

January 19, 2012

Vancouver, BC.

(PROCEEDINGS RECONVENED AT 9:00 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.

JENNIFER EVANS: Resumed

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

Q Deputy chief -- it's Cameron Ward, counsel for the families for the 25 murdered women. I understand, deputy, from communications with -- or conversations with commission counsel that you wanted to address a point that came up yesterday; is that right?

A Yes.

Q And just to give you the context, I gather it's with respect to my questions about the missing persons posters that may have been created in respect of some missing women?

A That's correct.

Q Let me just, if I may, summarize the nature of my questions of you and what I was asking you and then I'll give you the opportunity to say whatever you wish to.

A Thank you.

Q When I looked at the collection of missing women investigation reports that you and I canvassed

1 yesterday, I noticed that in some cases there were
2 references in your investigative work to the
3 creation of missing women posters, but in other
4 cases there was no such reference and so I was
5 exploring that with you. Do you recall the
6 context?

7 A I do recall that, yes.

8 Q So please -- after having thought about your
9 evidence, you had something you wanted to add?

10 A Well, I do recall yesterday -- and when I spoke,
11 I -- with regards to the number of posters I saw,
12 I did have a memory of seeing posters and
13 photographs in the files as well as a poster
14 distribution list, which on average -- so last
15 night -- so I looked at some of the files last
16 night and I did see quite a few posters and I did
17 see poster distribution forms that would
18 indicate -- this is a Vancouver Police Department
19 form that indicated on average -- that the posters
20 were created and were distributed to 50 different
21 locations, and they would check box off on the
22 form where the posters had been distributed. So I
23 just wanted to clarify my evidence from that from
24 yesterday.

25 Q Certainly. And were you able in the course of

1 that review to make an assessment of the
2 percentage of times vis-a-vis the files you looked
3 at where a poster like that was created and
4 distributed? Half the time, all the time, less
5 than all the time kind of thing?

6 A I believe I counted 27 posters that I looked at
7 yesterday.

8 Q All right. And that -- that's out of how many?

9 A Out of the --

10 Q The 44?

11 A 34.

12 Q 34. Okay. Thank you. Now, one other thing that
13 happened yesterday in the course of my examination
14 of you was that I referred to a 1985 murder and
15 suggested that Robert William Pickton was the
16 suspect in that murder, and I thought from your
17 reaction you were surprised by that?

18 A I was, but I do recall now -- if you're talking
19 about the Pauline Johnson homicide?

20 Q I was. And I didn't have the reference yesterday,
21 but I'd like to show it to you just to form the
22 factual context for that reference.

23 A Thank you.

24 Q And that's in the Williams report. I've asked Mr.
25 Registrar to have that available. It's Exhibit

1 2A. And it's Appendix R to that report.

2 A Thank you.

3 Q You should be looking at a memorandum with the
4 heading "Serious Crime Unit Meeting, Wednesday,
5 April 11, 2001, Coquitlam RCMP Detachment"?

6 A That's correct.

7 Q Just to put this in temporal context, this is
8 about 10 months before the RCMP search the
9 Pickton's property on Dominion Avenue?

10 A That is correct.

11 Q And it appears from the list of attendees, that's
12 nine members of the Coquitlam RCMP Detachment are
13 in attendance?

14 A Yes.

15 Q And if we turn to page 7, they're essentially
16 discussing serious crimes that are -- serious
17 crime files that they're handling?

18 A They're unsolved serious crime files from what I
19 understand, yes.

20 Q Then on page 7 -- there's a lot of redaction here,
21 but two-thirds of the way down the page there's a
22 reference to the murder of Pauline Elizabeth
23 Johnson happened in April -- March or April of
24 1985. Do you see that?

25 A I do.

1 Q And it would appear that Constable Bruce
2 Pitt-Payne had conduct of or something to do with
3 that file?

4 A Yes. I would infer that he was the officer in
5 charge of that file.

6 Q Let me just read the entry under the redacted
7 portion under the word "Suspect":

8 Sergeant Mike Connor believes Robert Pickton
9 to be a possible suspect in this homicide as
10 her body was dumped near his residence, he
11 possesses boning knives, frequents East End
12 prostitutes, violence towards women is
13 documented, known to use restraining devices,
14 wears work boots and is said to keep trophies
15 of victims.

16 Do you see all that?

17 A I do.

18 Q So at least in April of 2001, members of the
19 Coquitlam Detachment are working on the premise
20 that Robert Pickton is a suspect in that old
21 file -- I shouldn't say old file -- 1985 murder
22 case?

23 A A suspect or a person of interest, although I
24 agree that -- I think Corporal Connor in the notes
25 says the word suspect, yes.

1 Q And then under the heading "Action" on page 8:
2 File to be referred to Sergeant Don Adam, E
3 Division, Major Crime, who has been tasked
4 with reviewing the Vancouver Police Service
5 missing prostitutes file.

6 Do you see that?

7 A I do.

8 Q Now, you did meet with and interview Corporal
9 Connor?

10 A I did, yes.

11 Q Was this 1985 murder case given to Don Adam?

12 A No, it was not.

13 Q Do you know why not?

14 A No.

15 Q Now, I just want to recap a couple of things here
16 with you. I'm moving on to something else. March
17 23rd, 1997 Willie Pickton tries to kill Victim 97,
18 right?

19 A That's correct.

20 Q January 27th, 1998 the Criminal Justice Branch
21 stays the four charges against him, essentially
22 lets him walk from those offences?

23 A Yes.

24 Q At that point, January of '98, the police and, in
25 particular, the RCMP in Coquitlam have a duty to

1 the public to make sure that that man, Willie
2 Pickton, doesn't try to kill again, fair?

3 A Well, I'm not sure in what sense you would put the
4 onus back to the RCMP Coquitlam in January, 1998
5 if the -- that decision to stay the charges was
6 not in their control.

7 Q No, no, no. That's not the point of my question.
8 January, '98 the Coquitlam RCMP know that this
9 man, who resides down Lougheed Highway from the
10 detachment, tried to kill Victim 97, a downtown
11 Vancouver sex trade worker, but wasn't prosecuted
12 for that offence, right?

13 A They know that, yes.

14 Q They know that?

15 A Yes.

16 Q Armed with that knowledge, I suggest they have a
17 duty to do their best to keep the public safe by
18 ensuring he doesn't try to kill another woman,
19 fair?

20 A Well, I would say that Corporal Connor was
21 proactive following the March, 1997 incident in
22 April when he put out the CPIC message to Lower
23 Mainland police departments warning them of the
24 potential of -- for violence by Robert Pickton.

25 Q All right. Fair enough. Now, if you look at

1 Exhibit 57 to your right, over your right
2 shoulder -- when I say the Pickton properties are
3 down the road from the Coquitlam RCMP Detachment,
4 they literally were. They were -- you go down
5 Lougheed Highway -- I believe it's 6.2 kilometres
6 or three and a half miles, turn off Lougheed
7 Highway, and there you are in that corner of Port
8 Coquitlam where the Pickton brothers' residence
9 was, where Piggy's Palace was around Carnoustie
10 Golf Course, correct?

11 A I'll take -- I've never visited the Pickton farm,
12 so --

13 Q All right.

14 A -- I trust you when you say that, yes.

15 Q Fair enough. So now it's August, 1998 and
16 Corporal Connor of the Coquitlam RCMP gets clear
17 and credible information from Hiscox that this
18 man, who tried to kill a sex trade worker the year
19 before, is indeed perhaps killing again, right?

20 A Yes.

21 Q All right. And then from that point in time,
22 August of 1998 up until February the 5th, 2002,
23 this man, it seems, kills dozens of women,
24 collects the hundreds of trophies that you noted
25 in your note yesterday, grinds up their bodies,

1 disposes of their remains, all three and a half
2 miles down the road from the Coquitlam Detachment,
3 right?

4 A That's correct.

5 Q How in the world did that happen? That's what my
6 clients want to know. You investigated. You
7 reviewed the files. How in the world did that
8 happen down the road from the Coquitlam RCMP
9 Detachment?

10 A I think that's -- I think that's what we all want
11 to know, but I don't think it's as easy as you
12 make it sound, and the fact that the officers at
13 that time were -- Corporal Connor specifically was
14 working hard to try and connect evidence so he
15 could charge and arrest Pickton, but he was
16 unsuccessful in getting direct evidence in his
17 mind that would satisfy -- I guess he himself --
18 would satisfy himself to write something to get to
19 a judicial authorization to give him grounds to
20 get onto the property.

21 Q You -- you met with Willie Pickton. You spent an
22 hour and a half with him and had a conversation
23 with him, right?

24 A I did.

25 Q And you as a police officer with lots of

1 experience have a pretty good ability, I suspect,
2 in sizing people up and evaluating them up, fair?

3 A Yes.

4 Q And you told me yesterday you determined that in
5 your view this man was capable of murdering 49
6 women?

7 A Yes.

8 Q And you also determined, based on your
9 conversation with him, that he wasn't telling the
10 truth to you when he said he had nothing to do
11 with it, right?

12 A Yes. That's correct.

13 Q Did you also in the course of sitting with him for
14 an hour and a half ascertain that he was a sick
15 and twisted human being?

16 A Yes.

17 Q Now, you've seen the evidence in the file, files
18 you've reviewed, that Coquitlam RCMP members and,
19 in particular, Don Adam, who was in charge of the
20 Coquitlam RCMP Detachment, and Earl Moulton, who
21 was in charge of operations, knew the Picktons
22 well from dealings with them, fair?

23 A They were familiar with them, yes. That's fair.

24 Q So if you were able in an hour and a half to sense
25 that this was a sick and twisted man, have you got

1 any explanation why that might have escaped the
2 attention of the Coquitlam RCMP members who dealt
3 with him?

4 A I think it would be unfair to suggest that -- when
5 I interviewed Pickton in August of last year at
6 that time after reviewing the volumes of documents
7 that I've reviewed and the fact that knowing he
8 has been convicted, and seeing all the evidence
9 that was found at his trailer, that would have
10 assisted me in forming the opinion that he was
11 sick and twisted, and I don't believe that
12 knowledge would have been present to the officers
13 at the time, to be fair to them.

14 Q All right. But they were accumulating knowledge
15 that he tried to kill women in March of '97, that
16 he had been a suspect in 1990, that four
17 informants independently were saying that he was
18 responsible for murders. They were acquiring that
19 knowledge?

20 A They were.

21 Q Plus they had met him. Some of them had met him
22 and knew him?

23 A Yes.

24 Q All right. Based on everything you reviewed, were
25 you able to determine where all these women, the

1 49 who Pickton probably killed, were murdered?

2 A No. I didn't see anything that revealed the
3 locations where they were murdered.

4 Q Were you able to determine from all the documents
5 you looked at who may have had sexual activity
6 with him before they were murdered?

7 A No. I was unable to determine that.

8 Q I want to take you to a passage of your report and
9 ask you some further questions about it, okay? Do
10 you have the report with you?

11 A I do.

12 Q At page 8-55. You see the entry for August the
13 7th, 1998?

14 A I do.

15 Q All right. I'll just -- maybe I'll ask you to
16 read it, please.

17 A

18 August 7, 1998. At 3:00 p.m. Detective
19 Constable Shenher spoke with Corporal Connor
20 who provided him with information about
21 Robert Pickton. Corporal Connor advised that
22 the Pickton family was very wealthy due to
23 selling off parcels of their land. He
24 advised that the Picktons had connections to
25 the Hells Angels Outlaw Motorcycle Club and

1 owned a "booze can" near their residence in
2 Port Coquitlam. Corporal Connor advised that
3 Robert Pickton was already listed on ViCLAS
4 and he believed that he was quite dangerous
5 to sex trade workers. He told Detective
6 Constable Shenher of the stabbing incident
7 which had occurred in March of 1997 and
8 described Victim 97 as a Downtown Eastside
9 prostitute. He informed Detective Constable
10 Shenher that Pickton's niece, Tammy, lived
11 with him, that she was educated and had
12 co-operated with Corporal Connor in the past.

13 Q Thank you. Just to be clear, what you are saying
14 there about the niece is that she, Tammy, lived
15 with Pickton?

16 A Yes.

17 Q Not with Connor?

18 A No.

19 Q Okay.

20 A She lived with Pickton.

21 Q And that, of course, is Tammy Humeny, correct?

22 A That's correct.

23 Q Did you find through your review of the files and
24 your interviews whether Connor took advantage of
25 Tammy Humeny's co-operation in order to further

1 his investigation of Pickton?

2 A No, he did not.

3 Q He did not?

4 A That's correct. He did not.

5 Q Wouldn't it -- in your opinion, your professional
6 opinion, that's something he certainly should have
7 done in the circumstances, right?

8 A I believe that's something that he was thinking of
9 pursuing and I think that's probably why he
10 commented to Detective Constable Shenher that he
11 had thought that that was an angle or a strategy,
12 but I would agree. I thought that would be a good
13 strategy.

14 Q Well, it would be a good strategy because if she's
15 living with the man and she has been co-operative
16 with the RCMP in the past, she'd be an excellent
17 source of information about whether or not the man
18 was continuing to take sex trade workers and
19 murder them and dispose of their bodies, right?

20 A I agree, but I also would have to say that
21 Corporal Connor may have been worried about the
22 fact that if he spoke to Tammy, she would then
23 convey that information to Robert Pickton. So
24 that may have been something that -- and I think
25 that would be a natural worry, that she would --

1 because of the connection that she would talk to
2 her uncle and say, "The police are asking about
3 you."

4 Q Okay. And so if that -- that happened in '98, how
5 could it be worse than what actually happened?
6 Pickton just continued to kill women for the next
7 three and a half years?

8 A I agree.

9 Q So there couldn't have been a negative outcome
10 worse than the one that there actually was, right,
11 in retrospect?

12 A In retrospect. But I don't think that was
13 crossing Corporal's Connor's mind.

14 Q But you don't know really --

15 A But I don't know what was crossing his mind, no.

16 Q You're speculating about Connor's reasons for not
17 pursuing the Humeny lead?

18 A Yes.

19 Q All right. Now, with respect to this reference in
20 your report to the Hells Angels Outlaw Motorcycle
21 Club and their connections to the Picktons, I want
22 to ask you some things about that. You've seen
23 many documents in the course of your file review
24 indicating such a connection between the Hells
25 Angel Motorcycle Club and the Picktons and, in

1 particular, David Pickton, right?

2 A I'm not sure I saw many documents. I saw
3 indications, but I'm not sure I saw lots of
4 documents.

5 Q All right. But clearly documents indicating that
6 David Pickton was a Hells Angel associate?

7 A Yes.

8 Q And I've been looking at some RCMP publications
9 about that organization. The RCMP considers the
10 Hells Angels Motorcycle Club to be a criminal
11 organization, correct?

12 A I would agree, yes.

13 Q And the RCMP in British Columbia has units that
14 are dedicated to monitoring and investigating
15 criminal organizations like the Hells Angels
16 Motorcycle Club, right?

17 A That's possible. I'm not sure -- I'm not familiar
18 with all the RCMP detachments or efforts and what
19 they're monitoring.

20 Q All right. Well, I'll just ask you if these are
21 familiar to you. And I'm looking at an RCMP
22 publication. Apparently they had, perhaps still
23 have, in British Columbia something called the
24 Unified Gang Task Force?

25 A I'm not familiar with that task force.

1 Q The British Columbia Integrated Task Force. Are
2 you familiar with that one?

3 A No, I'm not.

4 Q How about the Combined Forces Special Enforcement
5 Unit?

6 A I've heard of that one.

7 Q And I've read something -- and I can show it to
8 you if you like -- saying that in the period we're
9 looking at, there were between 70 and 95 full
10 patch Hells Angels members. Let me just find the
11 reference. Yes. Between 70 and 95 full patch
12 members of the Hells Angels in British Columbia
13 spread across a number of chapters with several in
14 the Lower Mainland. Does that sound about right?

15 A I wouldn't know the numbers, but that wouldn't
16 surprise me.

17 Q And just looking at a quote here from then -- this
18 is just to give you a reference -- 2004. RCMP
19 Inspector Bob Paulson, who's described as being in
20 charge of major investigations involving outlaw
21 motor cycle gangs. It would appear that the RCMP
22 through their various units were doing their very
23 best to monitor the activities of the -- this
24 organization?

25 A I wouldn't be surprised at that.

1 Q That's -- based on your knowledge of policing,
2 that's a reasonable thing to do?

3 A Yes.

4 Q And you know from reviewing the documents you've
5 reviewed that it was reported that members of the
6 Hells Angels Motorcycle Club frequented the
7 Pickton's so-called booze can at the Piggy's
8 Palace establishment on Burns Road, right?

9 A I read some documents on that, yes.

10 Q And you saw in the Coquitlam '97 file that after
11 Victim 97 was attacked, she ran across the street
12 from the Picktons to 930 Dominion Avenue, right?

13 A I did see that, yes.

14 Q And you saw in that file that that residence where
15 she broke the window was reportedly owned by the
16 members of the Hells Angels -- one or more members
17 of the Hells Angels Motorcycle Club and there was
18 a marihuana grow operation in it, right?

19 A I remember the marihuana grow op. I don't recall
20 the connection to the Hells Angels.

21 Q I can show it to you.

22 A I'm not disputing it. I don't recall that.

23 Q Let's just assume those things are true for the
24 moment.

25 A Okay.

1 Q If you look at the other map behind you -- I think
2 it's Exhibit 62. It's the large map we marked
3 yesterday.

4 A Yes.

5 THE REGISTRAR: 63.

6 MR. WARD:

7 Q 63. Pardon me. If -- if indeed the Hells Angels
8 members are associates of the Pickton brothers, if
9 indeed they're frequenting the property marked
10 there at 2252 Burns Road and if indeed they are
11 also frequenting the 930 Dominion Avenue property
12 and if indeed the RCMP are monitoring their
13 activities, then wouldn't it be a reasonable
14 assumption that the RCMP members who are
15 monitoring gang activity would get an inkling over
16 four years that Robert Willie Pickton is murdering
17 all those women?

18 A No. I don't think that would be reasonable
19 because I think if they had an inkling that that
20 was going on, I think there would have been more
21 resources dedicated toward it.

22 Q Well, let me just ask you about my use of the term
23 monitoring. You know, I'm sure, that police use a
24 number of their resources to monitor criminal
25 activity. One example is that they might have an

1 undercover operative, right?

2 A Yes.

3 Q Another example is surveillance, right?

4 A Yes.

5 Q Another example is having an agent inform them --

6 A That's correct.

7 Q -- of the activities of the organization, right?

8 A Yes.

9 Q All right. If the RCMP were undertaking any of
10 those activities in monitoring the Hells Angels
11 members who are frequenting Piggy's Palace and 930
12 Dominion Avenue, then wouldn't it be logical to
13 assume that some evidence of Willie Pickton's
14 activities at 953 Dominion Avenue would come to
15 their attention somehow?

16 A But I saw no evidence in the documents, in
17 anything that I reviewed, that indicated that.

18 Q I understand that. You saw no evidence in the
19 documents you reviewed. But you didn't get any
20 documents at all from the RCMP organizations I've
21 just listed that are tasked with monitoring outlaw
22 motorcycle gang activities or investigating those
23 activities, did you?

24 A No, I did not.

25 Q So how can you be sure that RCMP gang

1 investigators didn't get some knowledge?

2 A I just struggled to agree with that concept. I
3 don't agree that all RCMP who were monitoring
4 Hells Angels would necessarily have come across
5 information about Pickton killing all these women.

6 Q Not necessarily, but what if they did? How can
7 you be sure they didn't?

8 A Because I think if they did, I think that would
9 have come up at some point during their post
10 Pickton arrest. The information would have come
11 up because I think when Pickton gets identified,
12 if you want my opinion, in February 5th, 2002,
13 when they realize what they have and they start
14 getting all the information with regards to
15 Pickton, I believe people at that time -- I would
16 like to think police officers will be coming
17 forward to say, hey, we also came across similar
18 information. And I don't believe that they would
19 not have done that. So I wouldn't agree with the
20 fact that -- and I don't think how officers who
21 would be monitoring the Hells Angels would
22 necessarily be familiar with Pickton doing what he
23 was doing in his residence.

24 Q You're just guessing, aren't you, now?

25 A That's my opinion, yes.

1 Q All right. But it's based on a guess?

2 A Yes.

3 Q You haven't had a chance to talk to any members of
4 the gang enforcement units or to see any of their
5 documents?

6 A No, but it's based on my policing career that I
7 make that comment.

8 THE COMMISSIONER: In fairness, you're really asking her to
9 guess, aren't you?

10 MR. WARD:

11 Q Not really. Let me ask the question this way, Mr.
12 Commissioner. If -- if you wanted to rule out the
13 possibility I just mentioned that Pickton's
14 murderous activities might have come indirectly to
15 the RCMP through their work on monitoring
16 organized crime, then as an investigator, a good
17 place to start would be to ask the person in
18 charge of the organized crime enforcement groups,
19 correct?

20 A I have the belief that if police come across
21 evidence or information that someone was doing
22 something as horrific as Pickton was doing, they
23 would have acted upon it. They would have
24 communicated on it. So that's why I don't see how
25 the suggestion that they wouldn't have

1 communicated. I think they would have
2 communicated if they came across information with
3 regards to Pickton doing these crimes.

4 Q You're guessing. You're speculating, aren't you?

5 A But that's based on my policing career and the
6 fact that -- I still have the premise that --
7 maybe I'm being optimistic -- that police
8 officers, our goal is that we all want to catch
9 the bad guy. We want to catch the criminals. So
10 if they would come across information with regards
11 to crime such as this, I have no doubt, hesitation
12 in saying that they would have acted upon it or
13 they would have contacted each other to
14 communicate, to talk about and to start developing
15 strategies.

16 Q RCMP Corporal Mike Connor wanted to catch the bad
17 guy?

18 A He did.

19 Q He wanted to catch Pickton?

20 A He did.

21 Q He failed from August of 1998 to February, 2002,
22 didn't he?

23 A He wasn't successful, yes.

24 Q I'm going to move to another subject. You
25 testified Monday in response to one of my

1 questions that you saw no evidence of sexism or
2 misogyny on the part of any of the police
3 investigators with the VPD or the RCMP in the
4 documents you looked at, right?

5 A That's correct.

6 Q And, again, you looked at documents that those
7 police forces voluntarily disclosed to this
8 commission and then to you?

9 A That's correct.

10 Q All right. Now, if there was some evidence of
11 sexism or misogyny on the part of male police
12 officers who were involved in these particular
13 investigations of the disappearances and possible
14 murders of poverty-stricken female sex trade
15 workers, then that could have an adverse effect on
16 the way they were handling cases, fair?

17 A Yes.

18 Q Those attitudes could -- if they existed, could be
19 a factor in failing to take ownership, right?

20 A In the investigators?

21 Q Or in the management, for that matter?

22 A I would say yes.

23 Q All right. And you know from your own personal
24 experience in the nineties, perhaps even today,
25 that policing has traditionally been a male

1 dominated and somewhat macho profession, right?

2 A I think we're increasing the numbers in females in
3 the police departments. I'm not sure I would
4 agree with macho, but male-dominated profession in
5 the eighties and early nineties, I would say, yes.

6 MR. WARD: And you yourself must have encountered instances --
7 I'm not asking for details or names -- where male
8 officers had attitudes about women that were
9 demeaning or sexist?

10 MR. VERTLIEB: I don't think Miss Evans' personal experiences
11 are any of this commission's --

12 THE COMMISSIONER: I don't know where -- where are we going
13 with all of this?

14 MR. WARD:

15 Q All right. I'll get to where we're going more
16 quickly. Sorry. You didn't interview Catherine
17 Galliford of the RCMP, did you?

18 A No, I did not.

19 Q She's on the commission's witness list. And do
20 you know that she was the spokeswoman for the
21 Project Evenhanded joint force operation?

22 A I do know that.

23 Q So she was working with the investigators who had
24 conduct of that part of the missing women
25 investigations, right?

1 A Yes.

2 Q Have you read the statement, 115 pages of her
3 interview with RCMP Superintendent Debolt and RCMP
4 Inspector Darbyshire?

5 A I have not.

6 Q I expect when she testifies that she will say she
7 was subjected to sexual harassment and was the
8 subject of inappropriate and demeaning comments on
9 a regular occasion from male officers. If her
10 evidence on that point is accepted, then given
11 your earlier evidence, that would have had an
12 adverse effect on the handling of the missing
13 women investigations, right?

14 A I can't comment on that, having -- not having read
15 the statement and not familiar with the
16 information which she's disclosing.

17 Q Well, you conceded that if members had those
18 attitudes, it would affect their handling of the
19 case, didn't you?

20 A Yes.

21 Q All right. So if she's right, it would have
22 affected their handling of the case?

23 A It's possible.

24 Q In terms of documentary evidence of such
25 attitudes, one place you would reasonably expect

1 to find such evidence that existed would be in
2 candid e-mails of police officers. Male police
3 officers were exchanging with each other, right?

4 A To find evidence of?

5 Q Sexist attitudes.

6 A You're asking me if I would see evidence in
7 e-mails, that one likely place to find such a
8 thing would be in an e-mail?

