

Vancouver, B.C.

January 26, 2012

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

THE REGISTRAR: Order. The hearing is now resumed.

MS. SRIVASTAVA: Good morning, Mr. Commissioner. I have not introduced myself to the commission.

THE COMMISSIONER: Yes.

MS. SRIVASTAVA: It's Anila Srivastava.

THE COMMISSIONER: Yes.

MS. SRIVASTAVA: Common spelling. I've provided a spelling for Madam Registrar. I'm assisting David Butcher, who is counsel for Staff Sergeant Brock Giles, retired, of the Vancouver Police Department.

THE COMMISSIONER: All right. Thank you.

MR. VERTLIEB: Thank you, Mr. Commissioner. Let me just give you the outline for today's evidence to conclude Mr. Rossmo, and this is based on our estimates from yesterday and then this morning. Mr. Dickson requires another 10 minutes. Mr. Gratl will be allotted a half an hour. Don Larson from CRAB, who has been ever patient and here many times --

THE COMMISSIONER: All right.

MR. VERTLIEB: -- would like to follow Mr. Gratl, and I think in view of the circumstances I'm going to ask my professional colleagues to accept that indulgence

1 and have Mr. Larson deal with his questions. And
 2 he's put together an outline of what he wants to
 3 ask, so I think he's going to be efficient. Then
 4 DOJ is 30 minutes. Mr. Peck had indicated some
 5 time ago 20 minutes, and I'm not sure if that's
 6 still accurate, but I'll leave it in place at 20
 7 because it works. Mr. DelBigio wants no more than
 8 half an hour, Mr. Henderson no more than 10
 9 minutes for Mr. Greer, and Mr. Neave has just
 10 indicated 30 minutes. And Mr. Butcher's client,
 11 who just introduced herself to you, is 10 minutes.
 12 So we'll be fine today to get through it, but I
 13 wanted to give you those time slots so that could
 14 be monitored, and, of course, Mr. Giles can help
 15 with that.

16 THE COMMISSIONER: Well, I just -- I just want the lawyers to
 17 keep to those times because Dr. Rossmo has got
 18 other commitments, and so, in any event, I'm sure
 19 you will.

20 MR. VERTLIEB: Now, secondly, just since we've --

21 THE COMMISSIONER: Mr. Hira is standing up.

22 MR. HIRA: I will be less than 10 minutes.

23 MR. VERTLIEB: I'm sorry, Mr. Hira.

24 MR. HIRA: That's okay. I estimated an hour, and I'll be less
 25 than 10 minutes.

1 MR. VERTLIEB: Yes.

2 MR. PAISANA: Yes, Mr. Commissioner, my original estimate was
3 20 minutes. I'm here on behalf of Mr. Peck, and I
4 expect that will be truncated somewhat by what my
5 friends at the DOJ will be doing today.

6 MR. VERTLIEB: That's fine. Thank you.

7 THE COMMISSIONER: All right. Thank you.

8 MR. VERTLIEB: Now, secondly, we've been sitting longer hours
9 and days that weren't planned just because of the
10 exigencies of the moment, as it were, but I think
11 it's best that we plan to revert to the
12 traditional schedule, the Monday through Thursday
13 sitting, leaving Fridays available for everyone,
14 and that will be the plan barring some unusual
15 event. We will do everything we can to sit Monday
16 through Thursdays on a more regular time basis.
17 We've really been sitting extra hours, and it's
18 hard on -- it's difficult for everyone when we do
19 that.

20 THE COMMISSIONER: No, I understand that.

21 MR. VERTLIEB: And then, finally, I was reflecting on the
22 expertise qualification for Professor Rossmo last
23 night, and it seems to me hearing the evidence and
24 reflecting on some of the documents that have been
25 put in his expertise really is in the field of

1 serial murder and criminal investigation, those
2 two areas. That's what emerges, and I think it
3 should be recognized that way.

4 THE COMMISSIONER: Well, he has been giving evidence in that
5 area now, so --

6 MR. VERTLIEB: Yes, exactly. Thank you.

7 THE COMMISSIONER: Thank you.

8 MR. VERTLIEB: Thank you, Mr. Commissioner, and I appreciate --

9 THE COMMISSIONER: All right. Mr. Dickson.

10 MR. DICKSON: Yes, Mr. Commissioner. Tim Dickson for the
11 Vancouver Police Department.

12 **CROSS-EXAMINATION CONTINUED BY MR. DICKSON:**

13 Q Dr. Rossmo, good morning. Yesterday I was taking
14 you through some of your proposed solutions that
15 you'd set out in your PowerPoint presentation. Do
16 you recall that?

17 A Yes, I do.

18 Q And as we saw yesterday, it's fair to say that the
19 VPD has made a lot of changes since 2002,
20 including with respect to some of your proposed
21 solutions; is that right?

22 A Yes, that is correct, Mr. Commissioner.

23 Q But, of course, there are further improvements
24 that could be made, Mr. Commissioner, and it's
25 critical that this commission examine those. And,

1 Dr. Rossmo, one theme you spoke of in your
2 evidence is managerial accountability; is that
3 right?

4 A That is right.

5 Q And yesterday we were speaking of the CompStat
6 program. Do you recall that?

7 A Yes.

8 Q And you had mentioned that program in your
9 evidence in chief as being an example of a system
10 that the New York Police Department had put in
11 place to increase accountability among managers?

12 A That's right.

13 Q And CompStat, of course, stands for Computer
14 Statistics, but it's not so much a computer
15 program as an accountability system?

16 A Yes.

17 Q And we heard that the VPD instituted its own
18 CompStat program in 2005?

19 A I know they had such a program. I just don't
20 know when.

21 Q You didn't know 2005, but you know that they
22 instituted their own program?

23 A Yes.

24 Q And I take it you would regard that as a very
25 positive program for the VPD to put in place?

1 A Yes. If it's done correctly, it can be very, very
2 helpful to prevent situations like this from
3 falling between the cracks.

4 Q And here's what I want to ask you about this
5 morning, and it's just -- it's one more possible
6 solution that I'm going -- that I'm going to
7 suggest this commission should have a look at. I
8 am going to ask for your comments on it, and so
9 let me explain this possibility in a little bit of
10 length and then I am going to ask you for your
11 comments on it. The concept that the VPD believes
12 would be very useful is a sort of regional
13 CompStat program, because at present there's no
14 process for -- no formal process for police
15 leaders in the region to meet in a regular
16 structured forum to focus on crime fighting
17 regarding serious offences, and the thought is
18 that there needs to be a formalized program to
19 drive linked multi-jurisdictional investigations.
20 This occurs to some extent now, but it's ad hoc
21 and informal, and the thought is that police at a
22 senior level throughout the region need to meet on
23 a routine basis to discuss these investigations in
24 a formalized way. There needs to be an over-
25 arching protocol that operates routinely and

1 doesn't just bring together senior representatives
2 when there's an urgent matter, but on a more
3 regular, structured and routine basis. And so
4 this sort of regional CompStat concept would
5 involve regular structured forums, perhaps six
6 times a year, and it would involve senior
7 representatives from every police agency in the
8 region to discuss current crime issues and that
9 way ensure effective exchange of information and
10 prioritizing investigations and ensuring proper
11 allocation of resources to those investigations.
12 So that's the concept, which I've spoken about at
13 a little bit of length, and I want to ask you
14 whether you have any comments on that. Do you
15 think that would be a move in the right direction,
16 and do you think that's a process that this
17 commission should look at?

18 A Mr. Commissioner, this is a very intriguing and
19 novel idea. I can certainly see its potential
20 benefits. Two specific points I would make is,
21 one, this presupposes a regional analytic
22 capability, so the analysis capacity to identify
23 common problems when they cross Boundary Road or
24 Fraser River. So that would be a necessary
25 component. The other thing I would say is I'm

1 just not certain how the accountability aspect of
2 a regional CompStat program would work, but, if
3 nothing else, identifying problems and keeping
4 track of them are definitely two steps in the
5 right direction.

6 Q Yes. And remember yesterday we spoke of the
7 possibility of instituting a real-time crime
8 centre, and if that real-time crime centre were
9 put in place, and remember we spoke about it
10 having hopefully, the concept being, analytical
11 capability, then that could work hand in hand with
12 this regional CompStat program? That's the
13 thought, anyway?

14 A Yeah, that would work well, Mr. Commissioner.

15 THE COMMISSIONER: So you may not be able to answer this, but
16 to your knowledge does any other police force here
17 have a similar technology?

