders of I  
16 think it was three women whose bodies were found  
17 -- whose bodies were found in Vancouver and,  
18 similarly, those were women who had gone missing  
19 front the Downtown Eastside and those became  
20 known as the Alley murders and an offender was  
21 located with respect those murders. Did you look  
22 into those investigations at all?

23 A No, I did not.

24 Q There was a file in North Vancouver regarding a  
25 woman named Legare who had gone missing from the



1           Downtown Eastside. Did you review that  
2           investigation?

3           A    No, I did not.

4           Q    So you reviewed three -- and there might be other  
5           investigations into other -- you didn't look at  
6           those?

7           A    No.

8           Q    You looked at three files, the Pickton file in  
9           Coquitlam, the missing womens investigation in  
10          Vancouver that became known as Amelia and  
11          Evenhanded?

12          A    I looked at the missing women with regard to  
13          Project Amelia. I'm smiling because there was so  
14          much information three files doesn't give an  
15          accurate review of what I reviewed over the last  
16          year.

17          Q    As one of my staff told me, I understand there's  
18          well over 150,000 pages on concordance today.

19          A    Yes.

20          Q    So you had a lot of reading to do?

21          A    Yes.

22          Q    Did you have enough time to do it?

23          A    No.

24          Q    Is that why you only reviewed three particular  
25          areas?

1           A    I'm thrown off by your reference to "three".  
2                    When I refer to missing women the cases I look  
3                    at, I looked at the 27 --- I attempted to look at  
4                    the 50 files, the 27 on the original poster, the  
5                    18 followed up in Evenhanded in 2001 and the five  
6                    reported in 2002, and I believe in my report I  
7                    did a review of 34 of those cases because of the  
8                    timing. There was a lot of information to  
9                    review.

10          Q    So the only investigations that you reviewed in  
11                    any depth were -- you restricted yourself to the  
12                    women who were at one time or another on that  
13                    missing womens poster?

14          A    Yes.

15          Q    As you said when you itemized the investigation  
16                    at the end of the report, I think that's appendix  
17                    B, you did 34 out of 50, that's because you ran  
18                    out of time. Is that the only rationale for  
19                    which you chose out of the 50?

20          A    Yes.

21          Q    Is time the same reason that you only focused on  
22                    the investigation of the women who ended up on  
23                    the poster?

24          A    I was not provided files with regard to the  
25                    Agassiz homicides or the Legare homicide, I was

1 not provided information with regards those so I  
2 didn't review those.

3 Q I'll ask my staff to put specifics, but the  
4 Valley investigation is still under  
5 investigation, you're aware of that?

6 A Yes.

7 Q You were provided information with respect to  
8 that?

9 A I was provided a file from Project E Valley.

10 Q You didn't ask for anything more on E Valley?

11 A I don't believe so.

12 Q Similarly with respect to Alley as it became  
13 known, you were provided information about that?

14 A Yes, I probably was. I'd have to check my list.

15 Q And you did not then look -- well, let me back up  
16 a bit. You are aware of course that during that  
17 period of time there were quite a number, a large  
18 number of investigations into women who, to use  
19 the words of the mandate, were reported missing  
20 from the Downtown Eastside of the City of  
21 Vancouver who were located?

22 A That's correct.

23 Q And you did not look at those?

24 A No, I did not.

25 Q So you have no basis for comparison of what was

1           done right or what was done differently in those  
2           or that you would comment on to encourage further  
3           use of similar techniques or provide the kind of  
4           correction that you attempt to provide in your  
5           report?

6           A    I did not do a comparison of those type of  
7           investigations.

8           Q    So really your report focuses on a very narrow  
9           area of the mandate for the commission?

10          A    I would agree with that.

11          Q    And, again, as you said, that was only because of  
12          lack of time?

13          A    And that was the direction I was given.  I was  
14          looking at -- the focus was on the 27 missing  
15          women from the poster.

16          Q    How was that direction given to you and by whom?

17          A    It would have been given by commission counsel.

18          Q    Was that direction given to you in writing or  
19          verbally?

20          A    It would have been verbally.

21          Q    Right at the beginning of your work?

22          A    Yes, I believe so.

23          Q    And so that governed obviously what you asked for  
24          and what you were interested in looking at, who  
25          you were interested in interviewing?

1 A Yes.

2 Q Now I want to turn to the topic of what happens  
3 or what should happen when someone is reported  
4 missing, okay. I'd like to ask you to look at  
5 Exhibit 41. Mr. Giles, Exhibit 41, volume 1,  
6 please.

7 THE COMMISSIONER: What page number?

8 A Tab 8.

9 MS. TOBIAS:

10 Q This is a report by retired Inspector John  
11 Schouten. Do you see that?

12 A I do.

13 Q You reviewed this report, did you not?

14 A Yes, I did.

15 Q Would you turn please to page 6 of that report.  
16 The page has the heading Introduction?

17 A Yes.

18 Q And about five paragraphs down there's a  
19 paragraph that begins, "A critical element". Do  
20 you see that?

21 A Yes.

22 Q The first sentence: "A critical element in a  
23 missing person case is a distinction whether an  
24 incident is suspicious or not," and then it notes  
25 that, "an overwhelming number of such reports are

1 not really suspicious." It says: "In those  
2 cases where suspicious circumstances are involved  
3 it is imperative that the police conduct a  
4 thorough investigation at the earliest  
5 opportunity so that no evidence is lost. In  
6 those few incidents the scope and detail of the  
7 investigation are comparable to that expected in  
8 a homicide." Do you agree with that statement?

9 A Yes.

10 Q Would you turn please to page 8. This page  
11 describes the Major Findings according to the  
12 heading on it of this audit report with reference  
13 to the VPD Missing Persons Unit?

14 A Yes.

15 Q Among those, I'd like to draw your attention to a  
16 few of those recommendations. Item number 6  
17 notes that there's an absence of review of  
18 missing person cases by a sworn member, in other  
19 words, a trained investigator. Would you agree  
20 with that that's an essential part of how missing  
21 person reports should be treated?

22 A Would I agree with number 6?

23 Q Yes.

24 A It says: "There is an absence of review of  
25 missing persons cases by a sworn member. The

1 non-sworn missing person coordinator is currently  
2 the principal missing person investigator and  
3 case manager and is -- "

4 Q Would you agree that that's a problem?

5 A Yes, I would.

6 Q Sorry, I didn't mean to interrupt you there.

7 Similarly, item number 8 talks about insufficient  
8 scrutiny of files for potential suspicious  
9 missing person cases indicating a need for risk  
10 assessment system or reporting protocol. That's  
11 closely related to item 6, and would you agree  
12 that that is an important deficiency?

13 A Yes, I would agree with that.

14 Q And item number 9: "Little active investigation  
15 of files not cleared within the first 48 hours  
16 beyond basic checks of indices," and there's a  
17 list given. Would you agree that that is a  
18 serious matter?

19 A Yes.

20 Q And item number 14: "There is a need to develop  
21 clear guidelines to determine when a suspicious  
22 missing person becomes a homicide investigation."  
23 Do you agree that that is important?

24 A I would agree.

25 Q This report is looking at the system as it

1           existed in VPD during the terms of reference?

2           A    I see the report was written in 2004.  I'm trying  
3           to see the terms of reference to see what cases  
4           he reviewed.

5           Q    I won't ask you to take the time to do that now.  
6           I'll come back to it perhaps after the break.  
7           Let me take you to your review of Project Amelia.  
8           Without asking you to look up specific areas of  
9           your report, in general terms, the work of the  
10          Vancouver Police Department for various reasons  
11          with respect to the missing identified up to and  
12          including 2001, was that those reports were not  
13          -- that the suspicious circumstances were not  
14          identified and treated as such by the VPD as an  
15          organization expeditiously?

16          A    I'm not sure if I can answer that in general  
17          terms.  I found that -- I think I need you to be  
18          more specific as to -- I found that Detective  
19          Constable Shenher was working on the  
20          investigations and she was looking for areas of  
21          suspiciousness and she came to the conclusion I  
22          would say rather quickly that because the women  
23          were not cashing their welfare cheques or  
24          contacting family she felt they were -- I mention  
25          that and I bring that out in the August memo of



1 1998.

2 Q The portions of the Schouten report that I took  
3 you to, you saw evidence of the problems that he  
4 identified?

5 A In 2004.

6 Q Sorry, you didn't see them -- he identified the  
7 problems in 2004 but you saw evidence of those  
8 problems in the documents and in your  
9 investigation about how such investigations were  
10 taking place during the terms of reference?

11 A Yes, I would agree with his comments and the fact  
12 that in some of the files I saw little active  
13 investigation. Investigators were doing mere  
14 checks on the computer as opposed to going out  
15 and doing we call them door knocks -- is that  
16 where your question is going?

17 Q Yes.

18 A Yes.

19 Q You identify some of that in your appendix D?

20 A Yes.

21 Q That being the case, one of the reasons for doing  
22 that early on that's identified in the Schouten  
23 report is to get the evidence while it's fresh?

24 A Yes.

25 Q So to the extent that by the end of 2000 when

1 Evenhanded got going, one aspect of what they  
2 inherited from Project Amelia, if I can put it  
3 that way, is a trail gone rather cold?

4 A From the missing women files, yes.

5 Q And the other thing that you saw, and I'll take  
6 you back, there was -- they had been using the  
7 tip system?

8 A That's correct.

9 Q They were starting to use SIUSS?

10 A Yes.

11 Q So they had an awful lot of material that had  
12 been accumulated over a period of years?

13 A Yes.

14 Q It was not well organized?

15 A No. From what I understand it was not.

16 Q We're going to come back to that later. I would  
17 suggest to you that the lack of prompt -- let me  
18 try and be clearer. That situation that you  
19 identified and that Schouten talked about, that  
20 was a key problem in these investigations that  
21 delayed their resolution, just didn't get on it  
22 earlier enough, to put it bluntly?

23 A I would say that there was evidence throughout  
24 the documents that I didn't observe that they  
25 were getting out and interviewing people that

1           should have been interviewed, or speaking to  
2           people that should have been spoken to and  
3           looking for more information, yes.

4 MS. TOBIAS: Mr. Commissioner, I'm about to launch into a  
5           whole different topic that will take me in a  
6           different direction.

7 THE COMMISSIONER: You want to take the break?

8 MS. TOBIAS: Yes.

9 THE COMMISSIONER: Okay.

10 THE REGISTRAR: We will now take a break for 15 minutes.

11           (PROCEEDINGS ADJOURNED AT 10:08 A.M.)

12           (PROCEEDINGS RESUMED AT 10:23 A.M.)

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

14 MR. VERTLIEB: Mr. Commissioner, just to deal with witnesses  
15           for next week because we want to go week by week  
16           on our witness list, just so everyone can hear,  
17           if we can have Dave Dickson right after the  
18           Deputy Chief he would be following her, but we're  
19           not sure we can arrange that, and if not, then it  
20           will be Al Howlett and then MacKay-Dunn. You  
21           know Dr. Rossmo has been scheduled for some time  
22           on the Tuesday and then Gary Greer and Lori  
23           Shenher. So that's the list for next week. It's  
24           in a bit of flux. If we can't get Dickson it  
25           will have to be Howlett. We're still considering

1 next week whether the deputy is going to carry  
2 over so I just want to let people know.

3 THE REGISTRAR: Mr. Commissioner, just to sort out the series  
4 of for identification documents, the document is  
5 entitled DC Evans AGC Documents. Exhibit for  
6 identification M will be volume 1, for  
7 identification M1 will be volume 2, M2 will be  
8 volume 3, M3 will be volume 4, M4 will be volume  
9 5.

10 (EXHIBIT M FOR IDENTIFICATION: Volume 1)

11 (EXHIBIT M1 FOR IDENTIFICATION: Volume 2)

12 (EXHIBIT M2 FOR IDENTIFICATION: Volume 3)

13 (EXHIBIT M3 FOR IDENTIFICATION: Volume 4)

14 (EXHIBIT M4 FOR IDENTIFICATION: Volume 5)

15 THE COMMISSIONER: Thank you. Go ahead.

16 MS. TOBIAS:

17 Q Deputy Chief Evans, I'm not going to ask you to  
18 turn your report up because I'm sure that this  
19 phrase will ring a bell in your head. You say in  
20 your conclusion in chapter 9: "In hindsight it  
21 appears easy to see a clear path to Pickton." Do  
22 you remember writing that?

23 A I do.

24 Q I want to harken back to something that you spoke  
25 about earlier today and that was about the fact

1           that in a stranger-to-stranger serial murder like  
2           the missing womens investigation your pool of  
3           suspects becomes very large?

4           A    Yes.

5           Q    That's essentially because, and we discussed some  
6           of the reasons, you end up with a list of perhaps  
7           a lot of nasty people who can perhaps be  
8           connected in a general way say to the Downtown  
9           Eastside?

10          A    That's correct.

11          Q    But not in any specific way to any of the people  
12          who went missing from there?

13          A    Yes.

14          Q    And so the task becomes to figure out a way to  
15          close that gap?

16          A    Yes.

17          Q    Now, we have heard a fair bit already in this  
18          inquiry about what's described as a suspect-based  
19          investigation, and so I'd like to tease out a  
20          little bit with you what that amounts to.

21          A    Yes.

22          Q    If you've got a whole group of potential suspects  
23          and you now want to try and close that gap  
24          between the specific victim, the likely victim,  
25          and one of a range of men or offenders who could

1 be involved, you are then looking for any kind of  
2 evidence that would give you that connection and  
3 that could involve for any single target a great  
4 deal of investigative effort?

5 A I agree.

6 Q So that effort, to give an example, we've heard  
7 about obtaining cast-off DNA and so the idea in  
8 concept is that you'll get a tissue or some  
9 article that the target left behind and hope to  
10 get a DNA sample from it?

11 A Yes.

12 Q But of course the devil is in the details, as it  
13 tends to be, and so that generally or often might  
14 involve a surveillance team?

15 A I would agree.

16 Q And a surveillance team is not just one person?

17 A No.

18 Q It's many people?

19 A I agree.

20 Q And without going into the details here because  
21 we don't want to discuss investigative techniques  
22 too closely, it can be a complicated and time  
23 consuming and resource consuming task?

24 A Yes.

25 Q That is yet only one of the things that might

1           have to be done to start to do a suspect based  
2           investigation on a particular target to close  
3           that gap?

4           A    I agree.

5           Q    You might have to do a lot of background checks?

6           A    Yes.

7           Q    And talk to anyone -- first figure out who might  
8           have information, talk to those people, take  
9           statements, take follow-up, et cetera?

10          A    I would agree.

11          Q    And that could be a lengthy and resource  
12          consuming task?

13          A    Yes.

14          Q    So focusing on one suspect involves a multitude  
15          of investigative avenues like looking for cast-  
16          off DNA, like following up on all the contacts  
17          and might even involve something like an  
18          undercover operation?

19          A    It's possible.

20          Q    An undercover operation, again, without going  
21          into a lot of detail, is more than if Jennifer  
22          Evans gives herself a different name and waltzes  
23          up to a suspect and identifies herself?

24          A    I agree.

25          Q    So you could be looking at a matter of several

1 months of working that target to get the  
2 operation set up and get it running?

3 A Depending on the type of investigation.

4 Q And, again, it involves not just an undercover  
5 but lots of other people involved to make the  
6 operation run?

7 A I would agree.

8 Q So at bottom, you can only investigate so many  
9 suspects like that. Let's put it this way: If  
10 you've got 200 people in your pool of suspects  
11 you're not going to do that kind of investigation  
12 on each one?

13 A I think you would select your suspects depending  
14 on their contacts with the victims. There's a  
15 variety of reasons why you would select certain  
16 suspects to focus on more than others. You would  
17 have to do an analysis of your suspects and in  
18 the suspect phase of the investigation you would  
19 pick suspects to focus more attention to. I  
20 agree with that.

21 Q So one of the ways in which you prioritize your  
22 suspects is in looking at the amount and quality  
23 of the information that you have about that  
24 person?

25 A Yes, or that you investigate and find out and



1           determine on that person.

2           Q   Right.  But before you launch the suspect based  
3           investigation, if you've got a lot of potential  
4           suspects you're going to evaluate one against the  
5           other?

6           A   Yes, you do a lot of background work first before  
7           you commence, yes.

8           Q   And you're going to go on your best one first?

9           A   I would.  I would recommend that, yes.

10          Q   There's been a lot of discussion about resources  
11          and that's a very important element to this  
12          inquiry?

13          A   Yes.

14          Q   I would suggest to you that you never have so  
15          many resources that you can bypass that  
16          prioritization exercise?

17          A   I'm not sure I understand your question.

18          Q   Well, let me try to be clearer.  Let's say you're  
19          in a situation where someone says to Jennifer  
20          Evans you can have -- you'll have what you need  
21          and you have -- let's narrow it down -- you've  
22          done your prioritization and you have maybe as  
23          many as 20, 30 people on your list.  Are you  
24          going to go after all of them at once,  
25          investigate with a suspect based investigation?