9 MR. WARD: It would be a good place to look.

10 THE COMMISSIONER: Mr. Vertlieb.

11 MR. VERTLIEB: Mr. Commissioner, just it may assist Mr. Ward.

12 Miss Galliford from our understanding relates her
13 complaints to a time frame that is outside your
14 terms of reference.

15 THE COMMISSIONER: Okay.

16 MR. VERTLIEB: Just so you know that. So that may not have
17 been known to Mr. Ward. I don't know what contact
18 he's had with her, but we're aware of her
19 complaints, we've seen her statement and what
20 we're told, though, is that her concerns truly are
21 outside your terms of reference in date. So I'm
22 not sure there's any relevance to it. I just
23 wanted to mention that to you so you're aware of
24 that.

25 THE COMMISSIONER: Yes. You know, I don't -- I'm not so sure

1 I'm learning anything from any of this. The fact
2 that there's been historical sexism in police
3 forces is something that has been documented from
4 time to time, but we have fairly strict terms of
5 reference and you may want to argue at the end of
6 the day that systemic sexism that existed in some
7 stage in policing agencies prevented a
8 satisfactory resolution of the Pickton case.
9 That's something for you to argue. But really
10 it's unfair for you to keep asking her about
11 sexism and particularly when it's predicated on
12 evidence that may or may not be given.

13 MR. WARD: I certainly didn't intend to be unfair and if I was,
14 I apologize.

15 THE COMMISSIONER: I'm sure you didn't.

16 MR. WARD: And, Mr. Commissioner, I'm more than happy to move
17 on if you are prepared to take the equivalent of
18 judicial knowledge of the fact that there was
19 sexism on the part of male police officers in the
20 period under review.

21 THE COMMISSIONER: Well, I'm -- I don't know if I said that,
22 that I could take judicial notice of that. I'm
23 saying there's been ample written on it and I
24 don't know if it really affects what we're doing
25 here, but that's something you can argue at the

1 end of the day.

2 MR. WARD: And I will be because for some reason these cases
3 weren't treated seriously, it appears.

4 THE COMMISSIONER: Sorry?

5 MR. WARD: I say based on the evidence we've received so far,
6 it appears that these cases were not treated
7 seriously for some reason.

8 THE COMMISSIONER: That may well be the case.

9 MR. WARD:

10 Q By the way, witness, do you know the reason why
11 senior management didn't take ownership, to use
12 your phrase, of either -- of either aspect of
13 these investigations, the Vancouver component
14 where the women were going missing from the
15 streets, the Coquitlam component where Willie
16 Pickton was suspected to have killed them? Why
17 didn't they take ownership?

18 A I would think from my interviews and review of the
19 documents that I did review, they struggled to
20 understand or comprehend that there was an ongoing
21 issue. They in their -- they formed the opinion
22 that the women, because they were missing, it
23 didn't necessarily mean they'd come to foul play.
24 That was the answers I was getting and that's why
25 I did that whole section on no body, no crime, no

1 evidence; that they struggled to say or conclude
2 that just because the women were missing meant
3 that something bad had happened.

4 Q So they were all labouring under wrong assumptions
5 about these women?

6 A The investigators I didn't believe were. I think
7 the investigators truly felt there was something
8 untoward had gone on. Senior management, yes.

9 Q Senior management, simply put, didn't understand
10 the situation these women were in, their
11 lifestyles or anything about them, fair?

12 A That's what they were saying when I was
13 interviewing them.

14 Q Now, I noticed in your notes that one of your very
15 first meetings after receiving this assignment was
16 to meet with a forensic anthropologist named mark
17 Skinner. Why was that?

18 A Actually, that was a meeting that was -- I believe
19 it was just coincidence that I was there that day
20 for that meeting. That was a meeting that he was
21 meeting with commission staff.

22 Q What did he have to say that was relevant to this
23 commission's work, your work?

24 A My memory was that he was asking about the work he
25 had done post Pickton's arrest and with regard to

1 exhibits that were still as a result of --
2 exhibits that were seized at the farm that he was
3 making inquiries about.

4 Q I see. You went to West Coast Reduction?

5 A I did.

6 Q And you learned on your visit that they kept logs
7 of all deliveries there, right?

8 A No. I didn't recall getting information with
9 regards to that upon my visit. My visit was --
10 once I refer to my notes -- I don't recall seeing
11 that they kept-- it's not surprising that they
12 would have kept logs, but I don't recall that
13 right now.

14 Q All right. Lori Shenher, a question about her.

15 A Yes.

16 Q You said in your report that it was your opinion
17 she worked extremely hard on the file?

18 A Yes.

19 Q And that's what she told you and that's what
20 you -- that's what she conveyed to you, right?

21 A Well, actually, I think I formed the opinion more
22 so based on the documents that I reviewed and the
23 memos that she wrote.

24 Q And another way that you could test how hard she
25 worked would be to look at documents like the duty

1 log showing what day she was on duty or her notes
2 showing what she was doing, right?

3 A The logs for -- the missing women logs I looked
4 at. I don't recall seeing the time sheets.

5 Q Did you learn of her sideline work on the *Da*
6 *Vinci's Inquest* television show?

7 A No. I believe I heard about it, but I didn't
8 really explore it.

9 Q That was after she quit the file -- I shouldn't
10 say quit the file. After she terminated her
11 involvement in the missing women investigations?

12 A I was unaware of that.

13 Q All right. Now, you would agree that the work you
14 did in the preparation of your report was a pretty
15 big job?

16 A I would say it's very big, yes.

17 Q And you could see as you got started that you were
18 going to need help and so you brought other police
19 officers on board with you?

20 A That's correct.

21 Q And you -- I've seen a signed confidentiality
22 agreement that's dated October 29th, 2010. You
23 know that document?

24 A I do.

25 Q Did you sign it on that day?

1 A Yes, I did.

2 Q All right. So I just want to ask you, based on
3 your experience working in the commission's
4 office -- you signed that agreement on the 29th of
5 October, 2010 and started accessing documents
6 shortly after that, right?

7 A No. Actually, I signed that document, I believe,
8 at the airport, Pearson International Airport. I
9 had just come in from another trip related to Peel
10 Police and then I faxed that form back and that
11 was so I could be sent DC LePard's report, and
12 that was the first document I was given.

13 Q I see. All right. The reason I'm asking about
14 the timing is we've been told repeatedly that this
15 is a very tight time line here to do a very big
16 job, right?

17 A Yes.

18 Q Based on your involvement with the commission, can
19 you explain why I didn't get any access, I as
20 counsel for the 25 -- for the murdered and missing
21 women, until May of 2011, six months after you
22 did?

23 A No. I think you'd have to ask commission counsel
24 about that.

25 Q Does that seem fair to you?

1 A Well, I don't think that's a fair question to ask
2 me.
3 Q All right. You did your work partly in Toronto
4 and partly in Vancouver?
5 A I did my work mainly in Ontario and then I came
6 out to BC for interviews.
7 Q Right.
8 A Yes.
9 Q The interview component was the main work you did
10 here?
11 A That's correct.
12 Q And those interviews weren't like
13 cross-examinations, I think you said yesterday?
14 A Not at all.
15 Q You just asked the police officers to volunteer
16 information to you?
17 A Yes.
18 Q And you accepted it?
19 A I did.
20 Q You'd agree with me that everybody, all of us,
21 make mistakes from time to time?
22 A Yes.
23 Q Everybody has things they wish they could do over
24 again if they had the opportunity?
25 A Yes.

1 Q I noticed in your interviews you didn't ask any of
2 the police officers, at least as far as I could
3 tell, whether they would do -- handle the cases
4 differently if they had another chance. Did you
5 ask them questions like that?

6 A No, I didn't.

7 Q Wouldn't it have been helpful to gain an
8 understanding from them of where they might have
9 gone wrong?

10 A I think of asking the officers would you have done
11 things differently, I think it would have been an
12 obvious answer because I think they would have
13 said yes, so I think that's the reason I didn't
14 ask.

15 Q Did any of the 54 police personnel you interviewed
16 seem to you to be genuinely sorry for the
17 circumstances of this case?

18 A I was so surprised -- I think that was probably
19 one of the biggest thing that I found surprising,
20 was that when I interviewed the officers, that I
21 could see so many of them are still struggling
22 with this and are, in my view, suffering from, I
23 would say, post-traumatic stress as a result of
24 this. Yes. They were very impacted.

25 Q All of them?

1 A No.

2 Q All right. Now, when you were working in Ontario,
3 you received e-mails from the commission, correct?

4 A Yes.

5 Q And from time to time the commission would send
6 you research product, memos, things that you used
7 in the preparation of your report, correct?

8 A I don't recall research product. For the most
9 part the memos were -- I would be requesting
10 information and I would be then receiving the
11 information. We used a -- I am not sure of the
12 technical term of it because of the volumes, the
13 documents, the file transfer protocol, so they
14 would notify me to say there's been more files
15 transferred into this server that I could access
16 and get the information.

17 Q And you were accessing from an iPad?

18 A I was using the iPad for my interviews.

19 Q Okay. Okay. But the information you received
20 from the commission, you incorporated some of it
21 into your report or some of the ideas or comments,
22 correct?

23 A Sorry. The information I was receiving?

24 Q Yes.

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

1 Q Did you get material that commission staff had put
2 together, had written?

3 A No.

4 MR. WARD: Now, Mr. Commissioner, I don't have any more
5 questions for this witness, but I do have an
6 application that I've served on all my friends.
7 It's an application for an order compelling the
8 production of what I submit are the balance of the
9 working papers, namely the correspondence between
10 this witness and the commission on the one hand
11 and this witness and the two police forces on the
12 other, which I understand was done all by e-mail.
13 In my submission, based on clear legal authority,
14 I'm entitled to those working papers, and it would
15 be very simple to provide them because they're all
16 electronic. They can be delivered literally
17 within 30 seconds by someone going to a computer
18 and just copying them and sending them to me. I
19 will pass up my formal application. I'd like to
20 have it filed.

21 THE COMMISSIONER: Mr. Vertlieb.

22 MR. WARD: I have one more -- excuse me. One more thing to
23 say. I know this isn't a trial, which was your
24 comment the other day, but, Mr. Commissioner, this
25 is a public hearing which, as I've indicated in

1 reference to Professor Ratushny's work previously,
2 is supposed to be transparent and open. My
3 understanding is that the commission considers
4 this witness's opinion, report, whatever, to be a
5 very important document, and in my submission I am
6 entitled and should have access to the
7 communications in question in order to properly
8 fulfil my duties on behalf of my clients. I am
9 entitled to have those documents in order to
10 challenge those portions of the report that may be
11 prejudicial to my clients' interests and I -- I
12 seek an appropriate order.

13 THE COMMISSIONER: How -- how is any of this prejudicial to
14 your clients' interests? In fact, I make that --
15 I ask that question in view of the fact that in --
16 in general her report by making reference to the
17 many mistakes that she said were made during the
18 course of the investigation in fact supports your
19 clients' position, does it not?

20 MR. WARD: It brings me to another point. Her report is
21 written. Her opinion is partly written, part
22 oral. And on the first morning of her evidence in
23 chief, she rendered a series of new opinions that
24 we had no notice of orally to the effect that no
25 police officers had -- I'm paraphrasing -- done --

1 been guilty of disciplinary defaults, engaging in
2 misconduct, and so on and so and and so on. I
3 didn't object to to the oral new opinions. I
4 should have because I got no notice of them. I am
5 objecting now, admittedly late, to those. It will
6 be my submission if they're received that they
7 should have no weight at all. But that is part of
8 this witness's evidence. And this witness clearly
9 communicated with both the police forces involved
10 in this investigation and with commission counsel
11 in the course of receiving direction and guidance
12 in the preparation of her report.

13 THE COMMISSIONER: Well, that doesn't make it -- that doesn't
14 make it compellable, the fact that she's had
15 communications with commission counsel or had
16 other documents. If you can show me how that's
17 relevant to anything -- let me hear from Mr.
18 Vertlieb, commission counsel.

19 MR. VERTLIEB: I think it would be unusual if she did not have
20 communications with commission counsel, so I'm not
21 sure what is to be taken from Mr. Ward's comment.
22 As far as prejudice, I would have thought it would
23 be more the -- the people who had criticisms
24 levelled at them that would be saying they need
25 information and so I thought your comment to Mr.

1 Ward about where's the prejudice was one that I
2 was going to make because I don't see it based on
3 her report. And I should also tell you that
4 there's been a huge amount of disclosure to Mr.
5 Ward, and this dates back to when he signed the
6 documents, of course, and we covered that some
7 weeks ago in the timing. I won't go back through
8 that.

9 THE COMMISSIONER: Okay.

10 MR. VERTLIEB: But there's been a huge amount of disclosure.

11 These documents aren't of any concern to
12 commission counsel. They're internal pieces of
13 paper that she's worked on and we trust that her
14 report properly and fairly sets out her opinion,
15 which is given to help you in your job to
16 determine the facts of what happened and then make
17 any recommendations. I keep coming back to that.
18 There's nothing that would help you in the task --
19 in the difficult task that you have.

20 THE COMMISSIONER: Okay. So other than the 106-page report and
21 the transcripts of all the -- I assume the
22 transcripts of her interviews have been given to
23 Mr. Ward?

24 MR. VERTLIEB: Yes.

25 THE COMMISSIONER: What else?

1 MR. VERTLIEB: A long time ago.

2 THE COMMISSIONER: What else?

3 MR. VERTLIEB: Full access to -- you now know that she's
4 brought her notebooks at Mr. Ward's request and
5 he's had an opportunity to see all those, all of
6 the material in the appendices. It's voluminous.
7 You could not bring her work in a briefcase. And
8 so there's been a tremendous amount of disclosure
9 and there's no suggestion to me as commission
10 counsel that there's some prejudice to Mr. Ward.

11 THE COMMISSIONER: I think it's somewhat ironical here that the
12 criticisms that the deputy chief has made, if they
13 are criticisms, are against the police and they
14 haven't asked for any of this material. And I
15 don't see for a minute how any of this is
16 prejudice to any of your clients and given the
17 fact that you've had an advanced copy of the
18 report, an advanced copy of all the interviews,
19 the transcripts of the interviews, the working
20 papers and her notes, so I --

21 MR. WARD: May I respond to my friend's submission before you
22 make a ruling, please?

23 THE COMMISSIONER: Yes.

24 MR. WARD: I just want to make it clear that I rely on the
25 contents of the witness's notes that reference the

1 sending and receipt of e-mails to the parties I
2 mentioned, the police and the commission, and I'd
3 like to tender those notes as the next exhibit.
4 And then I just wanted to leave a statement of the
5 law. I'm basing this application on decisions of
6 Chief Justice McEachern in *Delgamuukw*, Madam
7 Justice Satinove in *Lax Kw'alaams* and the case of
8 *Vancouver Community College v. Phillips Barratt*.
9 I'll just read an excerpt from that case, Mr.
10 Commissioner. I expect you're familiar with it.

11 THE COMMISSIONER: I'm familiar with both of them.

12 MR. WARD:

13 There is a well-recognized exception to
14 litigation privilege that is relevant here.
15 When an expert witness who is not a party is
16 called to testify, or when his or her report
17 is tendered in evidence, he or she may be
18 required to produce all documents in his or
19 her possession which are or may be relevant
20 to matters of substance in his or her
21 evidence or credibility, unless it would be
22 unfair or inconsistent to require such
23 production. This exception to litigation
24 privilege is based upon implied waiver. Once
25 an expert has become a witness she offers her

1 professional opinion to assist the court and
2 must no longer be in the camp of a partisan.
3 She should have nothing to hide and be
4 willing to have her opinion tested by
5 offering up documents relevant to the
6 preparation and formulation of her opinions,
7 as well as to her consistency, reliability,
8 qualifications and other matters touching on
9 her credibility.

10 Now, my submission is that while I mention
11 the word prejudice, it is no part of the test.
12 The test is relevance. And I did spend a
13 considerable part of my cross-examination on
14 addressing the issue of whether or not her report
15 was independent, and it is my submission that the
16 e-mail exchanges that were created in the course
17 of her preparation of the report go to that
18 important question. They would reveal the nature
19 of the relationship between the witness, the
20 police and the commission and provide evidence on
21 this question of independence. And those are my
22 submissions.

23 THE COMMISSIONER: All right. Thank you. The application is
24 denied. The *Barratt* case, of course, turned on
25 the issue of relevance, fairness, and there is no

1 lack of fairness here resulting to Mr. Ward's
2 clients. He's been given full access to all
3 relevant documents, particularly the transcripts,
4 the report and the remaining working papers. And
5 this is an inquiry. It's a commission of inquiry
6 and the real test is what does the commission need
7 in order to make findings of fact. That's the
8 relevant fact and that's why commissions of
9 inquiry are different from trials.

10 I can tell you why this act was enacted. It
11 was my legislation. And one of the reasons we
12 enacted this was to prevent the pitfalls that the
13 courts are falling into by having voluminous
14 material filed before courts and numerous
15 applications and endless cross-examinations that
16 take place in trials.

17 And the purpose of an inquiry is to -- is to
18 have a thorough examination of the facts -- of the
19 evidence, make some findings of fact -- I might
20 add the evidence may or may not be under oath --
21 and then make recommendations to the appropriate
22 authorities after that. All right. Thank you.

23 MR. WARD: Thank you. And just housekeeping. Could I please
24 ask that the notice of application and a copy of
25 the deputy chief constable's notes be marked as an

1 exhibit -- as exhibits for identification?

2 THE COMMISSIONER: All right. Thank you.

3 THE REGISTRAR: The application will be marked as L and the
4 deputy chief constable's notes N. Exhibit N --
5 I'm sorry. I'm mixed up again. It will be N for
6 the -- for the application and O for the deputy
7 commissioner's notes.

8 (EXHIBIT N FOR IDENTIFICATION: Notice of
9 application)

10 (EXHIBIT O FOR IDENTIFICATION: Deputy
11 Commissioner Evans' notes)

12 MR. WARD: Thank you. And those are my questions. Thank you,
13 deputy chief.

14 THE COMMISSIONER: Thank you. Mr. Roberts?

15 MR. ROBERTS: Darrell Roberts appearing for Marion Bryce. Mr.
16 Commissioner, I wonder if I might have a few
17 minutes to set up before we get underway?

18 THE COMMISSIONER: All right. Thank you.

19 THE REGISTRAR: We should take the break.

20 THE COMMISSIONER: It's a little early for the break.

21 THE REGISTRAR: The hearing will recess for five minutes.

22 (PROCEEDINGS ADJOURNED AT 9:59 A.M.)

23 (PROCEEDINGS RESUMED AT 10:41 A.M.)

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

25 THE COMMISSIONER: Mr. Roberts.

1 **CROSS-EXAMINATION BY MR. ROBERTS:**

2 Q Yes, Mr. Commissioner. Thank you. Darrell
3 Roberts appearing today for Marion Bryce. Good
4 morning. Good late morning, Ms. Evans. May I
5 address you as Ms. Evans in this inquiry?

6 A All right. Yes.

7 Q Thank you. I'm appearing, as I said, for Marion
8 Bryce. She lost a daughter in this matter. Her
9 daughter's name is Patricia Rose Johnson, who was
10 last seen on the Downtown Eastside on January 2nd,
11 2001. I notice that she's in the list on your
12 report for no report for her, but I think the date
13 for the report of her missing is a couple months
14 later. So that's my connection to the matter. I
15 would like to start -- and most of my questions,
16 Ms. Evans, are going to be in connection with your
17 report. And I'd like to -- if you could take your
18 report, please.

19 A Yes.

20 Q I want to address a few questions about the
21 methodology of your report or which take me at
22 least to that page. I'm not for a moment
23 questioning your methodology. I just want to
24 identify what you did. It seems clear to me that
25 the four themes which are central now in your

1 report developed a little bit over the time of
2 your research and investigation and perhaps were
3 just a bit of a work in progress?

4 A I would agree with that, yes.

5 Q And you then settled upon them. They are again
6 just -- I think it's important to identify them --
7 "Recognition and Ownership". And under that you
8 have the subheadings "Acceptance of Serial Killer
9 Theory", "Jurisdiction", and "Pickton as a
10 Suspect", and then "Communication", "Internal" and
11 "External". I'll just stop there and go back to
12 recognition and ownership. Of course, recognition
13 would come before the ownership. You can only
14 take ownership of what you recognize, right?

15 A I agree.

16 Q And, of course, recognition and ownership probably
17 come before communication. If you're going to
18 communicate meaningfully about something, whether
19 internally or externally, you better know what
20 you're talking about in terms of recognizing what
21 it is that's your responsibility?

22 A Yes.

23 Q And as well it will come before your third one,
24 which is "Management and Oversight", which have
25 subheadings of "Leadership", "Supervision" and

1 "Resources", three aspects of policing that are so
2 important today. And, again, recognition and
3 ownership obviously precedes -- well, you have to
4 have good management and oversight, but to put it
5 really into play requires there to be recognition
6 and ownership of the matter which is your
7 responsibility?

8 A I agree.

9 Q And, likewise, major case management where you
10 have cross-jurisdiction crimes or just simply a
11 major crime to put into operation a major crime
12 team or resources requires again recognition and
13 ownership of your responsibility?

14 A Yes, it does.

15 Q And so those themes developed and in a way -- if I
16 could just -- you don't have to turn there. You
17 will know the page, I assume, Ms. Evans. I just
18 noticed that on page 6-1 that commission counsel
19 didn't send you a letter of instructions, which to
20 some of us might have seemed like the normal thing
21 to do, but perhaps there's great wisdom in him not
22 doing that because you are coming afresh to this.
23 And I get the impression that if you had the
24 negotiated -- or discussed terms of reference with
25 commission counsel, what you would have wanted to

1 come up with is what you have come up with?

2 A Most likely, yes.

3 Q And as you have been here now for the better part
4 of a week are quite satisfied with those themes
5 which you have set out in your report?

6 A I am.

7 Q I just want to deal with a couple matters on the
8 second page of the methodology as page 4-2. I
9 just want to identify the work you did. You
10 reviewed a ton of documents, as you've told us,
11 and you also interviewed the personnel of the RCMP
12 and the Vancouver Police Department. And I've
13 read some of your interviews. They're quite
14 lengthy. You took your time and used all your
15 resources to do that?

16 A I did.

17 Q And it's worth reminding us that you had the
18 assistance of some senior officers from your
19 police force to work with you?

20 A I had two detectives working with me, yes.

21 Q I thought it was three. Is it two?

22 A There was one I had as an inspector come in toward
23 the end when I was writing the report, but there
24 was two detectives working with me when I was
25 doing the initial reading and interviews.

1 Q Two of them are acting sergeants?

2 A No. They were sergeants and because of the role I
3 placed them in to do this review, I promoted them
4 to acting detective sergeant rank, which is a
5 higher rank.

6 Q Thank you. And just to clarify, there were some
7 people in the Vancouver Police Force that time
8 didn't permit you to interview and they're set out
9 on page 4-2 of your report?

10 A These -- yes. On 4-2 these were --

11 Q There's some six officers there: Detective
12 Howlett, Chernoff, Detectives Wolthers, Dickhout,
13 Fell, and Honeybourn?

14 A That's correct. For a variety of reasons I wasn't
15 able to make connection with them to conduct an
16 interview.

17 Q Right. And one more point. Towards the bottom
18 part of the page where it reads "My report is
19 focused on", it's worth reading this:

20 My report is focused on the investigation of
21 the missing women and Pickton as a suspect.

22 And if I could stop there. The word
23 "investigation" -- correct me if I'm wrong, but
24 you really have your eye there on a criminal
25 investigation; am I right?

1 A No. The investigation into the missing women, the
2 missing women investigations that were conducted
3 by the various police departments involved in
4 this. That's what I meant by that.

5 Q Well, I'm trying to differentiate the
6 investigation from a research inquiry for missing
7 women. An investigation normally goes along with
8 a suspected crime, doesn't it?

9 A Yes, it does normally.

10 Q Yes. And you can have a suspected crime of foul
11 play with missing women without having yet found a
12 suspect for it?

13 A I agree.

14 Q And that perhaps was what was afoot in Vancouver
15 when there was suspected foul play before the tip
16 came in on the 27th of July about Pickton?

17 A Well, I know that Detective Constable Shenher was
18 asked to look into the missing women
19 investigations as of July of 1998 and in August
20 she wrote a letter saying that she felt at some
21 point they may be all linked, and during that
22 probably the first week she received information
23 in regard to Pickton, yes.

24 Q Yes. But as soon as she's -- an officer is
25 working with a source, that really becomes a

1 criminal investigation?

2 A I would agree.

3 Q For a suspected crime?

4 A Yes.

5 Q Hence the origin of the word suspect, I suppose?

6 A Yes.

7 Q Now, lastly, I just want to turn on that page to
8 the terms of reference. I just want to identify
9 that your report focuses on -- correct me if I'm
10 wrong, Ms. Evans -- four -- three areas of the
11 terms of reference. I'll read each one to you:

12 To inquire into and make findings of fact
13 respecting the conduct of the missing women
14 investigations.

15 That's the first one?

16 A Yes.

17 Q And then (c), 4(c):

18 To recommend changes considered necessary
19 respecting the initiation and conduct of
20 investigations of British Columbia of missing
21 women and suspected multiple homicides.