18 A I'm aware of many regional intelligence centres in
19 the United States. I'm not aware of any in
20 Canada, but it would not surprise me if at least
21 Ontario has them because of the nature of their --
22 the metropolitan Toronto area, for example,
23 Greater Ottawa.

24 THE COMMISSIONER: In any event, you don't know if any other
25 force here in British Columbia has the same

1 technology?

2 A Not within British Columbia, no.

3 THE COMMISSIONER: All right. Okay.

4 MR. DICKSON: And when we're speaking of the technology there,
5 Mr. Commissioner, were you asking about CompStat?

6 THE COMMISSIONER: Yes.

7 MR. DICKSON:

8 Q And were you addressing that question?

9 A Oh, I was thinking of the regional intelligence
10 centre.

11 THE COMMISSIONER: Well, both, actually. I meant both.

12 MR. DICKSON: Okay.

13 A I do know that there are high-ranking members of
14 the Victoria Police Department who are in
15 Vancouver today to look at the Vancouver CompStat
16 system, so I'm assuming that they're considering
17 this integration, which makes sense considering
18 that Chief Constable Jamie Graham in Victoria was,
19 I believe, the chief constable that set it up in
20 Vancouver, but any other municipality or the RC --
21 I'm not aware.

22 THE COMMISSIONER: Well, CompStat was established here a number
23 of years ago.

24 MR. DICKSON: 2005, Mr. Commissioner.

25 THE COMMISSIONER: Right. Okay. 2005.

1 MR. DICKSON:

2 Q Yes. And so the idea here is regionalizing and
3 having a regional forum for police managers at a
4 high level to come together on a routine basis to
5 analyze crime trends and investigations, and in
6 that general concept you think that would be worth
7 exploring by the commission, I take it?

8 A Yes, Mr. Commissioner. Criminals don't care about
9 the political boundaries, and if we just took a
10 focus say on Port Moody or North Vancouver
11 District we would miss -- we would have a tunnel
12 vision, and it would miss the patterns on the
13 surrounding areas, and it's almost essential, I
14 think, for the most effective and efficient police
15 response.

16 MR. DICKSON: Mr. Commissioner, those are my questions.

17 THE COMMISSIONER: All right. Thank you, Mr. Dickson.

18 MR. DICKSON: Thank you, Dr. Rossmo.

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

20 Q My name is Jason Gratl, and I'm appointed
21 independent counsel to serve the interests of
22 Downtown Eastside individuals and organizations
23 and, in particular, sex workers and drug users.
24 Now, do you prefer Dr. or Professor Rossmo or Mr.
25 Rossmo?

1 A Doesn't matter.

2 Q Okay. I'll go with Professor then. Your direct
3 examination revealed that your belief -- that you
4 believe that there was a management disengagement
5 facilitated in part by the social standing of the
6 victims?

7 A That is correct.

8 Q And I take it that's reflective of the view that
9 the police as an organization do not act in social
10 isolation, they're affected by interested
11 individuals and organizations outside of the
12 police?

13 A That is correct.

14 Q So they're responsive to community pressure then?
15 You mentioned politicians in particular.

16 A I agree that they do respond to community interest
17 and pressure. I'm not sure I would agree that
18 politicians are the most important. You have a
19 myriad of influences, including the media,
20 community groups, the Police Board, and local and
21 provincial politicians.

22 Q Okay. So here in terms of the press, you've got
23 Lindsay Kines and Suzanne Fournier?

24 A Yes.

25 Q And they're almost acting in isolation among the

1 press?

2 A I've had discussions with Lindsay Kines, and he --
3 I actually organized a panel on this particular
4 case at the Western Society of Criminology meeting
5 in February 2011, which was held here in
6 Vancouver, and one of the things he said during
7 his presentation was that he found it challenging
8 to maintain interest within his organization about
9 this case, so -- and I've said this before -- a
10 tremendous amount of credit has to go to his
11 efforts to keep this thing going. I really
12 think --

13 Q Sure. Anybody who --

14 A -- he played a key role in eventually getting to
15 the solution of this case.

16 Q And anybody who spills ink has influence, but he
17 was, relatively speaking, a voice in the
18 wilderness along with Suzanne Fournier; is that
19 right?

20 A Well, I think at the time also Lori --

21 Q Cuthbert.

22 A -- Cuthbert. There was one or two other
23 reporters, but it was a minority.

24 Q And aside from those influences you also had
25 community groups, including business interests and

1 residents' interests, that were not talking about
2 devoting resources to finding missing sex workers,
3 they were talking about devoting resources to
4 ensuring that sex workers weren't a public
5 nuisance, were kept away from schools and
6 residential areas?

7 A I can't say that was happening at that time, but I
8 can say when I was engaged in the Prostitution
9 Task Force in the Mount Pleasant Liaison Team the
10 land-use conflict between the street prostitution
11 trade and in particular residential groups,
12 interest groups was a significant issue and
13 probably one of the reasons for the formation of
14 the Mount Pleasant Liaison Team in the first
15 instance.

16 Q Sure. I mean, an entire team was formed by the
17 VPD to respond to community pressure regarding
18 public nuisance associated with sex workers?

19 A I'm sorry, which team are you speaking of?

20 Q The Mount Pleasant Liaison Team.

21 A Well, the team was two people, Mr. Commissioner,
22 but, yes, I would definitely say that we -- our
23 formation was a result of public pressure.

24 Q I'm just saying that in one area you had two
25 officers devoted to liaison, whereas you only had

1 one officer working three-quarters time looking at
2 missing persons up until Amelia was formed?

3 A I'm not sure the percentage of time of Detective
4 Constable Lori Shenher, but -- I'm only aware of
5 at least her being involved. I just don't know
6 what her percentage of time is.

7 Q But whatever the balance of forces here, you've
8 got community groups saying that there are missing
9 persons and unaddressed homicides, unsolved
10 homicides, including the First Nations Summit; is
11 that right?

12 A I'm not aware of that. It could well be. I
13 just -- as I said before, Lori Shenher primarily
14 was the individual throughout my time with the VPD
15 that was engaged with the community groups and the
16 victims' families, so my knowledge is secondhand,
17 unless she had some reason to tell me about
18 something, for example, when I went to WISH.

19 Q If you hadn't heard, then just say, "No, I hadn't
20 heard of the First Nations Summit." I only have
21 half an hour --

22 A Okay. I hadn't heard of the First Nations --

23 Q -- so I need to --

24 A Okay.

25 Q Have you heard the First Nations Summit complained

1 about missing persons and unsolved homicides of
2 First Nations people?

3 A In 1998, 1999, no.

4 Q All right. How about Jamie Lee Hamilton, a sex
5 worker advocate?

6 A I'm not sure.

7 Q Okay. How about Prostitution Alternatives
8 Counselling and Education?

9 A No.

10 Q Okay. That's the PACE group.

11 A Oh. Oh. I'm sorry, Mr. Commissioner. Yes, I
12 have heard of them.

13 Q But did you hear about them -- did you hear them
14 saying that there were unsolved homicides, too
15 many unsolved homicides and missing persons files?

16 A Yes, I'm just not sure when I heard of that. It
17 may have been after I left the VPD.

18 Q Okay. How about the CRAB people, Water for Life,
19 Don Larson and Kelly White?

20 A In relationship to the letters he wrote to the
21 Vancouver Police Department, yes.

22 Q Sure. You had some dealings with him personally,
23 didn't you?

24 A Yes.

25 Q Okay. And then there's the February 14th

1 marchers. Did you hear about that annual march?

2 A I've heard of marches, but, I'm sorry, Mr.
3 Commissioner, I just don't know the details of
4 which group and what time, what date.

5 Q Okay. So you did know there were marches that
6 spoke to the missing and murdered women?

7 A Yes. Yes.

8 Q And you knew that at around 1998?

9 A No, I think it was later.

10 Q Okay. And then there's the battered women's
11 organizations as well that were bringing these
12 matters to the attention of the VPD in around that
13 time?

14 A I have no knowledge of that.

15 Q Okay. But whatever the balance was, there was --
16 you're saying that overall this balance
17 facilitated a disengagement by management?

18 A I'm saying that the marginal status of street
19 prostitution as victims I think, in my opinion,
20 resulted in disengagement by VPD management.

21 Q And part of the way you come to this conclusion
22 that there's a certain disengagement is by looking
23 at the resources that were devoted to missing
24 women?