1           A    No, you wouldn't have the resources for that.  
2                    You'd probably focus on one or two or three at a  
3                    time, depending on what type of investigation  
4                    you're conducting or what your strategy is.  But  
5                    unless you're giving me unlimited resources, then  
6                    I could work on all 30 at the same time, but  
7                    that's unlikely.

8           Q    The reason that's unlikely is because there is  
9                    lots of very serious crime that needs to be  
10                    investigated compared to the pool of resources  
11                    generally available?

12          A    I would agree with you but I think these are very  
13                    serious crimes so I would think this would have  
14                    demanded --

15          Q    I'm talking about hypotheticals at this point.

16          A    Okay.

17          Q    What I'm asking you about is as a general  
18                    principle, even for a very serious case you would  
19                    focus your investigation because you wouldn't  
20                    have the breadth of resources required to do  
21                    intensive suspect based investigation on a  
22                    multitude, as in dozens, of targets at once?

23          A    Are we speaking hypothetically?

24          Q    Yes, we are.

25          A    Hypothetically, if I had specific persons of

1 interest that I wanted to focus my attention on I  
2 would seek out the resources as an investigator  
3 and focus my resources on those persons of  
4 interest.

5 Q You wouldn't be focused on dozens at once, you  
6 would be focused on a small number?

7 A It would depend on the investigation. It's very  
8 difficult to speak hypothetically. I think each  
9 investigation is unique to itself so it would  
10 depend on what resources I had available to me as  
11 well as how many investigators I had to work on  
12 different suspects. Would I have to focus on  
13 certain suspects and prioritize them? Yes, I  
14 would agree I would prioritize my suspects. It  
15 would be unlikely I would ever be given the  
16 resources as a police officer to work on 20 at  
17 all once and commit the same attention to each of  
18 the 20.

19 Q That's what I was getting at. Now what I was  
20 trying to ask you about was the reason why you  
21 would not be given resources to do that. That's  
22 because the resources have to be parcelled out  
23 between cases?

24 A Yes, I would agree.

25 Q I'd like to get from the hypothetical to the

1           specific and I'm going to ask you to refer to  
2           page 8-141 in your report, please.

3           A    8-41.

4           Q    No, 141.

5           A    Yes.

6           Q    Here under the heading Conclusion is where you  
7           express your conclusion with respect to the  
8           investigation specifically related to Robert  
9           Pickton?

10          A    Yes.

11          Q    And so you say a couple things there that I want  
12          to explore with you in the next few minutes. The  
13          first thing is in the second paragraph under the  
14          heading Conclusion, you say: "The information  
15          that various police officers received regarding  
16          Pickton was specific, unique and incredible." So  
17          it was -- there you're talking about, in essence,  
18          the information that Pickton had taken a sex  
19          trade worker to his farm and killed her, hung her  
20          up on the hook in the barn and --

21          A    There was mention that he was grinding the bones  
22          up, feeding them to his pigs and delivering them  
23          to a rendering plant, I was talking about all the  
24          information.

25          Q    That's the guts of it? That was a poor choice of

1 words.

2 A Yes.

3 Q I want to make sure we're starting on the same  
4 footing.

5 A Yes.

6 Q It was undoubtably specific because it was  
7 detailed, but I want to explore with you the  
8 aspect of what was unique about it. It described  
9 something that I would consider to be grizzly and  
10 shocking. Is that something you would agree  
11 with?

12 A I would agree.

13 Q You looked at enough homicide cases I think that  
14 information, although it's not the same  
15 information as this about murders it's not  
16 unusual for that information to be grizzly and  
17 shocking?

18 A I would agree. I think most homicides are  
19 grizzly and shocking.

20 Q Some of them, it's unfortunately true, that some  
21 murders are committed in a particularly sadistic  
22 and shocking -- I keep using that word -- but  
23 shocking manner?

24 A I agree.

25 Q So that's not what made this information unique?

1           A    I thought the information contained in the files  
2                   with regards to the source information, I think  
3                   you could characterize it -- I didn't use the  
4                   word "shocking" but you're using it today. I  
5                   think it would be shocking.

6           Q    What I'm getting at is that the specifics of the  
7                   information was unique but the fact that there  
8                   was -- that someone -- in other words, this would  
9                   not be the first time that you picked up a file  
10                  and saw that an informant gave information that  
11                  someone had committed in graphic detail,  
12                  something that was very grizzly and shocking and  
13                  horrible?

14          A    No, I think I would agree with that. I've seen,  
15                  especially working in the ViCLAS unit, I saw so  
16                  many violent sexual assaults and homicide  
17                  investigations but that's why I said a lot of  
18                  them are shocking but I think each officer sees  
19                  things differently depending on their own  
20                  background.

21          Q    So you obviously looked very closely at the  
22                  different kinds of information provided about Mr.  
23                  Pickton?

24          A    Yes.

25          Q    You know that he was not alone amongst the list

1 of suspects?

2 A You mean other persons of interest?

3 Q Yes. That's perhaps the more precise term.

4 There is a difference in police parlance between  
5 a person of interest and a suspect?

6 A Yes.

7 Q A person of interest may be a suspect but may not  
8 be?

9 A That's correct.

10 Q A person of interest may be the wife, the  
11 brother, people around that may simply have  
12 information?

13 A Yes.

14 Q So I think for the next little while this morning  
15 when we're talking about persons of interest  
16 because that's how it was expressed, these are  
17 really persons of interest because they're  
18 potential suspects.

19 A Okay.

20 Q And what's the difference in your mind between  
21 someone who is a person of interest as a  
22 potential suspect and someone who is a suspect,  
23 that you would just describe as a suspect?

24 A I would say in my mind a person of interest is  
25 someone who comes up and you would add them to

1           your list as people you have to confirm as being  
2           involved or eliminate, whereas a suspect is  
3           someone you're more focused on and you have more  
4           information that he or she may be responsible for  
5           the crime.

6           Q    So what happens is that the police receive this  
7           information about Pickton's activities?

8           A    Yes.

9           Q    And when that information is received he's then a  
10          person of interest?

11          A    Yes.

12          Q    I'm going to go into more detail later about what  
13          happened in Coquitlam, but essentially that  
14          exercise is figuring out if the person of  
15          interest should be a suspect, that's the first  
16          thing you do?

17          A    Yes.

18          Q    That's what Crime Stoppers, for example, is all  
19          about, a tip comes in and it gets checked out?  
20          You're nodding?

21          A    Yes. I agree it gets checked out -- maybe I  
22          shouldn't be nodding so quickly. When you say  
23          getting checked out, Detective Constable Shenher  
24          received a Crime Stoppers tip and then she  
25          started conducting queries and police checks on



1 Pickton and in her mind he becomes a person of  
2 interest because someone is suggesting he is  
3 responsible.

4 Q All I'm getting at is that there was a line set  
5 up, that's the kind of normal, routine response  
6 when you get a tip that comes in that it seems  
7 like there might be something to it?

8 A Yes.

9 Q There are a series of documents that I would like  
10 you to look at and they are in Exhibit M3 -- I'm  
11 sorry, I'm not quite there yet. M-2, tab 96,  
12 please?

13 A Yes.

14 Q This is dated June 23, 1999, so it's after --  
15 I'll come back to this later -- but the initial  
16 tip that came in about Pickton from Hiscox?

17 A Yes.

18 Q But it's before the information comes in from  
19 Caldwell?

20 A I would agree.

21 Q This is a memorandum from Inspector Biddlecombe  
22 with respect to the Missing Womens Work Group  
23 meeting so you'll see it's a fairly general  
24 overview. I'll ask you to look at paragraph 4,  
25 item number 4. "Potential targets include," and

1           then there's a list of seven names. Some of them  
2           in our copy are numbers because the names have  
3           been replaced by POI numbers. There's about  
4           seven people?

5           A    Eight.

6           Q    And Pickton is the second one on the list?

7           A    Yes, he is.

8           Q    There's nothing in that sentence to indicate that  
9           those names are ranked in any fashion, is there?

10          A    No, there isn't.

11          Q    And they are described as persons of interest and  
12          potential targets?

13          A    That's correct.

14          Q    So that would indicate based on your previous  
15          evidence that when they say, "all persons of  
16          interest still to be done, suspect profiling  
17          still to be done," that the investigation into  
18          these people is at a very preliminary stage?

19          A    Yes. I don't think I can answer that. I'm not  
20          really sure what stage. I'm not sure "suspect  
21          profiling still to be done," I'm not sure what  
22          that terms means.

23          Q    I'm focusing more on the phrase, "all persons of  
24          interest still to be done". What does that imply  
25          to you?

1 A I'm not sure if he is saying that they are still  
2 conducting investigations. I'm not sure if that  
3 means they haven't completed eliminating them as  
4 a suspect or changing their status, I'm not sure  
5 what that note means.

6 Q But there's a clutch of people described?

7 A There's eight people I see on the list.

8 Q Would you go please to -- keep that volume you  
9 have there open because I'm going to go to  
10 another document and come back to it, but tab 1E  
11 which is in M3.

12 A What tab?

13 Q Tab 1. You'll see the number 1 followed by a  
14 series of letter tabs, if you would go to E.

15 A E as in "echo". Yes, I have that.

16 Q And this is a list entitled Top Persons of  
17 Interest?

18 A Yes, it is.

19 Q You'll see at the bottom of the document a date  
20 09 29 99?

21 A September 29, 1999.

22 Q And there are 12 people on that list?

23 A Yes, there is.

24 Q And you'd have to compare them yourself, but you  
25 can take it that some of the people who were

1 listed in the previous document are also on this  
2 list and, of course, Mr. Pickton is one?

3 A That's correct.

4 Q You'll agree with me that there's nothing in this  
5 document to indicate that those 12 people are  
6 ranked in any particular order?

7 A Other than they're numbered and Pickton is number  
8 1.

9 Q But there's no indication of any criteria for  
10 that, the document is simply silent?

11 A Yes. There's no indication that says Pickton is  
12 our number one suspect. He just happens to be  
13 listed under number 1.

14 Q This is September so it's after Caldwell has  
15 provided his information?

16 A Yes.

17 Q It's after all of the surveillance has been done  
18 and a lot of that investigative activity that  
19 we're going to talk about later but described in  
20 your report has been done?

21 A Yes.

22 Q He here is one of a group of 12 described as the  
23 top --

24 A Top persons of interest.

25 Q Would you go back please to the previous volume

1           which is Exhibit M2 and would you go to tab 98.

2           A    I have that.

3           Q    This is a memorandum dated October 22, 1999?

4           A    Yes.

5           Q    From Geramy Field to Brian McGuinness?

6           A    That's correct.

7           Q    And it appears to cover a number of different  
8           subjects to do with the Missing Persons Review  
9           Team?

10          A    Yes.

11          Q    If you go to page 3 of that document, there's a  
12          heading at the bottom entitled Persons of  
13          Interest?

14          A    Yes.

15          Q    And it talks about -- the first sentence refers  
16          to a number of persons of interest being  
17          currently investigated?

18          A    Yes.

19          Q    If you flip over the page to page 4, there's a  
20          list that says, "Active investigations include,"  
21          and there's a list of I believe it's 13 people on  
22          that list, most of them have POI numbers and the  
23          two people who are named are Pickton and Whalen?

24          A    Yes, I see it.

25          Q    Take it from me some of the people on that list

1 are some of the same people we've seen on the  
2 other list.

3 A Yes. I also see after, "A number of persons of  
4 interest are currently being investigated," there  
5 is a line, "Some of these people are being looked  
6 at by other police agencies with regard homicides  
7 of prostitutes or serious sexual assaults," and  
8 then the list.

9 Q So active investigations does not mean -- and I  
10 didn't mean to imply but thank you for pointing  
11 that out -- this is something the missing persons  
12 review team, they're doing all these  
13 investigations, that's not what it says?

14 A She's providing an update saying these are the  
15 suspects but also other agencies are looking into  
16 these people as well.

17 Q And then in the next paragraph she talks about a  
18 large number of other suspects?

19 A Subjects.

20 Q Subjects, thank you. Then says: "As you can  
21 appreciate, there's no end to the number of  
22 strange, violent men who could be considered  
23 persons of interest. The review team is  
24 constantly prioritizing these individuals and  
25 concentrating on the most likely suspects." So

1           here we have the problem we talked about earlier,  
2           the stranger to stranger, no direct connection,  
3           we have that problem in spades here the way it's  
4           being described?

5           A    Yes.

6           Q    And then she goes on:  "The majority of our  
7           efforts so far concentrated on Pickton," so that  
8           presumably is a reference to the fact that the  
9           investigation is occurring in Coquitlam but of  
10          course their members are deeply involved?

11          A    The line I see is:  "The majority of our efforts  
12          so far is concentrated on Pickton who is being  
13          looked at for a possible homicide in Port  
14          Coquitlam.  Coquitlam RCMP have utilized the  
15          services of our strike force, liaised with the  
16          unsolved homicide unit and are currently working  
17          in conjunction with Lepine and Chernoff to  
18          develop further plans targeting Pickton."

19          Q    That's what I'm getting at.  The investigation is  
20          happening in Coquitlam but their members are very  
21          involved in it?

22          A    Yes.

23          Q    She's mentioned Lepine and Chernoff?

24          A    And Strike Force.

25          Q    And Strike Force assisted with the surveillance

1 and Lepine and Chernoff were Caldwell's handlers?

2 A That's right.

3 Q And of course Shenher was Hiscox's handler?

4 A Yes.

5 Q So that's a very important role in investigating  
6 the viability and reliability of the information  
7 they provided?

8 A I would agree.

9 Q And then there are two other -- two or three  
10 other people mentioned in some detail following  
11 that?

12 A Yes.

13 Q And the next one is described as "another prime  
14 subject being worked on". Do you see that?

15 A Yes, I do.

16 Q This is the subject that Fell and Wolthers were  
17 working on and you've described that elsewhere in  
18 your evidence?

19 A I have.

20 Q This document is perhaps useful in the sense that  
21 it tells us that at that point in time even when  
22 all of the information had been provided by  
23 Pickton as far as the VPD were concerned, he is  
24 still in this group and there is at least one  
25 other, as they describe, prime subject?



1 A Yes.

2 Q Then they move on to another person who they  
3 describe as being -- this is at the bottom of the  
4 page -- being currently in custody in another  
5 matter involving a sexual assault on a prostitute  
6 in Vancouver. I'm going to take you to another  
7 document on this person later but we can  
8 immediately see though that what's highlighted  
9 about this person is that this person has  
10 committed a sexual assault on a prostitute, so  
11 that's certainly something that would bring that  
12 person to the fore as someone likely or  
13 potentially involved?

14 A Yes.

15 Q Then if we flip over the page, there is a  
16 reference to another POI, 1588, which I would  
17 note is the number that appears directly under  
18 Pickton's name on the list. It says: "Is a  
19 prime suspect in the Fraser Valley homicide".  
20 So, again, that language is being used, only  
21 this time it's "prime suspect" but that's in  
22 relation to the Fraser Valley homicide?

23 A Yes.

24 Q It continues: "We are currently liaising with  
25 the task force in regard to this subject and our

1 higher priority subjects."

2 A Yes.

3 Q We're going to go into this in some detail later  
4 but the Fraser Valley homicide, that's Pipe,  
5 Younker and Olajide?

6 A Yes, also known as the Agassiz homicides.

7 Q Those cases, there was a theory that developed by  
8 the VPD and they were working with the RCMP --  
9 they liaised closely with the RCMP in the valley,  
10 did they not?

11 A They worked closely with Constable Paul McCarl, I  
12 think he was the officer in charge of the Agassiz  
13 homicide.

14 Q There was the theory that developed as the  
15 background to this, that those homicides had a  
16 likely connection to the disappearances being  
17 investigated because those women disappeared from  
18 the Downtown Eastside in the '90s?

19 A That's correct.

20 Q And so in those cases you have the same profile,  
21 in other words, they were sex trade workers from  
22 the Downtown Eastside that went missing, their  
23 bodies were found in the Fraser Valley, so there  
24 actually is crime scene there?

25 A Yes.

1 Q At the bottom of the page there is a theme that  
2 we hear repeated constantly -- frequently: "As I  
3 previously discussed, there is no end to the  
4 number of odd men that may arise as suspects or  
5 potential suspects relating to the possible  
6 disappearance of these women."

7 A Yes.

8 Q So they're describing their problem. You talked  
9 yesterday in your evidence about the fact that  
10 there weren't a lot of people available in the  
11 VPD or made available to work on this so they had  
12 -- this describes in a sense the enormity of  
13 their task. Would you agree with that?

14 A Yes.

15 Q Turn to tab 103, please. Now we're stepping  
16 ahead to January 20, 2000, and this a memorandum  
17 from Sergeant Field to Dan Dureau to review and  
18 this memo describes a meeting that took place  
19 between Field and Davidson and Filer, so she's  
20 meeting with the profilers. Just  
21 parenthetically, Davidson and Filer, particularly  
22 Davidson, worked with the VPD a lot over the  
23 course of time in an effort to solve these  
24 missing persons cases; is that not true?