22 That's also --

23 A I haven't been asked to make recommendations with
24 regards to the conduct. There was no
25 recommendations in my report.

1 Q Oh, I see. And so, likewise, you would say for
2 (d):

3 To recommend changes considered necessary
4 respecting homicide investigations in British
5 Columbia by more than one investigating
6 organization, including the co-ordination of
7 those investigations.

8 Is your evidence there that you weren't asked to
9 comment on that one either?

10 A Well, I didn't make comment of those in my report
11 as well.

12 Q You didn't?

13 A I don't believe so, no.

14 Q I see. But some of your comments on the -- on the
15 fourth item, major case management, don't they
16 touch on that?

17 A Yes. I guess they would with regards to future
18 investigations and the fact that how
19 multi-jurisdictional major cases should be
20 handled.

21 Q Now, let me go back to the subject of
22 recognition -- recognition and ownership. I think
23 the best place I might start is something caught
24 my attention in your evidence a couple days ago.
25 And I go to page 7-24. It is the item September

1 10, 2001 where Deputy Chief Constable Unger wrote
2 a confidential memo to Chief Constable Blythe and
3 copied that memo to other persons, Deputy Chief
4 Daley and Greer. And towards the end of that
5 paragraph, you have a quotation there:

6 It cannot be over-stressed that this is a
7 Vancouver Police case and that the RCMP have
8 willingly joined with us as a result of our
9 close working relationship on many other
10 joint projects.

11 And then you say this:

12 It appears to me, that at this time the VPD,
13 Vancouver Police Department, executive has
14 recognized the urgent nature of the missing
15 women investigations. It is interesting to
16 note that Deputy Chief Constable Unger
17 acknowledged that this was a Vancouver Police
18 Department case. I agree with Deputy Chief
19 Unger, however, I question why it took so
20 long to get to this point.

21 And my question to you is I've seen that
22 memorandum. Correct me if I'm wrong. There isn't
23 any specific identification as to what he meant by
24 a Vancouver Police case?

25 A No, there wasn't.

1 Q By that I mean to say about what the crime or
2 crimes were, if any, in Vancouver that made it the
3 Vancouver Police case. That's not in that memo?

4 A I would have to look at the memo.

5 Q But from memory you don't --

6 A No. I don't believe he was referring to one other
7 than he was referring to the earlier quote that I
8 included saying about the size and scope of the
9 homicide investigation is likely unprecedented.

10 Q But to make it a Vancouver Police case, to have
11 meaning, it would have to -- it assumes that there
12 is a crime or crimes in Vancouver which makes it
13 their case, does it not?

14 A Yes. And this is 2001, so I think at this point
15 they'd accepted the fact that there was a
16 potential of a serial killer out there, so I
17 inferred from reading this that that's what he was
18 talking about.

19 Q Without specifically identifying what crime or
20 crimes they may have been?

21 A That's correct.

22 Q Page 8-42. My note of your evidence when -- if I
23 can use the phrase in chief -- occurred is that
24 Mr. Vertlieb left off on this page or soon after
25 this page, and in the bottom paragraph it reads in

1 the first sentence:

2 The Downtown Eastside appeared to be a focal
3 point where many of the women would
4 congregate to either work and/or live.

5 I want to concentrate on the phrase work. Their
6 working, of course, was as sex trade workers in
7 the Downtown Eastside?

8 A That was my understanding, yes.

9 Q And their work was in -- in that area they were
10 working as sex trade workers by making
11 arrangements for sex through the -- through
12 windows of cars and vehicles? That's your
13 understanding?

14 A I would agree that would be one way, yes.

15 Q Well, they were street people. It appeared that
16 may be one way. But from your understanding of
17 the facts, isn't that basically the way in which
18 this -- the sex trade arrangements were being
19 conducted?

20 A Yes.

21 Q And, of course, they would then -- if there was an
22 arrangement made, they then would get into a car
23 and be taken somewhere?

24 A That's my understanding, yes.

25 Q And, indeed, every arrangement for sex through a

1 car window is -- is -- involves, then, a
2 transportation of some kind from one place to
3 another?

4 A I would say so, yes.

5 Q And then if I could have you turn, please, to page
6 45, 8-45, top of the page. Are you there?

7 A I am, yes. Thank you.

8 Q It reads:

9 There is no doubt that Vancouver Police
10 Department investigators and senior
11 management held the opinion that Pickton
12 could not be pursued by the Vancouver Police
13 Department for a criminal offence conducted
14 outside their geographic police boundaries.
15 They believed it was the responsibility of
16 the jurisdiction where the offence had
17 occurred that ultimately should have had
18 carriage of the case.

19 You then say this:

20 In my experience I believe the offence began
21 in Vancouver.

22 You followed while I read that?

23 A I did.

24 Q The offence that would have begun in Vancouver or
25 the offence that began in Vancouver is the crime

1 of kidnapping, isn't it?

2 A That's what I was -- I was -- I didn't say
3 specifically what crime, but I felt if -- due to
4 the number of women that had gone missing, that it
5 was my opinion that investigators could have come
6 to the conclusion that the -- Pickton was
7 targeting women in the Downtown Eastside, so in
8 his mind he was going looking as to the offence
9 would start in Vancouver.

10 Q And -- and the only crime, at least the one I
11 could find in looking through the Criminal Code,
12 would be kidnapping, isn't it?

13 A Yes.

14 Q And, of course, that would lead to another crime.
15 If there is the suspicion of death being caused
16 during kidnapping, that becomes under the felony
17 murder rule first-degree murder?

18 A Yes, it does.

19 Q And the way that rule -- felony murder rule works
20 is that first-degree murder committed during an
21 underlying crime goes along with that crime in
22 terms of investigative jurisdiction, does it not?

23 A Yes.

24 Q And can be charged by the same jurisdiction that
25 would charge the crime of kidnapping?

1 A I believe so.

2 Q And that is the crime which you had in mind when
3 you wrote that paragraph?

4 A It was.

5 Q Is there a reason why you didn't actually spell it
6 out? Is there some convention of -- what's the
7 term I want? Politeness or whatever that you will
8 not -- one police force or officer will not tell
9 another what their crime is in their jurisdiction?

10 A Not that I'm aware of, no. I don't believe I
11 spelled it out because I also was unsure as to
12 what was going on with the victims and Pickton
13 when they got into his car, whether he was -- I
14 mean I read documents that he was having alcohol
15 and drugs which was being used to lure the
16 victims, so I wasn't sure if it could also be --
17 administer of a noxious substance could have been
18 a criminal offence. So I didn't limit it to any
19 specific crime because I was unaware, and I don't
20 think anyone was aware, as to what actually
21 occurred within the car when the victim got into
22 the car with Pickton.

23 Q But it -- so long as the constraint occurs once
24 the would-be kidnapper, if you will -- let me back
25 up. If a person gets into the car of another

1 willingly under some representation and then later
2 on force is applied to constrain that person, the
3 law of kidnapping would apply the presumption of
4 intention to the effect that the kidnapper or the
5 person who applied the force intended that from
6 the outset? Isn't that the way it works?

7 A I agree, but I thought you were asking me as to
8 why I didn't specify what crimes. That's why I
9 didn't.

10 Q I guess I was asking you that because if the crime
11 is kidnapping and the other crime is first-degree
12 murder by reason of death being caused during
13 kidnapping as the -- as the suspected homicide,
14 what your report really identifies, Ms. Evans, is
15 that on the subject of recognition and ownership
16 throughout the whole of this period of time,
17 2000 -- start again. 1998, the beginning of '98,
18 at least from the time the tipster information
19 comes in as well as at least from the time that
20 Corporal Connor brings in the witness statement
21 from Victim 97, at least from that time on, the
22 Vancouver Police Department failed to recognize
23 and take ownership of the crime of kidnapping and
24 first-degree murder by reason of death caused
25 during kidnapping as the crimes in their

1 jurisdiction?

2 A I would agree.

3 Q Isn't that true?

4 A I would agree they didn't recognize the potential
5 that that was going on, yes.

6 Q And as you proceeded through your investigation in
7 order to write your report, that continues to
8 appear to be the crime that was in their
9 jurisdiction for them to investigate and to take
10 ownership of; is that not right?

11 A I believe so, but I think they were looking at it
12 as a missing person investigation, not as a
13 criminal investigation.

14 Q I understand they were looking at it that way, but
15 once they had the -- the tipster information and
16 Sergeant Field said to Detective Constable
17 Shenher -- and I'm sure you saw this in her log --
18 "Go for it and take good notes", from that point
19 on there was a criminal investigation underway?

20 A Yes.

21 Q And had there been proper communication within the
22 Vancouver Police Department, the nature of that
23 criminal investigation should have been a matter
24 of specific supervision by a supervising officer,
25 should it not?

1 A Yes.

2 Q And there should have been communication -- lines
3 of communication within the Vancouver Police
4 Department to make sure that that kind of
5 investigation and the nature of that investigation
6 got passed up to the highest management level;
7 isn't that fair to say?

8 A I would agree.

9 Q And it certainly should have gone as high as
10 Inspector Biddlecombe?

11 A Yes.

12 Q Let me just take you to page 48 of your report and
13 focus on this a little more. I'm jumping -- not
14 jumping. I'm moving to March 23, '97. You have
15 done this inquiry the great service, in my view,
16 of setting out pretty well verbatim the witness
17 statement from Victim 97. I still like to use
18 that phrase even though we know the name of the
19 person. That's what is set out here, probably
20 from the term sheet or the information sheet in
21 the file of Corporal Connor?

22 A Yes, it is.

23 Q And it sets out a frightening experience that day?

24 A It does.

25 Q And it sets out the bargain for sex through the

1 car window of Pickton. I'm not going to read it.
2 There's the arrangement for a hundred dollars for
3 the sex act in that first paragraph?

4 A Yes.

5 Q It then sets out the first beginnings of fear of
6 the victim in the car, that he slowed down before
7 intersections and then speeded up?

8 A Yes. I saw that.

9 Q She already apparently wanted to get out of the
10 car and that was not going to happen the way he
11 conducted himself. It then takes us to the
12 property of Pickton, and after the sex act he then
13 slams a handcuff on one of her wrists and is ready
14 to handcuff her to some part of his trailer, and
15 there's the act of restraint, if you will?

16 A Yes.

17 Q Confinement?

18 A Yes.

19 Q Which would convert the bargain for sex into a
20 fraud; isn't that -- in other words, it would
21 be -- the legal presumption, the presumption that
22 one intends the natural and probable consequences
23 of one's act would then say that he intended to do
24 that at the outset?

25 A I wouldn't look -- characterize it as a fraud at

1 that point. I would characterize it, or as
2 investigators, as a forcible confinement.

3 Q Confinement. But kidnapping is the overcoming of
4 one's will by either force or a false
5 representation?

6 A Yes, it is.

7 Q And it doesn't become a false representation until
8 it's determined that the kidnapper has something
9 else in mind?

10 A That's correct.

11 Q You're familiar with the case of *Metcalf* from the
12 BC Court of Appeal and the judgment of former
13 Chief Justice Nathan Nemetz?

14 A Yes.

15 Q In which he identifies that any stratagem which
16 puts somebody in the custody of another when that
17 representation is violated -- it doesn't just have
18 to be candy to a child -- then when violated, it
19 makes the representation false?

20 A I agree.

21 Q And the would be kidnapper cannot be heard to say
22 later, "Oh, just a moment. I didn't change my
23 mind until somewhere during the transaction." He
24 can never be heard to say that; am I not right?

25 A I agree.

1 Q In other words, if Pickton had ever got out of the
2 prisoner's dock in the trial and said, "Oh, I" --
3 had he been charged with kidnapping or first --
4 start again -- felony murder, "Oh, I didn't change
5 my mind from just having sex until later on", he'd
6 have been laughed all the way back to his cell?

7 A Well, I think in the victim 1997 incident, she
8 told one story and Pickton told an opposite story.

9 Q Oh, I see. That he was trying to constrain her
10 somehow?

11 A Yes.

12 Q It still is a constraint, a confinement, which
13 is -- allows one -- if held to be that he did
14 that, then the legal presumption of intention
15 would apply?

16 A Well, I'm not disagreeing with you. What I was
17 just saying, I think officers were faced with the
18 victims saying one thing and Pickton saying a
19 different thing.

20 Q I see. But when this statement came in to the --
21 to Constable Shenher -- and that's when she got
22 it, I believe, on August 18th, 1998 -- it ought to
23 have been reviewed with her supervisor?

24 A There was a note that she was given a copy of the
25 files. I'm not sure exactly how much of the file,

1 if she was given the entire fire. And I'm not
2 sure if she did review it with her supervisor. I
3 would have recommended it.

4 Q Well, I've read your interview notes of Detective
5 Constable Shenher and you asked her that question
6 of whether she shared it with Sergeant Geramy
7 Field.

8 A I can't recall.

9 Q My memory of her answer is she couldn't remember
10 doing that. And you then asked a question of
11 whether it went up to Inspector Biddlecombe and
12 she said no. Biddlecombe never ever talked to
13 her. You're nodding, so --

14 A Sorry. Yes. I don't recall that from my
15 interview with her, but I'm not surprised of that.

16 Q But the police are charged with the duty of
17 investigating the appearance of crime, are they
18 not?

19 A Yes.

20 Q They don't pause to wonder what the intention is
21 of the suspect?

22 A No.

23 Q And this statement has every appearance of being
24 confinement and kidnapping, does it not?

25 A From the statement of the Victim 1997?

1 Q Yes.

2 A No. I would say that the officers were
3 presented -- I mean Corporal Connor was presented
4 with two different stories -- or versions of the
5 stories and the fact that Victim 97 said how it
6 happened and how he pretended to be patting her
7 hand and then handcuffed her, and that's when the
8 altercation went on. And then Pickton himself
9 said that he was using the handcuffs to control.
10 So I would say the officers were presented with
11 two different stories and then it never went to
12 court, so --

13 Q You're misunderstanding me. I'm not suggesting
14 that a conclusion has to be reached on it for
15 purposes of conviction at a trial. I'm saying
16 that on the appearance of the matter for purposes
17 of conducting an investigation, when this came in
18 to the Vancouver Police Department in the 18th of
19 August, 1998 after the charge had been stayed
20 against Pickton, this is a depiction of a pattern
21 for women going missing from the Downtown
22 Eastside, isn't it?

23 A No. I would disagree with this at this point. I
24 think if Constable Shenher reviewed this, she
25 would see that the victim had said that she

1 willingly got in the car because they had
2 negotiated a price and she willingly went to
3 Coquitlam. So I mean I think it would be unfair
4 to say that Constable Shenher should have looked
5 at that immediately and said this woman was
6 kidnapped.

7 Q A senior officer should have looked at it and come
8 to a conclusion that it has the appearance of
9 kidnapping?

10 A No. I would disagree at this stage in 1997 with
11 regards to this victim because I think she --

12 MR. HERN: 1998.

13 THE WITNESS: Sorry?

14 MR. HERN: I think you misspoke. 1998.

15 THE WITNESS: In 1997 when this occurred. But when Detective
16 Constable Shenher reviewed this in 1998, I don't
17 think it would be fair to say that she should have
18 said that this woman was kidnapped and that's --

19 MR. ROBERTS:

20 Q Well, this much is clear: That Detective
21 Constable Shenher and those of the Vancouver
22 Police Department should have seen this as
23 probably a pattern for factually of the way in
24 which the women had gone missing?

25 A I would agree that they were looking at the -- due

1 to the number of missing women that had gone
2 missing from the Downtown Eastside, I agree that I
3 would have looked at it thinking that the criminal
4 offence was commencing in Vancouver.

5 Q All right. But the only crime which makes it a
6 criminal offence commencing in Vancouver is
7 kidnapping, at least the only one I can find in
8 the Criminal Code; isn't that right?

9 A Well, kidnapping is one of the crimes and that's
10 why I went back to saying we're not really sure
11 because we really don't know what occurred -- if
12 the women willingly got into the car because they
13 were lured under a false pretence, we don't really
14 know what happened in the car. We don't know
15 what -- and I didn't see any documents to say
16 whether Pickton assaulted them or killed them in
17 the car. There was no evidence of that or
18 anything that I saw, so that's why I wasn't
19 specific to kidnapping.

20 Q But why, Ms. Evans, does it matter so much as what
21 happened in the car? Doesn't the whole
22 transaction include the whole period of time the
23 person is in the custody of Pickton, including at
24 his trailer? Isn't that the law of kidnapping,
25 that you took the whole transaction so long as the

1 custody is maintained and then if it's converted
2 from the willing situation into a violent
3 confinement one, that is still an act within the
4 transporting and the kidnapping transaction, isn't
5 it?

6 A I would say that would be -- obviously I think it
7 was a difficult concept for the Vancouver Police
8 to recognize that that was the potential, that
9 that was what he was doing because they didn't
10 know what was going on with the missing women.

11 Q But this identifies what went wrong -- what went
12 on with this woman sufficient for Pickton to be
13 charged with confinement, forcible confinement by
14 the prosecutor in Port Coquitlam?

15 A Yes. Well, that's why I come back to saying that
16 Pickton is saying something different than what
17 the Victim 97 was saying.

18 Q But for purposes of a police investigation, the
19 police do not focus on what Pickton is saying.
20 They focus on the appearance of things?

21 A I would agree. That's why Pickton was charged and
22 the victim wasn't charged.

23 Q That's right. With forcible confinement?

24 A That's correct.

25 Q And kidnapping is simply transportation on top of

1 forcible confinement?

2 A But he was charged with forcible confinement in
3 Coquitlam, which occurred at the trailer, not for
4 an offence -- like, I didn't see -- and I could be
5 corrected. I didn't see that Corporal Connor laid
6 the charge and then included the Downtown
7 Vancouver as part of the jurisdiction of the
8 offence for forcible confinement. I think it was
9 just restricted to the trailer in Coquitlam.

10 Q Oh, I agree with you.

11 A Okay.

12 Q I agree with you. But -- I wonder if you could
13 have before you the book H For Identification,
14 please, Mr. Registrar. The first tab, please, Ms.
15 Evans.

16 A Sorry. Tab 1?

17 Q Yes. Take a moment to familiarize yourself with
18 this. This is just simply an excerpt from
19 Martin's Criminal Code?

20 A Yes.

21 Q You're familiar with Martin's Criminal Code?

22 A Very much so, yes.

23 Q Yes. And the section is 279. And if you will
24 just look for a moment at subsection (2):

25 Everyone who, without lawful authority,

1 confines, imprisons or feasibly seizes
2 another person is guilty of an indictable
3 offence and liable to imprisonment for a term
4 not exceeding ten years.

5 So that's the section for forcible confinement?

6 A Yes.

7 Q And that's undoubtedly the section which the
8 prosecutor in Port Coquitlam or Coquitlam had in
9 mind, perhaps working in conjunction with Corporal
10 Connor, in the charging of Pickton in relation to
11 that March 23, 1997 matter?

12 A I would agree.

13 Q But if you move your eyes back up to the top under
14 the head -- under the subheading "Kidnapping",
15 subsection (2), forcible confinement is simply one
16 of the sections in the section which also -- in
17 the code section that deals with kidnapping. Now,
18 police officers -- the kidnapping section is
19 279(1), just to complete my question, right?

20 A Yes.

21 Q And it says that:

22 Every person commits an offence who kidnaps a
23 person with intent to cause the person to be
24 confined or imprisoned against the person's
25 will.

1 And as the law has identified, that can be
2 achieved by either force or fraud, right?

3 A Yes.

4 Q So Corporal Connor and the prosecutor may have
5 seen that as forcible confinement, but police
6 officers pull out their codes from time to time
7 fairly frequently, don't they, to make sure that
8 they are right on the provisions of the criminal
9 law and the code?

10 A Yes, they do.

11 Q And so it would be quite apparent to a police
12 officer when he pulls out his code that the
13 forcible confinement section is one of the
14 sections of the code that also charges kidnapping?

15 A Yes.

16 Q Forcible confinement might be the charge
17 appropriate on the evidence believing Ms. Anderson
18 in that case for Coquitlam, but in Vancouver it
19 would have been kidnapping, would it not, to be
20 the right charge?

21 A Well, I didn't see it with regards to victim 1997
22 because she willingly got in the car from her own
23 statement and the forcible confinement didn't
24 occur until she was in Coquitlam. I think it
25 would be unfair to say that Vancouver should have

1 looked at that incident from '97 and said that he
2 kidnapped her for that purpose.

3 Q But if the willingness is false, ultimately
4 determined to be, then that is still sufficient
5 for there to be the will of the person that is
6 overcome?

7 A But I think that would be difficult to assess from
8 this one incident, for -- I mean if you're
9 suggesting that Detective Constable Shenher should
10 have been able to recognize that, and I think -- I
11 would think that would be unfair.

12 Q Well, let me give you a hypothetical. Let's
13 suppose we're not talking about Pickton. We're
14 talking about somebody -- or maybe he can be named
15 Pickton, but somebody who is a sharper dressed
16 person and frequents art galleries and picks up --
17 seeks to pick up women who might be interested in
18 looking at paintings and finds from time to time
19 someone who will go with him to his property to
20 look at a painting, interested in that, and then
21 when at his property as showing the painting --
22 there's transportation from one place to
23 another -- he then attacks the person. Doesn't
24 the law then identify that that is a false
25 arrangement, a stratagem, which then makes that

1 transaction kidnapping?

2 A I would say -- under the scenario you provided, I
3 would say most officers would just lay the
4 Criminal Code charges with regards to the attack.
5 I don't think they would be thinking of the
6 kidnapping if she went willingly to his house to
7 look at artwork and then the attack occurred.

8 Q But they could easily charge it as kidnapping,
9 could they not?

10 A Well, I think they would have to seek -- they
11 would have to consult with the Crown attorney with
12 regards to that charge. But I wouldn't say it
13 would be a charge that officers would jump to
14 immediately. I think they would jump to the
15 assault charge first.

16 Q The officer may do that, but they would have to
17 keep in mind that the actual prosecution of it
18 will be by somebody else with their assistance and
19 they have to know that the crime of kidnapping is
20 in the code?

21 A Well, I agree. The police officers do know the
22 crime of kidnapping is in the code.

23 Q And the police officers have to know the crime of
24 kidnapping, do they not, in order to help keep the
25 public safe?

1 A Yes, they do.

2 Q And they have to know that the will of a person
3 can be overcome not just by force, but by fraud or
4 false representation?

5 A I would say they would, yes.

6 Q Isn't it their duty to know that?

7 A Well, their duty is to know the Criminal Code,
8 yes.

9 Q I mean they take an oath to prevent crime and to
10 investigate crime?

11 A Yes, they do.

12 Q And that part of that knowledge of crime must
13 include that the legal requirement or intention is
14 simply a legal presumption that one intends the
15 natural and probable consequences of one's act;
16 isn't that correct?

17 A Yes. I'm not disagreeing with you in the fact
18 that -- I mean that's why I state in my report I
19 think the crime can start in Vancouver. What I'm
20 disagreeing with is that just reviewing the file
21 from 1997, I think it would be unfair to say that
22 Detective Constable Shenher should have put into
23 her mind that, okay, the charges were stayed with
24 regards to the forcible confinement and attempted
25 murder in Coquitlam, so maybe I should look at

1 charging Pickton with kidnapping.

2 Q No, not charging, investigating. Investigating
3 Pickton for the ongoing disappearance of the women
4 on the same basis as the disappearance of Victim
5 97, but thinking of it perhaps more than just
6 forcible confinement, but kidnapping?

7 A Well, it's my belief just from a review of the
8 documents that Detective Constable Shenher was
9 investigating Pickton for the investigation of the
10 missing women.

11 A I understand that too, and let's just stop there
12 about the actual resource of Ms. Shenher. She, if
13 I understand it correctly, was not trained in
14 homicide?

15 A I don't believe so, no.

16 Q She didn't take the course on homicide?

17 A No, she did not.

18 Q And there's a course also on informants and
19 source -- and the use of a source, and she hadn't
20 taken that course either?

21 A That's correct.

22 Q She was not really a trained criminal
23 investigator?

24 A I think she received some training, but no. She
25 didn't have a lot of training.

1 Q Yes. But with supervision at some point a witness
2 statement like this, it really would have been --
3 should have been seen as not -- I was using the
4 word gift earlier, but of benefit to the Vancouver
5 Police Department if it had been passed all the
6 way up to somebody with knowledge like Inspector
7 Biddlecombe to see possibly a pattern here, a
8 blueprint for the women going missing?

9 A If we're talking about with regards to Constable
10 Shenher's review of the file from victim 1997,
11 just that, I would disagree with you.

12 Q I'm not talking about just the files. I'm talking
13 about passing up this witness statement. Let me
14 back up. At the point of her receiving this,
15 there are about nine or ten women who have gone
16 missing in the past year in Vancouver Downtown
17 Eastside?

18 A Correct.

19 Q Almost at the rate of one every six months -- or
20 six weeks, I should say, something like that?

21 A I think the numbers changed, but yes. I know
22 there was a lot of missing women at that point.

23 Q I'm just using that on an average. The numbers
24 did change?

25 A Yes.

1 Q So this was a fresh matter when -- at the time the
2 Pickton tip came in?

3 A It was.

4 Q The Hiscox tip came in?

5 A It was.

6 Q And at the time, therefore, that she received this
7 file?

8 A It was.

9 Q And at the time if it had been passed up somehow
10 to someone of the experience of Inspector
11 Biddlecombe for him to review it?