25 A That's correct, Mr. Commissioner.

1 Q So you're looking at Missing Persons Unit devotion
2 of Lori Shenher to this issue and saying that you
3 can tell how much interest and how seriously the
4 issues were taken by how many resources were
5 devoted?

6 A Yes, and also the type of resources. You define
7 the problem by the tool that you use to address
8 it. Assigning a Missing Persons detective
9 suggests that -- and only a Missing Persons
10 detective suggests that you're seeing the problem
11 as just finding missing people.

12 Q And even Amelia, you characterized that as one-
13 tenth the size of what it should have been?

14 A Yes. I mean, maybe one-fifth, maybe one-
15 twentieth. My point is it wasn't anywhere near
16 the level of resources a, at this point, probable
17 serial murder investigation required.

18 Q And I take it that's what you were telling the
19 members of Project Amelia in and around April of
20 1999, when it was formed, that there just aren't
21 enough people here, you need more people?

22 A I believe it was in May. But, no, I didn't tell
23 them. One, I was not aware that they weren't
24 really 10 people. I didn't realize the other
25 commitments and tasks outside of the missing women

1 review that the individuals had to engage in. And
2 I also think they were realizing very soon
3 themselves without me telling them that they were
4 under-resourced.

5 Q But when did you first realize, when were you
6 first told that they were realizing they were
7 under-resourced?

8 A I think, actually, it was an article in the
9 *Vancouver Sun*, and it may not have been until
10 2000. I was optimistic about Project Amelia in
11 the beginning.

12 Q Okay. So you say the summer of 1999? When did
13 you find out that the Project Amelia members
14 considered themselves to be under-resourced? That
15 was my question.

16 A Might not have been until 2000. I just can't say
17 for sure. But I do remember a *Vancouver Sun*
18 article about the fact that the actual FTEs, full-
19 time equivalents, wasn't anything near what the
20 Vancouver Police Department was saying. I believe
21 that's somewhere in the commission's material. I
22 can't remember the date of the article.

23 Q Sure. But when you look at the Spokane Killer
24 investigation, eventually which caught Robert Lee
25 Yates, he was active from '96 to '98, right?

1 A I can't remember off the top of my head, but it
2 would be approximately in that time period.

3 Q Okay. And he preyed on sex workers?

4 A Yes, he did.

5 Q Okay. And did you know -- were you consulted in
6 relation to that investigation?

7 A No, but I did have some discussions with the
8 detectives because we gave a presentation at
9 Spokane, but I was not formally consulted.

10 Q That investigation, you are aware now, had at
11 least 10 times the number of people that Amelia
12 had?

13 A I don't know the number, but I do know, Mr.
14 Commissioner, that generally a serial murder
15 investigation involves 30 to a couple of hundred
16 detectives depending on the scope.

17 Q Okay. And the Green River Killer, Gary Leon
18 Ridgway, was caught in November 2001?

19 A Yes, sir.

20 Q And he was active for about 20 years, 15 years?

21 A No, not exactly. He was very active in the early
22 to mid-'80s, and then he stopped, but he didn't
23 stop completely. I think he did two more murders
24 after his period of intense activity and then was
25 subsequently caught through DNA analysis.

1 Q But his -- the Green River Killer was obviously
2 extremely well publicized?

3 A Yes, it was.

4 Q And a corresponding level of resources was devoted
5 to the investigation of Mr. Ridgway? There were
6 hundreds of officers at various times working on
7 that file?

8 A I can't -- I don't know the exact number. I do
9 know that initially there were criticisms that
10 they did not respond with enough resources at the
11 very beginning, but when they did, there was a
12 very large task force formed, I think from Seattle
13 and King County. You know, they actually had to
14 have a separate building to house everybody.

15 Q Okay. So in the Pacific Northwest just below our
16 border there was the Spokane Killer and the Green
17 River Killer working by targeting prostitutes, sex
18 workers at the same time as this missing women
19 phenomenon was occurring in Vancouver?

20 A I think there was an overlap with Yates but not
21 really with Ridgway.

22 Q All right. And in terms of what was happening
23 north of the border, we had -- this is described
24 in your slide -- Eclipse number 1 operating from
25 1988 to 1990? I'm just dealing here with serial

1 killers that were targeting sex workers. Eclipse
2 1, 1988 to 1990?

3 A I'm sorry, sir, what is the question?

4 Q North of the border we had Eclipse 1, 1988 to
5 1990, targeting sex workers?

6 A Yes.

7 Q And I take it by the designation Eclipse 1 it
8 means that the pattern of or the linkage between
9 various unsolved homicides was established after
10 Project Eclipse? That's why the designation is
11 Eclipse 1; am I correct?

12 A Yes, one of the purposes of Eclipse was to
13 identify series. I think they identified four or
14 five series. What I did, Series 1 was identified
15 with a reasonably high probability, 2 and 3 with a
16 slightly lower probability, then 4 and below with
17 -- just as a possibility.

18 Q Okay. So Project Eclipse concluding -- was that
19 1991 or 1992?

20 A I believe it was 1991.

21 Q Okay. So in 1991 Project Eclipse identifies
22 possibly four serial killers preying on sex
23 workers. Was there any task force created to
24 solve these homicides or find these serial killers
25 who were targeting prostitutes?

1 A To my knowledge, no. I do know, though, that the
2 RCMP, and I believe this was before Project
3 Eclipse, but, again, I'm just not certain, formed
4 a team to look at murders of women generally,
5 though I'm not quite sure what happened with that.
6 It wasn't restricted to sex trade workers.

7 Q VPD didn't do anything of that sort, did they?
8 They didn't create a task force to go after these
9 Eclipse killers?

10 A I know individual detectives were working on the
11 cases, but, no, there was no task force or any
12 special effort.

13 Q I take it you would consider that to be a form of
14 management disengagement as well? If you know
15 them by their fruits, there aren't a lot of fruits
16 here.

17 A I'm just reluctant to comment without specifically
18 reviewing the cases and the potential for leads
19 and other opportunities.

20 Q Fair enough. So -- but you don't know of any
21 Eclipse-based task force?

22 A No, and I very likely would have heard if such a
23 thing occurred.

24 Q Sure. And aside from that we have Jordan that
25 targeted sex workers from 1980 to '87?

1 A Yes.

2 Q And Allender in 1992, again targeting sex workers?

3 A Yes. He was convicted of one murder but believed
4 to have done others because of what he actually
5 did during the murder.

6 Q And then aside from that we've got the Agassiz
7 killings that definitely look related?

8 A That's correct. I believe the links were
9 established forensically.

10 Q Okay. And they're linked in terms of where the
11 bodies were dumped and also in terms of where the
12 victims were associated with?

13 A I think, actually, the links were through DNA, Mr.
14 Commissioner, so there was no doubt. Plus, as you
15 said, the bodies were dumped very, very close to
16 each other.

17 Q Okay. And the Agassiz killer, there was no task
18 force that you know of aside from Evenhanded that
19 dealt with the Agassiz killer?

20 A I don't know if that was an RCMP file. I just
21 don't know.

22 Q But they were -- they went missing from Vancouver?
23 They were associated to Vancouver, weren't they?

24 A I believe they were associated with Vancouver, but
25 I'm not sure if there was much of a gap as them

1 being missing persons before the bodies were
2 found. I'm just not certain of that.

3 Q Aside from that, you mentioned in your interview
4 with Evans a Trail of Tears killer --

5 A Yes.

6 Q -- active at the time?

7 A Yes.

8 Q And that was known in 1998?

9 A Yes, it was.

10 Q All right. So I put it to you that in the Pacific
11 Northwest, I'm counting here, including Pickton,
12 10 serial killers acting from 1980 to 2000 in the
13 Pacific Northwest?

14 A Well, I would actually suspect there's more,
15 your -- Mr. Commissioner, because we're not even
16 considering other -- we're just looking at the
17 most famous cases from Washington State. I know
18 they've identified other patterns, and considering
19 the population of the Pacific Northwest I'm very,
20 very sure we would be looking at many more.

21 Q So if somebody were to suggest in 1998 there might
22 be a serial killer preying on sex workers in the
23 Downtown Eastside, your answer would have been of
24 course?

25 A Well, I wouldn't have said of course, but I would

1 say this is something that we have to give serious
2 consideration to. The likelihood, when we
3 consider the risk, the likelihood is definitely
4 there, and that's why it warranted further
5 exploration.

6 Q Well, at any given time, according to the
7 information that you've just -- the evidence
8 you've just given, there seemed to be upwards of
9 three serial killers operating in the Pacific
10 Northwest targeting sex workers?