25 A I saw that Keith Davidson met with the

1           investigators in Vancouver numerous times.

2           Q    So this is yet another example of inter-agency  
3           co-operation and providing a particular expertise  
4           to the Vancouver Police Department?

5           A    Yes.

6           Q    So here is a reference to a meeting that had  
7           taken place on January 13, 2000 and in the second  
8           -- the second sentence: "We also discussed many  
9           of our current subjects of interest including,"  
10          and then we have a list of three people, "among  
11          others, and some of them have been eliminated in  
12          relation to the Agassiz prostitute homicides from  
13          1995." So once more, again, we have very much  
14          have a pool of persons of interest, a pool of  
15          suspects?

16          A    Yes.

17          Q    Suspects is perhaps the wrong term. In other  
18          words, Pickton is one of a group that floated to  
19          the top, if that's an appropriate analogy?

20          A    There's three listed and Pickton is one of them.

21          Q    Did you look at the investigations of the other  
22          two?

23          A    I don't believe I would have seen the full files  
24          on POI 1390 or POI 1127. I don't have a recall  
25          of that. I believe that POI 1390 is the offender

1           that Fell and Wolthers were looking at so I saw  
2           some information in relation to him and his  
3           activities. Fell and Wolthers created a timeline  
4           with lot of detail so I was able to get an idea  
5           of what this offender was like.

6           Q   Is that again because you didn't have time to do  
7           everything?

8           A   I wasn't given access to all persons of interest  
9           that came up in the investigation. Every POI had  
10          a number. I wouldn't say I was given the  
11          opportunity to look at -- or given access to  
12          those files.

13          Q   Did you ask for it?

14          A   I know at one -- I would have to check my records  
15          to see if I requested files with regards to other  
16          persons of interest. I think that's why in my  
17          report I commented -- let me look at my report.  
18          I made a comment about the fact I accepted there  
19          was -- if I can just have the commissioner's  
20          indulgence.

21          Q   Is that something you need time to look at over  
22          the break?

23          A   Yes, I can do that. I just put that in my report  
24          on page 6-2: "Violent offenders who prey on  
25          women on the Downtown Eastside are more prevalent

1 than the average citizen appreciates or  
2 recognizes." Why I said that is there are many  
3 bad offenders out there that commit crimes. I'll  
4 have to check whether I requested to look at all  
5 the files with regards to every subject or person  
6 of interest with regards to this investigation.  
7 I can check on that and get back to you this  
8 afternoon.

9 Q If we turn our minds back to 1998, 1999, 2000, I  
10 would suggest that what we see emerging from  
11 these documents is a situation in which the  
12 police found themselves with a broad suspect pool  
13 and not one but quite a number of suspects who  
14 appeared in the sort of most likely category.  
15 Would you agree with me so far?

16 A I think each person of interest had their own  
17 unique characteristics involved in their offences  
18 that they were committing on women. So I think  
19 that's probably why we're drawing it back to the  
20 original line -- choice of words that I used to  
21 describe the information with regards to Pickton  
22 as being unique. I think each offender would  
23 have unique characteristics. I think sometimes  
24 they share characteristics. Some may do similar  
25 violent offences to the women but some may have

1           unique characteristics that make them stand out.

2           Q   Similarly, to the extent that the investigations  
3           of those persons of interest, those other men,  
4           were taking place during the terms of  
5           reference --

6           A   I would agree.

7           Q   -- there are other investigations that are  
8           relevant?

9           A   I would agree that Vancouver had other suspects  
10          and other persons of interest they were looking  
11          at, yes, I saw evidence of that in the documents.

12          Q   But you didn't look at what they did to  
13          investigate those people; is that right?

14          A   I would have seen -- I know at one point I spoke  
15          to -- and I spoke to it yesterday -- that one of  
16          the suspects, maybe POI 1127, was investigated by  
17          the sex assault squad and later on excluded from  
18          the missing womens investigation by polygraph, so  
19          they did do work on other persons of interest and  
20          I saw that in the documents.

21          Q   You didn't assess those investigations? I don't  
22          see anything about that in your report.

23          A   I didn't assess them to the degree that I  
24          assessed all the information in relation to  
25          Pickton.

1 Q That was because of the direction you were given  
2 to focus on Pickton?

3 A No. That was something that I chose to do. I  
4 felt what I was doing when I detailed all the  
5 chronology on Robert Pickton as a suspect, I was  
6 looking at all the information police had in  
7 relation to him because I knew ultimately he was  
8 the one found responsible for so many of the  
9 missing women.

10 Q You have identified certain things you found to  
11 be problematical with respect to Pickton but you  
12 don't know to what degree, if at all, those  
13 problems manifested themselves in the other  
14 investigations?

15 A I would agree with that.

16 Q And particularly, the focus of your investigation  
17 was Pickton rather than as we talked about  
18 earlier, for example, the Alley homicides or the  
19 cases in which the women were found; you can't  
20 tell us anything about that?

21 A I reviewed those files to see if there was any  
22 connection to Pickton or connection to the  
23 missing women.

24 Q But not to evaluate the quality of the  
25 investigation?



1           A    I didn't comment on the quality of the  
2                    investigation in my report, so no, I didn't  
3                    believe it was relevant as focusing on Pickton as  
4                    a suspect.

5           Q    Would you go please to tab 105.

6           A    Yes.

7           Q    And this is a memorandum from Lori Shenher to Dan  
8                    Dureau dated February 11, 2000?

9           A    That's correct.

10          Q    Less than a month later.  Would you flip over to  
11                   page 2 and comments about one of the POIs.  The  
12                   number again is a number we've seen come up in  
13                   the documents a number of times:  "Will be  
14                   charged for several sexual assaults, the final  
15                   number of which still isn't known."  So patently,  
16                   if I can pause there for a moment, there are  
17                   investigations ongoing that are meeting with some  
18                   measure of success but not for these particular  
19                   victims as yet?

20          A    That's correct.  From this paragraph I would say  
21                   he was charged with several sex assaults but they  
22                   haven't made any connection of him to the missing  
23                   women.

24          Q    The last sentence is:  "We continue to have no  
25                   shortage of persons of interest by virtue of

1           their criminal past or parole checks on the  
2           Downtown Eastside but nothing concrete to  
3           indicate they are involved in these  
4           disappearances."

5           A    Yes.

6           Q    So the same problem echoing yet again, would you  
7           agree?

8           A    Yes, I would agree.

9           Q    Tab 106, please.  An e-mail from Lori Shenher,  
10          March 22, 2000, a month later.  In the middle of  
11          the paragraph there's a reference to street  
12          interviews, Mark and Doug.  That's Chernoff and  
13          Lepine?

14          A    Yes.

15          Q    "After final persons of interest lists are done  
16          and photos are ordered, they will show photos to  
17          sex trade workers.  Potential to be ongoing."  So  
18          they're still working on this it appears, there's  
19          they're still working on their POI lists?

20          A    Yes.

21          Q    We'll look at tab 18 which should be in --

22 THE COMMISSIONER:  Tab?

23 MS. TOBIAS:  18, Exhibit M.

24          A    Thank you.  Yes, tab 18.

25          Q    The entry for August 9th of 2000.  It is -- if

1           you look at the number at the top of the page,  
2           the stamped number is ending 683?

3           A    Thank you.

4           Q    It's a little difficult to read the handwriting  
5           but 08/08/09, initial 1621, meeting with Field  
6           and McKee. "Field advised me we don't need to  
7           interview all persons of interest that come to us  
8           as tips, only enter in SIUSS because there are  
9           too many. If they come up repeatedly we will  
10          reassess." Do you see that?

11          A    "Because there are so many".

12          Q    "So many".

13          A    "If they come up repeatedly we will reassess and  
14          I expressed my concerns." I see that, yes.

15          Q    So that would suggest, would it not, that the  
16          list of persons of interest wasn't closed but  
17          rather it was added to and added to and added to  
18          over time?

19          A    Sorry, I was trying to finish reading that.  
20          Would you repeat the question again?

21          Q    Entries like this appear to suggest that more  
22          potential persons of interest accumulated over  
23          time?

24          A    Yes.

25          Q    They were having trouble keeping up with them?

1 A I would agree.

2 Q They couldn't keep up with them, she says we  
3 don't have to interview them, simply enter them  
4 into SIUSS unless they come up repeatedly?

5 A Yes.

6 Q We know this is Constable Shenher, 1621 is her  
7 badge number?

8 A Yes.

9 Q Would you go back please to Exhibit M-2, tab 113.

10 A What number?

11 Q 113.

12 A Yes, I have that.

13 Q This is a memorandum November 21, 2000, and by  
14 way of background, by this time the movement to  
15 create Project Evenhanded is underway; would you  
16 agree?

17 A I would agree.

18 Q This is a memorandum from Detective Shenher to  
19 Inspector Spencer and Sergeant Field?

20 A Yes.

21 Q And it's a fairly lengthy document, it's about 12  
22 pages long, and it outlines different aspects of  
23 the missing persons review team's activities over  
24 time?

25 A Yes.

1 Q It's a bit of an historical document and I think  
2 that you may have been referred to it previously  
3 in your evidence, but I want to refer you to two  
4 or three different parts of it.

5 A Okay.

6 Q If you look please at page 2, under the heading  
7 The Criminal Perspective, and the introductory  
8 sentence is: "As I write this, we have very few  
9 leads on any solid suspect or suspects." So that  
10 suggests that on all their inquiries they're  
11 running dry at this point?

12 A I would agree with that.

13 Q Turn the page over, please, the second paragraph  
14 beginning, "A segment." Do you see that?

15 A Yes, I do.

16 Q The last sentence of that paragraph: "We have  
17 uncovered and accumulated a large list of persons  
18 of interest but none seems to have any solid  
19 links to our victims." So that describes their  
20 state again, more they're running dry -- maybe  
21 not running dry but --

22 A I wouldn't agree with that.

23 Q There's more here than we can do?

24 A She's saying there are a lot of persons of  
25 interest and they haven't been able to identify

1           any solid link to each victim.

2           Q    If we go back to what we were talking about  
3               earlier you've got this large pool that are  
4               associated generally with the Downtown Eastside  
5               and that kind of activity but no link -- no solid  
6               link to a specific victim?

7           A    That's what she's saying, but if you do it in the  
8               proper context, the next sentence:  Having said  
9               that, there are three men who stand out," and  
10              then she goes on.

11          Q    I'm going to get there.  This is what she's  
12               describing, that gap that we talked about  
13               earlier, she's saying we don't have those links,  
14               we haven't closed that gap yet?

15          A    Correct.

16          Q    So then as you pointed out, she points to some  
17               who were just so violent toward the sex trade  
18               workers that they're the ones that stand out but  
19               that's why they stand out?

20          A    That's correct, that's what she's saying.

21          Q    That's from her perspective and she knows the  
22               file very well?

23          A    Yes.

24          Q    That's the reason, it's general propensity  
25               towards violence to the sex trade workers and not

1 a specific connection to a specific victim or  
2 victims?

3 A Yes.

4 Q Pickton is on the list and she explains why?

5 A Yes.

6 Q Then she has two other people that she includes  
7 in that same category?

8 A Yes.

9 Q And she doesn't fully describe it there, but from  
10 her point of view those are the ones that kind of  
11 have risen to the top?

12 A Well, she says three that stand out, so I would  
13 say all three of those stand out.

14 Q Now, I want to take you to some of those lists  
15 that we were talking about, so if you would put  
16 aside this volume please and take up volume M3.

17 A Yes.

18 Q Before you were looking at tab 1 and you looked  
19 at -- I'd like you to look at tab 1H. Is this a  
20 similar list to the one that you already looked  
21 at and that was at tab E? You can sort of take a  
22 gander at both of them. Tab 1E is the one we  
23 looked at earlier. Do you see that?

24 A I'd say it's almost identical except for the date  
25 stamp on it.

1 Q I would suggest another difference between the,  
2 two lists is that the one that appears at tab H  
3 it has an extra person, it goes up to 13?

4 A Yes, I would agree.

5 Q There's a mention on this one of William Paul  
6 Whalen, tip 34, that does not appear on the  
7 previous list?

8 A That's correct.

9 Q As you pointed out, the list that appears at tab  
10 H does not have a date on it. It does, however,  
11 have some handwritten markings on it and there's  
12 no way in looking at this of telling who made the  
13 markings or exactly what they mean?

14 A No.

15 Q The point of the matter is it's a somewhat  
16 different list, Pickton is still there, there are  
17 a number of people on the list and they're top  
18 persons of interest?

19 A And Pickton's name is actually spelled  
20 differently on the two different lists; one has a  
21 K and one doesn't.

22 Q Would you go in the same volume, if you look next  
23 there's a number 2, tab 2, and a series of letter  
24 tabs behind it?

25 A Yes.



1 Q I'd like you to look at tab -- sorry, I missed  
2 one. I have to go back. Stay under tab 1 and  
3 this time go to 2A, please.

4 A Yes.

5 Q This again is a list that has no date on it that  
6 we can see?

7 A Yes.

8 Q It's a handwritten list?

9 A Yes.

10 Q It's entitled Project Amelia Persons of Interest?

11 A Yes.

12 Q It's a four-page list, I haven't counted the  
13 names, but there are quite a number of them?

14 A Yes, there are.

15 Q And Pickton is mentioned on the list on page 3?

16 A Yes.

17 Q In fairness, it appears in some ways that this is  
18 an alphabetic list; would you agree?

19 A I'll just go back and check. I would agree with  
20 that.

21 Q And we can conclude perhaps that it's a fairly  
22 early list because there's Bill Hiscox mentioned  
23 but not Caldwell or any of those later details.  
24 It does mention Hiscox.

25 A I'm only hesitating to agree to that because I

1 see Dave Strachan from Coquitlam and I believe my  
2 timeline talks about when she spoke to Strachan.

3 Q So it might be later?

4 A It might be a little bit later.

5 Q A whole clutch of people. Now would you go  
6 please under the tabs, tab 2G.

7 A Yes.

8 Q I have the wrong note here. I apologize. I'll  
9 ask my -- I think it's 1G I need. My apologies.  
10 This document is entitled Persons of Interest  
11 Project Amelia.

12 A Yes.

13 Q We can see that there are very many subjects on  
14 the list but it looks like a very generalized  
15 list because we start getting to unknown white  
16 males and things like that towards the end of it?

17 A Yes, I see that.

18 Q And I'd suggest to you that this appears to be  
19 alphabetized but as far as we can tell Pickton is  
20 not on there?

21 A I don't see his name and I'm not sure if he had a  
22 POI number, I can't think of it right now. So  
23 no, I don't see his name. I agree with you, I  
24 don't see his name.

25 Q If you flip back please to tab F.

1 A Yes.

2 Q This time we have a document that has the same  
3 title that is typewritten in the same fashion but  
4 there's a notation at the top right-hand corner  
5 in handwriting that is completed by I think that  
6 says EMAR 01-02-15.

7 A I would agree.

8 Q If you go to page -- the pages aren't numbered  
9 but there are several pages in that list, Pickton  
10 is on that page?

11 A Yes.

12 Q He is described as "main target"?

13 A Yes.

14 Q But if you flip back one page, you'll see under  
15 item 113, POI 1588 main target, that's described  
16 from Agassiz; do you see that?

17 A Yes.

18 Q If you look down further, item 210, POI 390,  
19 again, that's one we've seen a few times before,  
20 main SUSP target?

21 A Yes.

22 Q What we have here is a long list of many  
23 individuals. Pickton is described as a main  
24 target but, again, he's not alone in that?

25 A No, he's not.

1 Q So we discussed a little while ago how from the  
2 documents, from the point of view of the various  
3 VPD members who wrote them and I guess Shenher  
4 and Field, Pickton is in a group in terms of who  
5 they describe as their main persons of interest  
6 or who in some sense are elevated above the  
7 others?

8 A I would agree with that.

9 Q I want to take you to a couple of documents that  
10 provide some evaluation of those -- two or three  
11 of those POIs.

12 A Okay.

13 Q Would you in the same volume please, tab 2, item  
14 C. Now, this is -- I'm not going to take up the  
15 commissioner's time by taking you back and forth  
16 and back and forth to see that this POI appears  
17 several times through the memos that we have  
18 discussed, but I'm going to ask you to assume  
19 that. If you look at 2C, the last piece of paper  
20 in that tab, these are -- unfortunately police  
21 officer's notes are not always as legible as  
22 you'd like. Is that perhaps police officer  
23 training 101?

24 A You'll see that with mine as well.

25 Q You may recall finding out in the course of your

1 review that one of the things that happened was  
2 that Detectives Little and McKnight went and did  
3 reviews of what was in the documents, the Amelia  
4 documents pertaining to various persons of  
5 interest and so they made some notes?

6 A I recall that, yes.

7 Q Kind of summarizing what they found?

8 A Yes.

9 Q The source documents are ahead of this in the tab  
10 and I'm asking you to look at the summary for the  
11 sake of saving time. We'll see about this  
12 particular individual, POI 1127, there's a lot of  
13 details about him, sexual assault and so on, but  
14 you will see that about two-thirds of the way  
15 down there's a reference to "threats to kill"?