12 A Well, that's what I'm saying. I'm disagreeing. I
13 think it be -- even though I know Detective
14 Constable Shenher at that point was looking at
15 determining what was going on with the missing
16 women, I think it would be unfair to say that she
17 should have made -- or I'm not convinced any
18 senior investigator within Vancouver or myself
19 would have made a leap to say I've got Pickton as
20 a suspect and I'm going to go back to the 1997
21 incident and possibly think about relaying a
22 charge of kidnapping for that.

23 Q Oh, I didn't even ask that. I'm simply asking in
24 terms of conducting investigations from then on
25 with respect to the potential that these women

1 were going missing by reason of arrangements
2 through car windows that could well be false
3 representations in order to get a hold of them to
4 then kill them?

5 A Well, I agree with you on that. That's what I
6 say. I agree with you. The fact is I believe
7 they should have been looking at the missing women
8 investigations as a criminal investigation at the
9 time because I believe due to the high number of
10 women going missing, they should have been
11 suspecting something criminal was going on.

12 Q Yes. And what appeared to be criminal is
13 something that began in Vancouver?

14 A Yes.

15 Q And the one logical crime to have a look at is
16 kidnapping?

17 A Yes.

18 Q And, therefore, if I understand your report
19 correctly, recognition and ownership really has to
20 do with the Vancouver Police Department, a major
21 police force in this country, failing to recognize
22 and take ownership of the crime of kidnapping as
23 it appeared to be occurring in this jurisdiction
24 as the major failure of the missing women
25 investigations?

1 A They failed to recognize that crimes were
2 occurring in their area.

3 Q All right. We're almost in complete agreement.
4 You seem to be hesitating to put the name
5 kidnapping on it. Can you tell me why?

6 A I'm not hesitating. I'm just saying I didn't put
7 kidnapping in my report because I didn't see
8 evidence that could have been kidnapping. That's
9 why I talked about administering a noxious
10 substance, the fact that I saw statements that
11 Lynn Ellingsen and Pickton would have drugs and
12 alcohol. And at one point I think I read a
13 statement that they would get a woman into their
14 car and the drugs or alcohol would be consumed and
15 then the girl would be -- I'm not sure of the
16 terminology that was used, but that she was out of
17 it. So that's why I said I didn't use the term
18 kidnapping, because there could have been other
19 offences, but I agree offences -- I believe that
20 if Pickton was going down and luring women into
21 his car using alcohol and/or drugs to get them
22 into his car, the offence of kidnapping fits, yes.

23 Q Why does it have to be using alcohol or drugs to
24 get into the car? Drugs in the sense of providing
25 money for sex so that they could buy drugs? Is

1 that what you mean?

2 A And I felt that was what he was doing to lure them
3 in to get them into the car.

4 Q Providing them with money for sex?

5 A Yes.

6 Q That's how he was luring them into the car?

7 A That was one means, yes.

8 Q All right. Then I think we are in agreement. But
9 let's go back to page 45.

10 A Okay.

11 Q And so maybe capture my understanding of your
12 evidence better. After you say at the top of the
13 page "In my experience I believe the offence began
14 in Vancouver", and you set out some remarks by
15 various officers beginning with the RCMP
16 officer -- I believe it's Sergeant Pollock,
17 Corporal Connor. These are all members of the
18 RCMP?

19 A Yes, they are.

20 Q Yes. And there they're speaking -- the point of
21 all of that is that what would have happened if
22 Vancouver had come to do investigations in their
23 jurisdiction?

24 A That's correct.

25 Q You then say after that:

1 I believe the VPD, Vancouver Police
2 Department, did not pursue the missing women
3 investigation in relation to Pickton to the
4 degree they should have. Sergeant Field kept
5 her chain of command informed that Coquitlam
6 RCMP had carriage of the file. She also had
7 responsibility to ensure follow-up with
8 Coquitlam and if Coquitlam told her that it
9 was not a priority, then she should have made
10 it her priority, either personally or through
11 her chain of command.

12 And then you reference some matters in your
13 interview of Detective Inspector Rossmo. And I
14 want to go to the next paragraph:

15 I believe that a quicker and more
16 co-ordinated police response would have
17 resulted if one police agency held the same
18 jurisdictional control over both Pickton's
19 residence and the Downtown Eastside where the
20 women went missing from.

21 Now, can I stop there for a moment? The Vancouver
22 Police Department already had and always had
23 control of the Downtown Eastside where the women
24 went missing from?

25 A That's correct.

1 Q Correct? It would have been very difficult for
2 the RCMP to get control over that aspect of the
3 matter?

4 A I agree. Sorry. Maybe I shouldn't have agreed so
5 quickly. With regards to what? With regards to?

6 Q Carrying out investigations in the Downtown
7 Eastside?

8 A No. I would disagree. I would say the way
9 policing works, that the RCMP would have spent
10 many times going down to the Downtown Eastside to
11 conduct investigations or to conduct interviews
12 with regards to offences.

13 Q How would they -- well, you use the word
14 controlled. You can't tie it up in some way. You
15 can tie up Pickton's residence moving from
16 Vancouver to Pickton's property, at least in some
17 cases, through perhaps an appropriately secured
18 search warrant. You can then secure or control
19 Pickton's trailer, assuming that could be achieved
20 on the information?

21 A Yes.

22 Q And that would put a police department, in
23 particular the Vancouver Police Department, in
24 control of both the Downtown Eastside, which they
25 always had, and Pickton's property?

1 A Yes.

2 Q And is that what you meant by this paragraph:

3 That if Vancouver Police Department had
4 properly recognized the crime which began in
5 their jurisdiction and had applied the
6 appropriate resources, therefore taking
7 ownership of it, and put forth the
8 appropriate resources to pursue that crime,
9 they would then have had a quicker and more
10 co-ordinated police response, having control
11 over both the Downtown Eastside where the
12 women went missing from and Pickton's
13 residence.

14 A Yes. I meant that if Pickton lives in -- lived in
15 an area controlled under the responsibility of the
16 Vancouver Police Department, the investigators
17 investigating the missing women would not have
18 felt that there was a barrier to them driving out
19 to Pickton's farm to conduct an investigation.

20 Q Well, the police officer said, or one or more of
21 them from the RCMP, that it's just a courtesy
22 matter to check with them, but there's no
23 hindrance in the Vancouver Police going out there
24 to investigate Pickton's farm?

25 A I agree.

1 Q Or his residence?

2 A I agree.

3 Q And, indeed, when one obtains a search warrant,
4 assuming that happens under Section 4(87) of the
5 Criminal Code, subsection (2) permits a police
6 force in a territorial jurisdiction in this
7 country to go anywhere else in Canada to have an
8 endorsement made to that warrant to execute it?

9 A Yes. I agree.

10 Q And so if the Police Department of Vancouver
11 Police Force had been able to act on fresh
12 information, reliable information, then a search
13 warrant would have tied up Pickton's residence?

14 A I agree, but I think the -- what I saw was the
15 idea of the fact is they felt the crime of
16 homicide if it was occurring was occurring in
17 Coquitlam territory, and that would have been the
18 responsibility of the RCMP to investigate, not the
19 Vancouver Police Department.

20 Q I understand they thought that, but, of course, if
21 they had recognized at some point that the crime
22 which began in Vancouver involved the suspected
23 crime at least of murder by reason of death caused
24 during kidnapping, then that is just as major a
25 crime as a crime occurring for purposes of the

1 jurisdiction of Coquitlam?

2 A I agree.

3 Q In fact, it might be even an easier crime to
4 investigate and prosecute than the crime occurring
5 only in Coquitlam. Murder is murder, but not
6 necessarily for purposes of proof?

7 A I'm not sure I understand that.

8 Q The crime in Coquitlam that was being suspected
9 was murder to be sure, right?

10 A Definitely. Yes.

11 Q Now, there could possibly be two kinds of murder
12 in Coquitlam: Murder by planning and intention or
13 murder by reason of confinement under Section
14 279(2)?

15 A Yes.

16 Q But often -- you correct me if I'm wrong, but it
17 is my understanding that if it's hard to show a
18 time gap between the confinement and the actual
19 killing of the person or the victim, it's best to
20 simply charge it as murder by planning and
21 intention without that time gap showing --
22 proving -- allowing proof of confinement?

23 A I would agree with that.

24 Q So to charge murder in Coquitlam might give rise
25 to a problem of proof, therefore avoiding that

1 problem by simply charging it as planning an
2 intention of murder under Section 235(2), I
3 believe it is?

4 A Sorry. What's 235(2)? That's --

5 MR. ROBERTS: I feel -- I do think it's there.

6 THE COMMISSIONER: Where are we going with all of this? I
7 think she's agreed a number of times that the
8 Vancouver Police could have investigated a crime
9 that emanated in Vancouver, so --

10 MR. ROBERTS: Would have or should have?

11 THE COMMISSIONER: Well, she says they should have because
12 there's some evidence to indicate that the intent
13 may have been informed in Vancouver. I think
14 that's basically what she's saying.

15 MR. ROBERTS: Yes.

16 THE COMMISSIONER: And so I don't know how much more you want
17 to get into this. I mean --

18 MR. ROBERTS: Only this much more, Mr. Chairman: That the
19 failure to take recognition and ownership of the
20 crime as identified by Deputy Chief Evans as
21 commencing in Vancouver have ramifications all the
22 way through the process.

23 THE COMMISSIONER: Well, she's agreed with that. She's agreed
24 that Shenher should have take ownership,
25 particularly when the RCMP in Coquitlam didn't

1 take ownership.

2 MR. ROBERTS: No. You haven't heard my question, sir.

3 THE COMMISSIONER: Well, all right. Go ahead.

4 MR. ROBERTS:

5 Q My question to you is that if you have murder when
6 the felony murder rule applies, that may be an
7 easier crime to investigate and prosecute than if
8 it is a crime where you have to establish planning
9 and intention?

10 A Yes. I'm not convinced I can agree to saying it's
11 easier to investigate that sort of crime. I don't
12 think any of these crimes are easy to investigate,
13 so --

14 Q Well, do you agree with me this much: That
15 murder -- first-degree murder by reason of the
16 felony murder rule where it occurs during the
17 course of kidnapping is just as much a significant
18 murder as one which is occurring in Port
19 Coquitlam?

20 A Yes, it is.

21 Q And so it's no answer to say for the Vancouver
22 Police Department, oh, well, the major crime is
23 murder in Port Coquitlam and therefore we let them
24 carry jurisdiction for it. That's not an answer
25 to the responsibility of the Vancouver Police

1 Department, is it?

2 A But all I'm saying was I don't think they
3 recognized that -- the potential for that type of
4 charge.

5 Q I understand that, but is your report is that they
6 ought to have?

7 A Yes.

8 Q And so do you agree with me that the major failure
9 of the criminal investigations in the -- into the
10 missing women, and particularly as Pickton as a
11 suspect, is the failure of the Vancouver Police
12 Department to recognize the crime commencing in
13 their jurisdiction, which I suggest is kidnapping,
14 as the basis for their disappearance from the
15 Downtown Eastside? That is the major failure in
16 the investigations into the missing women?

17 A Yes. I believe that they failed to recognize that
18 that was the reason the women went missing.

19 Q Had they recognized that, then it's also your
20 report they ought to have taken -- they would have
21 then recognized it, taken ownership of it, and
22 that would have led to a much quicker response in
23 catching Pickton?

24 A And more resources would have dedicated -- whether
25 I can say it would have been a quicker -- I think

1 they should have dedicated more resources toward
2 the investigation.

3 Q And if I can turn in your report to page 149.

4 A This is 8-149?

5 Q Yes, please.

6 A Thank you. Yes.

7 Q Under the heading of "Leadership", you say there:

8 In my opinion the leadership and oversight
9 displayed by members of the Vancouver Police
10 Department senior management during the
11 initial investigation into the missing women
12 was inexcusable. Detective Constable Shenher
13 was transferred into the Missing Persons Unit
14 to examine the increasing number of women
15 going missing from the Downtown Eastside. On
16 August 27th, 1998, she provided her first
17 update to management by way of a memorandum
18 to Acting Inspector Dureau. It was clear to
19 her and to anyone reading this document that
20 the women had disappeared under suspicious
21 circumstances.

22 And that still remains your opinion today?

23 A Yes.

24 Q

25 There was no leadership by senior management

1 within the Missing Persons Unit. While
2 Inspector Biddlecombe had the responsibility,
3 he failed to appreciate the seriousness of
4 his failure to provide the proper resources
5 for this investigation from the outset. In
6 his absence Acting Inspector Dureau received
7 numerous memorandums and updates from
8 Detective Constable Shenher, but he too did
9 not take the opportunity to move the missing
10 women investigation forward as it should have
11 been.

12 That also remains your opinion today?

13 A Yes, it does.

14 Q I want to do one more.

15 Inspector Greer attempted to take a
16 leadership role and examine the issues, but
17 was thwarted in September, 1998 when
18 Inspector Biddlecombe affected the
19 dissolution of the Missing Women's Working
20 Group. Inspector Greer left the authority to
21 Inspector Biddlecombe, who bore the
22 responsibility of the Missing Persons Unit.
23 In August and in November, 1998 Constable
24 Dickson attempted to bring attention to the
25 increasing number of missing women, but his

1 memorandums did not prompt the action and
2 consideration that was required. In
3 desperation he subsequently leaked
4 information to the media in an effort to
5 bring pressure on the management of the
6 Vancouver Police Department.

7 That also remains your opinion today?

8 A Yes, it does.

9 Q As do all of the rest of the paragraphs, which I'm
10 not going to read to you under that section of
11 leadership?

12 A Yes.

13 Q And had there been such leadership, it would have
14 been your expectation that they would have
15 recognized the crimes that commenced in their
16 jurisdiction and taken ownership of it and then,
17 as you have put it, there would have been in your
18 expectation from your experience a quicker result?

19 A Yes.

20 Q I want to go to that quicker result question as my
21 next subject-matter. And I'm not going to get you
22 to look at documents, although what I'm going to
23 address you on is fairly fact intensive. Your
24 report does not identify what that quicker or
25 earlier time might have been had there been a

1 proper investigation?

2 A That's correct.

3 Q But you do say that it ought to have been --
4 should have been a quicker result if there had
5 been recognition of ownership and a jurisdiction
6 taking control of both the Downtown Eastside and
7 the suspect's property, Pickton?

8 A And more resources toward the investigations.

9 Q And directing resources towards it?

10 A Yes.

11 Q Yes. Now, you, I think, told the inquiry that you
12 have been monitoring these hearings?

13 A At some points in between my other duties.

14 Q Yes. And were you aware of the material that I
15 put before Mr. Douglas LePard on the potential for
16 a search warrant in the fall of 1998?

17 A I was aware that there was a mock information to
18 obtain presented, but I didn't have the
19 opportunity to review it.

20 Q I've always had trouble with the word mock, but
21 that's all right.

22 A I apologize.

23 Q No apology necessary. It was an aide-memoire to
24 try and see what that potential was for a search
25 warrant in the fall of 1998. Let me just address

1 some things to clear away a little bit of
2 underbrush, first of all, if I may. Detective
3 Constable Shenher, she gets the tip from Mr.
4 Hiscox on July 27th and -- and a repeat tip of
5 some part of it on August 6th, 1998?

6 A That's correct.

7 Q You remember that?

8 A I do.

9 Q And the essential aspects of the tip were that
10 Pickton, he suspects, is responsible for the
11 missing women. He has the opportunity to grind up
12 bodies to get rid of them. There are -- there is
13 information in his trailer in the nature of
14 women's purses, I believe 10 of them, women's
15 identification, women's clothing, women's
16 jewellery?

17 A Yes.

18 Q Can I help you with where that's being turned to?
19 It will be in your report on --

20 A Sorry. I didn't mean to distract. I was just
21 doing that while you were -- I was listening.

22 Q On the chronology section, I guess, is the best
23 place to go for that. Excuse me.

24 A I believe it's 8-53 and 8-54.

25 Q 53? Page 53?

1 A Yes.

2 Q I'm trying to do it a little faster than just
3 reading it. Essentially, though, there was
4 women's identification material such as purses,
5 jewellery, I guess driver's licence. It just says
6 women's identification papers and clothing --

7 A Yes.

8 Q -- at his trailer. Shenher receives it and
9 according to her evidence in a log or interview, I
10 read somewhere, has a brief session with Sergeant
11 Geramy Field, who says keep good notes and to go
12 for it. Remember that?

13 A I do recall seeing something like that, yes.

14 Q And so she then tries to -- after a little bit of
15 discombobulation because apparently the
16 information went missing for a few days, she then
17 sets about seeing what she can find out and does
18 some research and contacts Corporal Connor?

19 A Yes.

20 Q And Corporal Connor advises her about the
21 attempted murder incident with respect to Victim
22 97 on March 23, 1997?

23 A Yes. That's correct.

24 Q She also finds out that there is a tip that is
25 given to a chap named Wayne Leng, which is pretty

1 well a mirror of what she received?

2 A Yes.

3 Q Now, let me just stop for a moment and go to
4 something which happened with respect to working
5 with a source. I want to jump ahead for a little
6 minute. There came a time where Constable Shenher
7 realized that she had revealed the identity of the
8 source in an indirect way. She discussed the name
9 Lee with Corporal Connor and Lee turned out to be
10 a name in Corporal Connor's notebook that was for
11 Lisa Yelds?

12 A That's correct.

13 Q Do you remember that?

14 A Yes, I do.

15 Q And she then decides there should be a meeting
16 with Corporal Connor, and in her notes she says --
17 about passing him over to the RCMP?

18 A Yes.

19 Q All right. Of course, with respect to a source,
20 it's highly unusual to pass a source who is an
21 informant over to a police force. It should be
22 passed over to an individual officer?

23 A But I think that's what she was doing. She was
24 going to hand him over to Corporal Connor.

25 Q She probably meant Corporal Connor. But as events

1 turned out, you and your interview of both
2 Corporal Connor and Constable Shenher were not
3 able to find whether there was any conversation
4 about the passing of the source over to Corporal
5 Connor?

6 A Well, I think they -- she would have implied she
7 was doing that when she introduced the source to
8 Corporal Connor in October, 1998.

9 Q October 14th or 15th. It appears she may have
10 thought that she passed over the source to
11 Corporal Connor, but I haven't been able to see
12 and I haven't seen anything in your interview that
13 there was any discussion with Hiscox that he was
14 being passed over to the RCMP?

15 A I would agree. I think following that Hiscox
16 would continue to make contact with Shenher and
17 not Corporal Connor.

18 Q And later on in the interview of Corporal Connor,
19 at least the interview I've seen conducted by
20 Robert Williams of the RCMP, Corporal Connor took
21 the position or said that Hiscox was always
22 Constable Shenher's source?

23 A Yes. I wouldn't doubt that.

24 Q Pardon me?

25 A I would doubt that Corporal Connor had that

1 belief.

2 Q So there's no indication that there was actually
3 any achievement made in passing -- of passing
4 Hiscox over to Corporal Connor?

5 A I would agree.

6 Q All right. So in terms of Corporal Connor working
7 with Hiscox as a source perhaps to get a search
8 warrant, it doesn't appear that that was even
9 considered by Corporal Connor?

10 A No, it doesn't.

11 Q And nor does it appear that Constable Shenher ever
12 thought about using Hiscox as a source to get a
13 search warrant?

14 A No. I agree.

15 Q Now, I'm just assuming that that might have been
16 something to be thought about. I'm not talking
17 yet about the viability of such a procedure. It
18 doesn't appear from any of the evidence that any
19 thought was given to it?

20 A No. I know at one point he had offered that he
21 could do an introduction to her or to someone like
22 an undercover officer to Lisa Yelds. I know that
23 was discussed.

24 Q That was discussed. And you remark on that in
25 your report, that there seems to be a little bit

1 of misunderstanding about that because that would
2 take Hiscox out of his capacity as a source,
3 losing his protection as an informant and would
4 make him an agent or undercover person?

5 A Yes.

6 Q And quite apart from all of that, that would have
7 to be done with very express discussion with
8 Hiscox first, right?

9 A Yes. Yes, it would.

10 Q And then there's also the consideration that
11 perhaps Hiscox was not really a viable person for
12 such an endeavour?

13 A Yes.

14 Q And let's back up. It is clear in your own
15 material that Hiscox was first contacted in a
16 men's shelter in Surrey. He had his own problems.
17 He suffered from depression and that's where -- he
18 was suffering from depression when Corporal --
19 Constable Shenher first interviewed him on the
20 18th of September?

21 A Yes.

22 Q So when I -- in embarking on this subject-matter
23 of when could a search warrant have been obtained
24 in 1998, I'm trying to clear away a little bit of
25 underbrush; that it wasn't even considered so far

1 as one can determine in looking at the evidence
2 and it wasn't even acknowledged what was happening
3 to the source at that time?

4 A That's correct.

5 Q All right. And another reason for me clearing
6 away this underbrush is that yesterday or two days
7 ago when my learned friend Cheryl Tobias was
8 examining you, she mentioned something about
9 Hiscox being unreliable in some way. Do you
10 remember that?

11 A I do.

12 Q And would it be fair to say that in your interview
13 of -- of Constable Shenher, you understood
14 Constable Shenher to say exactly the opposite;
15 that she considered Hiscox very credible and
16 reliable?

17 A I thought when I spoke about the unreliability the
18 other day and I thought I corrected Miss Tobias in
19 the fact that I thought Shenher said he was
20 unreliable as to get hold of, as -- not with
21 regard to the information he was providing her.
22 Just sometimes she couldn't locate him when she
23 wanted to.

24 Q Thank you. I guess maybe my hearing sometimes is
25 not as good as it should be because it's my

1 understanding that the only problem with Mr.
2 Hiscox was that he was way out in Surrey and he
3 didn't come in to attend meetings when he had set
4 up appointments?

5 A And I think that's what we were talking about, the
6 unreliability of that time.

7 Q And it may have been perhaps a little bit due to
8 the inexperience of Constable Shenher, and I'm not
9 blaming her, but she seemed to think that somehow
10 this man, who had his own difficulties, is going
11 to find his way from Surrey, which is a long way
12 from Vancouver, to attend these meetings on time,
13 and one might think, in standing back and looking
14 at it, that was a little unreasonable?

15 A Yes.

16 Q Whether so or not, that had nothing to do with his
17 reliability as a source for purposes of trying to
18 get a search warrant, correct?

19 A I would agree.

20 Q Now, in your report in the conclusion section -- I
21 wonder if I could just go to that.

22 A Yes, sir.

23 Q Page 141.

24 A 141?

25 Q Yes. Under "Conclusion", second paragraph.

1 A I have it as 9-1. Is that what you mean?

2 MR. ROBERTS: Page 8-141 and the passage which begins:

3 The information that various police officers
4 received regarding Pickton was specific,
5 unique, and incredible. The information from
6 Hiscox, Caldwell, Best and Menard, which came
7 to light over a one-year period, should have
8 prompted investigators to continue the
9 investigation until the information was
10 confirmed or disproved. Hiscox advised he
11 had obtained his information about Pickton
12 from Lisa Yelds.

13 And you go on to talk about Caldwell, Best and
14 Menard. I just want to stop there for a moment,
15 and I'm close to where I believe we're going to
16 break.

17 THE COMMISSIONER: How long are you going to be?

18 MR. ROBERTS: Can I just ask a couple questions, then we'll
19 break, please, Mr. Commissioner?

20 THE COMMISSIONER: Yes.

21 MR. ROBERTS:

22 Q People are attending this inquiry in the hopes
23 that it might bring a little bit of closure for
24 them?

25 A Yes.

1 Q For those who have lost loved ones. And you have
2 said in your report that had a proper
3 investigation -- had there been recognition and
4 ownership and a proper investigation conducted,
5 you believe the response should have been quicker
6 and more responsive, right?

7 A Yes.

8 Q Do you agree with me that it is a good idea to try
9 and see when is it when a proper -- if a proper
10 investigation were conducted with recognition and
11 ownership of the crimes commencing in Vancouver,
12 when is it in all reasonableness that Pickton
13 should have been caught? Don't you agree that's a
14 worthwhile endeavour?

15 A I think it would be a difficult endeavour.

16 Q Difficult. But still worthwhile to help this
17 inquiry perhaps bring some peace and understanding
18 to the people who have lost loved ones?

19 A Oh, I agree, but I think it's difficult to
20 determine the exact date.

21 Q I take it you would agree with this much: Is that
22 the best time to try and make that endeavour when
23 you have an actual investigation is when the
24 information is fresh?

25 A Yes.

1 MR. ROBERTS: Could I pick it up there, Mr. Commissioner?

2 THE COMMISSIONER: How long are you going to be?

3 MR. ROBERTS: Probably half an hour.

4 THE COMMISSIONER: All right.

5 THE REGISTRAR: The hearing is now adjourned until 1:30.

6 (PROCEEDINGS ADJOURNED AT 11:59 A.M.)

7 (PROCEEDINGS RESUMED AT 1:30 P.M.)