11 A Well --

12 Q It shouldn't come as a surprise to anybody that
13 there might be a serial killer targeting sex
14 workers in the Downtown Eastside of Vancouver?

15 A I can safely agree with that, Mr. Commissioner.

16 Q Now, of course, when anybody asked you whether
17 there was a reasonable chance there was a sex
18 worker targeting -- or a serial killer targeting
19 sex workers, you responded with the information
20 that there have been an endless procession of
21 serial killers targeting sex workers in the
22 Pacific Northwest?

23 A Well, I wouldn't say there was a procession, but a
24 significant number.

25 Q All right.

1 A Again, Mr. Commissioner, serial murder is rare,
2 but when we look over a large enough area and
3 enough time and then we look at a high-risk group,
4 like street prostitutes, then it becomes much less
5 rare.

6 Q Okay. So I now want to take you back to your
7 role. Major Crime Squad in August of 1998, that's
8 Inspector Biddlecombe? He's in charge of that?

9 A Yes, sir.

10 Q Inspector Greer is in charge of District 2?

11 A Yes, Mr. Commissioner.

12 Q They have overlapping jurisdictions, in effect.
13 District 2 is a territorial jurisdiction, correct?

14 A Yes.

15 Q And the Major Crime Squad is a jurisdiction or
16 authority based on typology?

17 A On type of crime, Mr. Commissioner.

18 Q Okay. So there's the Sexual Offence Squad, the
19 Robbery Squad, and the Homicide Squad, correct?

20 A Correct.

21 Q And any time a crime or potential crime is
22 identified as one of those, either a potential
23 homicide, potential sex crime or potential
24 robbery, Biddlecombe has responsibility for that,
25 and all other crimes within that territory, that's

1 Greer's responsibility, correct?

2 A That's a bit of an oversimplification. Having
3 worked District 2 myself, I know that I've
4 investigated without Major Crime's involvement
5 attempted murders, many, many, many robberies,
6 many sexual assaults. So it sometimes depends on
7 the complexity of the file, the amount of time the
8 investigation is going to take. Patrol's referred
9 to in the VPD as the primary investigation unit,
10 and sometimes -- I think we did one review, and
11 over 90 per cent of investigations are concluded
12 within the patrol districts, but -- so you could
13 have a type of crime involved by patrol officers
14 or it may go to Major Crime, but once it went to
15 Major Crime then it was Major Crime's
16 responsibility.

17 Q Sure. Major Crime deals with the more serious
18 crimes?

19 A Yes.

20 Q They have more specialized investigators?

21 A Yes, with more experience and access to a number
22 of specialized resources.

23 Q And, more importantly perhaps, they work as a
24 team, they work in teams, whereas patrol doesn't
25 necessarily team up?

1 A Many patrol officers work as pairs, and I think at
2 the time the standard model in Major Crime might
3 have been a partnership, two individuals, but I
4 also believe VPD went to a four-person model in
5 the future, but I'm just a little uncertain as to
6 what happened when and the details.

7 Q Now, August of 1998 you are the Geographic
8 Profiling Section --

9 A Yes.

10 Q -- or Division or what have you?

11 A Section.

12 Q Ordinarily you would fit under Major Crime because
13 you're looking at iterated crimes?

14 A No, because the person in charge of Major Crime
15 was an inspector. I was a detective inspector, so
16 I was underneath a deputy chief, so parallel to
17 Major Crime, and the deputy chief was the
18 individual responsible for investigations.

19 Q Let's abstract from hierarchy, though. In terms
20 of your skill set, what you're bringing to the
21 table is your ability to work on serial crimes?

22 A Yes.

23 Q And so -- but those are serial -- serious crimes,
24 like serial homicides or serial sex crimes,
25 correct?

1 A Correct.

2 Q And there is a Homicide and a Sex Crimes Division,
3 correct?

4 A Yes.

5 Q So ordinarily you'd be lending assistance to these
6 Major Crime units?

7 A Yes. I always saw Major Crime as my "primary
8 customer", you know, within the Vancouver Police
9 Department.

10 Q But you're given your own detective inspector rank
11 and your own department to reflect a number of
12 facts. One of them is that you have -- you
13 provide assistance to other police forces?

14 A Yes, sir.

15 Q And you're an internationally respected expert,
16 you're on a lecture circuit?

17 A Yes, sir.

18 Q And also you've got education and a skill set that
19 deserves -- deserves to be recognized by an
20 increase in rank and by a little bit of autonomy,
21 correct?

22 A Yes. I also point out that there were other
23 investigative entities within the VPD, including
24 patrol investigative entities, and I worked for
25 them as well.

1 Q Okay. So within Major Crime Squad the ranking as
2 of August of '98 was Biddlecombe, Staff Sergeant
3 Giles, and then Field? That's the Homicide
4 ranking; am I right about that?

5 A I believe so.

6 Q Okay. So your working group, first meeting
7 September 4th, 1998, correct?

8 A Yes.

9 Q Biddlecombe not invited because he's on vacation?

10 A Well, he was invited, but I believe he was still
11 on vacation at that time.

12 Q I couldn't see an indication of an invitation.
13 Was that oral or did you leave a voice message or
14 an e-mail, or what happened?

15 A I think -- there was a mailing list that we
16 prepared, and I think it was probably just by
17 telephone, e-mail or -- probably telephone or
18 e-mail, but because we had first -- the first
19 effort to contact Biddlecombe resulted in me
20 reaching Sergeant Field, I believe she was coming
21 to the meeting because he was still on annual
22 leave. So the invitation is to, you know, the
23 section or the representative of the section.

24 Q Did you copy Staff Sergeant Giles?

25 A There wouldn't be a need if we were communicating

1 with Field. Then she would communicate or
2 disseminate information within her section as they
3 saw appropriate.

4 Q I would think ordinarily if you're going to second
5 resources from Major Crime, from Homicide Division
6 you are going to talk to the person at your
7 parallel rank; is that right?

8 A Normally, but I think we were just still in the
9 early stages of this and working out what we were
10 going to do, and we hadn't got to the point of who
11 was going to do what and how we would divide up
12 the labour.

13 Q Okay. But ordinarily you'd go through your
14 parallel rank, correct?

15 A That's correct.

16 Q That would be Biddlecombe?

17 A Yes.

18 Q And if not Biddlecombe, then whoever is acting for
19 him?

20 A Yes.

21 Q Which would have been Giles?

22 A Well, the point of time that I first heard about
23 this problem from patrol, north-east patrol area,
24 when I phoned Biddlecombe's office I got Geramy
25 Field, who was the actor on that day, and I don't

1 know who was sort of the long-term actor during
2 the summer vacation of Biddlecombe. I heard it
3 might have been Dureau, but I'm just not certain.
4 I know I talked to Field.

5 Q Okay. So you have your working group meeting on
6 September 4th, 1998, at which it's decided to have
7 a press release or press conference go out on
8 September the 30th --

9 A Yes.

10 Q -- 1998, and then you decide the next meeting is
11 going to be September 22nd, 1998?

12 A Yes.

13 Q And Biddlecombe and Giles were not in attendance,
14 but Field was?

15 A Yes.

16 Q September 14th Biddlecombe writes a memo to
17 Inspector Greer, correct?

18 A Could you point me to that document because I'm
19 not -- I had no personal involvement of Inspector
20 Biddlecombe's communications in that time period.
21 I did see a report that he wrote. I'm just not
22 sure of the date or who it was sent to.

23 Q All right. So you're not familiar with that memo,
24 September 14th memo?

25 A Could you tell me a little more about it, please?

1 Q It's a memo -- maybe this will help refresh your
2 recollection. It's a memo in which Inspector
3 Biddlecombe writes to Inspector Greer that he
4 disagrees with the press release, the content of
5 the press release, finds it objectionable and
6 inflammatory.

7 A Is this the one where he talks about murder cases?

8 Q Yes. Yes, that's -- he also says that these are
9 homicide investigations and that detectives are
10 assigned to the homicide investigations.

11 A I've seen that document, but I've only seen it
12 this week, Mr. Commissioner.

13 Q Okay.

14 A I had no knowledge of it at the time.

15 Q Fair enough. But he's opposed in that document,
16 he's opposed to a press release?

17 A He does not like the press release, and he makes
18 that clear in the writing, and he made it clear in
19 the meeting.