16 A Yes.

17 Q A couple lines down, "Has told others he has  
18 killed before." I think that's 1999 sex assault,  
19 prostitute picked up Vancouver DTES, Downtown  
20 Eastside presumably. Sex assault, breaks her  
21 leg. So you would agree that someone who  
22 threatens to kill, has told people he's killed  
23 before, has recently committed a serious sexual  
24 assault on a prostitute he picked up on the  
25 Downtown Eastside, that's a pretty likely

1 suspect?

2 A He's a good person of interest.

3 Q And you can see why he's grouped together with  
4 Pickton?

5 A Yes, I can see why he's on the person of interest  
6 list.

7 Q But as someone perhaps who floated to the top of  
8 that list along with Pickton?

9 A Yes, he's violent with sex trade workers.

10 Q And from the Downtown Eastside?

11 A Yes.

12 Q And, again, someone who has actually committed an  
13 assault and who has reportedly said himself that  
14 he has killed before?

15 A Yes.

16 Q I might parenthetically contrast that with the  
17 situation with Pickton where we're still left  
18 with Caldwell says, Lim says Pickton did or said  
19 certain things?

20 A I think there's a little more than he said, she  
21 said.

22 Q Yes. But in terms of the direct information  
23 that's what I'm getting at?

24 A I'm not sure I understand the question then.

25 Q Let's move on and I'll ask you some other

1           questions to make that clear.

2           A    Okay.

3           Q    I'd like you to turn to tab 2F.  This is -- this  
4           copy that I have, I do apologize, the black is  
5           seriously black.  I believe this is about POI  
6           4347 who is one of the people on the list of 13  
7           that we looked at earlier.

8           A    I'll have to take your word for it.  I can't see.

9           Q    I'll ask my colleague to mark that and we'll  
10          clear that up on the break.  If we look at that,  
11          we see a report that someone had occasion to  
12          overhear conversations, inmates and our person of  
13          interest.  "Convinced that this person may be  
14          responsible for some of the missing women because  
15          of certain things he said."  He was bragging  
16          about cutting a girl's throat, saying been there,  
17          done that.  Do you see that?

18          A    Yes.

19          Q    And then there should be a green sheet of paper  
20          and a page after that's a typewritten page, and  
21          in the middle of the page there's the notation:  
22          "Not abusive at all in the relationship."  Do you  
23          see that?

24          A    Yes.

25          Q    "Used prostitutes at least weekly with a fake

1 name. She suspects more often. She did express  
2 concern about fantasies he would share with her."  
3 The next paragraph: "These fantasies involve  
4 murder and asked if she ever thought about what  
5 it would be like to kill someone," et cetera.  
6 Last paragraph: "Is interested in mass  
7 murderers." So another unsavoury individual?

8 A Yes.

9 Q Turn to tab 2L, please. The document after the  
10 second green sheet in that tab, entitled  
11 Miscellaneous and Supplementary Report.

12 A I see that.

13 Q You'll see -- again, I apologize, the POI number  
14 is obscured but I believe it's 11409 and again on  
15 list of 13. But you'll see a reference to what  
16 the investigators found on arrival, on December  
17 29, 1999, so when they came across this  
18 individual, it's marked that: "Members noticed a  
19 poster of the missing women from the Downtown  
20 Eastside. The constable observed numerous  
21 articles of women's clothing including  
22 undergarments and purses. Some of these were  
23 torn in a fashion that appeared to be deliberate.  
24 As well they seemed to be soiled with blood  
25 and/or semen." They described some other things



1           that they found, used condoms, sexual material,  
2           et cetera." Further conversation, "This  
3           individual provided information that his  
4           girlfriend was one of the missing women appearing  
5           on the poster." Last paragraph, member becomes  
6           suspicious because he's asked what the reason is  
7           for having this property in his vehicle and his  
8           response is it's only cut-up underwear, there are  
9           no cut up bodies anywhere or dumped bodies or  
10          anything like that, and so on. So, again,  
11          another example of a person on their persons of  
12          interest list?

13         A    Yes.

14         Q    So would you agree with me there's good reason to  
15              investigate all these individuals?

16         A    I would say that.

17         Q    That leads me to the question, again, and I  
18              suppose it's a concept that's related to linkage  
19              blindness and that is tunnel vision. As I  
20              understand that, it's considered to be the  
21              premature decision to focus on one target to the  
22              exclusion of all others. Would you agree?

23         A    I would agree with that.

24         Q    The problem is that if you focus too much on one  
25              suspect you fail to follow up on other leads,

1           that's the danger?

2           A    Of tunnel vision, yes.

3           Q    And so that then connects with what we were  
4           discussing previously, you've got a lot of  
5           potential suspects, you can't do everything at  
6           once, you can't investigate them all thoroughly  
7           at the same time. So if you pick one and ignore  
8           the other, then that leads to a trap?

9           A    That could, yes.

10          Q    It could if you develop some kind of a fixated  
11          idea that this has to be the suspect, and so  
12          tunnel vision really is more than simply the  
13          mechanical phenomenon of going and doing the  
14          investigation, it speaks as much, if not more, to  
15          the perspective of the investigators to their  
16          focus?

17          A    I would agree with that.

18          Q    So it is very important that they remain open-  
19          minded and open-eyed to consider all  
20          possibilities?

21          A    Yes, I would agree.

22          Q    I'm going to switch gears now a bit and I have a  
23          number of questions to ask you about your review  
24          of the Coquitlam Detachment -- the investigation  
25          of Pickton by the Coquitlam Detachment in

1           conjunction with the members of the Vancouver  
2           Police Department.

3           A    Okay.

4           Q    One moment, please.  The story here begins I  
5           would suggest with the investigation in 1997 into  
6           the altercation between the woman described in  
7           these proceedings as Ms. Anderson?

8           A    Okay.

9           Q    That's where you start the story, that's the  
10          start of the story as you understand it?  Pickton  
11          had no prior criminal record for these offences,  
12          sexual assaults or anything like that?

13          A    Are we talking about my report with regard to the  
14          chapter -- the section of Pickton as a subject?

15          Q    Yes.  You do have some notes of places he was  
16          checked but really he didn't come to the  
17          attention of the police in any serious way until  
18          1997?

19          A    He came to the attention of the police the 11th  
20          of January 1990, so I think I started there to be  
21          fair to my report.

22          Q    But let's start in 1997 because that's when we  
23          have the detailed investigation that falls within  
24          the terms of reference.

25          A    Okay.

1 Q And so you looked fairly closely at this  
2 investigation, or did you?

3 A I would like to back up in regard to your last  
4 comment. I included the January 11, 1990  
5 information because it came to my attention when  
6 I was reviewing the timeframe of the terms of  
7 reference because Corporal Connor came across the  
8 information I believe it was in 1998 when he was  
9 looking at Pickton as a suspect. That's how it  
10 came to his attention and that's how it came to  
11 my attention in reviewing his documents, so  
12 that's why I included it. I didn't want to leave  
13 the impression I was looking to go beyond the  
14 terms of reference and the date. That was the  
15 reason I put it in there.

16 Q No, no. I wasn't meaning to imply that. Did you  
17 look in detail at the records of the  
18 investigation that occurred in 1997?

19 A Yes, I did.

20 Q And that was not a particularly complicated  
21 investigation?

22 A I think I wouldn't necessarily agree with that.  
23 It was a complicated investigation.

24 Q Tell us why you thought it was complicated.

25 A Well, I thought it was complicated because you

1 had the victim saying one story and you had the  
2 offender Pickton, namely, saying a different  
3 story. It involved search warrants, it involved  
4 interviewing multiple witnesses, so there was a  
5 lot of intricacies to the investigation. It  
6 wasn't a very short, quick investigation. To  
7 give the officers credit, it was a complicated  
8 investigation.

9 Q You didn't see anything alarming in how they  
10 conducted that investigation?

11 A Not that I can think of right now.

12 Q The investigation went the way you would have  
13 expected a competent and professional  
14 investigation to be run?

15 A The investigation resulted in charges being laid.  
16 There was search warrants done so I didn't have  
17 any disparaging comments I don't believe in my  
18 report about the way the investigation was  
19 conducted.

20 Q You noted -- there's a couple of things that I  
21 want to ask you about that investigation though.  
22 At page 8-51 you noted that under March 29, 1997,  
23 that Corporal Connor sent a CPIC message that was  
24 widely broadcast alerting them to Pickton as a  
25 likely suspect for offences against women and you

1 described that as an excellent way of  
2 communicating information that Pickton was a  
3 danger to sex trade workers.

4 A Yes, I thought that.

5 Q This again is reference to one tool that didn't  
6 always exist but has become very important in  
7 creating linkages over time and space?

8 A Not essentially a linkage. It was a sharing of  
9 information.

10 Q Is creating a link different to that?

11 A Creating a link almost implies that by sending  
12 out this message that a link has been created. I  
13 would say this was a great tool for sharing  
14 information. Seeking out linkages but I don't  
15 think it created a link.

16 Q It perhaps enabled someone else to make a link  
17 because that information is out there?

18 A Corporal Connor was sending it out with the hopes  
19 of gaining more information regarding Pickton and  
20 alerting officers in the police departments he  
21 sent it out to, if you have offences involving  
22 sex trade workers he could be a likely suspect.

23 Q One of the things that happened here is that, as  
24 you put it, this was a situation in which you had  
25 the victim and the alleged offender telling two

1 different stories. This is not a case in which  
2 there was any particular issue about whether or  
3 not there had been a stabbing or --

4 A Not at all.

5 Q We knew who the people who were involved were?

6 A Yes.

7 Q So there's no detailed DNA analysis done at this  
8 point and I would suggest that there's no  
9 particular need for one in that sense, it doesn't  
10 resolve a live issue in the case?

11 A In 1997, if I harken back to my own career, if I  
12 tried to get an analysis done on this type of  
13 case I don't think I would have been successful,  
14 because the offender and the victim were both  
15 agreeing that they were involved in this  
16 altercation. Normally DNA analysis or forensic  
17 analysis would be done if Pickton was suggesting  
18 he was never there.

19 Q So that's one reason why you're not at all  
20 surprised to find that there's no detailed --  
21 there was other things seized, clothes, et  
22 cetera, et cetera. There would be no reason to  
23 have an analysis at that point for the reason you  
24 described?

25 A Yes.

1 Q Another element that is essential in DNA analysis  
2 of course is to have something to compare your  
3 sample to?

4 A That's correct.

5 Q So in this case you could get a known sample  
6 because that's what they call it, right?

7 A Yes.

8 Q From Ms. Anderson, but that's pretty much it? In  
9 other words, the officers are doing the  
10 investigation into the altercation between the  
11 two of them, they're going to get -- any DNA  
12 analysis requires something to compare it with, a  
13 known sample from somewhere. You could get a  
14 known sample from her but what's the point of  
15 proving her blood is there?

16 A For 1997 I would agree with that.

17 Q 1997, that's all I'm asking you about.

18 A Yes, I would agree with that.

19 Q I'd like you to have a look please at your report  
20 at page 5-2.

21 A 8-52?

22 Q No. 5-2.

23 A Yes.

24 Q You have a table there that describes, I think  
25 your intention was, the structure of the



1 Coquitlam Detachment in August of 1999; is that  
2 correct?

3 A Yes.

4 Q Would you just leave that open there and would  
5 you please turn to Exhibit M, tab 20.

6 A Okay.

7 Q Tab 20 is a document entitled E Division,  
8 Coquitlam Detachment, and it has a date on the  
9 left-hand corner of 98 07 01; do you see that?

10 A I do.

11 Q And the next page in that tab is a similar  
12 document with the date 99 07 01?

13 A I see that, yes.

14 Q Now, the reason I'm putting those documents to  
15 you is that the organization of the Coquitlam  
16 Detachment was considerably more detailed than  
17 what you've set out in your page 5-2?

18 A I would agree.

19 Q So what I would suggest to you your chart misses  
20 is that the Serious Crimes Section is really one  
21 of a number of plainclothes sections such as  
22 Drugs and Fraud and so on and so forth?

23 A I would agree.

24 Q And the uniform branch, that's sometimes called  
25 the watch?

1 A Okay.

2 Q That was a whole other group of a different  
3 subsection of the detachment?

4 A Yes.

5 Q And similarly, the individuals that you have  
6 listed for the Serious Crimes Section is not  
7 complete?

8 A I would agree with that.

9 Q And would you look please at tab 29. There is a  
10 list there on the left-hand side of the page  
11 towards the bottom, you see a heading for GIS  
12 Serious Crime?

13 A I do.

14 Q And you see there are a couple more individuals  
15 there, Clary, Greig-Hache, Marenchuk, Stuart and  
16 Strachan. Do you see those?

17 A Yes. When I created that chart from my report I  
18 wasn't trying to suggest that these were the only  
19 officers working. I was just trying to assist  
20 people who weren't familiar with policing culture  
21 of the rank structure so that's why I included  
22 the names showing Constable Yurkiw, Corporal  
23 Connor, but I recognize there were many more  
24 officers working within Coquitlam.

25 Q And were you trying to convey a hierarchy? I'll

1 give you an example. You've got Staff Sergeant  
2 Halpenny, Sergeant Pollock, Corporal Connor and  
3 then Constable Yurkiw?

4 A Yes, I was trying to assist with that.

5 Q But were you aware that in the section there  
6 would be more than one corporal and there would  
7 normally be two corporals and they would work  
8 more closely with particular constables?

9 A Yes, I was aware of that.

10 Q You had remarked at some stage in your report, I  
11 don't remember exactly where, on dealings that  
12 Constable Yurkiw had, for example, with Dave  
13 Strachan. Strachan at the time was her corporal  
14 that she worked with and got some direction from?

15 A I don't recall Strachan being a corporal, he was  
16 a constable.

17 Q Sorry. McCartney?

18 A Yes, McCartney was a corporal.

19 Q We've dealt with the 1997 investigation and I  
20 want to go to the investigation as it occurred in  
21 Coquitlam after the information was obtained from  
22 Hiscox. You've described it as I would suggest  
23 it is commonly approached in police circles, you  
24 had a tip that needed to be either disproved or  
25 if it was reliable in some measure acted on as

1 best as could be done?

2 A Yes.

3 Q Just by way of context though, when you get tips,  
4 it's maybe a little bit easy to say, well, this  
5 is something that you can always resolve that  
6 question, but that's not always the case, is it?

7 A I would agree.

8 Q So that perhaps is one reason for any murders and  
9 other serious crimes that remain unsolved, it's  
10 not that there's no information about them but  
11 you get to a certain point in the investigation  
12 and you can't progress?

13 A Yes.

14 Q But the issue here I don't think anyone is saying  
15 that this investigation had come to a total end  
16 because, as you've remarked, there were to-do  
17 lists that were never exhausted?

18 A That were not acted upon.

19 Q Or acted upon completely because you have  
20 remarked the to-do list certain things were done  
21 and certain things were not followed up on?

22 A Correct. They weren't acted on. The to-do list  
23 were created and certain sections of the to-do  
24 list were acted upon and certain items were not.

25 Q That's what I was getting at. I thought when you

1           said the to-do list was not acted upon you meant  
2           in its entirety nothing was done, but you don't  
3           mean that?

4           A    No, I don't mean that.

5           Q    I would suggest to you that when the Hiscox  
6           information came in that the things that you  
7           would expect to happen and to be done were done:  
8           A file was opened, Corporal Connor did a number  
9           of background checks, Hiscox was interviewed and  
10          so forth and so on and so forth and surveillance  
11          was done. Those are steps you would expect,  
12          would you not?

13          A    Yes.

14 MS. TOBIAS: Mr. Commissioner, I note we've got about two  
15           minutes to go to noon.

16 THE COMMISSIONER: I'd like to go through to 12:30 if you can  
17           do that.

18 MS. TOBIAS: All right. I was hoping to resume at 1:30.

19 THE COMMISSIONER: You want to adjourn now until 1:30?

20 MS. TOBIAS: Yes, that's what I was hoping. I discussed with  
21           my learned friend to take our normal break a bit  
22           earlier because we started earlier and so to  
23           finish a bit earlier. I'd appreciate that.

24 THE COMMISSIONER: All right. We'll do that.

25 THE REGISTRAR: This hearing is now adjourned until 1:30.

1 (PROCEEDINGS ADJOURNED AT 11:57 A.M.)

2 (PROCEEDINGS RECONVENED AT 1:30 P.M.)

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

4 MS. GERVAIS: Good afternoon, Mr. Commissioner. Robyn  
5 Gervais. I would like to just briefly introduce  
6 Ms. Nancy Adams who is going to be working with  
7 Mr. Baynham and myself going forward.

8 THE COMMISSIONER: All right. Thank you.

9 MS. TOBIAS:

10 Q Mr. Commissioner, Cheryl Tobias appearing for the  
11 Government of Canada.

12 DC Evans, I wonder if you can please take up  
13 your report and I'd like to ask you some  
14 questions starting about page 8-56.