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

9 THE COMMISSIONER: Yes, Mr. Roberts.

10 MR. ROBERTS: Mr. Commissioner, Darrell Roberts for Marion
11 Bryce. I said before the noon break that I would
12 try and be half an hour and indeed I am. I am
13 going to try and be done in half an hour. And the
14 only matter I want to address is what, Ms. Evans,
15 you've said is going to be very difficult, but I
16 want to give it a try and do it in a summary way,
17 and that is the question of assume for me just
18 this: That an investigation in the fall of 1998
19 with the Vancouver Police Department recognizing
20 and taking ownership of crimes commencing in
21 Vancouver had -- with competent supervision of
22 Constable Shenher, perhaps even other officers
23 assigned to assist her, had come to a conclusion
24 that they would make a try for a search warrant,
25 all right, with respect to crimes commencing in

1 Vancouver and leading to evidence things that
2 might be relevant to the disappearance of 10
3 women. So that's the background to my question.
4 There's a number of questions I'm going to put to
5 you.

6 THE COMMISSIONER: Yes?

7 MR. CROSSIN: Yes. Crossin on behalf of the Vancouver Police
8 Union. If my friend is embarking on a line of
9 questioning that is seeking opinion on a series of
10 hypothetical facts or otherwise that seeks to
11 elicit an opinion as to when at some earlier stage
12 Pickton might have been arrested, I object to
13 that. It's not part of her report. It seems to
14 be embarking on an entirely new area, which could
15 well be an important and highly prejudicial area
16 depending on the outcome of it, and I take serious
17 objection to this.

18 THE COMMISSIONER: All right. Mr. Roberts?

19 MR. ROBERTS: Yes. It is with respect to an opinion. It is
20 the same opinion that I was seeking with respect
21 to Mr. LePard. I would agree with my friend that
22 there might be some difficulty with this, Mr.
23 Commissioner, if I were in a traditional court
24 case, but we're not. We're on an inquiry in fact
25 finding and there have been many opinions being

1 elicited here which have not -- for which advanced
2 notice has not been given. I'm in your discretion
3 on this.

4 THE COMMISSIONER: I'm going to accede to the objection. She's
5 already said that she'd have difficulty in
6 answering those questions as to what would have
7 happened because of the speculative nature of the
8 question.

9 MR. ROBERTS: All right. Well, I'm going to ask a few
10 questions which aren't simply fact driven, then,
11 Mr. Commissioner, if I may.

12 THE COMMISSIONER: Yes.

13 MR. ROBERTS: And I'll leave any result from that perhaps flow
14 from -- in the form of argument at the end of the
15 day.

16 THE COMMISSIONER: Yes. Well, I think that's the proper way of
17 doing it.

18 MR. ROBERTS:

19 Q So -- and my question -- so I won't be eliciting
20 that opinion from you, Ms. Evans, but I do want to
21 see if I can have you acknowledge this: That
22 there was information from Hiscox that it would
23 appear on the material you reviewed came from him
24 alone such as: Who Pickton was, where he worked,
25 that he had the ability to grind up human bodies

1 or parts of bodies, that he knew of Victim 97 on
2 his own knowledge, and that he knew a lot about a
3 source that was a source to him, Lisa Yelds. All
4 of that is information that really resides in
5 Pickton alone and doesn't depend on anyone else;
6 isn't that fair to say.

7 A And Hiscox alone?

8 Q Yes.

9 A Yes.

10 Q And some of those matters you know from your
11 review of the material was -- were confirmed by
12 the investigators. In particular, Corporal Connor
13 did all he could to try and firm up the
14 credibility of Hiscox. He confirmed the name that
15 Willie used, that he worked at P & B together with
16 his brother, the farm operation, the -- that
17 Victim 97 was somebody that Connor knew about and,
18 in particular, Lisa Yelds is somebody that
19 Corporal Connor verified extensively who -- start
20 again. Corporal Connor verified who Lisa Yelds
21 was extensively?

22 A That's correct.

23 Q All right. And there's one other aspect about
24 Hiscox that is unique perhaps. I use the word
25 unique because you have used it in your report a

1 couple of times. And that's this: Lisa Yelds and
2 Hiscox went back a long way into foster care?

3 A Yes, they did.

4 Q And referred to each other -- or somehow Corporal
5 Connor at least in his interview with you referred
6 to Lisa Yelds as Hiscox's foster sister?

7 A Yes. I believe so.

8 Q And there is a uniqueness about that in this
9 sense: Hiscox said that Lisa Yelds looked up --
10 looked after him in some fashion. She was a tough
11 lady who nevertheless had a soft spot for him?

12 A Yes.

13 Q And to flesh out Lisa Yelds, Hiscox said that Lisa
14 Yelds was a tough cop hater, fixed her
15 Harley-Davidson in her room, would not talk to the
16 police, didn't mind associating with a person like
17 Pickton even though she suspected he was a serial
18 killer. She said that?

19 A That's correct.

20 Q To -- Hiscox said she told him that. He knew that
21 she had gone out with Pickton, that she spent time
22 at his trailer?

23 A Yes.

24 Q This all came -- and what is unique about that is
25 that this relationship between Hiscox and Yelds is

1 unique in the sense that sometimes a relationship
2 back in foster care when people grow up in
3 adversity and look after each other, that can
4 develop into a relationship that is stronger than
5 even love and affection between siblings?

6 A I'm not sure I could answer that.

7 Q Well, it can be a strong relationship. You'd go
8 that far?

9 A I would agree.

10 Q And so there could at least be a suspicion, if not
11 a -- an idea, that she might tell him something
12 that she would tell nobody else?

13 A That's possible.

14 Q Now, as to things which came from Lisa Yelds, let
15 me just identify two or three of them. First of
16 all, I'll identify all of them and then two or
17 three that perhaps might be said to have been
18 confirmed by Corporal Connor. First, that there
19 was women's clothing, bloody clothing in Pickton's
20 trailer?

21 A Yes.

22 Q Now, Corporal Connor went -- almost on the day he
23 heard this, according to his log, went and checked
24 with a chap named Paradis, Constable Paradis, in
25 the detachment office to see if the clothing from

1 Pickton which they had seized from the 1997
2 incident was still there and found out it was
3 still there?

4 A That's correct.

5 Q And, therefore, the bloody clothing that was being
6 spoken about could not have been from that
7 incident?

8 A Yes.

9 Q And, indeed, in the affidavit he ultimately swore,
10 he said it had to be taken at face value that the
11 bloody clothing was there?

12 A Yes.

13 Q In Pickton's trailer?

14 A Yes.

15 Q The second -- of course, I've already touched on
16 this. Corporal Connor went to the lady named Puff
17 Hyacinthe in his office and confirmed pretty much
18 everything that Hiscox said about Lisa Yelds,
19 correct?

20 A Yes. I'm not sure about everything, but yes. I
21 know she confirmed some of the details about --

22 Q Well, in particular, that she did not like the
23 police?

24 A Yes.

25 Q And wouldn't talk to the police?

1 A That's correct.

2 Q And would run to Pickton as -- if the police came
3 to speak to her?

4 A Yes.

5 Q And confirmed that she had a relationship with
6 Pickton and got her meat from Pickton?

7 A Yes.

8 Q All things which Hiscox had said?

9 A I agree.

10 Q Another thing which Corporal Connor confirmed was
11 that Hiscox said that he was told by Lisa Yelds
12 that Pickton asked her to go and get syringes or
13 hypodermic needles, I think, is the term you used,
14 syringes, both new and used; that he needed them?

15 A Yes.

16 Q And it was first thought that maybe those needles
17 had fallen out of the fanny pack of Victim 97?

18 A I understand that, yes.

19 Q And Corporal Connor immediately made an
20 investigation -- fortunately, he had taken an
21 inside video of Pickton's trailer in the 1997
22 incident?

23 A Yes.

24 Q As well as photographs?

25 A Yes.

1 Q And also they'd done a DNA test on one or more of
2 the syringes that had been seized at that time?
3 A Yes.
4 Q And found the DNA of the victim of that '97 matter
5 in one of those syringes?
6 A I understand that, yes.
7 Q And Corporal Connor also knew from his own
8 knowledge that Pickton didn't do drugs?
9 A Yes.
10 Q And when he looked at the video and the
11 photographs, he found new and used syringes strewn
12 all over the trailer floor?
13 A I believe so, yes.
14 Q And he concluded in an affidavit he subsequently
15 swore that in his view Pickton had a need for, a
16 use for these syringes and using them to control
17 his victims?
18 A I don't recall. I mean it's quite possible. I
19 don't recall what the document he's referring to
20 that he made that note.
21 Q Could you take a moment and look at, please,
22 Exhibit H For Identification?
23 A Thank you.
24 Q The last tab. Ms. Evans, page 5 at the last tab.
25 A Thank you.

1 Q Can you tell me when you're there, please?

2 A I'm here.

3 Q And let's start at the top. That with respect to
4 the syringes -- I'm reading at the end of the
5 first line:

6 Sergeant Connor was able to determine from
7 reading forensic reports on the investigation
8 file that the syringes seized at the March,
9 1997 scene contained cocaine, that one
10 syringe also contained the blood.

11 And that's Victim 97.

12 Additionally, Sergeant Connor checked with
13 the exhibit custodian to see if the fanny
14 pack was seized and it was not.

15 Still photographs of the crime scene
16 were reviewed by Corporal Don White and
17 Sergeant Connor for the fanny pack and one
18 was not located. Therefore, Sergeant Connor
19 verily believes that Pickton has his own
20 syringes. It's also reasonable to assume,
21 given the circumstances, that Pickton had his
22 own syringes; that Pickton, as he does not
23 use drugs, allowed Victim 97 to use his
24 needles given her blood was identified in one
25 syringe and went to use -- or when she went

1 to use a telephone along with the use of the
2 handcuffs, he injected or attempted to inject
3 cocaine into her in --

4 I read that blank as her.

5 -- in an attempt to take control of her.

6 A Yes. I see that.

7 Q Now, this would all be from information he had at
8 the time, not when he swore this affidavit in
9 2002?

10 A Yes. I agree.

11 Q And I believe that that exhausts the items which
12 were verified that came from -- verified in that
13 sense which came from Lisa Yelds. And just a
14 couple more questions and then I will move off
15 this. But you're aware of the decision of the
16 Supreme of Canada. I believe it's perhaps gone
17 under the French name *Debolt, Regina v. Debolt*?

18 A I'm not sure.

19 Q It's a decision on what is required in order to
20 achieve a search warrant. It's actually with
21 respect to the reasonableness of a search without
22 a warrant, but also what is required for a search
23 warrant. And the major judgment is that of Madam
24 Justice Wilson.

25 A I wouldn't say that I was that familiar with it,

1 so --

2 Q Can I just ask -- can I just ask if you're
3 familiar with one line from the case whether it
4 governs policing? I'll just take a moment to read
5 it to you.

6 A And the line you're reading is from this decision?

7 Q Yes. Page 15 of 18, and it's just one line:

8 In my opinion it should not be necessary for
9 the police to confirm each detail in an
10 informant's tip so long as the sequence of
11 events actually observed conforms
12 sufficiently to the anticipated pattern to
13 remove the possibility of innocent
14 coincidence.

15 I stop there. Have you heard that phrase before,
16 "so long as the anticipated pattern -- observed
17 pattern", I should say, "conforms to the
18 anticipated pattern"?

19 A No. I would not say I have. What year was that
20 decision?

21 Q 19 -- 1989.

22 A No. I wouldn't say -- I couldn't say that I was
23 aware of it.

24 Q All right. But you are aware of the proposition
25 that it's reasonable probability or reasonably

1 sufficiently evidence that is necessary to obtain
2 a search warrant?

3 A Yes.

4 Q Sometimes the phrase "sufficient evidence" is
5 used?

6 A I have heard that, yes.

7 Q And it can be based upon an informant in the sense
8 that it's hearsay?

9 A Yes.

10 Q And so far as the relationship between Lisa Yelds
11 and Hiscox is concerned and in relation to
12 obtaining a search warrant, then Lisa Yelds would
13 actually be an informant to Hiscox?

14 A Yes.

15 Q And the problem with determining her credibility
16 would mean going to see her and there is the risk
17 that she might go and -- well, she would have a
18 decision to make. She would know perhaps that the
19 only person she spoke to was Hiscox?

20 A Yes.

21 Q And that could put him at risk if somebody had
22 gone to her to try and check out the information
23 that she was providing. She would have a decision
24 to make: Who do I prefer, my current buddy biker
25 pal Pickton or my foster brother Hiscox?

1 A Yes.

2 Q That would be a factor that would, of course, have
3 some influence, would it not, when it's put before
4 a justice of the peace?

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

6 Q Well, all of that sort of information would go
7 before a justice of the peace if one were seeking
8 a search warrant?

9 A The information -- are you asking me about the
10 information with regards to Hiscox and what
11 information that Lisa Yelds provided to him?

12 Q No, no. Just the relationship, the relationship
13 of Hiscox to Yelds?

14 A Yes.

15 Q The confirmation of who Yelds is?

16 A Yes.

17 Q And the risk that Hiscox might be put in because
18 of the possibility that he's the only one she
19 spoke to?

20 A Yes.

21 Q All right. And one last matter. The reason I put
22 that reference to you with respect to the observed
23 pattern, one of the most important pieces for an
24 application for a search warrant, if one were made
25 in the fall of 1998, would have been the witness

1 statement from Victim 97, which was in the file
2 that was brought in by Corporal Connor and shown
3 to Miss -- Constable Shenher; don't you agree?

4 A I'm sorry. What was the question?

5 Q One of the most important things to go into the
6 application would be that witness statement?

7 A I think -- I'm not sure it would be most
8 important, but I would definitely have included it
9 because of the similar nature of the offence.

10 Q Isn't it almost like putting a police officer in
11 the car with Pickton and that victim in terms of
12 then looking at the evidence that has been
13 suggested from Hiscox?

14 A No. I don't understand that comment. I don't
15 understand how -- how are you saying it's like
16 putting an officer in the car?

17 Q What you're looking for is -- is information --
18 start again. What you're looking for is to get a
19 search warrant for the evidence at Pickton's farm?

20 A Yes.

21 Q With women who perhaps went missing in
22 circumstances similar to Victim 97. Doesn't that
23 make that witness statement compelling?

24 A I think you would also have to include the
25 information from Pickton when he says he denies

1 that.

2 Q All right. Put that in there too.

3 A Yes.

4 Q Then if you add that in, then it would be a
5 compelling thing to put into the affidavit?

6 A I would definitely include it, yes.

7 Q Okay. Deputy chief, your report was written
8 specifically for this commission of inquiry and
9 you've done a tremendous amount of work, so too
10 have your colleagues and you, and on behalf of
11 Marion Bryce, who I represent, I want to thank you
12 for that.

13 A Thank you, sir.

14 THE COMMISSIONER: Thank you, Mr. Roberts.

15 MR. ROBERTS: I did better than 30 minutes.

16 THE COMMISSIONER: Sorry?

17 MR. ROBERTS: I did better than half an hour.

18 THE COMMISSIONER: No. I think you've got to be commended for
19 that. It doesn't happen often. Not with you. I
20 mean with counsel in general.

21 THE REGISTRAR: There are no prizes, commissioner.

22 THE COMMISSIONER: Oh, I know that. Mr. Baynham.

23 MR. BAYNHAM: Mr. Commissioner, Bryan Baynham representing
24 aboriginal missing and murdered women and
25 aboriginal interests generally in association with

1 Robyn Gervais.

2 THE COMMISSIONER: Yes.

3 **CROSS-EXAMINATION BY MR. BAYNHAM:**

4 Q Deputy Chief Evans, I'm going to focus on the
5 aboriginal dimension to this inquiry if I might,
6 and I'm going to be paying particular attention to
7 three of the victims and the -- in the
8 investigation that was conducted and your analysis
9 of it. I'm going to be referring to two
10 documents, one your report and then a binder I put
11 together which has 11 tabs. And Mr. Giles, I
12 believe, has just delivered that to you?

13 A Thank you, sir. Yes.

14 Q And I want to commend you on your detailed
15 analysis of particular investigations into
16 individual women because it assisted me greatly in
17 putting together this cross-examination.

18 A Thank you.

19 Q Now, I'm going to focus on two things, and two
20 things that you identified in your testimony to
21 date, as I understand it. And one of them was you
22 addressed the question whether or not there was
23 adequate background checks and contact with the
24 community that the police serve. And you
25 commented on things that were done well and things

1 that could have been done better, as I understand
2 it, when you looked at each of the individual
3 missing women?

4 A That's correct.

5 Q And the second thing I want to look at is did the
6 VPD and the RCMP respond to reports, to use your
7 words, quickly and in a co-ordinated fashion when
8 the missing women reports came in? So that's how
9 I intend to try to direct my questioning towards
10 you and I hope that helps some.

11 A Thank you.

12 Q So turning to the first point, the quick and
13 co-ordinated action that's needed, why did you use
14 those words when a missing women's report comes
15 in?

16 A Well, I feel it's important when an initial report
17 is made that the faster the response by police to
18 get out and conduct inquiries, the more likely
19 they are to get information that may assist with
20 their investigation.

21 Q That would apply both if there's foul play or if
22 it's a more benign missing person?

23 A Yes. I would agree.

24 Q And as I see it, there's sort of a continuum
25 starting with the least serious where there's a

1 runaway or somebody doesn't want to be found or
2 perhaps more serious, of course, there's a
3 suicide. Then the next stage is sort of foul play
4 and then if you can identify that there has likely
5 been a murder and then at the extreme, which we're
6 dealing with in this case, where there's been a
7 serial murder; is that fair to say? There's that
8 sort of continuum?

9 A Yes. I would agree.

10 Q And one of the things you identified, as I
11 understand it, in dealing with the VPD in
12 particular is that there wasn't enough emphasis
13 placed at the intake for a couple of reasons:
14 One, having a civilian person would be too much
15 involved?

16 A Yes.

17 Q That there should have been a more senior person
18 making an analysis as to whether or not the -- it
19 was a typical missing teenager who left home or
20 something or whether or not this warranted a very
21 intense investigation right at the start as to a
22 possible foul play and potentially murder; is that
23 fair?

24 A Yes. And someone specifically who had training.

25 Q That would be somebody with several years police

1 training?

2 A I would say it would be easier, yes, for them to
3 investigate and determine suspiciousness.

4 Q And when they make the decision that this is
5 suspicious, then you have to bring -- you have to
6 make more resources available and sometimes very
7 quickly make the resources available?

8 A Yes.

9 Q And that means having the appropriate systems in
10 place that more senior people in the organization,
11 be it the RCMP or the VPD, are advised and can
12 make the resources available?

13 A Yes. I would agree.

14 Q It's a 24-hour job, I take it, though, to have
15 missing persons. You have to have the ability to
16 do an investigation at any point?

17 A Yes.

18 Q That just brings me to the Peel Police Force. Am
19 I right in thinking it's significantly larger than
20 the VPD force?

21 A It's a little bit larger. Yes, it is.

22 Q But it's generally an urban -- or suburban police
23 force, is it not?

24 A Yes, it is.

25 Q And just while I'm on that topic, it struck me

1 that it was unique in some ways because you've got
2 an international airport. You're adjacent to the
3 biggest city in Canada. You've got the OPP. So
4 you've got at least three different police force
5 operating there, correct?

6 A Yes.

7 Q The RCMP at the Pearson Airport?

8 A We work with the RCMP for federal matters at the
9 airport, but Peel Regional Police police the
10 airport.

11 Q I see. And you also have the customs people that
12 also have a police role?

13 A Yes, we do.

14 Q And then you have -- next door you have the
15 Toronto Police Department?

16 A We have the Toronto Police on one side and Halton
17 Regional Police on the other side.

18 Q And it's a large police force, Halton, as well?

19 A Yes, it is.

20 Q And then you interact with the OPP as well?

21 A We do.

22 Q And so co-ordinating your efforts is very
23 important?

24 A It is.

25 Q It's something that you work hard on, I take it?

1 A Yes.

2 Q So one of the things you try to do is have a
3 co-ordinated approach to things. In other words,
4 if you're investigating a crime and there's an
5 associated crime or it may have happened next
6 door, that the investigation is conducted largely
7 in the same way and using the same software and
8 that sort of thing?

9 A Yes.

10 Q And have you been successful in doing that?

11 A We have been.

12 Q Did you find that there were some issues here that
13 needed to be addressed between the RCMP and the
14 VPD?

15 A I found through some of the investigations that
16 there was reluctance or hesitancy to take over the
17 investigations whereas -- because it was difficult
18 to determine in some of the missing women
19 investigations where they were last seen because
20 no one had observed them going missing. So I
21 noticed that sometimes it was difficult for people
22 to make a report because it was difficult for the
23 police to determine whose responsibility it was to
24 conduct the investigation.

25 Q And sometimes no meaningful investigation was

1 taken -- or was undertaken for many months because
2 of that, because one police force deferred to the
3 other or thought the other was taking the lead?

4 A Yes.

5 Q That's something I'm going to come to at the end
6 after I've gone through three specific examples
7 that I'm going to take you to in a minute. That
8 leads me to the second aspect of my
9 cross-examination of you, and that is what you
10 described as contact with the community that the
11 police serve. And it's important not only to get
12 the information, I suggest, from the community at
13 large --

14 A Yes.

15 Q -- and -- but I'm also going to suggest to you
16 it's important that you report back to them, that
17 they know what's happening in the investigation,
18 recognizing, of course, that you can't disclose
19 anything that would be prejudicial to the
20 examination; is that fair?

21 A Yes. I believe that's very important.

22 Q I should have said investigation, not examination.

23 A Yes.

24 Q Now, I take it since your -- your history in the
25 police force is largely with the Peel Police

1 Force, although you did some other things, that
2 you do not have any particular experience dealing
3 with aboriginal communities generally?

4 A No, I do not.

5 Q There will be testimony in these proceedings, and
6 there has been some so far, about the aboriginal
7 people and how -- the aboriginal community and how
8 members of the aboriginal community relate to one
9 another are somewhat different than the typical
10 nuclear family, if I may put it that way. Did you
11 appreciate that when you were looking into the
12 investigation of the aboriginal women?

13 A No, I did not.

14 Q Well, there will be evidence about aboriginal
15 groups and -- or I should say rural aboriginal
16 missing women and their interaction with other
17 members of their community. And the opportunity
18 to get information from them comes from somewhat
19 different sources, I'd suggest, than from what we
20 call the normal nuclear family. For example,
21 there's often information about individuals at a
22 band office or from the chief and the band
23 council. You saw mention of those in some of the
24 investigative reports, did you not?

25 A I did, yes.

1 Q And were you aware that in many ways in many of
2 the aboriginal communities there's a
3 matrilineal -- I think I've pronounced that right.
4 Like, the women are the people who keep track of
5 what's going on and where people are. Did you
6 appreciate that or not?

7 A No. I don't think I appreciated that specific to
8 aboriginals. I may have appreciated that in my
9 own life, but I'm not really sure.

10 Q Okay. It may not be exclusive to aboriginal
11 people?

12 A That's right. That's what I was trying to say,
13 yes.

14 Q Yes. All right. In the urban setting there are
15 also aboriginal organizations. You may have come
16 across some of them such as friendship centres or
17 the Aboriginal Social Services in Downtown
18 Vancouver?

19 A I did.

20 Q You may have seen mention of DEYAS. And it may
21 not have been around now, but presently there's a
22 very active organization called the Aboriginal
23 Front Door. The point of bringing this up, these
24 were organizations and sources of information, but
25 I'm going to suggest to you that they were largely

1 untapped by the RCMP and the VPD. Would you agree
2 with that?

3 A I would agree with that.

4 Q But the key point of going to those people and
5 those organizations is to assist in finding the
6 person in the first instance and then, secondly,
7 to determine whether or not the background
8 information can assist in making a determination
9 of whether or not foul play is a real possibility;
10 isn't that fair?

11 A I think that would have helped. I saw there was
12 evidence that -- from VPD that they were -- there
13 was a lot of contact with the native liaison,
14 which I -- I thought typically there was an
15 officer in better working with that group and I
16 saw contacts from VPD to that group of
17 individuals.

18 Q Okay. I'm going to come to that. That's one of
19 the documents in my binder. But the other
20 over-arching organization and series of
21 organizations are the -- in the aboriginal context
22 are the aboriginal political organizations, and
23 there's various political organizations which
24 support and espouse various interests of the
25 aboriginal communities. And you saw a mention of

1 them in some of the materials, did you not?

2 A I believe I saw some of those, yes.

3 Q And one I'd like to take you to -- and if you
4 could go to Tab 7-3 -- or page 7-3 in your report.
5 It's at page 21 of your report. And this is the
6 start of the investigation, as I understand it.
7 Under the heading "Terms of Reference Time Frame"?

8 A Sorry. What was the page number again?

9 Q Page 7-3.

10 A Yes.

11 Q And under the heading "Terms of Reference Time
12 Frame", we see reference there -- you make
13 reference to the First Nations Summit?