20 Q He says, in effect, "I'm in charge of homicides.
21 These homicides are being investigated," correct?

22 A Yes.

23 Q And he says access to the homicide files should be
24 through Sergeant Field?

25 A Correct.

1 Q Okay. Did you know that access to the homicides
2 should be through -- homicide files should be
3 through Sergeant Field?

4 A I never saw that memo until we had our meeting,
5 but our focus was on missing women, not on these
6 prostitution homicides, though information about
7 them could be very useful. Our -- if you look at
8 our blueprints, you can see that we -- all we're
9 trying to do is make investigative
10 recommendations. We're not trying to investigate
11 these crimes.

12 Q Okay. But Biddlecombe in his September 14th memo
13 says that access to homicide files should be
14 through Sergeant Field. Did you know that access
15 to the homicide files could be obtained through
16 Sergeant Field?

17 A I never saw that memo until this week.

18 Q Did anybody tell you about that potential for
19 access to those files in and around September
20 14th, 1998?

21 A I can't recall that. Sorry.

22 Q Okay. So now I'm passing forward a -- I'm passing
23 forward a newspaper article or a printout of a
24 newspaper article. It's dated September 18th,
25 1998.

1 A Yes, sir.

2 Q And have you seen this newspaper article before?

3 A I may have, but I don't recall it.

4 Q Well, it's an article written by Lindsay Kines
5 published by the *Vancouver Sun*, and it seems to
6 appear to state that Vancouver City Police have
7 set up a team of officers to review 40 unsolved
8 missing cases, missing women cases dating back to
9 1971. It quotes Inspector Greer, it quotes Anne
10 Drennan, and it quotes Inspector Biddlecombe, and
11 then it also quotes Sergeant Field.

12 THE REGISTRAR: Mr. Gratl, you are reaching close to the end of
13 your time.

14 MR. GRATL: Yes. Mr. Commissioner, in light of the fact that
15 Mr. Neave and Mr. Peck's representative --

16 MR. PAISANA: Paisana.

17 MR. GRATL: -- Paisana will shorten their time I'm asking for
18 an indulgence of an extra 10 minutes, if that's --

19 THE COMMISSIONER: All right. Go ahead.

20 MR. GRATL: -- agreeable. Thank you.

21 Q So this article goes out saying that there's a
22 Missing Women Review Team, correct, exploring the
23 potential for a serial killer?

24 A Yes, it does say that.

25 Q I mean, essentially Kines seems to have got his

1 hands on exactly the information contained in the
2 draft press release somehow?

3 A I don't know the origin of the information that
4 Lindsay Kines had here. He's obviously spoken to
5 a number of VPD members.

6 Q Well, he knew what to speak about, apparently.

7 A I'm sorry, I can't comment on this. I don't know
8 anything about it.

9 Q Well, wasn't it exactly what Inspector Biddlecombe
10 was upset about on the 22nd, that after his
11 September 14th memo saying he disagrees with the
12 press release somebody has leaked the contents of
13 the press release to Lindsay Kines?

14 A I have no knowledge about this, and I don't
15 know -- you'd have to ask Inspector Biddlecombe
16 what he was upset about.

17 Q Well, you were --

18 A It looks like they've cooperated in an interview.

19 Q I'm just saying you were at that meeting, correct?

20 A Of the 22nd?

21 Q Yes.

22 A Yes. What I recall is him being upset about the
23 release of the names of the missing women. This
24 looks to me like a cooperative interview. But I
25 really don't want to comment about something that

1 I didn't have anything to do with that happened 14
2 years ago.

3 Q You're saying it was just a fortuitous leak that
4 might have served the purpose of locking in the
5 Missing Women's --

6 A I'm saying I have no idea.

7 Q -- Review Team or Working Group?

8 A I'm saying I have no idea.

9 THE COMMISSIONER: I think he's answered that. You have no
10 idea.

11 MR. GRATL:

12 Q And you don't remember Inspector Biddlecombe being
13 upset about the leak of the contents of the draft
14 press release?

15 A No. I remember he didn't like the draft press
16 release. He didn't like the allegations of a
17 potential serial murderer. And then he had some
18 discussion about the leak of the names, because I
19 remember responding to him saying that it was
20 incredibly unreasonable that he's accusing me of
21 leaking something that I never had in my
22 possession.

23 Q All right. So the Geographic Profiling Section is
24 not restricted necessarily in its mandate? It can
25 ask for resources from other sections; isn't that

1 right?

2 A No, that never happened.

3 Q No. You could have asked for resources from other
4 sections, correct?

5 A No, I don't believe so.

6 Q You couldn't have asked Inspector Greer, "Hey, can
7 you loan me a couple of patrol officers? I want
8 to look into this missing women issue"?

9 A That's -- our mandate was to provide analytic
10 support, so --

11 Q Not to generate data sets?

12 A It was not to investigate crimes as the primary
13 investigator.

14 Q Well --

15 A We played a support role, an analytic support
16 role.

17 Q Weren't you able to, for example, requisition
18 information from CPIC when you needed to in
19 February of 1999?

20 A Yes, as part of my analysis.

21 Q Weren't you able to even form the working group by
22 calling a number of people from different
23 sections, including Inspector Greer's section,
24 including Inspector Greer himself to sit on your
25 working group when you needed to?

1 A Well, I think it's more appropriate to look at
2 this as Inspector Greer's working group. He's got
3 responsibility for the patrol area. They came to
4 me asking for assistance. We agreed to co-chair
5 it. But, you know, I was a section with one
6 person, one civilian support individual. I didn't
7 have any capability to or responsibility or
8 authority to do any sort of primary investigation.
9 My goal was to help out as requested.

10 Q I'm trying to understand why the working group
11 folded its tents after Inspector Biddlecombe
12 indicated that all he was willing to do was to
13 provide information on homicide files through
14 Sergeant Field.

15 A We're looking at missing women, so I'm just not
16 quite sure at this point why the homicide files
17 would be valuable. We don't know what's going on.
18 We're trying to determine if there's a missing --
19 a pattern or something substantial to these
20 missing women. And even though it wasn't the
21 ideal plan, the fact that Inspector Biddlecombe
22 had assigned Detective Constable Lori Shenher to
23 try and find the missing women was definitely a
24 positive step in the right direction. Maybe not
25 enough, but at least he indicated they were doing

1 something.

2 Q Well, I'm suggesting to you that the working group
3 could have carried on with resources from patrol
4 or from District 2 or to the limited extent that
5 the Major Crime Squad would contribute resources,
6 but that possibility wasn't even explored, was it?

7 A You would have to ask Inspector Greer about that.

8 Q Well, you were the co-chair of the working group.
9 You're saying you have no responsibility for the
10 conduct of the working group?

11 A I'm saying I had no authority to assign patrol
12 officers to that type of function.

13 Q If I may say so, it's not very Harry Truman of you
14 to say so.

15 A Well, I'm saying you don't understand the job
16 function, the job description, the authority and
17 responsibilities within the Vancouver Police
18 Department at that time. I provided an analytic
19 support function, period.

20 Q And it was beyond your power to ask for other
21 investigative tools to help you?

22 A I didn't need other investigative tools to do my
23 analytic support function.

24 THE COMMISSIONER: I think he's made it clear he was there for
25 a specific function that required a particular and

1 unique expertise --

2 MR. GRATL: There was --

3 THE COMMISSIONER: -- because of his academic background. He
4 was -- in a paramilitary structure he didn't have
5 the authority to assign officers to do particular
6 things. Is that not so?

7 A Yes, sir.

8 THE COMMISSIONER: Yes.

9 MR. GRATL:

10 Q There were specific geographical angles
11 potentially to the investigation; is that right?

12 A Yes.

13 Q You could have looked at the geographical angle of
14 the different hotels that were involved, the
15 Regent, Waldorf, and Astoria, that you knew to be
16 connected to these missing women?

17 A One, I don't know why you say those hotels are
18 involved, and, two, I don't know what you mean by
19 connected. The one geographic angle I saw was if
20 we could obtain information on where the women
21 regularly worked, their corners, we might try some
22 analysis for that, but I was never able to obtain
23 that information. It either was -- probably just
24 was not known.

25 Q Did you try to obtain that information?

1 A Yes.

2 Q From who?

3 A Dave Dickson.

4 Q And Dave Dickson refused to give it to you?

5 A I think he tried to find it, but it just was

6 something I think was not known.