15 A Yes.

16 Q Now, there has -- we've already referred to the  
17 fact that when you look at the information that  
18 the Coquitlam Detachment was working with  
19 regarding Mr. Pickton through 1998, 1999, 2000, a  
20 lot of it was very secondhand and I want to take  
21 you through some of it. I don't want to take you  
22 through all of it chapter and verse because  
23 you've set it out very thoroughly in your report,  
24 especially the part beginning at the page I've  
25 just directed you to.

1 A Okay.

2 Q So if we can just mark that as you set out in  
3 your report in August of 1998, the matter gets  
4 rolling, the file gets opened as a result of a  
5 Crime Stoppers tip and the police are following  
6 it up. If we look at the nature of the  
7 information that's being provided -- for example,  
8 in the first paragraph under August 19, 1998 we  
9 find the sentence: "Bill told Leng that the male  
10 responsible for Sarah's death and the missing  
11 women was named Willie but he did not know his  
12 last name." That kind of statement coming from  
13 as a matter of information is sometimes called a  
14 conclusory statement because there's just a  
15 bottom line statement with no explanation or  
16 basis for the statement; is that right?

17 A I would accept that. I haven't heard that term  
18 very often so...

19 Q Then as we've said, the essence of Hiscox's  
20 information about Willie Pickton is information  
21 he gets through Yelds as it turns out?

22 A That's correct.

23 Q If you're going to act on that information and  
24 particularly if you're going to rely on it in an  
25 application for a judicial authorization such as

1 a search warrant, those elements are very  
2 important to set out in your information to  
3 obtain, and by elements I mean the source of the  
4 information. So you would have to put that  
5 Hiscox says he got this information from Yelds  
6 who says?

7 A That's right.

8 Q You would have to reveal that?

9 A Yes.

10 Q And the reason for is that is so that the justice  
11 of the peace or the judge, as the case may, can  
12 make his or her own evaluation of the reliability  
13 of the information?

14 A Yes.

15 Q And if turn over the page please to page 8-58,  
16 your notation under the 2nd of September 1998.

17 A Yes.

18 Q You talk here in your second sentence -- well,  
19 you were talking about attempts that Constable  
20 Shenher makes to contact Hiscox and you say:  
21 "After numerous attempts over previous weeks  
22 Detective Constable Shenher finally located him  
23 at the Surrey mens shelter and spoke to him." So  
24 she had a fair amount of trouble reaching him  
25 again?



1 A It would appear so, yes.

2 Q And there was indications that that kind of  
3 difficulty continued through their relationship?

4 A Yes. I saw evidence of that in the documents, in  
5 the logs.

6 Q And finally, she concluded that he was unreliable  
7 but I think that appeared to have something to do  
8 with him being where he said he was going to be  
9 or being able to reach him?

10 A Yes.

11 Q You have a discussion in your report about him  
12 being assessed as an agent. Without going deeply  
13 into that discussion, things like being able to  
14 contact the person, reliability in that sense, is  
15 a relevant consideration, is it not?

16 A Well, it's always helpful if you can get a hold  
17 of the person but I'm not sure if that's  
18 something that needs to be assessed. I'm not  
19 really sure I understand the point.

20 Q You can't manage an agent that you can't reach  
21 reliably?

22 A Well, as long as you can reach him and get the  
23 information you can use the information.

24 Q I'm going to the distinction you pointed out  
25 earlier between an informant and an agent. The

1 police are directing an agent to do certain  
2 things and so on and so forth, you have to have a  
3 way of contacting the person, he has to be  
4 responsive to you and appropriate to work with in  
5 that sense?

6 A Yes, I would agree.

7 Q Now, would you turn over to page 8-60 please.

8 There's a notation that eventually -- I shouldn't  
9 say eventually -- but on this day, Constable  
10 Shenher was contacted by Hiscox and Hiscox was in  
11 the psychiatric ward at Surrey Memorial Hospital?

12 A Yes.

13 Q And of course here, there's not much about the  
14 nature of the reason why he's there. However, if  
15 you as a police officer are aware that one of  
16 your informants is possibly having psychiatric  
17 difficulties, that again is something that a  
18 justice of the peace would expect to be outlined  
19 in an application for a search warrant?

20 A Yes, and I believe Detective Constable Shenher  
21 knew the reason. I make the comment that these  
22 personal comments were disclosed to Constable  
23 Shenher but not necessarily for inclusion in this  
24 document, meaning my report. So I saw evidence  
25 of the reasons why he was there but I didn't feel

1           it was important to put it in here.

2           Q    And I'm not trying to ask you what those were but  
3                I'm simply saying that issues like that are  
4                relevant in an application for judicial  
5                authorization.  If a police officer is going to  
6                make note of this or put it in such an  
7                application, it's not a question of undervaluing  
8                someone who perhaps has mental issues, it's  
9                simply something that you have to do, it's part  
10              of your job?

11          A    I would agree, yes.

12          Q    Now, aside from the fact that the information  
13                that Caldwell and Hiscox provided and that later  
14                Menard provided is information coming from women,  
15                essentially Yelds and Ellingsen, they both said  
16                no, it's not right.  So if that information was  
17                not confirmed in that sense, there's that issue  
18                with the information.  There were other things  
19                that the police did to try to confirm the  
20                reliability of that information that up and I'll  
21                give you an example.  There was surveillance done  
22                after the Hiscox information and intensive  
23                surveillance after Caldwell provided his  
24                information on Robert Pickton; you're aware of  
25                that?

1 A I am.

2 Q Particularly with respect to the surveillance  
3 that took place in 1999, that's three shifts 24/7  
4 for a period of weeks?

5 A Yes.

6 Q And the point of the surveillance was to find out  
7 if Robert Pickton was going down to the Downtown  
8 Eastside, but not simply that, to try and find  
9 out if he was associating with sex trade workers  
10 and in particular picking them up there?

11 A That's correct.

12 Q Insofar as that is concerned, the surveillance  
13 completely failed to demonstrate that Robert  
14 Pickton was going to the Downtown Eastside and  
15 picking up sex trade workers?

16 A I would disagree with that, because I think the  
17 surveillance did find him down on the Downtown  
18 Eastside and I thought it was significant and I  
19 mentioned yesterday in my evidence that the  
20 surveillance teams observed him going to the  
21 Westcoast Reduction plant after they had received  
22 information that this is how he was disposing of  
23 the bodies.

24 Q That's not what I asked you. In terms of finding  
25 out if Robert Pickton was actually picking up sex

1 trade workers on the Downtown Eastside, that is  
2 something that the surveillance failed to  
3 confirm?

4 A I would agree with you on that.

5 Q On that same note, the police went to some  
6 considerable trouble, the Vancouver Police  
7 Department, you'll recall they on one occasion  
8 they -- well, they rounded up a number of  
9 photographs -- I'm not sure that they rounded up  
10 a number of photographs but, in any event, they  
11 showed Pickton's photograph to a large number of  
12 sex trade workers on the Downtown Eastside and  
13 nobody says that he was a regular down there?

14 A That's what I understand. In February of 1999  
15 his photo was shown to over 120 sex trade workers  
16 and nobody selected him.

17 Q So that aspect of the information was not able to  
18 be confirmed by these particular steps?

19 A That he was frequenting the Downtown Eastside?

20 Q And picking up sex trade workers there.

21 A No.

22 Q That's a very important part of the information  
23 because that was the idea, that he was picking up  
24 sex trade workers and bringing them back to his  
25 place in Coquitlam?

1 A Yes.

2 Q You did advert to the Westcoast Reduction plant  
3 and you already mentioned that the sequence of  
4 the information being passed is such that by the  
5 time Mike Connor was able to get, in effect  
6 process -- the surveillance had already taken  
7 place?

8 A It that's correct.

9 Q It's true, is it not, not that he was going to  
10 Westcoast Reduction but that he was going to a  
11 facility, kind of a disposal facility?

12 A I would agree.

13 Q The point being that Westcoast Reduction was not  
14 specified?

15 A It was not.

16 Q And I gather that when surveillance is being  
17 conducted the surveillance team, especially when  
18 it's a specialist team like Special O, gets  
19 instructions on what it is they're supposed to do  
20 and what they're supposed to look for?

21 A Yes.

22 Q If they're told -- unless they're told, it would  
23 be a marked departure from standard procedures  
24 for a surveillance member to leap out and follow  
25 Robert Pickton into Westcoast Reduction if that

1 was not within their instructions?

2 A I don't think I can speak to what surveillance  
3 members should or shouldn't do or did or didn't  
4 do, but I can say that I think I reviewed in one  
5 of the documents the instructions they were given  
6 and it didn't specify about following him. It  
7 was detailing information with regards to him  
8 picking up women from the Downtown Eastside.

9 Q So you have to be careful that -- those rules are  
10 in place for good reason, you have to be careful  
11 not to tread into something that causes problems  
12 if you veer from your instructions?

13 A No. Actually, I think I didn't want to answer it  
14 because I didn't want to give away the tools of  
15 the trade what surveillance teams do or don't do.

16 Q I won't take you into any more detail. The  
17 documents of this surveillance are revealed in  
18 the documents, if Pickton was seen with a sex  
19 trade worker they were going to stop that  
20 immediately and separate them for the safety of  
21 the sex trade worker?

22 A I agree.

23 Q Now, again, going back to what you have to do in  
24 front of a justice of the peace if you're making  
25 an application for an authorization, similarly

1           when you talked about the information you  
2           received from Caldwell and Hiscox, et cetera you  
3           would have to tell the justice of the peace about  
4           the surveillance and the showing of the  
5           photographs to the sex trade workers and the  
6           negative results of those?

7           A    In my opinion you would, yes.

8           Q    Along the same lines, I think you mentioned  
9           earlier in your evidence some of the information  
10          that suggested that Pickton was placing body  
11          parts of his victims in some of the freezers that  
12          he had on the property?

13          A    Yes.

14          Q    But there was evidence that Menard, for example,  
15          looked and didn't find anything?

16          A    He made that comment to Corporal Connor, yes, he  
17          did.

18          Q    So that's on the other side of the balance sheet.  
19          That's something that detracts from rather than  
20          enhances your perception for the reliability of  
21          that information?

22          A    It would be enhanced if he saw body parts, yes.

23          Q    Similarly Mr. Casanova, who I gather was a person  
24          associated with Pickton, not with any of these  
25          sorts of these activities, that he was there and



1 worked with him on a number of occasions when he  
2 was slaughtering pigs and he was able to look in  
3 the freezers at certain times and he didn't see  
4 anything either?

5 A No, he didn't, but I do believe he said --

6 Q I should say he didn't see anything that looked  
7 like human body parts?

8 A No, but I think he also spoke to Corporal Connor  
9 and said Pickton was concerned -- Pickton was  
10 worried -- I'd have to look at the statement  
11 Corporal Connor recorded with respect to Mr.  
12 Casanova but I thought there was something in  
13 that statement that talked about Pickton's mind  
14 set with regard to the investigation that  
15 Corporal Connor made note of.

16 Q I'd like to direct your attention to page 120 of  
17 your report and this is the part of your report  
18 that deals with the interview that Constable  
19 Yurkiw, now Chapman, and Cater did of Mr. Pickton  
20 on the 19th of January 2000.

21 A Right.

22 Q You have testified at some length about that  
23 already and there's some points that I'd like to  
24 ask you about specifically. You set out on page  
25 120 to page 124 a summary of that interview and

1           that interview took some time, took a couple of  
2           hours or in that vicinity?

3           A    I can't recall exactly how long the interview  
4           took.

5           Q    You had a written transcript and a video  
6           recording?

7           A    That's correct.

8           Q    And for some reason the video recording I think  
9           goes on longer than the transcript does, it has  
10          more of the interview; do you recall that?

11          A    I recall the transcript ending abruptly and I  
12          don't recall --

13          Q    You note that the video ends abruptly, you note  
14          that on page 124.

15          A    Yes.  There was no evidence that the interview  
16          was ending.

17          Q    Now, if one of us is going to look at the written  
18          transcript it would not be unusual to know that  
19          one's impression from just reading the transcript  
20          and from watching the video is somewhat  
21          different?

22          A    I would agree with that.

23          Q    On the video we're able to see the tone and  
24          manner of the interviewer, we can see Pickton's  
25          body language, hear his tone and how he reacts

1           and so forth?

2           A    I agree.

3           Q    When you do interviews those sorts of things are  
4           important to you as an investigator?

5           A    Yes.

6           Q    Now, when it comes to interviewing people or  
7           interrogating people, the objective of your  
8           interview in many ways dictates how you go about  
9           it, I'll suggest, and I'll give you an example.  
10          If you are interviewing someone who is a very  
11          likely suspect, you're going to interview that  
12          person in a very different way than you are a  
13          person who is a person of interest that you're  
14          trying to develop further.  If you don't -- let  
15          me back up a bit because I think I should make  
16          that question a little bit clearer.  If you're  
17          trying to get a confession out of someone you're  
18          going to go about that differently than if you're  
19          not?

20          A    I would agree.

21          Q    And if you're trying to -- if you have someone  
22          who is a person of interest and you're trying to  
23          figure out if you can eliminate that person as a  
24          person of interest, you're going to go about that  
25          differently again than someone you were trying to

1 get a confession from?

2 A I wouldn't necessarily agree with that. If I'm  
3 going to interview a person of interest I might  
4 interview them in the same light as I would a  
5 suspect. A person of interest -- it's someone I  
6 have to eliminate or confirm in my mind they've  
7 done something or elicit a confession from.  
8 That's why I'm interviewing a person of interest.  
9 I think it's different between a witness and a  
10 person of interest or a suspect. I wasn't sure  
11 if that's where you were going.

12 Q Well, let me be more specific. If you have a  
13 person of interest and you're thinking about  
14 whether you can eliminate that person as a  
15 suspect or if your suspicions are going to  
16 continue and you're going to continue to  
17 investigate that person, so you might not get a  
18 confession from that person but you might either  
19 decide, "No, this person isn't worth going  
20 after," or, "I've got to keep working on this"?

21 A I think the purpose of interviewing persons of  
22 interest or suspects, the best case scenario is  
23 to get a confession. If they don't do that then  
24 you can elicit other information or other avenues  
25 to pursue to see if they have connections to the

1 case for further investigation.

2 Q In a situation where you think that you don't  
3 have any realistic hope of getting a confession  
4 you might still want to get background  
5 information; is that right? You want to get  
6 relevant information, even if you can't get a  
7 confession?

8 A I would agree, but I would hate to think officers  
9 are going into an interview thinking, "I don't  
10 have any hope of a confession." That's the  
11 biggest challenge, to go in there and try to get  
12 a confession. I think I understand what you're  
13 saying. Although I may not get a confession in  
14 this interview, this person has told me very  
15 telling information that I can pursue in other  
16 aspects to follow up to see if there's any more  
17 information that would link him to an offence.  
18 Is that your question?

19 Q Yes.

20 A I would agree with that.

21 Q You would like to pin your POI to a story at that  
22 point as kind of a baseline you can work with  
23 down the line?

24 A To disprove later on, yes. That's another  
25 avenue, a strategy.

1 Q If Ruth Yurkiw's objective in this interview on  
2 January 19, 2000 was to get what she might  
3 describe as an exculpatory statement, it's the  
4 latter kind that that would suggest to you would  
5 it not, a statement to get the person's story, to  
6 get other information that would be useful in the  
7 investigation?

8 A Yes. I think all statements are positives. If  
9 he provides an exculpatory statement that's often  
10 -- it gives you great opportunity to pursue that,  
11 I agree with that.

12 Q Now, other things that affect how you approach an  
13 interview is whether or not the person is in  
14 custody or whether or not the person is under  
15 arrest?

16 A I would agree.

17 Q Because the person who is in custody or is under  
18 arrest is subject to somewhat more control, he  
19 can't leave?

20 A Yes.

21 Q Whereas the person otherwise is -- can get up at  
22 any point and say, "I've had enough of this"?

23 A I agree.

24 Q Similarly, when the person is under arrest and in  
25 custody you can decide where you're going to have

1           that interview, whereas the person -- if you're  
2           just -- if a person is giving a voluntary  
3           statement, if a person says, "I don't want to  
4           come down to the station," you're pretty much  
5           struck with that?

6           A    I would agree.

7           Q    Unless you can persuade them, of course?

8           A    The power of persuasion, yes.

9           Q    Similarly, as we saw in this -- the sequence of  
10          events that led to this interview, it was over a  
11          number of months that Constable Yurkiw tried to  
12          set up an interview; isn't that right?

13          A    Yes, I saw that.

14          Q    And there was at one point where the brother,  
15          Dave Pickton said, "Oh, no, we're not interested,  
16          come back when it's the rainy season because  
17          we're really busy right now." You're nodding  
18          your head yes?

19          A    I saw evidence of that, yes.

20          Q    So that's, again, when a person is not in custody  
21          and it's a voluntary statement, to a certain  
22          extent they can dictate the terms -- to a large  
23          extent they can dictate the terms on which they  
24          will speak to the police?