14 A Yes.

15 Q And I think it's common ground at this inquiry
16 that it was that organization that really brought
17 to light the -- what they perceived was a very
18 real problem of missing women in the aboriginal
19 community, and they went so far as to go to the
20 Attorney General and enlist his support. And as a
21 result of that there was an investigation
22 conducted and a Mr. -- or Constable Dickson was
23 tasked with trying to track down the 71 --
24 actually, 55 at the start and then he added some
25 names to the list, correct?

1 A Yes. That's correct.

2 Q And then as we drop down, he reported -- on March
3 12th, 1997 he provided a memorandum?

4 A Yes.

5 Q If you could then turn to your -- at Tab 4 in the
6 book I've given you. I've got a copy of a
7 memorandum there if I might.

8 A Thank you. Yes.

9 Q And he reports -- he says: "I have accounted for
10 all but one name." See that?

11 A Yes, I do.

12 Q And then the next paragraph he cites that there
13 were 15 homicides amongst the 71 names?

14 A Yes.

15 Q Ten were in Vancouver and the remaining five in
16 outlying areas, and of the ten in Vancouver, only
17 two were unsolved and of the five in outlying
18 areas, all remain unsolved?

19 A Yes.

20 Q So there were seven unsolved homicides, as I
21 understand it?

22 A Yes.

23 Q And then going down a couple paragraphs -- second
24 paragraph down:

25 Two names are reported to Vancouver as

1 missing and have not been seen for a year and
2 a half. Foul play is suspected.

3 So as I read it, there were seven unsolved
4 homicides in ten years and two that give every
5 indication of being a homicide, correct? When he
6 says -- that's what I take from saying that
7 they've not been seen for two years. Foul play is
8 suspected?

9 A Yes.

10 Q Now, if we then go from -- and if you drop down --
11 just one last thing before we leave this. The
12 last paragraph reads:

13 The different sources used were coroner's
14 records, MSSH records, CPIC, RMS and PIRS.
15 Those are the databases he looked at, I gather?

16 A Yes.

17 Q It's unclear from his report exactly what else he
18 looked at, but he apparently, as we know, had
19 other knowledge and contacts because he worked in
20 the Downtown Eastside as sort of a community
21 liaison officer?

22 A Yes. That's correct.

23 Q And you interviewed him, I believe?

24 A Yes, I did.

25 Q And my sense of it is that he wasn't an active

1 police officer in terms of making arrests or
2 conducting investigations. He was more in the
3 nature of a -- sort of an interface with the
4 community; is that a fair way to put it?

5 A Yes. I would say that's a good way to generalize
6 what he was doing as a community liaison officer,
7 but I couldn't speak to whether he -- while he was
8 out in the community whether he would have made an
9 arrest. I don't believe I ever asked him that,
10 but usually that's generally what a community
11 liaison officer is. It's not to be out there
12 arresting members of the community. Usually it's
13 just to be out there liaising and being the face
14 of the police department.

15 Q All right. In any event, this investigation was
16 conducted under the -- I never know how to
17 pronounce it. PUHU, I think is --

18 A Yes. Provincial Unsolved Homicide Unit.

19 Q Yes. Unfortunate name. But, in any event, there
20 was a report from Sergeant Honeybourn, which is at
21 the bottom of that page that I just made reference
22 to, and he reports to Deputy Chief Blythe. He
23 says:

24 Constable Dickson's use of various police
25 systems and government agencies resulted in

1 all but one person named on the list being
2 accounted for.

3 Now, I'm going to suggest to you that that's a
4 very self-congratulatory sort of summary of a
5 report that really missed the mark. I mean he
6 didn't account for everybody. There were nine
7 women out there that were murdered and they hadn't
8 solved them; isn't that correct?

9 A Well, I noticed the terminology that he used was
10 account instead of locate. I noticed that -- that
11 was the one notice -- that was the one thing I
12 noticed from the memo, that he was saying he
13 accounted for them. I mean he wasn't trying to
14 suggest -- Constable Dickson wasn't -- I don't
15 believe he was assigned to conduct any
16 investigations. I think he was just trying to
17 locate the names on the list.

18 Q But surely what should have happened here is there
19 should have been something said that there are
20 nine murders out there -- unsolved murders, one a
21 year. We've got to do something. Shouldn't this
22 have triggered some action on the part of the VPD
23 or the RCMP, particularly the RCMP, considering
24 there's five unsolved homicides?

25 A Well, I would -- I mean in his memo I didn't take

1 it that way. The way he's written it up, of the
2 10, he's just providing a summary of what his
3 accounting was. I was of the belief that the
4 Unsolved Homicide Unit were already working on
5 these cases or there was somebody currently
6 assigned to those cases, but they were just
7 unsolved.

8 Q Well, I'm going to suggest to you that this should
9 have been the first indication to the police
10 service that possibly there was a serial killer
11 out there because there are two women who
12 completely disappeared. They have no record of
13 them. Perhaps I'm using the benefit of hindsight
14 there, but here there are two women. They can't
15 account for them at all. They're missing
16 entirely. And that's happened in the last year
17 and a half. Shouldn't that at least have caused
18 some further investigation to be done?

19 A I would say that when he says "Two names are
20 reported to Vancouver as missing and have not been
21 seen for a year and a half. Foul play is
22 suspected", I would have thought that there should
23 be something that would indicate there was more
24 being done on those two cases. I know this memo
25 doesn't say that, but I'm not convinced looking at

1 that that I would then say we may have a serial
2 killer, because without looking at the cases
3 themselves, I think it would be difficult to
4 determine, sitting at my chair right now, whether
5 they were linked or not.

6 Q All right. Well, if you go on to the next page in
7 your report -- start at the next page -- we see
8 the next note you make is that:

9 In the spring of 1998, Ms. Cameron informed
10 VPD Inspector Biddlecombe that she recognized
11 a sudden increase in the number of missing
12 women from the Downtown Eastside.

13 Do you see that?

14 A Yes, I do.

15 Q And I take from that that there really wasn't
16 anything of significance that happened during that
17 period of time from his report in March of 1997
18 until a year later in the spring of 1998; is that
19 fair?

20 A I would agree because I think in -- between 1997
21 and the spring of 1998 Sandy Cameron would appear,
22 just from looking at the documents, she was the
23 one who was taking the reports and making
24 follow-ups with the queries and all that.

25 Q Well, sometimes she was taking reports. I suggest

1 that she wasn't taking reports all the time. And
2 in that regard if you could look at Tab 3, if you
3 might.

4 A Okay.

5 Q This is identified -- just in your report you
6 summarize it at Appendix C-20, line 149, but I
7 don't have to take you there because I've produced
8 the -- the complete memo that was generated. And
9 this was a memo from a Sergeant Cooper, who was
10 with the Homicide Squad, to Inspector Biddlecombe,
11 which was his superior, I believe; is that
12 correct?

13 A That's correct.

14 Q And are you familiar with this -- do you recall
15 seeing this memo?

16 A Let me just quickly read it over again.

17 Q It's a report concerning a meeting between Mr.
18 Cooper and Freda Ens and Morris Bates of the
19 Police-Native Liaison?

20 A Yes. I have seen this.

21 Q And, as I understand it, you conducted an
22 interview with Ms. Ens?

23 A I did.

24 Q And it didn't get transcribed, but my associate,
25 Ms. Gervais, has had the opportunity of listening

1 to it. Some of them got transcribed, but not all
2 of them. Now, I'm told that she had very little
3 contact with Constable Shenher and even went so
4 far as to say that she wasn't aware that there was
5 an acting -- an active missing women's
6 investigation going on. Is that your recollection
7 of her evidence?

8 A It's quite possible. I'm not doubting that.

9 Q And so there's a real disconnect between the
10 Police Native Liaison Group and the Missing
11 Women's Group?

12 A I recall that from with the conversation I had
13 with Miss Ens, yes.

14 Q We hope to call her as a witness. We're presently
15 in the process of interviewing her and hopefully
16 we'll have the benefit of her testimony, but this
17 deals with a real problem that Sergeant Cooper
18 identified and this goes to the issue that I
19 raised earlier about there being a need to act
20 immediately and quickly when there's a missing
21 women's report. And he says Miss Cameron's -- if
22 we just drop down one, two, three bullet points
23 there, he says that there's been problems with
24 people trying to file missing women's reports.
25 And you identified that as a real problem, correct?

1 A Yes.

2 Q He identifies three problems: "The reportee is
3 only a friend of the missing person as opposed to
4 a relative"; secondly, "the person must be missing
5 for 24 hours before a report can be taken" and,
6 thirdly, "that just because the reportee has not
7 seen the person does not mean they are missing."
8 So he thinks this is a real problem and he
9 identifies a problem here, that somebody reported
10 somebody missing and they didn't do anything for
11 two weeks. The person happened to be a man in
12 that case, but he had died and they went through
13 two weeks of anguish and, quite properly, I
14 suggest, Sergeant Cooper says this isn't
15 acceptable?

16 A I agree.

17 Q Now, if I take you to the next paragraph -- and
18 this is part of the reason I bring this up,
19 because it is indicative of the problems and the
20 frustration that the aboriginal community felt:

21 This situation has become a source of great
22 frustration for these people and has
23 reinforced the impression that because they
24 are Native or residents of the Downtown
25 Eastside, the police don't care about them

1 and apply a different standard.

2 And this is quite -- it's an appropriate thing, I
3 suggest, for Sergeant Cooper to bring up and raise
4 with his superior?

5 A Yes.

6 Q And he also raised another even more serious
7 problem, I suggest, and that's at the top of the
8 next page. He says:

9 It should be borne in mind that any of these
10 cases could be a potential homicide and often
11 the first step identifying victims is a
12 missing persons report. This was
13 particularly true in a series of hooker
14 murders 2 years ago when 3 of the bodies were
15 found in the Agassiz area.

16 And that goes to the point, I suggest, that you
17 raised earlier that when a missing women's
18 person -- or a missing persons report is made, it
19 has to receive immediate attention and appropriate
20 resources put to it; is that fair?

21 A Yes.

22 Q And then he suggests that the 24 -- second-last
23 paragraph. He suggests that the 24-hour
24 requirement be suspended and -- and that missing
25 persons reports be accepted in all cases. I take

1 it you agree with that?

2 A I agree, yes.

3 Q And, finally, he makes the point in the last
4 paragraph, last line:

5 It would also enable us to look at each case
6 on its own merits and make an informed
7 assessment as to whether further
8 investigation is required.

9 And, again, I take it you share that opinion?

10 A I do.

11 Q And that's back to your main point. You have to
12 make a quick and co-ordinated investigation when a
13 missing woman report comes in?

14 A Yes.

15 Q Now, the next thing I'd like to take you to is the
16 investigation of Tanya Holyk. And this is found
17 at Tab B of your binder, and I flagged it there
18 for you.

19 A Yes. Thank you.

20 Q And I commend you on the amount of work and effort
21 that went into this and the way you organized it.
22 Now, Tanya Holyk was an aboriginal woman, a young
23 woman. She spent much of her teenage years in
24 Vancouver, although she did spend some time with a
25 brother in a remote community south of Prince

1 Rupert. But she was aboriginal and she was living
2 with her mother at the time she disappeared. I
3 just want you to look at the date it was reported
4 to the police. Do you see that, January 22nd,
5 1997?

6 A Yes.

7 Q That is a month -- or within weeks of Mr. Dickson
8 starting his report yet her name isn't on the list
9 of people -- of the missing women. You may not
10 have looked at that in particular, but I did. Do
11 you have any explanation as to why her name didn't
12 get on the list when there's a missing women's
13 file in the Vancouver Police Department?

14 A No, I do not.

15 Q So what was happening here is Dickson was
16 conducting an investigation into 71 missing women
17 and one is reported to the VPD within weeks of him
18 starting his investigation and he doesn't pick up
19 on it. That's pretty -- pretty amazing, isn't it?

20 A And I'm not sure -- when I interviewed Dave
21 Dickson, I'm not sure how he ever came to the fact
22 that he was asked to look at -- originally I
23 believe it was 55 and how he came up with it and
24 how he resulted in getting the list to 71, so --

25 Q Yes. I believe he'll be testifying, so I don't

1 think we have to get to the bottom of that.

2 A Okay.

3 Q It looks like to me, based on the material we
4 have, that he's investigating, but he isn't even
5 checking as to whether or not there are new
6 missing women coming in, new reports of missing
7 women. Now, if I could take you to Tab 1 in the
8 black binder. This is the report. It's dated
9 January 22nd, 1997 and it's from Tanya Holyk's
10 mother. And what happened here is she was
11 originally reported missing in November and then
12 Ms. Cameron, as you'll see as we go through this,
13 thought she found her and then she was reported
14 missing again?

15 A Yes.

16 Q And if we go back right to the start at Tab 1 it
17 says:

18 I went to the police station to report Tanya
19 missing and they told me to call 911 and they
20 referred me to Sandy Cameron, whom I thought
21 was a police officer.

22 That should never have happened, should it? She
23 shouldn't have been identified as a police
24 officer?

25 A Yes. I saw that several times, so I wasn't sure

1 if people were making the assumption that because
2 they were feeling -- they were speaking to the
3 police -- someone at the police that she was a
4 police officer. But I did see that issue raised
5 several times in some of the documents, that
6 people felt that Sandy Cameron was a police
7 officer.

8 Q And then we drop down a few lines and it says:

9 She called a few days later and told me that
10 Tanya was a coke head that abandoned her
11 child. She went on and on about it and said
12 she was going to call social services to
13 apprehend the baby.

14 And the reference to the baby is that she had
15 recently given birth to a young -- young child.
16 And then go on and there's a -- she objects to --
17 writes how she objected to how she was being
18 treated. And then dropping down to the bottom of
19 the page, she says:

20 Sandy asked her if --

21 And then someone she was associated with was a
22 person of interest.

23 -- was there with Tanya and she said yes.

24 Sandy called me back and said Tanya was out
25 having fun doing drugs and abandoned her

1 child and the police were not going to waste
2 their time trying to find her. I asked her
3 if it ever occurred to her that the set up
4 call -- or that person of interest set up the
5 call so that the police and everyone else
6 would stop looking for her. She told me
7 again Tanya is a coke head that abandoned her
8 child and hung up on me.

9 I don't -- I think it goes without saying that if
10 that's what actually happened, it's unacceptable,
11 correct?

12 A Yes. If that's exactly what happened, yes, that
13 is unacceptable.

14 Q Okay. Now, if you go to Tab 2, we have a typed
15 report from Sandy Cameron. And then this is what
16 happened. You drop down to the bottom of the
17 page. 11/29, which would be the 29th of November,
18 Ms. Cameron reports:

19 Reportee called, said she received a call
20 that hung up. She said call came from --
21 Gives a number.

22 I called this number. A woman answered, said
23 that they had a party all night. Everyone
24 was gone by 6:00 a.m., said Ariel was there
25 with a woman named Tanya. That's all she

1 knew.

2 And then Cameron writes:

3 Called reportee, advised her of the above and
4 that we would probably cancel the report as
5 it appears she is around, partying, just as
6 reportee suspected. She agreed.

7 See that?

8 A I do.

9 Q And you concluded that that was not a proper way
10 to end that investigation, correct?

11 A That's correct.

12 Q What should have happened?

13 A Someone from the police department should have
14 physically verified that Tanya was still alive.

15 Q All right. But we do know what happened to her.
16 She apparently was murdered by Pickton because her
17 DNA was found on the farm?

18 A That's correct.

19 Q And you then record -- if I could go back to your
20 summary. You report on what you were able to
21 learn from reviewing the documents, correct?

22 A That's correct.

23 Q And just as I -- so I understand it, what you did
24 is when you went to a document and you found
25 something that was of note, you recorded the date

1 and then summarized what was in the document?

2 A Yes. I was just trying to provide a -- an
3 accounting of what I observed throughout and to
4 make it easier for everyone to follow.

5 Q You were very successful in that regard. So the
6 report in January relates what happened back in
7 November. So Tanya was reported missing within
8 two or three days of last being seen?

9 A Yes.

10 Q She had a child and she was in a custody dispute?

11 A Yes.

12 Q And her mother was concerned that she was missing?

13 A Yes.

14 Q Correct?

15 A Yes.

16 Q She -- there was someone that she had -- had
17 difficulties with, the father, and there had been
18 an assault charge, and there was also another
19 person of interest who potentially could have
20 harmed her, correct?

21 A Yes.

22 Q And no follow-up was made with that?

23 A No.

24 Q And then based on that one telephone call, the
25 file was closed and it was re-opened again in

1 January?

2 A Yes. I saw that.

3 Q And then on January 23rd there's a note. It says:

4 Dorothy Purcell contacted. Missing person

5 report was filed with Native Liaison. Tanya

6 missing since October, '96.

7 Can you assist me at all with what that refers to?

8 You may not.

9 A Yes. I would have to refer back to that document.

10 Q All right. Well, I'll move on. It's not of major

11 importance. But one thing, if we go on to April,

12 '96, April 21st, '96 on the next page -- or I

13 should say '98. I'm right in thinking that this

14 is the first contact that was made with her -- the

15 father of her child?

16 A I'm sorry. What day are you looking at?

17 Q April 21st, 1998.

18 A Yes.

19 Q It says:

20 GS interview. Child custody matter completed

21 in court. Tanya missing a month later.

22 A Yes.

23 Q That was the first contact that was made with

24 the --

25 A With the father of her child, yes.

1 Q That's a year and four months?

2 A Yes.

3 Q It should have been done much earlier, should it
4 not?

5 A In my view.

6 Q And you concluded -- you made certain conclusions
7 if you go to the fourth page. The first thing you
8 conclude -- and we've covered -- this report from
9 November, '96 cancelled. Should have been seen
10 that as missing person and person prior to
11 cancelling?

12 A That's correct.

13 Q Second, the family complained about Miss Cameron,
14 inappropriate comment, minimal family contact.
15 They really didn't follow up with the family?

16 A No.

17 Q I'm going to suggest to you what should have
18 happened is there should have been a serious
19 investigation conducted within a matter of days,
20 particularly in light of this other potential
21 person of interest that could have harmed her;
22 isn't that correct?

23 A I agree.

24 Q And then we have the father not interviewed until
25 April of 1998. And, finally, no indication anyone

1 attended last known address, searched or canvassed
2 neighbours. Again, just an inadequate
3 investigation, correct?

4 A Yes.

5 Q This all happened in 1997, at the very time that
6 Mr. Dickson -- or Constable Dickson was conducting
7 his report or preparing his initial report,
8 correct?

9 A Yes.

10 Q Now, I'd like to move on to another missing woman.
11 It's Olivia William. And I've also flagged her --

12 A I have that. Thank you, sir.

13 Q -- her report that you prepared. Much less is
14 known about her. And the reason I've chosen her
15 as an example is because she was originally
16 from -- from Burns Lake and she went missing, we
17 believe from what we can piece together, from the
18 Downtown Eastside. And she went missing in or
19 about December of 1996 and was reported in March
20 of 1997, correct?

21 A That's correct.

22 Q Now, again, this was another woman who had
23 recently given birth to a child?

24 A Yes.

25 Q And her report, as I understand it, was made to

1 the Burns Lake Detachment by a social worker in
2 March of 1997?

3 A That's what I understand, yes.

4 Q And if you could go to Tab 5 if you would.

5 A Yes. I have that.

6 Q And I was incorrect. The report apparently went
7 to the Smithers RCMP from a social worker. What's
8 the significance of -- in your experience of a
9 social worker appointing somebody -- reporting
10 somebody missing?

11 A I would say that for the most part if the police
12 receive a call from a social worker, they would
13 take it seriously because the social worker has a
14 lot of information with regards to the individual
15 and if they're dealing with a social worker, it
16 would indicate as well that there was issues
17 obviously going on with this individual, so much
18 so that the social worker is the one making a
19 call.

20 Q And that's an entirely appropriate thing for the
21 social worker to do, is if they've got concerns,
22 they go to the police and report it?

23 A Yes.

24 Q And they typically report it to the -- the police
25 service in the area where they're operating from.

1 In this case it was somebody from Smithers. And I
2 was mistaken before. It was Smithers, not Burns
3 Lake.

4 A Yes.

5 Q And we know from this that she was apparently in
6 the Downtown Eastside and it would appear that
7 contact was made with the Vancouver Police
8 Department because they've learned by this
9 point -- and this report is dated May 26th,
10 2007 -- that her mail was delivered to Sheway.
11 Now, I'm not sure if you know what Sheway is,
12 but --

13 A No, I do not.

14 Q All right. Sheway is a residential -- it's a
15 service in a -- it has a residential component for
16 drug-addicted pregnant women and they try to
17 assist women who are drug addicted and pregnant,
18 as I understand it, and assist them getting off
19 drugs and manage their pregnancy and provide
20 accommodation for them both before and immediately
21 after they give birth. So contact was made with
22 Vancouver, which was appropriate, correct?

23 A That's correct.

24 Q And then they ask Vancouver -- if we drop down to
25 the bottom of the page:

1 Please attempt to notify Olivia and notify
2 Smithers RCMP of any progress.

3 A Yes. I see that.

4 Q Now, what troubles me about this is it's dated May
5 26th when the report comes in on March 27th. I
6 suggest to you that's simply too long for this
7 to --

8 A I agree. Yes. I don't understand the delay
9 there.

10 Q Okay. We look at Tab 6. On the same day another
11 fax was sent out. A memorandum was sent out from
12 the Smithers Detachment. Have we got the right --
13 I think it's the same day, is it not?

14 A Yes, it is.

15 Q What I don't quite understand is a different
16 person's sending it out, but I guess that doesn't
17 matter. This goes to Burns Lake. It says:

18 The above subject called this office from --
19 And then it's got a name excluded.

20 -- wanting info on the death of his daughter.
21 He says that he heard that Vancouver City was
22 trying to pass on info. It would appear that
23 maybe Mr. Williams should have called your
24 office for assistance.

25 So I take it what's happening here is the father

1 is contacting Smithers, but lives in Burns Lake.

2 Is that what you take from it?

3 A Yes. It looks like it. It's almost like
4 Vancouver have contacted the father and now the
5 father is contacting his local RCMP detachment.
6 These two officers are trying to exchange
7 information with regards to that.

8 Q Okay. So we've got Vancouver, we've got Burns
9 Lake and we've got Smithers all involved in it,
10 right?

11 A Yes.

12 Q Then if you look at the next document, Tab 7 if
13 you might. We're now into June. It's June the
14 3rd?

15 A Yes.

16 Q And this office, which is the -- which is the
17 Smithers Detachment again, is writing to Burns
18 Lake.

19 This office received a call this date from
20 Chief Emma Palmatter at --
21 And then they put in the phone number.

22 She appeared to be concerned about the
23 investigation and rumours that bodies are
24 being found on Vancouver Island which might
25 be Williams. This office had received a

1 similar complaint on May 26th, 1997 and at
2 that time faxed info off to your point as the
3 complainant lived there.

4 Then dropping down:

5 On examining our file closer, we feel that
6 maybe this missing person file should have
7 gone to Vancouver City in the first instance
8 as the only connection we have is that the
9 social worker who made the complaint lives in
10 this area.

11 So now we're into June. Three months have gone by
12 and nobody's in charge. That's just not
13 acceptable, is it?

14 A It appears that way, yes.

15 Q And then we've got -- the next is -- this time
16 it's from Smithers again. This is Tab 8. I think
17 I've got this right. It goes to the City of
18 Vancouver.

19 Copy of Smithers file follows as per our
20 telephone conversation. Our original
21 complainant, Barb Lagimodiere of Social
22 Services, will be advised that Vancouver will
23 be taking over the investigation. Please
24 have the investigating officer call
25 Barbara --

1 And then gives the numbers. And so now by June
2 they've decided that Vancouver is going to be in
3 charge?

4 A Yes.

5 Q Now -- so we've got the original missing person
6 report goes in in March 27. All of April goes by.
7 All of May goes by. We're now in June 16th.
8 That's two and a half months. And then if we look
9 at the next document, Tab 9, this is the Vancouver
10 missing persons report?

11 A Yes, it is.

12 Q And we see that it was -- it wasn't open until
13 June 4th -- or July 4th?

14 A July 4th.

15 Q So three months go by just to get a file open?

16 A Yes.

17 Q I think this pretty clearly identifies that
18 nobody's -- nobody knows who's to be in charge of
19 a missing woman's file; is that right?

20 A Yes.

21 Q Who should have been in charge? Like, how should
22 it have happened? What should have happened here?

23 A Well, I would have thought if the social worker,
24 she'd contacted the RCMP to say that, "You know,
25 my client has gone missing and I haven't seen her

1 and she's -- the last place be living in
2 Vancouver", the RCMP may have taken the report and
3 immediately forwarded it to Vancouver for their
4 action.

5 Q But somebody had to claim ownership of this,
6 correct?

7 A Correct.

8 Q She'd given birth in Vancouver presumably in
9 December. I mean the trail wasn't cold. I mean
10 Sheway was there. They would have had records,
11 correct?

12 A Correct.

13 Q Nobody followed up?

14 A I agree.

15 Q Now, you identified this problem in your report
16 and if I could take you to 8-41 if I might.

17 A Sorry. 8-41?

18 Q 8-41, I believe. It's page 85 for those few of us
19 who have an iPad. Miss Gervais is jealous because
20 she doesn't have an iPad. But if you go through
21 this -- you prepared a chart here. Do you see the
22 chart?