7 Q Did you ask anybody aside from Dave Dickson?

8 A No, just Dave Dickson.

9 Q Well, what about the WISH people?

10 A No. I -- you want me to have engaged in a primary

11 investigative function on my own. I just didn't

12 do things that way. That would have been stepping

13 on toes and would have created further alienation

14 if I started an independent parallel investigation

15 like that.

16 Q You were familiar with District 2 and sex worker

17 policing, correct?

18 A Yes.

19 Q You had done what you described as two tours of

20 duties in the Downtown Eastside?

21 A Yes.

22 Q And so you knew that there were patrol officers

23 and resources available to uncover information of

24 that sort, correct?

25 A Yes.

1 Q You weren't alienated from Inspector Greer?

2 A No.

3 Q And so -- and he had command of the patrol
4 officers?

5 A Dave Dickson seemed to be the best and most
6 logical source for that information because of his
7 contacts with the community. I assumed if he
8 didn't -- was unable to get the information
9 despite all his years of interaction then it was
10 just something not known.

11 Q All right. Aside from that there was a website
12 publicly available? Wayne Leng ran a website
13 talking about some of these sex workers?

14 A I didn't know about Wayne Leng at this time.

15 Q All right. And, of course, you had Don Larson
16 talking about a connection to the Astoria Hotel.
17 Did you follow that up?

18 A I didn't see any connection between these missing
19 women and what Don Larson had been writing us
20 about.

21 Q I'm sorry, did you write an e-mail to Dave
22 Dickson?

23 A I very likely could have.

24 Q You don't have that e-mail any longer, do you?

25 A No.

1 Q But you knew from your experience in the Downtown
2 Eastside that women would have worked on regular
3 corners, correct?

4 A Street prostitution is often very territorial, so
5 that was something I was hoping.

6 Q And you would have known that these women would
7 have had strong connections with specific dealers,
8 correct?

9 A I would not have known that. Some might have,
10 some may not have.

11 Q All right. And some of these women would have had
12 residences, correct?

13 A You mean like homes?

14 Q Yes, places to live.

15 A Yes.

16 Q All right. But I put it to you that Dave Dickson
17 wasn't the only source of information for data to
18 conduct a geographic profiling analysis?

19 A He was the best source of information.

20 Q Yes, but he wasn't the only source of information,
21 was he, Professor Rossmo?

22 A Sir, you keep forgetting I didn't even have a list
23 until February of 1999 of who these women were.
24 If you look at the report I prepared in May, we
25 had information on where they were last seen.

1 Looking at those addresses, some were the Downtown
2 Eastside, some were outside of the area
3 completely. It was a very sporadic, in some
4 cases, sporadic list. In some cases the
5 information was just not known. That information,
6 to the best of my recollection, was provided to me
7 by Dave Dickson, and if somebody is engaged in a
8 function or a responsibility, they provide you
9 with the information, you don't second-guess them
10 and just repeat the process yourself, otherwise
11 you just end up duplicating a whole lot of work.

12 Q You considered the missing women phenomena of
13 significant enough importance to create the
14 Missing Women's Working Group, correct?

15 A I considered it as potential -- of potential
16 significance in that we needed to explore it, and
17 the best way to do that was through some sort of
18 group effort.

19 Q All right. And obviously you encountered some
20 resistance from Inspector Biddlecombe to that
21 path?

22 A I've testified about his reaction.

23 Q Sure. What I don't see is any memorandum or
24 letter of complaint or e-mail of any kind
25 documenting either why the Missing Women Working

1 Group folded its tents or complaining about that.

2 Did you author any such documents?

3 A No.

4 Q Why not?

5 A To what purpose, sir?

6 MR. GRATL: Those are my questions.

7 THE COMMISSIONER: Yes.

8 MR. VERTLIEB: I had hoped that Mr. Larson would be here, but I

9 don't see him, so let's just move ahead with the

10 Department of Justice, 30 minutes.

11 THE COMMISSIONER: All right. Ms. Hoffman.

12 **CROSS-EXAMINATION BY MS. HOFFMAN:**

13 Q Judith Hoffman for the Department of Justice
14 representing Government of Canada. Dr. Rossmo,
15 good morning. I have let Mr. Giles know that I'm
16 going to be referring to Exhibit M in a moment,
17 and he has put that in front of you. I will also
18 be referring to your PowerPoint presentation, and
19 I think the particular slide has been flagged for
20 you, Mr. Commissioner.

21 So, Dr. Rossmo, I have about three or four
22 areas to canvass with you, and first I'd like to
23 refer back to the testimony that you gave on your
24 first day in response to my friend Mr. Vertlieb's
25 questions about your role as a beat cop on the

1 Downtown Eastside. You testified that as a beat
2 cop you got an opportunity to really get to know
3 the community. Do you recall that?

4 A Yes.

5 Q And to the extent that you got to know the same
6 faces and you would, in fact, notice that someone
7 was not around anymore. Do you recall that?

8 A Yes.

9 Q So I would suggest that as a beat cop you also
10 developed very close ties with community groups,
11 correct?

12 A Some community groups. There wasn't necessarily
13 overlap with others. It really depended on sort
14 of what their function was and how it meshed with
15 what your function was.

16 Q But certainly as a beat cop you would get to know
17 at least some of the people in community groups,
18 and you could go talk to those people if, in fact,
19 you were looking for someone who might be missing?

20 A Yes, that would definitely be a good approach.

21 Q Okay. And so it follows from all of that, I would
22 suggest, that if someone is actually looking for
23 missing people from the Downtown Eastside it makes
24 sense for the people looking for them to actually
25 be connected to that community and have that base

1 of information to draw from; would you agree with
2 that?

3 A Yes.

4 Q And that would be because they would have the
5 quickest access to information, correct?

6 A I'm not sure about quickest, but they would have
7 information that the police may not directly have.

8 Q But they would -- obviously you'd agree with me
9 the faster that you can find out that someone has
10 missing -- or is missing, the better it will be in
11 terms of getting leads to explain their possible
12 disappearance?

13 A I'm sorry, I'm confused. Are we talking about
14 trying to find missing people or trying to
15 determine that someone's missing in the first
16 instance?

17 Q Trying to find people.

18 A Okay.

19 Q Or trying to determine if they're missing. I
20 would say that it would apply equally to both
21 situations.

22 A We don't investigate if someone is missing. We'll
23 get a report of someone being missing and then
24 investigate as to where they might be.

25 Q I see the distinction you're drawing. So then if

1 you're dealing with a report of a missing person,
2 you will agree that police that are connected to
3 the community have a better chance of finding out
4 information that may explain the disappearance?

5 A The people connected to the victim or the missing
6 person would be the best source, and you work your
7 way outwards from there. So it would really
8 depend on which community group and their possible
9 connection. So in this case the Native Indian
10 Liaison store-front office on Hastings Street
11 played a very important role in this regard.

12 Q Thank you, Dr. Rossmo. Moving on to another
13 subject area, I want to talk about the RCMP
14 cooperation with the working group that you formed
15 together with Inspector Greer in --

16 A Yes.

17 Q -- September of 2000 -- or, sorry, of 1998. Now,
18 you testified that when you began work on the
19 Missing Women Working Group you invited the RCMP
20 to participate by sending a letter to
21 Superintendent Gary Bass. Do you recall that?

22 A Yes, but that wasn't the extent of it.

23 Q No, but that was part of what you did to reach out
24 to other groups?

25 A Yes.

1 Q And we looked at that letter on Tuesday, so I
2 won't take you -- we won't go to it in any detail,
3 but if I could refer to Exhibit M now, tab 21.
4 And you'll see that is the letter dated September
5 4th, 1998 --

6 A Yes.

7 Q -- that you wrote to Superintendent Bass. And
8 you've already given evidence about that, so I
9 won't go over that again. If you can turn over to
10 the next tab, which is tab 22.

11 A Yes.

12 Q Now, this is the letter that you received in
13 response to your letter from Superintendent Bass?

14 A Yes, it is.

15 Q And you will see that he thanks you for the
16 letter. He indicates that the Provincial Unsolved
17 Homicide Unit members are unable to participate
18 due to other -- a heavy workload of other files.
19 Do you see that?

20 A Yes.

21 Q And he suggests to you that the Mission and
22 Agassiz Detachments have an interest due to
23 unsolved murders in their jurisdiction, and he's
24 suggesting that Constable Paul McCarl of
25 Chilliwack GIS will attend the meeting. Do you

1 see that?

2 A Yes.

3 Q He also indicates that Sergeant Honeybourn -- now,
4 Sergeant Honeybourn was a member of UHU but was
5 also a VPD officer. Are you aware of that?