25          A    They dictate the terms themselves but they don't

1 dictate what the officer can do. It didn't stop  
2 Constable Yurkiw from going to the farm. If  
3 Pickton is saying, "I'm not coming to the police  
4 station," he would have that control because he  
5 wasn't under arrest for anything.

6 Q If she showed up at the farm and he said, "Get  
7 off" she'd have to do that?

8 A Yes.

9 Q As happened when he showed up with Gina Houston,  
10 if Gina said "I'm coming" and he said "she's  
11 coming," and it's pretty clear there's not going  
12 to be any interview without her present, it's  
13 either have her present or forego the interview  
14 for the time being; is that right?

15 A I agree. I think I spoke to that in the report.

16 Q Are you aware that Constable Yurkiw had managed  
17 to get that interview in place by speaking to  
18 Gina Houston?

19 A Yes, I was aware of that.

20 Q Now, as the interview took place there were  
21 several times when either Constable Cater or  
22 Constable Yurkiw told Gina Houston fairly firmly  
23 that she should not be interrupting now?

24 A I agree, I saw evidence of that.

25 Q She was a little bit like one of those toys that



1           always bounced back, she came back?

2           A    Yes.

3           Q    But they didn't give up?

4           A    The two officers?

5           Q    Yes.

6           A    No.

7           Q    That you would regard as a good thing?

8           A    Yes, but I also saw no evidence to say, "Hey,  
9           Gina, can we get you a coffee? Let's step  
10          outside."

11          Q    As you get to the later parts of the interview  
12          they were asking Pickton for some specifics of  
13          people and places and she was actually being kind  
14          of helpful there and jogging his memory along and  
15          giving specifics that he wasn't able to give?

16          A    Yes. I could see at some points -- the power of  
17          watching the video is that he didn't seem to like  
18          that very much, she was volunteering a bit too  
19          much.

20          Q    So there was a silver lining in that cloud?

21          A    Yes.

22          Q    I don't think anyone disputes that this interview  
23          did not take place in a textbook manner for some  
24          of the reasons that you pointed out?

25          A    I agree.

1 Q However, as your summary demonstrates, there was  
2 a fair amount of information that they obtained  
3 that was useful; would you not agree?

4 A There was a lot of information that they could  
5 have followed up on from that interview, yes, I  
6 agree.

7 Q So whether or not there was -- she had detailed  
8 notes or whether or not she took notes during the  
9 interview, she got something useful out of it and  
10 the proof in the pudding is in the eating?

11 A I don't know about the analogy you're using. I  
12 thought there was good follow-up strategies that  
13 could have been employed as a result of the  
14 information they received from the interview.

15 Q I'm just talking about the interview itself. The  
16 interview turned out to be a useful one in terms  
17 of getting useful information for the  
18 investigation?

19 A But they didn't do anything following the  
20 interview.

21 Q That's -- I'm not disagreeing with you, at least  
22 not at this moment. All I'm saying is that  
23 there's been a lot of discussion about how well  
24 or how poorly the interview was done?

25 A Yes.

1 Q And I'm simply suggesting to you that although it  
2 wasn't done in a textbook manner it yielded  
3 useful results?

4 A I would agree.

5 Q And you may be aware that at the end of the day,  
6 although it's not within the terms of reference,  
7 Pickton turned out to be a very difficult subject  
8 to interview by trained interrogators?

9 A I understand that, yes.

10 Q You've referred to possible follow-up that could  
11 have been done and I think have referred and  
12 certainly Deputy LePard has referred to the fact  
13 that during the interview Constable Yurkiw had a  
14 bit of a discussion about the possibility of a  
15 consent search?

16 A Yes.

17 Q I think you would agree with me that it's not  
18 unheard of for a police officer questioning a  
19 suspect just to throw something out like that,  
20 "Why don't I come back to your place and take a  
21 look," just to see what the person's reaction  
22 would be?

23 A I think that would be a common strategy.

24 Q And whether or not you intended to do that,  
25 throwing the suggestion out there can be a useful

1 thing to do to see the person's reaction?

2 A Yeah, I would agree with that.

3 Q You don't need a warrant for a consent search?

4 A No. You need their consent.

5 Q There are constitutional ramifications to a  
6 consent search because you're treading a little  
7 bit into legal territory, but when you do  
8 investigations you have to be cognizant that the  
9 person's right to privacy under Section 8 of the  
10 Charter is implicated when you do a search?

11 A I agree.

12 Q When you do a consent search you have to make  
13 sure you get, as I think you said, an informed  
14 consent?

15 A Yes.

16 Q And it has to be a consent to exactly the type  
17 and scope of the search that you actually are  
18 going to conduct?

19 A I would agree.

20 Q And the consent, of course, is something that  
21 must be given by everyone who has an interest in  
22 the property. For example, if you're going to go  
23 search the barn, if it's on the common area of  
24 the property, then you would have to get all the  
25 owners' consent, not just Robert Pickton's?

1 A It would be a wise thing to do, yes.

2 Q If you didn't it would be pretty much an illegal  
3 search, would it not?

4 A Yes.

5 Q The search can be withdrawn at any time?

6 A I agree.

7 Q By any of the people whose consent you need?

8 A Yes.

9 Q And in this particular circumstance what was  
10 being discussed during this interview were things  
11 like identification belonging to other women?

12 A Yes.

13 Q Women's effects?

14 A Yes.

15 Q DNA?

16 A Yes.

17 Q And that's not the kind of thing that a cursory  
18 search -- by "cursory" I mean you walk into the  
19 trailer, kind of have a look around, look in the  
20 bedroom, walk out; that's not going to be  
21 helpful?

22 A I agree with that.

23 Q You're talking about a search where the drawers  
24 are open, they're gone through, the closets, look  
25 in the oven, look everywhere; is that correct?

1 A If he consents, yes.

2 Q But that's the kind of search you'd need to do in  
3 order for it to be a useful search?

4 A I'd agree.

5 Q There had been searches in the past that had not  
6 yielded any of those kinds of items, there being  
7 the search in 1997 in the search warrant?

8 A They were looking for specific items related to  
9 the 1997 offence. They weren't looking during  
10 that search warrant for items of lost ID or other  
11 DNA from other missing women, not that I recall.

12 Q As a police officer if you were doing a search  
13 like that knowing the kind of altercation that  
14 had taken place, if you saw a bunch of other  
15 women's ID you might have noted it?

16 A Yes.

17 Q So while that may not be conclusive it would be  
18 something you'd be thinking about?

19 A It may have been something that officers -- I  
20 mean, that's a big "what if," just because I'm  
21 not really sure what the officers would have seen  
22 in 1997. I saw in my review of the documents  
23 that there was no indication they saw women's  
24 identification or purses or anything like that.

25 Q Would you turn in Exhibit E to appendix 38?

1 A Yes.

2 Q Line 289.

3 A Yes.

4 Q You note that in November of 1998 Constable Greig  
5 went to investigate the theft of a compressor and  
6 you reviewed her notes and the documents in  
7 relation to that incident?

8 A Yes, I did.

9 Q So you know that the complaint was by Pickton?

10 A Yes.

11 Q And she went into his trailer to discuss it with  
12 him?

13 A Yes.

14 Q And she was aware, she had spoken to Mike Connor  
15 and was aware of the interest and had a look  
16 around as best she could?

17 A As best she could. That's a good way of saying  
18 it.

19 Q I believe that in her notes she might have had an  
20 opportunity to use the washroom, peaked into the  
21 bedroom and she was looking but she didn't see  
22 anything in that sort of cursory search?

23 A To be fair, I think that was a cursory search.  
24 She wasn't looking in drawers or underneath beds  
25 or anything like that. She had a walk through

1 the trailer, yes.

2 Q So there's a fair -- let me just back off that.  
3 I want to ask you something else first. So  
4 there's that kind of search and then to get DNA  
5 evidence of the kind that they ended up getting  
6 in 2002, that's a big search, that's digging up  
7 dirt, moving property around and that sort of  
8 thing?

9 A Yeah, and --

10 Q Going through all the freezers?

11 A I'm not even sure I would classify what Constable  
12 Greig did in 1998 as a search.

13 Q I'm not talking about that anymore.

14 A I thought you said that. I beg your pardon.

15 Q Now we're in 2000 and my point is in 2000 when  
16 you're thinking about whether or not a consent  
17 search is something that is viable, those would  
18 be things you kind of think about in thinking  
19 about whether or not to do a search. A little  
20 cursory search isn't going to be very helpful  
21 because that's happened before and that's not  
22 really where you would expect to find the things  
23 that you were looking for?

24 A No, but I'm not sure I really understand what  
25 you're saying. I think that if Constable Yurkiw



1           asked Pickton in 2000, I don't think she would  
2           have just done a walk through of his trailer. I  
3           think she would have been trying to get into his  
4           drawers and look at different things. She would  
5           have got to the point where he said okay, I don't  
6           want you to search anymore.

7           Q    She would have to tell him beforehand he had to  
8           consent to the nature of the search that she  
9           intends to conduct?

10          A    Yes.

11          Q    If she says we want to look in -- she couldn't  
12          surprise him with that?

13          A    No, no. She would get it in writing, signed  
14          informed consent in writing and he would probably  
15          be present. If she was going into areas where he  
16          was concerned, at any point he could have said,  
17          "I want you to stop searching," and she would  
18          have had to stop.

19          Q    And if you want to take things out of the freezer  
20          to see if they were really pigs or take soil  
21          samples you would have to set that up ahead of  
22          time?

23          A    Yes. It would be wise to do that. I think she  
24          talked to him in the interview saying we could  
25          take soil samples.

1 Q So there's no surprise here, there's not going to  
2 be any element of a surprise?

3 A Not in a consent. She would be telling him up  
4 front this is what she was going to do.

5 Q Normally though when you want to search a  
6 suspect's property, you want that element of  
7 surprise and that's why search warrants are ex-  
8 parte, because evidence can frequently be lost or  
9 disappear?

10 A Disposed of, yes, I agree.

11 Q That would be a really big concern here that if  
12 you told him that that's what you're looking for,  
13 is he really going to leave evidence of women's  
14 ID and so forth around where you can find it?

15 A I think that's what I was getting to. We'll  
16 never know because she never tried to get the  
17 consent. We don't really know what could have  
18 occurred because she never pursued that.

19 Q Can you please look at tab 37 of Exhibit M?

20 A Yes, I see this.

21 Q This is a document headed Operational, Search and  
22 Seizure and it's Chapter G, Conducting a Search;  
23 do you see that?

24 A Yes.

25 Q There's G2, Search with Consent. Do you see

1           that?

2           A    I do.

3           Q    I can tell you that this was one of the -- I know  
4           you have a lot of documentation on RCMP policy.

5           A    I did.

6           Q    This page was in there so I'm not sure if you had  
7           an opportunity to see it or not, but under search  
8           for consent: "A search with consent may only be  
9           made in special circumstances, eg. remoteness or  
10          urgency precludes the obtaining of a search  
11          warrant." So that was not the circumstances; is  
12          that right?

13          A    It appears to be, yes. This is an RCMP policy,  
14          yes. Just to go back to that question though,  
15          "search with consent may only be made in special  
16          circumstances," but it doesn't outline what the  
17          special circumstances would be. It doesn't  
18          preclude -- I wouldn't say this document would  
19          preclude Constable Yurkiw from trying to obtain a  
20          consent search warrant.

21          Q    But remoteness and lack of ability to get a  
22          search warrant, that would indicate exigent  
23          circumstances, would it not?

24          A    Yes, but I wouldn't say this would preclude her  
25          from trying to get a written informed consent and

1 bring it out to the Pickton farm and saying,  
2 "Hey, I had a Crown attorney look at this, we've  
3 drafted up this form of consent, can you take a  
4 look at that." I don't see the directive saying  
5 that she shouldn't be allowed to do this.

6 Q That might be a matter of interpretation and it  
7 may be the RCMP take a different view of it than  
8 you do?

9 A It's possible.

10 Q I want to go back to the issue of resourcing and  
11 priorities. We haven't really gotten into -- we  
12 touched on this a little bit this morning. Now,  
13 I take it that you were aware because you  
14 discussed this with some of the RCMP members  
15 during your interviews, that the Coquitlam  
16 Detachment was extremely busy and that the  
17 Serious Crime Unit in particular often had far  
18 more serious cases to do than they had time with  
19 which to do it?

20 A I understand that they were very busy. That came  
21 up several times during my interviews.

22 Q So not every unit that does homicide  
23 investigations is necessarily as busy as they  
24 are, but assignment of resources is always  
25 something that has to be done, things have to be

1 prioritized, files have to be prioritized?

2 A I would agree with that.

3 Q What I want to explore with you are some of the  
4 factors you think are appropriate ones or in your  
5 experience are used in order to make that  
6 priority decision.

7 A Okay.

8 Q The first kind of obvious one would be the  
9 seriousness of the conduct being investigated.  
10 By "seriousness," that would be the ability to  
11 cause harm to the public?

12 A Yes.

13 Q And a homicide case is necessarily very high on  
14 that list?

15 A I would agree with that, yes.

16 Q As you multiply more than one homicide it becomes  
17 more and more serious?

18 A I would agree.

19 Q You would agree as well, I think everyone would  
20 agree, that a case where there's a possibility  
21 that the offender is continuing to re-offend has  
22 a degree of urgency greater than one that appears  
23 to be a one-off such as a domestic dispute in a  
24 heat of passion kind of thing?

25 A I would agree with that.

1 Q In this particular circumstance if we bring that  
2 back to this case, of course we're all here  
3 because the investigation of missing women was an  
4 extremely serious matter, but let's take it to  
5 what Coquitlam's position was at the time. Their  
6 information -- I'm going to take you through this  
7 a step at time. The first step is the  
8 information that a woman has been killed in this  
9 horrible manner; that's the guts of the  
10 information, that is the first step?

11 A This is 1999. I thought the first step would  
12 have been August 1998 when Lori Shenher  
13 contacts --

14 Q Yes.

15 A August 1998, there was a connection to the  
16 disappearance of the missing women. That was the  
17 first step in Coquitlam.

18 Q Fair enough, but that's not very specific. Let  
19 me add to that so perhaps that will make you feel  
20 a bit more comfortable with the description.  
21 There's very specific information about the  
22 murder of one woman and the suggestion that other  
23 women might also be victims?

24 A I think there was multiple suggestions that he  
25 was responsible for the disappearance of the

1 missing women and the information in regards to  
2 the one homicide in the barn.

3 Q Precisely. The thinking at the time, if we take  
4 sort of a larger picture, is that there is  
5 possibly a number of serial murderer at work and  
6 Coquitlam was aware of that, Mike Connor was  
7 aware of that -- sorry, I apologize. I'm not  
8 being very clear. Mike Connor was very aware of  
9 the possibility that this offender had committed  
10 multiple murders?

11 A What offender? The offender responsible for the  
12 missing women?

13 Q Robert Pickton. The information was such that  
14 this was the specter.

15 A The information was he would be responsible not  
16 just for the one in the barn but possibly many  
17 others.

18 Q And the ongoing concern. The concern the murders  
19 could be ongoing?

20 A Yes.

21 Q Although as we get into 1999 the understanding of  
22 the VPD is that the murders have stopped, the  
23 disappearances have stopped?

24 A The women had stopped being reported missed but  
25 there were still 24 that had gone missing from

1 1995.

2 Q But, again, you investigate something that is in  
3 the past in a somewhat different manner from  
4 something that's ongoing sometimes; correct?

5 A I'm not sure I really want to agree with that. I  
6 wouldn't necessarily agree with that.

7 Q Let me move on to something else that I would  
8 suggest is important in approaching a murder  
9 investigation, that you have to -- that evidence  
10 at first can be perishable and it has to be  
11 obtained by while it's available?

12 A I agree.

13 Q So that's why when a murderer -- for example, a  
14 body is found or an incident is reported, there's  
15 a lot that has to be done immediately and that is  
16 a very urgent task?

17 A Yes.

18 Q So if a murder is reported today, officers are  
19 deployed to work on that murder and if they're  
20 working on say background checks or other  
21 investigations of a murder that happened two  
22 months ago, you'll be asked, "Can you put that  
23 down for a minute because we've got to get this  
24 now while we can." That's not uncommon, is it?

25 A No, I would not say that's uncommon.



1 Q And it's not unreasonable either?

2 A No. In particular -- when you're talking  
3 resources, I think it's all going to come down to  
4 the amount of resources you have available at the  
5 time.

6 Q Another factor that is taken into consideration I  
7 would suggest all up and down the line is what DC  
8 McCarl described as solvability. If you're going  
9 to take an investigative step, what is the  
10 likelihood that step is going to be productive?  
11 So if you're going to undertake, for example, an  
12 undercover operation, you want some indication  
13 that there is some likelihood of success. That's  
14 why you make a business plan, do an application  
15 and describe what it is that you're going to do.

16 A I'm not sure I understand the question.

17 Q Okay. Resources are diverted, other things being  
18 equal, to where they'll be most productive?

19 A I don't necessarily agree with that. I think  
20 that resources should be devoted to crimes of a  
21 serious nature.