23 A Yes, I do.

24 Q And you're talking about Project Evenhanded. You
25 say:

1 Project Evenhanded investigators were now
2 seriously contemplating the strong
3 possibility that a serial killer was involved
4 in the growing number of reporting missing
5 women. Not only were women being reported
6 missing from the Downtown Eastside to VPD,
7 but after January of 1997 the following women
8 were reported missing from the Downtown
9 Eastside to police departments outside the
10 City of Vancouver.

11 And then you noted this, quite properly, and here
12 are 11 different examples of -- or instances where
13 they're reported elsewhere, and you list where
14 they're reported and when they're reported,
15 correct?

16 A Yes.

17 Q And the first on the list is Olivia Williams?

18 A Yes.

19 Q And she's the only one that hasn't been located or
20 identified. She's presumed to have been murdered,
21 but we don't know where, by whom or when, correct?

22 A That's correct.

23 Q All the rest presumably were murdered by Pickton
24 because DNA was found on her on the property?

25 A Yes.

1 Q And so you identified the problem and you have
2 this to say in the next page:

3 The missing women listed demonstrates the
4 multi-jurisdictional challenges that existed.
5 Of the eleven women listed who fit the
6 criteria for this report, DNA was found on
7 Pickton's farm in ten instances.

8 A Yes.

9 Q Now, I want to go back, if I could, to what was
10 happening with the VPD and Mr. Dickson because I
11 think it's telling. If we go back to 7-4, which
12 is page 23.

13 A Yes.

14 Q And a number of things happen, but we go to page
15 23. And I want to take you to August 27th.

16 A Yes. I see that.

17 Q Okay. And there's a report. Constable Dickson
18 has submitted a report and he lists 35 missing
19 women and 18 unsolved homicides from the Vancouver
20 area, which were still on CPIC. So there's 35
21 missing women and 18 unsolved homicides. And then
22 if we go to the next page, he writes another
23 memorandum on November 25th, 1998.

24 A Yes. I see that.

25 Q Okay. This is what he says:

1 November 15th, 1998 Constable Dickson wrote
2 another memorandum, this time to Inspector
3 Greer and Sergeant MacKay-Dunn regarding the
4 missing women in the Downtown Eastside.

5 And Greer was in charge of one of the areas for
6 the -- on -- I forget what you call them.

7 A He was in charge of District 2.

8 Q District 2, the police that you see on the ground
9 doing day-to-day police work, correct?

10 A Yes. For the Downtown Eastside.

11 Q Right. And Staff Sergeant MacKay-Dunn was number
12 2 in that area?

13 A Yes, he was.

14 Q This is what Dickson wrote:

15 I know or am familiar with probably 75
16 percent of the women on the attached list and
17 I feel very strongly that a large percentage
18 of the women have met with foul play. I feel
19 this way for the following reasons:

20 1. A majority of the women are on social
21 assistance and have stopped picking up their
22 cheques.

23 2. There has been no family contact.

24 3. Street friends or associates have not
25 seen them.

1 4. They are among the most vulnerable group
2 that exists.

3 A Yes.

4 Q He hit the nail on the head, didn't he?

5 A Yes, he did.

6 Q But when you look at the reports in the missing
7 women's file, you don't see that information, do
8 you?

9 A No.

10 Q Well, how could it be that Dickson knows what's
11 going on on the ground and it doesn't get into the
12 missing women's report?

13 A I don't know.

14 Q All right. What struck me when I was reading this
15 in your report, the First Nations Summit raises
16 the alarm in February, 1997. By August, 1998 we
17 know -- Dickson knows there's 35 women missing in
18 Vancouver. There's 18 unsolved homicides. By his
19 account 18 months -- 18 months ago there were 2.
20 That's 16 -- 16 unsolved homicides in that period
21 of time?

22 A Yes.

23 Q Do you see any evidence that anybody got back to
24 the First Nations Summit and said, "Look, we made
25 a mistake. All the people weren't accounted for"?

1 A No.

2 Q Because they weren't accounted for. Nothing
3 happened for a year?

4 A I agree.

5 Q All right. I want to turn to one last person,
6 another native woman. And the only information I
7 could -- only meaningful information I could find
8 from her -- about her was in the book -- the
9 Cameron book *On the Farm*. I don't know whether
10 you've had a chance to read it or not?

11 A I did.

12 Q And as I understand it -- and if other counsel
13 know I'm incorrect about this, I'd appreciate them
14 correcting me because I certainly don't want to
15 mislead the commissioner and the commission of
16 inquiry. As I understand it, Cameron got most of
17 her information from the preliminary hearing where
18 there was detailed information provided, in some
19 cases much more detailed information than at the
20 trial?

21 A Yes. I can't answer that. I'm not sure.

22 Q All right. But the reason I'm taking you here,
23 because this woman who -- the last woman I want to
24 deal with, the third aboriginal woman, Brenda
25 Wolfe, there's a real story here about this woman

1 in Cameron's book and I want to take some time and
2 just go through it. It's page 230. Dropping down
3 to the bottom of the page there:

4 On February 17th --
5 That's February 17th, 2000 -- or 1999.

6 -- thirty-one-year-old Brenda Ann Wolfe, a
7 Native woman from the Brocket Reserve in
8 southwestern Alberta and one of the Downtown
9 Eastside's great characters, followed
10 Jacqueline McDonell as the second woman to
11 vanish in 1999. Brenda worked at the
12 Balmoral Hotel as a bartender and bouncer;
13 she was liked by many of the other women in
14 the community because of the way she defended
15 them and stuck up for them when they were in
16 trouble. Maggie Gisle, who was a prostitute
17 in the area for sixteen years, remembered
18 Brenda as a woman who could take on two or
19 three men at a time if they were causing
20 trouble at the bar. And because she was
21 large and strong, women on the street
22 sometimes paid her a small amount of money to
23 act as a kind of bodyguard or enforcer,
24 someone to help them sort out disputes with
25 quarrelsome dates. And they also say she

1 would help women for nothing.

2 This image is at odds with the woman Elaine
3 Allan knew at WISH.

4 And you're familiar with WISH?

5 A I am.

6 Q

7 "Brenda was a lovely person," she remembers.

8 "She followed the rules, would come in, put
9 her bags down, eat her dinner, smile shyly
10 and leave. Sometimes she hung out with a
11 friend...and she had a boyfriend called Ryan
12 who was on parole at the time".

13 So clearly from this description she was a well
14 known Downtown Eastsider. Dickson must have known
15 her. It's hard to imagine he didn't, but she
16 could easily have been -- information could easily
17 have been obtained about her; do you agree?

18 A I can't answer whether Constable Dickson would
19 have known her or not.

20 Q No, but a little bit of work by police could
21 easily have found out information about her,
22 correct?

23 A That's possible, yes.

24 Q Dropping down to the bottom of the page:

25 Brenda's habits, like those of so many of her

1 fellow addicts in the Downtown Eastside, were
2 fairly regular. She saw her doctor, Ronald
3 Joe, frequently and filled the prescriptions
4 he gave her right away. Her last visit to
5 see him was February 8, 1999, when he treated
6 her for an abscess in her arm, a common
7 ailment, et cetera.

8 So there the doctor who knows her, he can identify
9 he saw her. That's the type of information police
10 should develop, isn't it?

11 A Yes.

12 Q Going to the top of the page:

13 Brenda was also in regular touch with her
14 welfare worker. She was supposed to see her
15 at ten-thirty a.m. on February 5th and didn't
16 show up; she called later to apologize and
17 say she had forgotten the appointment. Five
18 days later the worker stopped production of
19 Brenda's benefits. On February 17th, as soon
20 as Brenda realized she'd been cut off
21 welfare, she called her worker again to
22 rebook her appointment and they settled on
23 March 19th.

24 So we clearly know that she was alive then on
25 February 17th, correct?

1 A Yes.

2 Q Again, one of the places you go is to the social
3 worker?

4 A Yes.

5 Q Then drop down, if you would, to the next
6 paragraph:

7 No one can pinpoint the day she vanished, but
8 it was just after her February 17th call to
9 her welfare worker. When Brenda's father,
10 Ray, and her mother, Elaine Belanger,
11 couldn't reach her, they were distraught, as
12 were all the family members and friends in
13 Alberta who cared for her. No one in the
14 Downtown Eastside could tell them where she
15 was.

16 And then she goes on to explain how the
17 disappearance may have saved the friend's life
18 because she changed her life.

19 I just want to take you then to why Brenda
20 Wolfe and her death at Pickton's hands is so
21 important, and that comes at the end of the book.
22 At page 554, which is the next document, the next
23 page from *On the Farm*, it says:

24 It wasn't long before DNA tests identified
25 the jawbone and teeth as those of Brenda

1 Wolfe, who had disappeared almost three years
2 earlier, on February 1, 1999. Later,
3 searchers would find her DNA on a leather
4 jacket and two lipsticks in a closet in
5 Willie's trailer. More of Brenda Wolfe's DNA
6 was found in a green duffle bag the searchers
7 uncovered in the loft upstairs in Site C,
8 Willie's mechanical shop. The duffle bag
9 also held a handcuff key, handcuffs, two
10 handguns, leg cuffs and jewellery, all with
11 her DNA on it.

12 The discovery of Brenda Wolfe's jawbone
13 in the piggery was significant. The police
14 had already known how complicated the search
15 was going to be, but finding her remains in a
16 pig trough underlined the necessity of
17 searching every crack and crevice in every
18 location. They dated back to 1999; there was
19 a chance they'd find evidence from even
20 further back.

21 Okay. Now, if we go just look at your summary of
22 what you were able to garner from the police
23 report -- or I should say the missing women's
24 report and the other records of the VPD. That's
25 found at Tab 10. This is just a copy of your --

1 A Yes. I found my one. Thank you.

2 Q You found yours in your --

3 A Thank you, sir.

4 Q So what you record here is when photographs were
5 provided and when the file was opened. So the
6 file was opened in May of 2000, correct?

7 A She was reported to the police on the 25th of
8 April, 2000.

9 Q Okay. Where do you see that?

10 A "Date Reported to Police" at the very top.

11 Q Okay. But in your investigation it doesn't
12 explain how or who reported it. I see what you
13 mean.

14 A No, but it says in the top -- on my top templates,
15 it says the VPD occurrence number. Then it says
16 "Reported by Patricia Belanger", the sister. And
17 then right beside that, it says date reported the
18 25th of April, 2000.

19 Q It would appear from your review of the records
20 that the file was sent to the review team -- that
21 would be the Missing Women's Review Team -- on
22 June 21st, 2000, correct?

23 A Yes.

24 Q Now, at that stage -- and I've gone back and
25 checked the records. I think it's right. It's in

1 LePard's report at page 155, I believe. But the
2 Missing Women's Review Team was winding down at
3 that point. Wolthers, Fell, and Clarke had left.
4 Lepine and Chernoff were available, but not
5 actively involved. They were shutting down the
6 office, in fact, and Shenher had asked to leave at
7 the end of July?

8 A That's my recollection, yes.

9 Q So this report comes in and really nothing's done.
10 That's really what it amounts to, isn't it?

11 A Well, I think originally the Missing Persons Unit,
12 who still had officers working in there, they
13 would have been working on it, my recollection.

14 Q Well, they didn't work on it very hard. It wasn't
15 until February of 2001 that they had a
16 conversation -- apparently any meaningful
17 conversation with Patricia Belanger. And we see
18 the note there. She's identified as her sister.
19 I'm unclear whether or not it's her sister or her
20 mother, but it's a close family member, correct?

21 A Yes.

22 Q Your note here says:

23 She detailed areas where she and friends have
24 looked for Brenda. Provided the names of two
25 of Brenda's friends who may be helpful.

1 Details obtained regarding her reserve in
2 Saskatchewan and ex-husband, who had
3 threatened her in the past. Patricia has
4 spoken with person of interest and relayed
5 what she thought was strange conversation.
6 Brenda stated in a past letter, "If I go
7 missing, person of interest will have
8 something to do with it."

9 Is there any indication that any meaningful
10 follow-up was done?

11 A Not that I saw.

12 Q Nothing -- no contact, no meaningful contact with
13 her native community back in Alberta?

14 A Sorry. I'm just reviewing the -- I've got March
15 7th, '01 Calgary police contacted regarding query.
16 So it looks like the officers did an offline CPIC
17 search and they realized that on the 30th of
18 December, 2000 someone had queried Brenda Wolfe
19 with the correct date of birth, so somebody from
20 VPD contacted Calgary Police to find out about
21 that.

22 Q Okay.

23 A And that was with regards to and you see in the
24 following page the response from Calgary Police
25 was that the query was conducted with regard to

1 background checks before placing her children in
2 care.

3 But I believe that's the first time we saw contact
4 with Alberta authorities.

5 Q All right. And it wasn't until November 8th, 2001
6 that she was added to the list of missing women
7 according to your summary, correct?

8 A Yes.

9 Q And then your assessment, if we could just go
10 through your assessment --

11 A Yes.

12 Q -- on page 3 of this report.

13 Many background checks attempt to locate
14 Brenda, but not much of an investigative
15 nature.

16 A Yes.

17 Q A lot more could have been done?

18 A Yes.

19 Q They could have contacted these people in the
20 Downtown Eastside that knew her?

21 A Yes. I would agree with that.

22 Q

23 Brenda's last known address was not attended
24 until almost a year after she was reported
25 missing. This should have occurred earlier

1 in the investigation.

2 A Yes.

3 Q

4 The interview of family members should have

5 occurred earlier. Minimal family contact.

6 There's no evidence that there was any meaningful

7 contact with people back in Alberta, is there?

8 A No.

9 Q

10 4. No indication of attempt to locate and

11 interview friends and associates identified.

12 A That's correct.

13 Q And, finally:

14 Evenhanded first heard of Brenda in April but

15 not added to the list until October/November.

16 A Yes.

17 Q What were they doing?

18 A The VPD?

19 Q Well --

20 A At that point?

21 Q No. Evenhanded.

22 A Evenhanded were --

23 Q Collecting DNA?

24 A They were collecting DNA.

25 Q All right. Just one last thing. Can you help us

1 at all about how there can be some data bank or
2 some means of collecting all of the information,
3 like somebody take responsibility for missing
4 women? Should there be one central location in
5 the province where you report somebody missing and
6 some police organization takes responsibility for
7 it? Is that workable? Do you have anything you
8 can help us with?

9 A Oh, I saw evidence throughout all these -- not all
10 of them, most of the missing women investigations,
11 is that there often was a struggle for family
12 members; that it would appear that there was
13 barriers to reporting. Whether one designated
14 line throughout the province of BC would assist,
15 it's difficult to say, because I also know there
16 was the Vancouver Police Department had a Missing
17 Persons Unit and there was difficulties with
18 people trying to report missing women to the
19 Missing Persons Unit as well, which was a concern.
20 But I think in order to break down communication
21 barriers, there has to be some sort of mechanism
22 put in place that maybe there should just be
23 one -- one location that people can go to.

24 Q Sort of a clearing house?

25 A Yes. Or a starting point. So if we all phone the

1 same number, then there's consistency on how the
2 investigations or the reporting is done. That
3 might assist.

4 Q Do you know, is there anything like that in
5 Ontario, for example?

6 A No. Right now the way it works in Ontario is that
7 if someone is reported missing to Peel Regional
8 Police and they are missing -- believe to have
9 gone missing in Peel Regional Police, we would
10 conduct the investigation. If someone phoned and
11 said, "My daughter was last seen missing. She
12 went down to a concert in Toronto", we would take
13 the report and then we would forward that to the
14 attention of the Toronto Police Service for that
15 action.

16 Q And who would get back in touch with the family in
17 those circumstances, because that's one of the big
18 complaints and the very hurtful side of this, is
19 nobody was getting back to the families and the
20 extended families. Is it your responsibility in
21 that circumstance to get back to the family or is
22 that handed over to Toronto from what you've
23 described?

24 A Well, I would like to think -- and maybe I have,
25 you know, too much of an optimistic approach to

1 it, but I would like to think that if I was the
2 officer taking the report and the woman's daughter
3 had gone missing in Toronto that I would make
4 contact with Toronto and get a name and a contact
5 and then I would return the call to the reporting
6 woman to say, "This is the officer now in Toronto
7 that will be dealing with your case and I have
8 asked that officer to call you, but this is their
9 name and their contact information should you not
10 hear from them soon." But I would be recommending
11 and I think Toronto would then be phoning them to
12 say, "Okay. We've now received a report of your
13 daughter missing and we're going to be working on
14 it."

15 Q There's another problem here, I think pretty
16 obviously, that if there's lots of attention and
17 there's lots of pressure brought to bear and
18 there's publicity, the police react to it. And
19 how do you avoid the police simply not finding the
20 time or, even worse, ignoring the most vulnerable
21 and the most victimized members of society who go
22 missing?

23 A Well, I don't think it should get to the point
24 that there should be -- police should not have to
25 be relying on pressures from the community to act.

1 I think this is something that the police should
2 be doing as a matter of due course.

3 Q Everybody should get the same -- same level of
4 attention?

5 A Yes.

6 Q If a Downtown Eastside marginalized person, drug
7 addicted prostitute is missing, they should get
8 the same attention as somebody on the west side?

9 A Yes.

10 MR. BAYNHAM: Those are all the questions I have.

11 THE COMMISSIONER: Thank you, Mr. Baynham.

12 MR. HERN: I think I'm next, Mr. Commissioner, but I note the
13 time and maybe we should take a break.

14 THE COMMISSIONER: All right.

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

16 (PROCEEDINGS ADJOURNED AT 3:02 P.M.)

17 (PROCEEDINGS RESUMED AT 3:17 P.M.)

18 THE REGISTRAR: Order. The hearing is now resumed. Robyn, did
19 you wish to --

20 THE COMMISSIONER: Miss Gervais.

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

22 I just -- on behalf of Mr. Baynham, I would ask
23 that the binder that he put to the witness be
24 marked as an exhibit, please.

25 THE COMMISSIONER: Marked as an exhibit. All right. Thank

1 you.

2 THE REGISTRAR: It will be marked as Exhibit Number 64.

3 **(EXHIBIT 64:** Binder of documents -

4 Cross-Examination of DCC Evans by Bryan Baynham)

5 THE COMMISSIONER: Yes.

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

7 Q Sean Hern for the Vancouver Police Department and
8 Board. Deputy Chief Evans, I just want to follow
9 up on what Mr. Baynham was discussing with you
10 before the break as he was going through the -- a
11 number of the missing persons files that you
12 reviewed and catalogued and set out in your
13 appendix. I heard earlier today that you were not
14 tasked with making recommendations or considering
15 issues going forward with respect to the Missing
16 Persons Unit. Was that right?

17 A That's correct.

18 Q All right. And -- but no doubt in the file you
19 saw that in 2003, 2004 Mr. Schouten conducted an
20 extensive review of the Missing Persons Unit in
21 Vancouver?

22 A Yes. I saw that.

23 Q And in Deputy Chief LePard's report at page 245,
24 he had discussed some of the changes that had been
25 made including a provincial database and -- and

1 work that's ongoing toward a 1-800 number and
2 things like that. Are you familiar with that?

3 A I recall reading that.

4 Q And so no doubt your analysis will be extremely
5 useful in this commission's review of -- so all I
6 was going to say was that you haven't reviewed the
7 present state of the files, but your work will
8 undoubtedly be very useful in this commission's
9 consideration of what other changes, and I think
10 we're all grateful to your team in doing the work
11 you did in going through those files and sorting
12 and cataloguing for us all.

13 A Thank you.

14 Q The place I'd like to start here is with respect
15 to your report, 8.1.2, which is titled
16 "Jurisdiction", and it starts at page 8-42 and on
17 through to 8-46. And to introduce this line of
18 questioning, I thought what I -- I'd just read to
19 you the four statements that these questions
20 really relate to. And I'm sure they'll be
21 familiar to you, but I'll give you the page
22 numbers. Page 8-42 you say:

23 Jurisdiction played one of the most
24 significant factors in how this entire case
25 was managed.

1 In the sixth paragraph there. And on page 8-43
2 you say in the final paragraph:

3 Jurisdiction acted as a barrier, as it
4 inhibited VPD officers from pursuing Pickton
5 in the missing women investigations when they
6 realized that he was not a priority for
7 Coquitlam.

8 You see that?

9 A Yes.

10 Q In 8-44 you write in the third full paragraph
11 that:

12 I asked several officers why the VPD did not
13 drive out to Coquitlam and begin
14 investigating Pickton themselves.

15 A Yes.

16 Q And then on page 8-45 in the third full paragraph
17 you say with reference to Sergeant Field that:

18 She also had a responsibility to ensure
19 follow-up with Coquitlam and if Coquitlam
20 told her that it was not a priority, then she
21 should have made it her priority, either
22 personally or through her chain of command.

23 So those are the statements these questions I'm
24 about to ask you are directed at. In your report
25 you note that Corporal Connor of the Coquitlam

1 RCMP took ownership of Pickton as a suspect
2 investigation and kept it until his promotion and
3 transfer?

4 A Yes.

5 Q Do you recall that? And he was the primary
6 investigation -- sorry -- primary investigator of
7 Pickton as a suspect investigation, as you
8 characterize it?

9 A Yes.

10 Q And after his transfer, the file then went to
11 Constable Yurkiw?

12 A That's correct.

13 Q And following her to Constable Sherstone?

14 A Yes.

15 Q And Corporal Connor's ownership, as you've
16 characterized many things, ownership of the file,
17 was fully engaged at least by July, 1999?

18 A Yes.

19 Q Would you characterize his ownership as being
20 earlier than that?

21 A I would say he took ownership of the investigation
22 into Pickton probably as early as when
23 Constable -- Detective Constable Shenher contacted
24 him with regards to the information from Hiscox.

25 Q So back in July of 1998?

1 A Yes. It was July or August -- I think it's
2 August, 1998 when she contacted him.

3 Q I think you're right. All right. And the -- and
4 Coquitlam's ownership of that file never ceased
5 until February, 2002 with the search warrant onto
6 Pickton's property?

7 A I would agree.

8 Q Evenhanded never received it or took over that
9 file until that --

10 A Evenhanded had Pickton's name, but no. I would
11 say that the Coquitlam RCMP would be the ones who
12 had ownership over it.

13 Q All right. Now, where there's multiple policing
14 jurisdictions in a metropolitan area, you would
15 agree that there has to be some basic organizing
16 principles or conventions in which to determine
17 which police agency will investigate which
18 matters?

19 A Yes.

20 Q Fair? And the policing convention or practice in
21 BC with respect to missing persons investigations
22 is that where a missing person report is filed, it
23 is the jurisdiction which commences -- or sorry --
24 the police agency which commences jurisdiction
25 over that matter; do you agree with that?

1 A Would I agree with the premise or do I agree
2 that's the way it occurs in BC?

3 Q That's the organizing practice or convention in
4 British Columbia at the material times in this
5 investigation; that where a missing person report
6 would be filed, that police agency would be --
7 would have ownership of that file until they
8 concluded it or transferred it to another police
9 agency?

10 A I would say yes until they transferred it to
11 another agency.

12 Q All right. But -- or they had worked it and
13 concluded it?

14 A Sorry. Yes. I agree.

15 Q And another policing convention and practice in
16 British Columbia relevant to these issues is that
17 jurisdiction in a homicide investigation will flow
18 from the location of a body or information about
19 the location of a body; do you agree with that?

20 A Yes.

21 Q All right. And, again, that can be altered by
22 agreement between police agencies if it makes
23 sense to do that, right?

24 A Yes.

25 Q So those two are default rules effectively?

1 A Yes.

2 Q Now, the VPD's missing persons investigation of
3 missing person reports that were filed in
4 Vancouver or from which it agreed to have
5 transferred into Vancouver, those investigations
6 are not limited to the Vancouver policing
7 jurisdiction. The missing persons investigators,
8 if the evidence takes them there can, of course,
9 go out and interview a suspect in Surrey or
10 Coquitlam or wherever?

11 A That was the impression I got from investigators,
12 yes.

13 Q All right. So the missing persons investigation
14 that Lori Shenher -- Detective Constable Lori
15 Shenher was undertaking with respect to the
16 missing women in 1998 was not limited to just the
17 Vancouver jurisdictional area?

18 A No.

19 Q The files she was handling, she could go anywhere
20 with those?

21 A No. I saw many contacts that she was making with
22 other agencies outside the City of Vancouver.

23 Q And because the -- skipping forward now to July of
24 1999 when the information from the various
25 informants, Ellingsen, Caldwell, Best, Menard,

1 that we're all familiar with --

2 A Yes.

3 Q -- that information comes in and it's of -- it
4 provides some evidence on a homicide committed on
5 the Pickton farm in Coquitlam?

6 A Yes.

7 Q That commenced as a Coquitlam homicide
8 investigation? That gave rise to Coquitlam's
9 jurisdiction as a homicide investigating unit,
10 right?

11 A Yes, but I also could say that I thought it was
12 interesting that the source first made contact
13 with RCMP and then asked to speak to somebody with
14 regard to -- from VPD asking because he had
15 information with regards to the missing women,
16 so --

17 Q And when that information was explored, though, it
18 was clear that the reports of a woman hanging in
19 the barn, that there was a -- the evidence was a
20 body of a murder in Coquitlam on the Pickton farm?