6 A Yes, I knew Brian.

7 Q And he has been in touch with Lori Shenher about
8 getting access to unsolved homicide reports, and
9 then at the end of the letter Superintendent Bass
10 wishes you success and asks for you to provide any
11 information that you learn that may assist in the
12 investigation of unsolved homicides. Do you see
13 that?

14 A Yes.

15 Q If you can leave that document open for a moment,
16 I am going to pass up another document. Now, Dr.
17 Rossmo, this is a letter or a fax from Sergeant --
18 or, sorry, Corporal Paul McCarl, or, sorry, I
19 think he's a constable at the time, dated
20 September 17th, 1998. Do you recall receiving
21 this correspondence?

22 A No, I don't, but I see that it says "Attention:
23 Kim Rossmo".

24 Q And you'll see in the first paragraph that
25 Constable McCarl indicates that there is a

1 multi-jurisdictional task force in effect which is
2 being coordinated out of his office, and it's
3 comprised of four RCMP members and includes some
4 participation from the Vancouver Forensic Lab, and
5 that he -- they -- the task force had identified
6 six separate victims where the files involved
7 missing persons, sexual assault or murder, and
8 they were actively looking at one investigation,
9 which -- sorry, one file, which was actually out
10 of the Vancouver Police Department. And he
11 indicates that he's looking forward to attending a
12 meeting, correct?

13 A Yes.

14 MS. HOFFMAN: I'd like this document to be marked as the next
15 exhibit, please.

16 THE REGISTRAR: Exhibit number 73.

17 **(EXHIBIT 73: Document entitled - RCMP Facsimile**
18 **Transmittal Message dated September 17, 1998 for**
19 **the attention of - Kim ROSSMO, Insp. -**
20 **RCMP-039-002581)**

21 MR. VERTLIEB:

22 Q Now, if we go back to Exhibit M, and if you could
23 turn over to the next tab.

24 A Sorry, is that tab 23?

25 Q Tab 23, correct. Now, I have provided you already

1 with a copy of this document before we started
2 this morning. Now I'll hand it around for my
3 friends who may not have a copy. Now, this is a
4 1624, or a continuation report, which is prepared
5 by Constable Paul McCarl, and it's dated September
6 22nd, 1998. Do you see that?

7 A Yes.

8 Q And this provides a listing of who attended the
9 meeting. According to Constable McCarl, he was
10 accompanied by Constable Murray Power, also
11 Constable Gerry Peters, and I believe he was an
12 RCMP member. Do you recall Constable Peters at
13 the meeting?

14 A No, but I do know that there were RCMP officers
15 that attended the meeting. All I can recall is
16 they were generally from the Mission area. That's
17 all I can remember. But there's nothing
18 inconsistent here with what I remember.

19 Q Okay. So yourself, Inspector Greer, Inspector
20 Biddlecombe, Sergeant Field, Detective Al Howlett,
21 Constable Lori Shenher, and Sergeant Axel
22 Hovbrender were also in attendance according to
23 this report?

24 A Yes. There may have been more. I'm pretty sure
25 Staff Sergeant MacKay-Dunn was there.

1 Q So the second paragraph refers to there being
2 extreme dissatisfaction and concern over an
3 untimely press release to Global by some member of
4 the working group. Do you see that?

5 A Yes, I read it.

6 Q Is that, in your view, an accurate reflection of
7 the concerns that were raised at that meeting?

8 A I don't remember any particular media outlet being
9 identified. I just don't remember that. And no
10 press release had been issued to the media, so I'm
11 not sure I understand that. As I've said,
12 Inspector Biddlecombe was upset about the release
13 of information I think regarding details of the
14 missing women.

15 Q So there was at least some sort of media leak that
16 was being discussed?

17 A Yes. I don't know when that leak occurred,
18 though, or when the media picked up on it.

19 Q Now, the next sentence refers to a concern, and
20 I'm still on the second paragraph, refers to the
21 concern that the list of potential victims that
22 the group was starting with may not be accurate as
23 some of the victims had no connection to the
24 Downtown Eastside or were never known to be sex
25 trade workers. Do you see that?

1 A I see that. I never saw such a list until
2 February, so I have no comment on that.

3 Q Well, I suggest to you that this document at least
4 suggests that you had a starting list that you
5 were working with and there were concerns raised
6 about the accuracy of that list?

7 A Well, District 2 would have had a list, but I
8 never saw the list, and I didn't know anything
9 about the people on that list until February.

10 Q Now, in the next paragraph Constable McCarl notes
11 that he advised your group that they would provide
12 information about the victims that they were
13 investigating but that at this point they weren't
14 willing to provide the files, and that I believe
15 is consistent with what you've just said, that at
16 this stage you were really in an assessment phase,
17 you weren't actually going to do any
18 investigation?

19 A That's correct.

20 Q So that's not surprising, that at that point the
21 investigative files wouldn't have been turned
22 over?

23 A I don't even recall there being a request. I
24 mean, the working group didn't have any capability
25 to do specific investigations other than the

1 responsibility that Lori Shenher had been given by
2 Major Crime. We were still figuring out what we
3 were going to do and the best way forward, and the
4 discussions of resource issues would have come
5 later. But it certainly would not have made sense
6 to start reviewing homicide files until we were
7 further down the road, and that probably was a
8 function that would have ended up with a homicide
9 detective.

10 Q Okay. So I suggest to you that given this
11 document and the letter that you received from
12 Constable McCarl and indeed what he would have
13 told the group at this meeting that it was
14 communicated that the RCMP were treating their
15 victims that their task force was looking into as
16 being possible victims of a serial killer. Would
17 you agree with that?

18 A Mr. Commissioner, I know at some point the RCMP
19 came to that approach. I believe there even had
20 been a newspaper story initiated by Superintendent
21 Gary Bass in 1995 that talked about this group
22 being likely victims of a serial killer. And I
23 would also say that one of the things I remember
24 from the meeting was expressed high level of
25 cooperation from these members of the RCMP.

1 Q Yes, and indeed I know from Constable McCarl that
2 he worked quite closely with the VPD right from
3 1995, when the victims' bodies were first
4 discovered, in order to investigate those
5 homicides. Were you aware of that?

6 A No, but I do remember them having a very positive
7 attitude, very interested in working together. I
8 remember sticking in my mind the fact that they
9 had quite a drive to come to the meeting, and I
10 was very impressed with that.

11 Q Okay. Now, you've given evidence that given that
12 Inspector Biddlecombe was not supporting the idea
13 that a serial killer was operating that this
14 working group essentially dissolved after this
15 meeting?

16 A Yes.

17 Q That's your evidence. So I take it then if you
18 turn over -- sorry, at the bottom of this first
19 page in the fourth paragraph it says:

20 It would appear that the Working Group does
21 not expect much in the way of involvement
22 from this office or the RCMP Detachments,
23 rather they will be calling on the Provincial
24 Prostitution Policing Section, involving
25 Sergeant Gerry Peters of the Major Crime

1 Section in Surrey to address most of the
2 group's concerns.

3 I suggest to you that you didn't do any of that
4 follow-up following this meeting with those
5 identified organizations?

6 A I would -- I don't know this specifically, but I
7 would expect these would be initiatives that
8 Detective Constable Lori Shenher would have
9 engaged in.

10 Q So I take it that you had no further dealings with
11 the RCMP with respect to the working group after
12 this meeting?

13 A No, that's not correct. The RCMP Behavioural
14 Science Unit, in particular Keith Davidson, Scott
15 Filer, there was further involvement with them.

16 Q Yes, I recall now that they attended the brain --
17 at least one of them attended the brainstorming
18 session in the spring of '99.

19 A Yes. I believe Keith Davidson came with us to the
20 meeting at WISH where we distributed a survey, and
21 he may have even been involved in the preparation
22 of some of the questions on the survey to the
23 working girls there.

24 Q Okay. I didn't see anywhere in the documentation
25 that you had any further communication with

1 Superintendent Bass about the working group.

2 Would that be fair?

3 A I don't recall any other, and I probably would
4 recall.

5 Q Moving on to another topic now, Dr. Rossmo, you
6 spoke yesterday and indeed you spoke in your
7 evidence this morning in response to questions
8 from my friend Mr. Dickson about the fact that
9 criminals don't respect jurisdictional boundaries,
10 and I just want to explore that a little bit. Do
11 you recall that? So -- and, in fact, using this
12 as an example, the cooperation that happened
13 between the RCMP in Agassiz that were
14 investigating the three sex trade workers that
15 were discovered in 1995, that's an example or
16 those crimes are an example of a serial killer not
17 respecting boundaries? He obviously picked them
18 up in Vancouver, he killed them at some point and
19 took them out to Agassiz, where he dumped their
20 bodies, correct?