22 Q What I'm trying to do is get you to tease out --  
23 because one understands in any given situation  
24 there are many factors at play and I'm trying to  
25 get a baseline from you as to what goes through

1           people's heads when they have to make these  
2           decisions.

3           A    I understand that.

4           Q    What I'm suggesting to you is that one of those  
5           factors is the likelihood that what you're  
6           putting resources into is actually going to  
7           produce something at the end of the day, not that  
8           you need a guarantee. Let me give you an  
9           example.

10          A    Okay.

11          Q    You have three shifts of surveillance members  
12          which you agreed was a large undertaking for  
13          several weeks. It doesn't produce the result  
14          that you're looking for; it doesn't confirm that  
15          Robert Pickton is down on the Downtown Eastside  
16          picking up sex trade workers. Now, when you're  
17          thinking about do I continue to devote those  
18          units here because they've been drawn from  
19          everywhere, when you make that decision do you  
20          not think they've been here for three weeks  
21          already, if he was going to show up he probably  
22          would have shown up by now? In a perfect world  
23          do you keep that going and going and going until  
24          you've totally proven or disproven it? But  
25          having done it for several weeks before you

1 continue on --

2 A I could play the other side of the spectrum  
3 because there's information that Corporal Connor  
4 got from Bev Hyacinthe, one of the civilian  
5 members of the RCMP, she advised that Pickton was  
6 aware he was under surveillance because that  
7 could have been the reason he wasn't going into  
8 the Downtown Eastside.

9 Q Quite so, but I'm not trying to debate with you  
10 whether the decision when all was said and done  
11 was the right one in the circumstances. All I'm  
12 trying to ask you is that one thing that you take  
13 -- I'm not trying to get you to agree there  
14 should not have been more surveillance.

15 A Okay. I wasn't sure.

16 Q Park that for a minute. I was using that as an  
17 example. If you're the decision-maker and asked  
18 to authorize a continuation of that surveillance  
19 what are you going to think about?

20 A I'm going to think about what are my other  
21 priority crimes ongoing. I also have to think  
22 about the fact if I'm making a decision where to  
23 make my priorities, if I'm dealing with the  
24 perishable homicide that has occurred this  
25 morning or the suspicion of the ongoing missing

1 women investigation, the person that has died  
2 this morning in Coquitlam is deceased and I can't  
3 do anything about that, but the women -- how do  
4 we know the offender responsible for the missing  
5 women -- so many are missing that they will  
6 continue to go missing unless I stop the  
7 investigation, confirm him as suspect or not. So  
8 those are all decisions the police leader would  
9 have to make.

10 Q The point of my questions is that there are  
11 different factors that go into that decision?

12 A Yes.

13 Q Reasonable people might disagree?

14 A Reasonable people might disagree with what I have  
15 said.

16 Q Those are decisions that require an exercise in  
17 judgment and not everyone is going to exercise  
18 their judgment in the same way?

19 A I agree, not everyone has that opinion.

20 MS. TOBIAS: Mr. Commissioner, I am noting the time. I'd ask  
21 that we take the afternoon adjournment now and my  
22 colleague will resume in 15 minutes.

23 THE COMMISSIONER: Thank you.

24 THE REGISTRAR: Order. This hearing will recess for 15  
25 minutes.

1 (PROCEEDINGS ADJOURNED AT 2:30 P.M.)

2 (PROCEEDINGS RESUMED AT 2:47 P.M.)

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

4 THE COMMISSIONER: Ms. Hoffman.

5 MS. HOFFMAN: Commissioner Oppal.

6 Q DC Evans, I'd like to return to something  
7 commission counsel discussed with you on your  
8 first day of testimony and you note in your  
9 report, and I don't think we need to go there at  
10 page 8-216, you comment that the idea that arose  
11 in February of 2000 at the Coquitlam Detachment  
12 to send the handcuffs from '97 incident for DNA  
13 testing, you describe that in your report as  
14 being an excellent investigative strategy. Do  
15 you recall that?

16 A I do.

17 Q I'd just like to explore with you, provide a bit  
18 of context and explore with you some of the  
19 challenges that there may have been in pursuing  
20 that strategy, if I might. I take it you are  
21 familiar -- and I think Ms. Tobias went over this  
22 this morning -- that in order to test something  
23 for DNA you really have to have a known sample  
24 against which to compare it?

25 A In 1998 are we talking specifically or right now?

1 Q I'd like to do this in the context of 2000 when  
2 the idea came up to send the handcuffs for  
3 testing, so if you can put yourself back to 2000?

4 A I can.

5 Q And think of the procedures that existed then.  
6 I'm suggesting to you that in order to advance  
7 the missing women investigation in particular  
8 that they would have required DNA samples from  
9 the missing women in order to test those  
10 handcuffs and get in evidence that would assist  
11 as a result?

12 A Yes.

13 Q And you will -- I take it that you didn't see any  
14 documents in the Coquitlam file which indicated  
15 that Coquitlam had any samples from any of the  
16 missing women at that time?

17 A No, I did not see any of that.

18 Q Were you aware that at that time in 2000 there  
19 was no local DNA bank to put samples from missing  
20 women -- from missing people generally into at  
21 that time, this is in 2000?

22 A Yes, I am aware. I'm not sure when it became --  
23 the national DNA data bank I believe commenced in  
24 June of 2000 but local testing for DNA you're  
25 speaking about, I don't think there was anything

1 in this province.

2 Q We expect to put some evidence before the inquiry  
3 as to the development of a local investigative  
4 index but I can tell you that that didn't get  
5 created until June of 2000 but even then there  
6 would have been difficulties with putting the DNA  
7 from the women into that bank because they were  
8 missing persons and not homicide victims at that  
9 point; are you aware of that?

10 A Yes. If I could interject here as well, when I  
11 said it was an excellent investigative strategy  
12 if you got the lab to do analysis for DNA, it  
13 would have revealed if there was any DNA and that  
14 could have helped with investigators in saying  
15 whose DNA is this. So I wouldn't say that  
16 Coquitlam RCMP should not have done it because  
17 they weren't in possession of DNA from the  
18 missing women. I was saying it was a great idea  
19 to think about because it might have revealed  
20 that there was DNA unrelated to the victim in '97  
21 and Pickton. That's where I was going with the  
22 comment.

23 Q In any event, you did see some indication -- and  
24 we're going to return to this likely tomorrow --  
25 but you did see some indication that Project

1 Amelia had collected some DNA samples?

2 A Yes.

3 Q This was familial DNA samples largely?

4 A Yes.

5 Q You're familiar that, generally speaking,  
6 familial samples aren't quite as useful as having  
7 DNA from the actual person you're trying to  
8 identify?

9 A I would agree, yes.

10 Q I'd like to take you to a memo from Lori Shenher  
11 that just describes the state of affairs with  
12 respect to the DNA collection by the time she was  
13 wrapping up on the file in November of 2000 and  
14 we can find that at Exhibit M2.

15 A Yes.

16 Q Tab 114, tab A.

17 A I have that.

18 Q I'll just wait for Mr. Commissioner to have that.  
19 If you turn to the second of last page there's a  
20 heading DNA Collection?

21 A Yes, I have that.

22 Q The first paragraph talks about the parental DNA  
23 that they had collected?

24 A Yes.

25 Q They had also been dealing, the first paragraph



1 of page 5, with someone from Virginia in order to  
2 -- they had learned that there was some  
3 unidentified female body parts, some legs in  
4 Virginia, and they were seeing if the DNA could  
5 be compared to those?

6 A Yes.

7 Q Then they noted in the last paragraph that they  
8 had contacted the BC Cancer Agency in order to  
9 get access to the victims' pap smears which would  
10 provide them with DNA from the missing women  
11 which would be more useful, but there was a bit  
12 of a legal barrier to getting that and you'll see  
13 in the last sentence there's reference to the  
14 fact they would need a warrant or a coroner's  
15 order to seize those pap smear slides so they  
16 would wait until it became necessary to use them,  
17 if some remains were found that needed to be  
18 identified. Do you recall that?

19 A I do.

20 Q In fact, what Project Amelia did is they  
21 collected these samples but kept them, for lack  
22 of a better word, in a drawer, in essence. They  
23 couldn't send them to the lab at that point to be  
24 profiled. Would you agree with that?

25 A I'm not really sure. I think they were holding

1           on to them for identification purpose. Could you  
2           ask the question again?

3           Q    I'm suggesting to you there were barriers to them  
4           sending those DNA samples to the lab. First of  
5           all, there was no index for them to be put into,  
6           and secondly, they were missing person cases and  
7           the lab would not accept the DNA of missing  
8           persons. Were you aware of that?

9           A    I would agree with that, yes.

10          Q    We will return to this tomorrow, but if you can  
11          agree with me if Project Amelia had the samples  
12          they had the potential to generate DNA but they  
13          did not send them to the lab for testing?

14          A    I would agree.

15          Q    If we can return then to the handcuffs issue, and  
16          this is largely just to close a loop -- just bear  
17          with me -- we expect that the inquiry will hear  
18          evidence from Dr. Kathy Horley who is with the  
19          lab here in Vancouver and she was the one who  
20          actually tested the handcuffs in 2004, and I can  
21          tell you that when she analyzed those handcuffs  
22          that no DNA from any of the missing women was  
23          located on those handcuffs.

24          A    I did not know that.

25          Q    Mr. Commissioner, I'd like to move on to a new

1 area now. If could have you turn to page 720 of  
2 your report please, the second to last paragraph  
3 there.

4 THE COMMISSIONER: Where are you?

5 MS. HOFFMAN: Page 7-20 of Evans report.

6 A Okay.

7 Q I'm in the second last paragraph of that page,  
8 Mr. Commissioner. You write there: "In my  
9 opinion, while the missing women issue was first  
10 identified to senior management of the RCMP and  
11 the VPD in 1998, it is concerning that it took so  
12 long to coordinate a multi-jurisdictional  
13 approach to this issue." My question is I  
14 presume based on the preceding history in your  
15 report that the event that you were referring to  
16 as drawing the attention to the RCMP in  
17 particular would be the invitation that Gary Bass  
18 pursued from Dr. Rossmo to attend the working  
19 group meeting, would that be fair, that occurred  
20 in September of 1998?

21 A Yes. I understand there was another meeting that  
22 occurred with the Attorney General at some point  
23 but I struggled to get documents in relation to  
24 the date on that.

25 Q I'm going to take you through that and help you

1 place that date.

2 A Excellent. Thank you.

3 Q So I just want to get an understanding because  
4 you use this phrase a number of times in your  
5 report as to what you mean by the "senior  
6 management of the RCMP," because you attribute  
7 things to RCMP senior management. Now, you  
8 interviewed a number of RCMP officers and the  
9 highest ranking RCMP officer you interviewed was  
10 Gary Bass?

11 A That's correct.

12 Q In 1998 he was in charge of the E Division Major  
13 Crimes Section?

14 A That's right.

15 Q On your first day commission counsel corrected a  
16 reference in your report to him being the OIC in  
17 charge of E Division at a particular time when he  
18 was not; do you recall that?

19 A That was from March 2000 he was a chief  
20 superintendent at that time, but in my report I  
21 indicated he was OIC of E Division which I now  
22 know is incorrect.

23 Q During the time he was OIC of E Division, I'm  
24 going to suggest to you that he reported to the  
25 criminal operations officer. Are you aware of

1 the reporting structure in E Division?

2 A Are you saying he was the OIC of E Division?

3 Q No, I misspoke. While Mr. Bass was the OIC in  
4 charge of Serious Crime, the Major Crime Section  
5 in E Division, he reported at that time to a  
6 position called the criminal operations officer.  
7 Were you aware of that?

8 A I believe I was at some point, yes.

9 Q That criminal operations officer then reported to  
10 the commanding officer of E Division and you did  
11 not interview either of those individuals for the  
12 purposes of your report?

13 A No.

14 Q But you did interview the VPD counterpart in  
15 those positions I would suggest. You interviewed  
16 Chief Constable Chambers and Chief Constable  
17 Blythe?

18 A I did.

19 Q They would be the counterpart to those two  
20 positions we were just discussing in the RCMP?

21 A I was unaware they were the counterpart. I  
22 interviewed retired Assistant Commissioner Bass  
23 because that was the name, when people were  
24 talking about dealing with serious crime they  
25 always talked about Gary Bass.

1 Q Earlier in your evidence, I believe it was  
2 yesterday, you talked about inter-jurisdictional  
3 co-operation and who the chief constable of VPD  
4 would pick up the phone to talk to if they needed  
5 some assistance on a matter that might have some  
6 cross-jurisdictional element to it. I would  
7 suggest to you that person would either be the  
8 criminal operations officer or the commanding  
9 officer of E Division and not necessarily Gary  
10 Bass?

11 A Can you tell me who was the criminal operations  
12 manager at the time so I can tell if the name  
13 came across in the documents?

14 Q That I will have to find out for you.

15 A I just know that when I was conducting  
16 interviews, Gary Bass's name was the one being  
17 mentioned by the Vancouver Police Department.

18 Q If you assume for the moment that the criminal  
19 operations officer and commanding officer would  
20 have regular conversations with the Chief  
21 Constable of E Division -- sorry, the VPD, that  
22 you couldn't assume that Gary Bass would be privy  
23 to all those conversations?

24 A You see, I'm not sure I only received information  
25 they would be dealing with Gary Bass so that was

1 the reason I went to Gary Bass.

2 Q If we could return to the line in your report on  
3 page 720, I believe you agreed with me that it  
4 was the Rossmo invitation to the working group  
5 that was the event in 1998 you're referring to in  
6 that line in your report on 720, second to last  
7 paragraph?

8 A Yes.

9 Q And you will agree with me that you didn't find  
10 any other evidence that the RCMP was approached  
11 by senior management at the VPD in the remaining  
12 months of 1998 for any assistance on the missing  
13 women file?

14 A Maybe I should have made this clear in my report.  
15 Senior management is someone who I would view as  
16 being in a senior officer position, so inspector  
17 above. When I was referring to senior manager of  
18 the RCMP I would have been including in my mind  
19 when I was making this reference inspector  
20 Moulton in Coquitlam and Superintendent Ric Hall  
21 in Coquitlam as well as Gary Bass.

22 Q Okay. But I thought you had agreed with me that  
23 the event in 1998 we were referring to was the  
24 Rossmo letter and those other officers weren't  
25 privy to that invitation?

1           A    I've got here: "In my opinion while the missing  
2                    women issue was first identified to senior  
3                    management of the RCMP and the VPD in 1998 it's  
4                    concerning it took so long." So I had documents  
5                    that I viewed that at the senior management  
6                    meeting Gary Bass became aware of the missing  
7                    women issue as early as 1998 and that was through  
8                    the Provincial Unsolved Homicide Unit.

9           Q    When you say it was through the Provincial  
10                  Unsolved Homicide Unit --

11          A    I'm trying to recall back. I know there was a  
12                  letter sent to the Attorney General in 1997 with  
13                  the original list that Constable Dave Dickson was  
14                  asked by the Provincial Unsolved Homicide Unit to  
15                  look into that and I'd have to check whether that  
16                  letter was copied to someone else in senior  
17                  management -- within the RCMP with regard to the  
18                  missing women.

19          Q    I think, and I may be recalling incorrectly, but  
20                  I think that Sergeant Henderson was privy to  
21                  that?

22          A    Yes, and he's not a senior manager. I know that.

23          Q    Continuing on, I believe you make this clear in  
24                  your report, that indeed no member of the VPD  
25                  executive made a formal approach to Gary Bass to



1 initiate a task force until November of 2001.

2 Speaking of the VPD executive at the moment.

3 A You're saying November --

4 Q Of 2001?

5 A 2000.

6 Q November 2000, you're right.

7 A No one from the executive of Vancouver made an  
8 approach, I would agree.

9 Q And at that time in November of 2001 it was  
10 Inspector Henderson who was acting as OIC of  
11 Major Crime?

12 A 2000.

13 Q Sorry, I have a mental block on that one.

14 A Yeah. I stand to be corrected but I think it was  
15 Acting Inspector Henderson who was liaising with  
16 Sergeant Field and they were the ones who she  
17 made the approach to Acting Inspector Henderson  
18 who then notified Chief Superintendent Bass at  
19 the time.

20 Q Inspector Henderson responded immediately to that  
21 request; would you agree with that?

22 A Yes. To give him credit, I believe Sergeant  
23 Field met with him in May of 2000 and said he  
24 would be more than willing to look at the files  
25 and then Vancouver went back and took time to get

1           the files in an order they could present to the  
2           RCMP to have them reviewed.

3           Q    There was quite a lot of difficulty you'll agree  
4           in getting those files in order to present to the  
5           RCMP to be reviewed?

6           A    Yes, I saw evidence of that.

7           Q    Those difficulties were in part due to a computer  
8           program called SIUSS?

9           A    Yes.

10          Q    Which wasn't adequately supported perhaps?

11          A    Yes, I would agree with that.

12          Q    There was documents that indicate there wasn't  
13          sufficient resources to inputting information  
14          into SIUSS?