21 A Well, to be fair, I think the information also
22 commented that the person may be responsible --
23 that Pickton may be responsible for the missing
24 women from Vancouver as well.

25 Q Right. And so it made sense that they would be

1 the investigating agency by default under the
2 policing conventions?

3 A No. I would suggest that it should have prompted
4 a multi-jurisdictional investigation at that point
5 because both -- and I think it did. I think
6 Vancouver officers went over and started working
7 with Coquitlam RCMP in August of 1999.

8 Q All right. The officers who were working were
9 Detective Constable Chernoff and Detective Lepine?

10 A Yes.

11 Q And they were reporting to Corporal Connor as the
12 primary investigator?

13 A Yes. I think they were reporting to -- with
14 regards to the information that Caldwell was
15 providing, they were reporting to Corporal Connor,
16 but they were also working at that time for
17 Sergeant Field.

18 Q Correct. But with respect to the handling of the
19 source of -- of the informant Caldwell, they were
20 doing that and relaying information back to
21 Corporal Connor, who was making the decisions as
22 the primary investigator in the Pickton as a
23 suspect investigation?

24 A Yes. I would agree with that.

25 Q All right. And so while it would have been

1 wonderful if it was a joint forces operation from
2 the outset in July, 1999, it was in fact a
3 Coquitlam homicide investigation that was having
4 the assistance from the Vancouver Missing Women
5 Review Team?

6 A Well, I'm not sure if we're splitting hairs. I
7 would say right then it was a
8 multi-jurisdictional -- I mean I saw evidence that
9 Inspector Biddlecombe went out and then we had VPD
10 Strike Force also assisting, so I would say
11 that -- I would look at that as an outsider and
12 say that's right then a multi-jurisdictional
13 investigation being led by the RCMP.

14 Q Being led by the RCMP in Coquitlam?

15 A Yes.

16 Q Utilizing the assistance of Vancouver where and as
17 requested or needed?

18 A Well, that's usually what happens with a
19 multi-jurisdictional approach. There's usually
20 still somebody in charge and I think in this
21 instance it was the RCMP.

22 Q All right. Now -- and, indeed, that's consistent,
23 of course, with the notion of Coquitlam taking
24 ownership of the file?

25 A Yes.

1 Q Now, Coquitlam was a relatively large RCMP
2 municipal detachment?

3 A I understand that, yes.

4 Q And it had the ability to obtain assistance from
5 RCMP Major Crimes and other specialized -- and
6 specialized units like the RCMP Surveillance Unit?

7 A Yes.

8 Q All right. And -- so it wasn't as if Coquitlam
9 didn't have the necessary skill or expertise
10 within that department in order to carry out an
11 investigation like into Pickton?

12 A No. They conducted numerous homicide
13 investigations from what I understand.

14 Q All right. And so it certainly wasn't
15 inappropriate for Corporal Connor to take
16 ownership of Pickton as a suspect investigation?

17 A No.

18 Q Now, what I want to suggest to you here is that
19 the question of jurisdiction that really matters
20 here, and which are the subject of your comments
21 that I read to you at the beginning of this line
22 of questioning, is not whether the VPD had
23 jurisdiction in Coquitlam based on one theory or
24 another, but the real question is that when the
25 Coquitlam investigation began to languish, I think

1 is the word you used in your report -- when it
2 began to languish in the fall of 1999, what should
3 the VPD have done given that Pickton was an
4 important suspect within its missing women
5 investigation?

6 A That's correct.

7 Q All right. And so I take it you're not suggesting
8 that the VPD should have simply got into their
9 cars and driven out there and taken over in the
10 way you might see the FBI take over an
11 investigation on a television police show?

12 A In what point are we talking about? What time
13 frame?

14 Q Well, you asked and quoted this: That you asked
15 several officers why they did not drive out to
16 Coquitlam and begin investigating Pickton
17 themselves?

18 A Yes.

19 Q Now, that's something that received -- that kind
20 of conduct received negative comment from you in
21 respect of Corporal Henley not advising the other
22 police agencies as to what he was doing and simply
23 going out to the Pickton farm and doing some
24 investigation himself. Do you remember that?

25 A I do, but I don't think you can draw the two to

1 use them in the same context. What I was asking
2 was with regards to if Vancouver Police Department
3 recognized that Coquitlam were not treating
4 Pickton as a suspect, as a priority, because of
5 other things going on in their detachment, I still
6 think that the Vancouver -- I struggle to
7 understand why Vancouver Police didn't drive out
8 to Coquitlam to conduct an investigation with
9 regards to Pickton in relation to their missing
10 women.

11 Q Okay. Let me push back a little bit on that. In
12 your report one of your answers to this problem
13 that the Vancouver Police Department faced with
14 the languishing Coquitlam investigation into
15 Pickton -- one of your answers was that Sergeant
16 Field should have made the Pickton investigation
17 her priority, as you say, and either personally or
18 through her chain of command?

19 A That's correct.

20 Q And I take it that through her chain of command,
21 the suggestion there is that she would report up
22 through the chain of command that this was a
23 problem, that this was a suspect of interest to
24 Vancouver and would have hoped that someone higher
25 up in the rank structure would communicate with

1 the RCMP and tell them to effectively get a move
2 on?

3 A Yes.

4 Q And I suggest to you that that's a -- a much more
5 common and reasonable proposition than driving out
6 and taking over the investigation physically. And
7 I want to -- before you answer that, let me just
8 run a couple of other suggestions as to what might
9 have occurred if police agencies here were working
10 as they should. Given Coquitlam's languishing
11 investigation, and purportedly because they were
12 too busy with other homicides, Coquitlam could
13 have asked the RCMP Major Crime for assistance or
14 asked them to take over the case, fair?

15 A Fair.

16 Q That would be a reasonable approach for Coquitlam
17 to take given its relationship with Major Crime
18 RCMP and given the problems that it was facing
19 with respect to this high priority suspect?

20 A Yes.

21 Q Secondly, Coquitlam could have asked the Unsolved
22 Homicide Unit to assist or take over the case
23 perhaps given that they were already contributing
24 some officers and had some interest in Pickton
25 over the years?

1 A I agree. I asked Sergeant, I think, Pollock why
2 they wouldn't have done that. He suggested they
3 wouldn't do that. Coquitlam was responsible. But
4 I looked at that as an outsider and said, well, I
5 recognized Pickton as a priority and because of
6 ongoing issues within my detachment, I would have
7 reached out to the Serious Crime Unit, E Division
8 Major Crime to ask for their assistance.

9 Q Right. If you're having trouble getting to it, it
10 doesn't hurt to ask?

11 A I agree.

12 Q All right. And so in that vein Coquitlam could
13 have asked the VPD to assist or take over the
14 case?

15 A Yes.

16 Q And another possibility was that VPD management
17 could have met with the RCMP in Coquitlam or with
18 RCMP Major Crime and insisted they get on top of
19 their investigation?

20 A Yes.

21 Q We discussed that. And perhaps if the RCMP for
22 some reason was simply not acting, the VPD could
23 have gone to the solicitor general or Police
24 Services Unit of the solicitor general and asked
25 for some assistance in reprioritizing the case out

1 there. That's another option?

2 A Yes. I wouldn't say that's an option I would be
3 familiar with from my own experience, but --

4 Q Fair enough. So as I read and what I'm confirming
5 here with you, I think, is that when you say the
6 VPD could have just got in their cars and driven
7 out there and taken over the Coquitlam
8 investigation, that's a little bit tongue in cheek
9 in the sense of that wouldn't physically be what
10 they do, but you were looking for a proactive
11 approach to a languishing investigation in another
12 municipality?

13 A Yes. I definitely was not being tongue in cheek.
14 I was suggesting that if they recognized that the
15 RCMP weren't taking the priority that they felt
16 should have, I think they should have done
17 something, then, to make it their own priority,
18 whether that be go up the chain of command and
19 contact the RCMP or whether -- there was nothing
20 stopping them from conducting an investigation,
21 whether they contact the RCMP saying, "Okay. You
22 are now saying it's not your priority, so we are
23 going to follow up."

24 Q Okay. But the idea would be communication?

25 A Yes.

1 Q It would be unsafe to simply go out and start
2 conducting an investigation when you don't know
3 what -- what police agency out there might be
4 doing?

5 A Oh, I agree.

6 Q There might be an undercover operation?

7 A Oh, I agree. They have to communicate.
8 Communication's key.

9 Q All right. So really what you were getting at is
10 the option of VPD management saying, "Look, you're
11 not doing it. Give it to us. We can do it"?

12 A Yes. Yes.

13 Q All right. Now, you specifically mentioned
14 Sergeant Field in the passage that I quoted, but I
15 take it that you don't lay all the VPD's errors
16 that you've identified in this regard at Sergeant
17 Field's feet?

18 A No. Not at all.

19 Q All right. And -- because there were others that
20 share responsibility on the VPD side?

21 A Yes.

22 Q You identified those?

23 A Yes.

24 Q Who you thought might have been responsible at
25 length in your report?

1 A Yes.

2 Q All right. And I take it that further, in your
3 opinion, the notion that the VPD could have done
4 more doesn't in any way let Coquitlam RCMP off the
5 proverbial hook for the state of its investigation
6 after the summer of 1999?

7 A No. Not at all.

8 Q Because, of course, it was the agency that was
9 telling the other police agencies that had had
10 ownership of the Pickton investigation and that it
11 was advancing it, but, in fact, it was doing very
12 little and was not asking for help?

13 A Yes.

14 Q All right. The RCMP Major Crime bears some
15 responsibility here too in the sense that they
16 knew about this case in Coquitlam and they knew it
17 was a high priority and didn't step in in any
18 supervisory manner and say, "Can we help?"

19 A Well, I think the E Division Major Crime, because
20 I was trying to find that out, they were relying,
21 I believe, on Corporal Henley's opinion or
22 assessment of Pickton as a suspect, so --

23 Q But there was also involvement from Sergeant
24 Davidson and Gary Bass, correct?

25 A Yes.

1 Q And so -- in fact, I want to show you a document
2 in that regard. Just turn to Tab 1 of this,
3 deputy chief. It is a January 20, 2000 report
4 from Sergeant Field to her acting inspector at the
5 time, Dan Dureau?

6 A Yes. I recall this.

7 Q And in the -- what she's reporting about is that
8 she had met with Keith Davidson, the criminal
9 profiler?

10 A Yes.

11 Q And Scott Filer, geographic profiler, both from
12 the RCMP?

13 A Yes.

14 Q And Keith Davidson had previously done a profile
15 in the preceding summer that had been provided to
16 the Missing Women Review Team. Do you recall
17 that?

18 A He had. Yes, I do.

19 Q And you can see here in the second sentence
20 Sergeant Field writes:

21 We also discussed many of our current
22 subjects of interest, including POI --
23 I think it's 19. I find it very difficult to
24 read.

25 -- 2 POIs and Robert Pickton, among others,

1 and how some of them have been eliminated in
2 relation to the Agassiz prostitute homicides
3 from 1995.

4 A Yes.

5 Q And then if you drop down a paragraph, she
6 introduces the next paragraph by saying:

7 To this end, we will be developing a proposal
8 to formally review the above-mentioned files
9 and related suspects.

10 A That's correct.

11 Q And so this memo shows involvement from the RCMP
12 Profiling and Geographic Profiling Unit?

13 A Yes.

14 Q And then if you flip over the tab, a month
15 later -- a little more than a month later we have
16 February 10, 2000. And this is the very period
17 when the Coquitlam investigation is certainly in
18 languishing mode, I would suggest?

19 A February, 2000? I have to check my time line. I
20 thought February, 2000 --

21 Q They had done the interview --

22 A January 19th they did the interview, but I thought
23 in February while -- I thought it was interesting
24 while VPD were meeting with Davidson, Davidson was
25 also meeting with Coquitlam RCMP, all with

1 Pickton, so --

2 Q Correct. Sorry. I should clarify. Languishing
3 but for the activity that's indicated in this
4 report, I would suggest, because if you look in
5 this report in the first sentence:

6 On this date, myself --

7 This is from Detective Constable Lori Shenher to
8 Sergeant Field.

9 A Yes.

10 Q

11 On this date, myself, Shenher, Detective
12 Lepine and Detective Constable Chernoff
13 attended a meeting at E Division Headquarters
14 to liaise with their members investigating
15 the unsolved homicides of three women found
16 in the Agassiz area.

17 And then the next paragraph:

18 The meeting was called by Keith Davidson and
19 Scott Filer of the E Division Criminal and
20 Geographic Profiling Section and included
21 Marg Kingsbury --

22 Who ends up staying with the file eventually for
23 quite some period?

24 A Yes.

25 Q

1 Nicole St. Mars, Paul McCarl and Grant
2 Johnston. McCarl provided us with the
3 complete files on these three homicides and
4 we discussed them and our 27 files at length.
5 Several persons of interest were discussed,
6 most notably William Robert Pickton.

7 And it goes on to say:

8 Davidson and Kingsbury are going to meet with
9 Dave McCartney (who is now handling the
10 Pickton file in Coquitlam) as well as put
11 together a package on another POI for the
12 rest of us.

13 And that fellow was in a -- serving a 25-year
14 sentence. And this is the report that over the
15 page we see that -- yes. Some people would call
16 action items here.

17 Davidson and Filer going to submit a proposal
18 to Gary Bass asking for funding and resources
19 for the following.

20 And included in there is re-opening the Pickton
21 file, which was an odd comment that you had noted
22 in your report --

23 A Yes.

24 Q -- as to why it was referred to as re-opened when
25 it shouldn't have been closed and wasn't closed?

1 A That's correct.

2 Q And then you see a couple of bullet points down:

3 Propose a Joint Forces Task Force and failing
4 funding from the RCMP, they are prepared to
5 go to the Attorney General.

6 A Yes.

7 Q And so this is the kind of communication about the
8 Pickton file that I suggest you would have hoped
9 to see at this juncture where Detective Constable
10 Shenher and Sergeant Field and the others in the
11 Missing Women's Review Team are encouraging
12 members of the RCMP to -- Major Crimes to get
13 involved and heighten the Pickton investigation?

14 A Yes.

15 Q All right.

16 A I agree with your comments, but I would have liked
17 to have seen this sooner than February, 2000.

18 Q Yes. And I take it you also would have liked to
19 have seen a more senior VPD member assisting in
20 those discussions directly?

21 A Yes.

22 Q But, in any event, it sheds some light on Sergeant
23 Field's state of mind in February of 2000,
24 believing that things were now happening?

25 A Yes.

1 Q All right. Now, the next subject I want to
2 address is your comments about Coquitlam's failure
3 to advance the file in the absence of public
4 pressure. And really I just want to clarify what
5 you meant by some comments on 8-45 and 8-46 in
6 your report. And the comments I had in mind here
7 are as follows where you say -- I should direct
8 you to the paragraph. At the very last paragraph
9 in 8-45 you'll see in the second sentence you say:

10 In my opinion they --

11 Being Coquitlam RCMP.

12 -- did not feel the pressure from the missing
13 women investigations.

14 A Yes.

15 Q And then you note -- and we've just discussed
16 this -- that on the next page at the top,
17 Pickton's file remained dormant until February,
18 2002. And when you talk -- when you say about --
19 discuss Coquitlam not feeling the pressure from
20 the missing women investigations, am I right that
21 what you're referring to there is feeling the
22 pressure from the media and community group
23 interests and actions that was keeping this issue
24 in the spotlight in Vancouver?

25 A Yes.

1 Q And you acknowledge, though, I take it, that
2 Coquitlam RCMP always knew that while their
3 investigation was specific to Pickton, to one
4 suspect, that suspect was -- there was a number of
5 pieces of evidence that suggested that he may be
6 responsible for more than just the woman hanging
7 in the barn as reported by Ellingsen and may in
8 fact be connected to the missing women?

9 A Yes.

10 Q And may be a serial killer?

11 A Yes.

12 Q And so -- so given that, I take it you don't
13 suggest for a minute that because there was less
14 media pressure or community pressure on Coquitlam,
15 it was in any way acceptable for them not to be
16 taking an investigation of a potential serial
17 killer as the highest priority?

18 A No. And I think, to be fair, when I made that
19 comment about they weren't feeling the pressure,
20 they also weren't feeling the pressure that it
21 was -- of the investigations of the missing women
22 as well. So it wasn't just the community
23 pressure, but it was also the pressure of
24 recognizing they had -- they had the
25 investigations under their control.

1 Q The weight of the -- and the number?

2 A Yes.

3 Q All right. Now -- and so am I right, though, that
4 the point that's contained within that sentence is
5 also that as a pragmatic and practical fact,
6 police departments are particularly sensitive to
7 community and media attention from within their
8 own communities that they're serving, from their
9 own constituency?

10 A I would agree with that.

11 Q And so that ties into your views on
12 regionalization, I take it, in the sense that if
13 you have a metropolitan area, criminals operate
14 within a metropolitan area and the police response
15 and the setting of police priorities ought to be
16 done on a regional basis as well?

17 A Well, I'm not sure I expressed any views of
18 regionalization. My view was on jurisdictions of
19 and jurisdictions with regards to policing and
20 priorities.

21 Q And do you have a view on regionalization? There
22 was a sentence within your report that suggested
23 that your view was that the Pickton investigation
24 would have likely been better addressed if there
25 was one police agency responsible for that

1 investigation across Vancouver and Coquitlam?

2 A And I made that comment just with regards to
3 jurisdiction, in fact, and that goes back to that
4 line that I felt that if the pressure for the
5 investigations of the missing women and a suspect
6 lived in the same jurisdiction, I believe they
7 would have received quicker action and
8 attention --

9 Q Right.

10 A -- than having to be receiving barriers as a
11 result of jurisdictional policing -- policing
12 jurisdictions.

13 Q And so if there had been one jurisdiction, the
14 same police chief would be feeling the pressure
15 from the community groups in the Downtown Eastside
16 and be motivated to allocate more resources to a
17 prime suspect --

18 A Yes.

19 Q -- living in Coquitlam?

20 A Yes.

21 Q All right. Now, I think I can do this next bit in
22 the six minutes I've got here for today. This is
23 just simply a correction. I just want to make
24 it -- I just want to take you to it so that you
25 can confirm what I think appears to be an error.

1 And it's on 8-145, bottom paragraph of that page.

2 In the first sentence you say:

3 In July, 1999 the announcement of the reward
4 and the missing women poster heightened the
5 awareness of the public and provided an
6 avenue for tips to be generated, but it was
7 not until November that the VPD disclosed to
8 the media the possibility of a serial killer.

9 And then you go on to refer to Constable Drennan's
10 comments in the *Elm Street* magazine?

11 A Yes.

12 Q I heard you, I think, on Tuesday, if my memory's
13 right, that you hadn't reviewed in detail the
14 media binders that were disclosed among the VPD's
15 materials?

16 A That's correct.

17 Q Is that correct? Okay. So this is likely where
18 this issue originates. If you can go back to that
19 Cerloxed set of exhibits that I provided to you?

20 A Yes.

21 Q And turn to Tab 4. Tabs 4, 5 and 6 are *Vancouver*
22 *Sun* articles, and the first one's from September
23 18, 1998 and it's from Lindsay Kines, who wrote
24 many significant articles on this case. And I
25 just want to direct your attention to the second

1 page of that to the fourth full paragraph. You'll
2 see:

3 Inspector Fred Biddlecombe, who oversees the
4 homicide, sex offence and missing persons
5 sections, is not ruling out the possibility
6 of a serial killer, but he said there is no
7 evidence to suggest that at this point.

8 A Yes.

9 Q And then if you flip over to the next tab, Tab 5,
10 we have another article. This one is from May 18,
11 1999?

12 A Sorry. Just if I can go back to Tab 4.

13 Q Yes.

14 A But doesn't it say on the first page of this one
15 when it's talking about Greer and how he's
16 developed a working group and doesn't he quote it
17 there saying "We're in no way saying there is a
18 serial murderer out there"?

19 Q Yes. And then that seems to be contradicted by
20 Inspector Biddlecombe of Major Crime who suggests
21 it's possible. And just for clarity, I'm in no
22 way going to suggest to you that these replaced,
23 for example, the need for a warning to be issued
24 or the utility of a warning, but simply to note
25 that in the media there was prior to July, 1999

1 commentary from the Vancouver Police Department
2 suggesting the possibility of a serial killer,
3 although, as Deputy Chief LePard has said, in many
4 cases that was downplayed unnecessarily and not
5 appropriate. So that's all I'm turning your
6 attention to, is the comment from Fred
7 Biddlecombe.

8 A I see.

9 Q And then the next tab is a comment from May 18,
10 '99 with respect to Kim Rossmo, the Detective
11 Inspector Rossmo, and his involvement in the case,
12 which, of course, is only as an expert on serial
13 killers. His involvement signifies that a serial
14 killer is being viewed as a possibility by the
15 Vancouver Police Department. And that can be seen
16 second paragraph from the bottom:

17 The mysterious disappearances of the women
18 have sparked fears a serial killer may be at
19 work.

20 And then if you can tie that over to the sixth
21 paragraph from the bottom on the second page, it's
22 quoted that -- Kim Rossmo's quoted as saying:

23 There is no conclusive evidence that there is
24 a single predator, "but we have to consider
25 that as a definite possibility."

1 A I see that. Yes.

2 Q And then the last one is on the 6th tab. It's
3 from September 23, 1999 and it's on the second
4 page. It's a comment three paragraphs from the
5 bottom from Constable Drennan:

6 Every door remains open. The possibility of
7 foul play, serial killer, multiple killers is
8 still out there and we're not closing that
9 door in any way.

10 And so all I'm suggesting to you is that the --
11 that the *Elm Street* article was not the first time
12 that the possibility of a serial killer was
13 mentioned by the Vancouver Police Department to
14 the media, although, as I said, it's not to
15 minimize the issue of whether a warning ought to
16 have been issued or not?

17 A I stand corrected then. So I was unaware of these
18 articles, yes.

19 MR. HERN: Thank you. Mr. Commissioner, my estimate had been
20 two and a half hours. I suspect that I've got
21 half an hour to forty minutes left.

22 THE COMMISSIONER: All right. Thank you. I have to say that
23 we have to stop early tomorrow regrettably because
24 I have to go to a funeral in the afternoon. So we
25 have to stop around 1:30. I apologize for the

1 time. Mr. Peck, you have something?

2 MR. PECK: Just referring to this document that has been put
3 before the witness by Mr. Hern. At Tab 2 I would
4 ask Mr. Hern overnight to clarify two things for
5 us: Firstly, the subject-matter -- whether the
6 subject-matter of that meeting was specifically
7 with respect to the valley murders, the three
8 Agassiz homicides. And, secondly, in the third
9 paragraph it says:

10 Several persons of interest were discussed,
11 most notably William Robert Pickton.
12 And then it says "and", and I can't make out
13 whether that's one or two other POIs.

14 MR. HERN: It's two.

15 MR. PECK: But he's got, I assume, the original document. It
16 might be --

17 THE COMMISSIONER: Okay. Maybe whoever's got the unredacted
18 version can --

19 MR. HERN: We can sort that out and I'll talk to Mr. Peck about
20 the homework that he's asking me to do as to
21 whether it should be me or the witness.

22 THE COMMISSIONER: Yes. Thank you. Yes?

23 MS. HOFFMAN: Commissioner, just a housekeeping matter. Just
24 with respect to Exhibit 64, I just note that it
25 should be reviewed just to ensure that it is

1 the -- or marked as the unredacted version and
2 will need to be reviewed to see if any redactions
3 need to be made.

4 MR. VERTLIEB: Mr. Commissioner, as far as tomorrow's start
5 time, it's clear as much as efforts have been made
6 to finish Miss Evans this week, I want to tell you
7 that she's kindly agreed, and her chief has agreed
8 as well, that she can stay here and come on
9 Monday, but that will be it. She needs to --
10 there are duties she has to have, and we all
11 understood that, to look after, but she can stay
12 here until Monday, and so it is clear that we
13 won't finish her evidence tomorrow based on the
14 outlines. And also I just wanted to tell you that
15 first thing in the morning Mr. Peck, and maybe
16 some others, wish to speak with you about their
17 proposed cross-examination of Miss Evans. I just
18 wanted to give you the information about that.
19 And that can be done first thing in the morning.
20 So I think a 9:30 start time is fine.

21 THE COMMISSIONER: All right. I have to tell you how grateful
22 we all are for you to be here and -- I mean this
23 isn't even your real job.

24 THE WITNESS: It has been though. Thank you.

25 THE COMMISSIONER: I know. And now you're having to spend

1 another weekend here and I just want you to know
2 that I very much appreciate you doing that.

3 THE WITNESS: Thank you.

4 THE COMMISSIONER: I know it's a great personal sacrifice to
5 yourself. Thank you.

6 THE WITNESS: Thank you.

7 THE REGISTRAR: The hearing is now adjourned to 9:30 tomorrow
8 morning.

9 **(PROCEEDINGS ADJOURNED AT 4:00 P.M.)**

10

11 I hereby certify the foregoing to be
12 a true and accurate transcript of the
13 proceedings transcribed herein to the
14 best of my skill and ability.

15 Kathie Tanaka, Official Reporter

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