15          A    Yes.

16          Q    We're going to talk about that a little later on.  
17          Moving now to this meeting with the Attorney  
18          General, you do make reference to the meeting  
19          but, as you've pointed out, you couldn't quite  
20          date the meeting but you make reference to it in  
21          your report at page 8-15 and I don't know if I  
22          need to take you there -- in fact, I do need to  
23          take you there. If you could go to page 8-15 of  
24          your report.

25          A    Yes. Thank you.

1 Q In an interview you had with DC McGuinness he  
2 recalled attending a meeting with the Attorney  
3 General at which Chief Constable Chambers was  
4 present, Superintendent Bass, Staff Sergeant  
5 Henderson. If you turn over the page you have a  
6 quote from his interview where he indicates that  
7 the RCMP said that: "We can't take this file."  
8 You have: "You have no -- it's not an unsolved  
9 homicide. You have no homicide, there's no, uhm,  
10 body. There is no -- there is nothing here. We  
11 can't do anything about an unsolved homicide  
12 because you can't show us you have a homicide."  
13 So that's Deputy Chief Constable McGuinness's  
14 recollection of the meeting?

15 A Yes.

16 Q He carries on in the interview with you -- maybe  
17 I'll back up for a moment. I think you do  
18 acknowledge this in your report with respect to  
19 what you say regarding Staff Sergeant Henderson  
20 that the UHU Unit, the Unsolved Homicide Unit,  
21 had really just started at that point?

22 A 1998 I believe I was told.

23 Q So in its early days, in any event?

24 A Yes.

25 Q At the time it had about 600 unsolved homicides

1           on its plate that it was trying to work its way  
2           through?

3           A    That's what I recall, yes.

4           Q    It was a unit that it did provide some limited  
5           assistance at times to other units within the  
6           RCMP?

7           A    That's what I understand, yes.

8           Q    But its primary mandate was to work through the  
9           unsolved homicides that had stacked up in the  
10          province?

11          A    That's what I understood, yes.

12          Q    We can go to DC McGuinness's interview  
13          transcript, if necessary, but I'm going to  
14          suggest to you that shortly after you have this  
15          exchange with him DC McGuinness recalled there  
16          was an offer made by the RCMP at this meeting to  
17          conduct a review of the missing women file. Do  
18          you recall that?

19          A    No, I don't.

20          Q    We'll go to that then. If you could go to volume  
21          5 which is marked as Exhibit M4, please. The  
22          paragraph that you have in your report, if you  
23          could turn to tab 10, page 37?

24          A    Yes.

25          Q    The paragraph that you have in the report takes

1 up the first four lines and if you go around line  
2 5, I'm just going to read it out: "Now, am I  
3 saying that they did that in a callous fashion to  
4 just say, 'No, we don't want to be involved with  
5 you?' No. I think they said that because they  
6 were under the same, uhm, restraints as we were,  
7 resource wise. They had, they had a hundred --  
8 and then this just a guesstimation, but they had  
9 a number of unsolved homicides they were actively  
10 investigating," and he continues on: "So, for  
11 them to take on, uhm, something that, that they  
12 felt wasn't there, was beyond what they were  
13 capable of doing at the time. They did offer to  
14 review all the files of what, what, uhm, was in  
15 the Homicide Unit and the Task Force at the time,  
16 and that, you know. And I believe, at the end of  
17 the day, and this was after I left -- that those  
18 files did get to them, finally.

19 A Just looking at the transcript, I haven't  
20 listened to the tape, but I don't recall him  
21 saying that they did it in a callous fashion. I  
22 think he would have meant not in a callous  
23 fashion. I don't recall DC McGuinness saying he  
24 was spoke to in callous fashion.

25 Q I was going to clarify that with you because that

1           didn't seem quite correct. You will agree that  
2           he told you there was an offer made at that  
3           meeting to the VPD to review the files?

4           A    When I read this and from my memory I think he  
5           was referring to the offer of the review in 2000.

6           Q    But the Attorney General wasn't involved in that  
7           meeting in 2000, he specifically discussing a  
8           meeting he attended with the Attorney General?

9           A    But I don't believe -- I would have to listen to  
10          that section of the interview. I didn't get the  
11          impression that he was talking about the RCMP  
12          volunteered at that time. I could be wrong but  
13          I'm saying I would have to listen to that.

14          Q    You'll see on the preceding page, page 36,  
15          there's a reference at line 5 to the meeting with  
16          the Attorney General at the time who was Ujjal  
17          Dosanjh?

18          A    I think the quote I've mentioned in the report,  
19          I'm talking about the following quote when he  
20          talks about resources for them to take this on  
21          they felt it wasn't there, it was beyond what  
22          they were capable of doing at that time. Then he  
23          says they did offer to review all the files of  
24          what was in the homicide unit and the task force  
25          at the time and I believe at the end of the day

1           that was after I left. I believe he was  
2           referring to it eventually did occur.

3           Q    It doesn't say then they did offer. It says they  
4           did offer to review all the files. I take it  
5           then you're not necessarily accepting that my  
6           interpretation of that --

7           A    I think it probably would be best if we ask DC  
8           McGuinness on his memory.

9           Q    You do recall interviewing Inspector Henderson  
10          about his recollection of the meeting with the  
11          Attorney General; do you recall that?

12          A    Not specifically right now but I'm sure I'll get  
13          to it.

14          Q    We have that transcript as well. If you can flip  
15          to tab 11 -- tab 12, I'm sorry. I acknowledge  
16          that you didn't really have a lot of help from  
17          the witnesses that you spoke to on the date of  
18          this meeting because no one really seemed to be  
19          able to recall it. Line 2: "I was sitting  
20          outside because Brian McGuinness -- " So he  
21          places Brian McGuinness at this meeting. "Right,  
22          the deputy chief -- " "Yeah." " -- Gary Bass  
23          were there?" "Yes. And -- " "Do you recall  
24          when that meeting was? I've been unable to find  
25          -- " "No -- " I think this was an interview you

1           were having some technical difficulty?

2           A    This was the interview I had lot of technical  
3           difficulty, the tapes weren't working.

4           Q    " -- between Bass and myself.  And that's the  
5           only meeting I had with the Attorney General -- "  
6           "When -- "   " -- and missing people."  When was  
7           that meeting though?  Was it when you started  
8           Project Evenhanded?"  "Evenhanded starts up in  
9           November of 2000 when Don Adam gets told -- "  
10          "No, it would be a year before that.  About a  
11          year.  Like, my guess would be about a year  
12          before that.  Wow.  This was before then, '97."  
13          So he's also not sure about the date.  "But  
14          anyways, uhm, no, like, the meeting I was at with  
15          the Attorney General and Brian McGuinness, all I  
16          can tell you is that, I know there was this  
17          reward thing, and I believe I may have offered to  
18          do a review.  Like, I said, 'Hey, we can review  
19          it.'"  "Right."  "'Like, I don't know much about  
20          it.  We can review it.'  Uh, and basically that  
21          was it.  If they want our assistance, get a hold  
22          of us."  Do you recall that now that you've had  
23          your memory refreshed?

24          A    Yes.  That's why it was so difficult for me to  
25          understand when this meeting occurred because



1 nobody had a clear recollection. I know the  
2 reward for the VPD was discussed at the board  
3 meeting in April of 1999 and I know it was  
4 released in July of 1999. I still had the  
5 impression that when DC McGuinness was talking  
6 about the RCMP becoming involved in the review is  
7 when Geramy Field was following up with Inspector  
8 Doug Henderson at the time to offer to do the  
9 review. That's my memory of it all.

10 Q I notice that nowhere in your report do you  
11 discuss this offer to review the files prior to  
12 an offer that was made and you referred to  
13 already in 2000, at a meeting I believe in May?

14 A I didn't see anything that indicated it occurred  
15 prior to. I mentioned in my report in May that  
16 Sergeant Field met with Doug Henderson at the  
17 time and he was waiting for the files but I  
18 didn't see anything that there was an offer to do  
19 a review sooner than that.

20 Q Now that you've been reminded of the evidence  
21 from Inspector Henderson and DR McGuinness does  
22 that --

23 A No. I don't think that those transcripts and  
24 during my interview, I don't think I had a clear  
25 picture it started earlier than that. I got the

1 impression from the interviews they were  
2 referring to 2000.

3 Q You also spoke about this meeting with retired  
4 Deputy Commissioner Bass and he told you that  
5 there was no request at this meeting for the RCMP  
6 to get involved in the investigation. Do you  
7 recall him giving you that evidence?

8 A Yes.

9 Q Do you accept that?

10 A He recalled completely different than DC  
11 McGuinness. DC McGuinness recalled that he was  
12 being told without a body we're not going to help  
13 and Gary Bass said they were never asked for  
14 assistance. I recall for me I found it  
15 frustrating because there was no notes, no  
16 documents, no follow-ups, so I was relying on  
17 recollections of people involved and they still  
18 didn't have a very good recollection from what I  
19 recall.

20 Q Obviously it's not really your job to sort out  
21 the evidence of the various people you spoke to?

22 A No, it wasn't, no.

23 Q I'd like to move on to a new area. I'd like to  
24 take you to page 8-33 of your report.

25 A Yes.

1 Q Now, this is the third paragraph you refer to a  
2 meeting that occurred on March 1, 2000 between  
3 Chief Superintendent Bass and Staff Sergeant  
4 Davidson and Sergeant Paulson. This is the place  
5 in your report where you referred in the fifth  
6 paragraph to Chief Superintendent Bass as being  
7 the OIC of E Division. I would suggest to you  
8 that at this time he was actually the OIC of  
9 serious crime.

10 A I accept that. I was mistaken.

11 Q Now, I want to get a bit of context for this  
12 meeting. You have the extract from the proposal  
13 that was put forward at this meeting.

14 A Is it possible I can get a copy of Staff Sergeant  
15 Davidson's proposal, full proposal?

16 Q I'm not going to take you to the proposal at this  
17 moment. Sorry, I've just lost my spot. I'd like  
18 to refer to the extract of Superintendent Bass's  
19 notes that he took of that meeting which you'll  
20 find at page 8-127 of your report.

21 THE COMMISSIONER: What page is that?

22 MS. HOFFMAN:

23 Q 8-127. So you'll see in the notes that the  
24 result of the meeting was: "Meet Davidson, Filer  
25 and Paulson re: proposal on task force -- serial

1 cases. Agreed to start with an effort on Valley  
2 prostitute murders first -- DNA to be compared.  
3 Will add to group when manpower becomes  
4 available." What I'd like to do before we talk  
5 about the proposal itself is to talk a little  
6 about what was going on with respect to the  
7 Agassiz homicides which Ms. Tobias touched on  
8 this morning but I'd like to go through with the  
9 remaining time we have today what was done on  
10 that and the co-operation going on between the  
11 VPD and the RCMP with respect to that particular  
12 investigation.

13 Now, you alluded this morning to the fact  
14 that you had received some part of the Valley  
15 file that you reviewed?

16 A Yes.

17 Q In that set of documents there were 16-24  
18 continuation reports which set out the  
19 investigative steps in a general way that were  
20 taken on the file?

21 A Yes.

22 Q And the meetings that happened on the file?

23 A Yes.

24 Q Now, you will agree that on a number of occasions  
25 VPD investigators went out to the Valley to meet

1 with Paul McCarl to go visit the three sites  
2 where the bodies were found?

3 A Yes.

4 Q They met presumably in the office to exchange  
5 information about the file, about the suspects?

6 A Yes, I saw evidence of that.

7 Q There were numerous meetings in fact starting in  
8 April of '99 through to 2000, February 2000;  
9 correct?

10 A Yes, I would agree.

11 Q I'll take you through some of these. I'd like to  
12 go to a document at tab 33 which would be Exhibit  
13 M. This is a fax message dated August 16, 1999  
14 from Constable McCarl to Lori Shenher. You agree  
15 with that?

16 A Yes.

17 Q This is a document inviting Lori Shenher and  
18 other members of the VPD to a working group  
19 meeting to discuss -- if we go to the -- the  
20 second sentence of the message: "The purpose of  
21 this meeting will be to address issues  
22 surrounding data entry for our timelines so that  
23 all of the needs of each investigator are met.  
24 This will be cumbersome and a labourious task.  
25 If there's anything you or your office might be

1 interested in or if you have a representative who  
2 would like to attend, please consider this your  
3 formal invitation." So this is obviously an  
4 example of police departments working together?

5 A Yes. There was a lot of evidence that Paul  
6 McCarl was working with Vancouver on various  
7 stages throughout the times I observed.

8 Q That meeting was held on August 17th. If you  
9 turn over to the next tab, tab 34, you'll see an  
10 e-mail from Paul McCarl to his superior Sergeant  
11 Paulson which summarizes what happened at that  
12 meeting. Then if we can turn over to tab 38,  
13 this is another meeting that happens which  
14 involves Constable McCarl and officers from the  
15 VPD on October 27, 1999 and this is, again, a  
16 reference to a person of interest that we've seen  
17 come up many times in the documents?

18 A Yes, we have.

19 Q And this was the suspect that Fell and Wolthers  
20 were working on and they got some information and  
21 briefed the RCMP with respect to that  
22 information; correct?

23 A Yes.

24 Q So another example of the police agencies working  
25 together towards a common goal?

1 A Yes.

2 Q Now, I'm going to suggest to you that the  
3 meetings that occurred and there were several  
4 more I would suggest from December into February  
5 2000, that these joint efforts were premised on  
6 the belief that had developed in Project Amelia  
7 that the killer of the Agassiz homicide could  
8 well be responsible for the disappearances of the  
9 other women from the Downtown Eastside?

10 A I would agree.

11 Q And the primary theory that the RCMP were  
12 operating on at the time -- the reason why this  
13 was such an important theory for them is because  
14 they had some DNA evidence from the Valley  
15 homicide from the unknown suspect?

16 A Yes.

17 Q And they believed that if they could collect  
18 cast-off from suspects they could compare it to  
19 the Agassiz homicide sample and potentially  
20 identify a serial killer?

21 A Correct.

22 Q I want to take you just before we close to two  
23 more documents that set that investigative belief  
24 out. If we could go to tab 117 which is in  
25 Exhibit M2, tab 117. This is a memo from Geramy

1 Field to Inspector Gord Spencer dated January 26,  
2 2001.

3 A Yes, I have that.

4 Q I apologize, my marked-up copies have been given  
5 away. So if I go to the very last sentence of  
6 the first page -- sorry, I did have it  
7 highlighted -- in the last paragraph, the third  
8 sentence: "These meetings resulted in a common  
9 agreement that the three RCMP prostitute homicide  
10 cases from 1995, Pipe, Olajide and the third  
11 would be Yonkers are directly related to the  
12 missing prostitutes in Vancouver." So that was a  
13 fairly strong statement by Project Amelia, from  
14 Sergeant Field who was in charge of Project  
15 Amelia of the investigative belief of a  
16 connection to the Valley; would you agree with  
17 that?

18 A I would.

19 Q Finally, if we could turn to tab 121, this is a  
20 memo from -- again, from Sergeant Field to Acting  
21 Inspector Boyd dated March 6, 2001 reporting on  
22 the progress of Evenhanded. If you go to the  
23 third paragraph, the second sentence, it says:  
24 "All of this work is predicated on the belief  
25 that the three Agassiz prostitute homicides are



1 related to our missing women." Do you see that?

2 A Yes, I do.

3 MS. HOFFMAN: Mr. Commissioner, I note the time. We started  
4 early today so the plan was we were adjourning  
5 early.

6 THE COMMISSIONER: Are you done?

7 MS. HOFFMAN: No. I have probably another two hours tomorrow.

8 THE COMMISSIONER: You want to adjourn for the day and start  
9 tomorrow?

10 MR. HOFFMAN: I would prefer to do that.

11 THE COMMISSIONER: Okay. Thank you.

12 MR. VERTLIEB: It's either 9:00 or 9:30, whatever you prefer.  
13 I've heard nothing from anybody about the start  
14 time. Everybody seems comfortable with whatever  
15 start time you pick.

16 THE COMMISSIONER: Is nine o'clock all right with everybody?

17 MR. VERTLIEB: We'll meet at 9:00 tomorrow.

18 MR. HIRA: One housekeeping matter. It's Ravi Hira. I asked  
19 Mr. Vertlieb to do this but he said I should do  
20 it so I will. I won't be here tomorrow as I have  
21 to be in Prince George, a nice, warm place in  
22 British Columbia, so my associate Ms. Conroy will  
23 be here and I thought I better introduce her to  
24 you.

25 THE COMMISSIONER: Thank you.

1 THE REGISTRAR: This hearing is now adjourned until nine  
2 o'clock tomorrow morning.

3 (PROCEEDINGS ADJOURNED AT 3:32 P.M.)

4

5

6

7 I hereby certify the foregoing to  
8 be a true and accurate transcript  
9 of the proceedings transcribed to  
10 the best of my skill and ability.

11

12

13 Margaret M. Wills

14 UNITED REPORTING SERVICE LTD.

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