21 A That's my understanding, Mr. Commissioner.

22 Q So that killer did not respect jurisdictional
23 boundaries?

24 A Correct.

25 Q So it was necessary, obviously, for Agassiz to

1 be -- or the RCMP in Agassiz to be able to
2 communicate effectively with the RCMP in order to
3 get the necessary information to investigate that
4 crime, correct?

5 A Do you mean the VPD?

6 Q Sorry, the VPD.

7 A I would definitely expect that to be the case.

8 Q So even if you had a very large regional police
9 force that took in all of Greater Vancouver, and
10 as I understand the definition of Greater
11 Vancouver, that does not include Agassiz, you
12 would still need mechanisms in place to
13 communicate with neighbouring regional forces or
14 police agencies?

15 A I'm not quite sure where you would draw the
16 boundaries of a Greater Vancouver regional
17 district or police force. That would be, you
18 know, a political functional question. But there
19 will be cases that will involve activities in
20 other jurisdictions, for example, Victoria.

21 Q There's always going to be inter-jurisdictional
22 cases?

23 A Yes, but much fewer if you have a regional police
24 agency.

25 Q But, again, like the Gary Ridgway, there was a

1 concern that he may have gotten some of his
2 victims from B.C., and there was an exchange of
3 communication between that task force and the task
4 force in British Columbia, so obviously even --
5 you are going to have cases that cross the
6 international boundary, correct?

7 A I don't believe Gary Ridgway had any victims in
8 British Columbia, not been convicted of or even
9 charged with any, but --

10 Q There was --

11 A -- it can happen, it's --

12 Q -- an exchange of information?

13 A -- just how often it happens.

14 Q You have given evidence about your discussions
15 with Constable Shenher in the summer of 1999, and
16 you indicated that Constable Shenher did speak to
17 you about Robert Pickton?

18 A Yes.

19 Q But I understand that you were also aware that the
20 Missing Women Task Force had at least five good
21 suspects aside from Pickton that they were looking
22 at in terms of men who had a very violent history
23 of dealing with sex trade workers?

24 A Yes. There's only one other name I can remember,
25 but I do recall that there was a relatively small

1 group of good -- what they considered good
2 suspects.

3 Q And, in fact, when you spoke to Deputy Chief
4 LePard when he was preparing his report, you said
5 that any one of them was a reasonable candidate.
6 Do you recall saying that?

7 A Yes.

8 Q I'd like to turn now to your PowerPoint
9 presentation, and Mr. Giles has flagged the slide
10 that I want to refer to, and it's a slide about,
11 for my friends' benefit, about two-thirds of the
12 way through the PowerPoint. It's entitled
13 "Investigative Difficulties". Number 1, "Victims
14 were sex trade workers." Do you have that?

15 A Yes, I do.

16 Q Okay. So I want to understand -- it's the second
17 bullet I want to ask you about. There you write:

18 Some police investigators and managers did
19 not properly understand the lifestyle of
20 these victims,
21 meaning sex trade workers. And as I understand
22 your evidence on that, primarily what the
23 misunderstanding was about was the fact that some
24 people thought that they were transient and that
25 their -- that could explain their disappearance.

1 Is that what you're getting at with this bullet
2 point?

3 A That's the primary issue, yes.

4 Q Now, yesterday in response to my friend Mr.
5 Dickson's questions about this slide you stated
6 that the investigators that you were referring to
7 in this bullet were Unsolved Homicide Unit
8 investigators rather than VPD investigators. Do
9 you recall making that statement yesterday?

10 A Yes.

11 Q Now, there were three Unsolved Homicide Unit
12 investigators that had some connection with the
13 missing women investigation. I am going to
14 suggest to you it was Brian Honeybourn. Do you
15 recall that?

16 A In the beginning, yes.

17 Q In the beginning. And then Detective Bruce
18 Ballantyne?

19 A Yes.

20 Q And we already established that Detective
21 Honeybourn was a VPD member, and Detective Bruce
22 Ballantyne was also a VPD member seconded to the
23 Unsolved Homicide Unit, correct?

24 A Yes.

25 Q And then the third Unsolved Homicide Unit

1 investigator was Corporal Frank Henley. Are you
2 aware of that?

3 A Yes.

4 Q Okay. I was a bit troubled when you gave this
5 evidence yesterday, because in my recollection of
6 looking through the LePard and Evans reports and
7 in the documentation generally I have seen no
8 indication that any of those three officers held
9 that view that sex trade workers were transient.

10 A The point of this particular bullet, when I'm
11 referring to primarily Inspector Biddlecombe, who
12 had formed the opinion that the missing women were
13 transient, but in relationship to the Provincial
14 Unsolved Homicide Unit, I felt that in my opinion
15 they didn't understand the fact that someone
16 engaged in the street life or prostitution
17 activities, drug trade, are very likely not going
18 to be communicative with the police or honest with
19 the police.

20 Q Okay. Well, that's a different -- I thought I
21 established at the outset that you were talking
22 here about the transient problem, and now you're
23 referring to something different.

24 A I guess I'm referring to two things for each
25 different group.

1 Q Okay. Have you spoken to any of those officers
2 personally?

3 A No.

4 Q So you're basing your opinion about their beliefs
5 solely on the LePard report?

6 A And the Evans report.

7 Q Now, my friend Mr. Vertlieb qualified you
8 yesterday as an expert and expanded upon that
9 today, and I just wanted to explore a little bit
10 your experience in doing homicide investigations
11 yourself as an officer. You were never a member
12 of the Major Crime Unit?

13 A No, I've never been a homicide investigator.

14 Q So you've never led a homicide investigation
15 yourself?

16 A No.

17 MS. HOFFMAN: Thank you, Dr. Rossmo. Those are my questions.

18 A Okay.

19 THE COMMISSIONER: Thank you.

20 MR. VERTLIEB: Perhaps Mr. Larson.

21 THE COMMISSIONER: Okay.

22 MR. VERTLIEB: He's here.

23 THE COMMISSIONER: Mr. Larson. Yes.

24 MR. LARSON: Good morning, Mr. Commissioner. My name is Don
25 Larson. I'm an organizer with CRAB - Water for

1 Life Society, which is a small Downtown Eastside
2 group. I have a couple of copies of my
3 presentation -- or questions, rather.

4 THE COMMISSIONER: All right.

5 MR. LARSON: And I don't know if it's possible, but I'm hoping
6 that this could be put as part of the permanent
7 record of this commission for the missing women.

8 THE COMMISSIONER: Yes. Now, at this stage I take it you want
9 to ask -- you want to ask Dr. Rossmo some
10 questions.

11 MR. LARSON: Yes.

12 THE COMMISSIONER: Okay. Because you will have an opportunity,
13 if you want, to testify yourself and to file any
14 document that's relevant.

15 MR. LARSON: Oh, I see.

16 THE COMMISSIONER: All right. You can do that later on in the
17 proceedings. At this stage the sole purpose is to
18 ask him questions.

19 MR. LARSON: Yes.

20 THE COMMISSIONER: All right. Thank you.

21 MR. LARSON: Thank you.

22 **CROSS-EXAMINATION BY MR. LARSON:**

23 Q Good morning, Mr. Rossmo.

24 A Good morning.

25 Q I'd just like to give a brief introduction as some

1 of the people have known about who we are, first
2 of all, because we're not that well known amongst
3 certain circles, and from my document here I'd
4 just like to read the introductory comments, if I
5 may.

6 Our small grassroots independent CRAB - Water
7 for Life Society was, to my knowledge, the first
8 group to try to respond actively to the news that
9 dozens of Downtown Eastside women were missing.
10 We did two small demos one year before the first
11 Missing Women's Memorial March, and at one -- and
12 at one in front of the Carnegie Centre a uniformed
13 VPD, Vancouver Police Department, police officer
14 elbowed one of our members, Kelly White, for
15 trying to bring attention to the issue of missing
16 women. We were also actively involved in
17 organizing the early years of the Missing Women's
18 Memorial March.

19 Our society at our own financial expense and
20 effort had two inscribed memorial boulders
21 installed in memory of missing women, one placed
22 at CRAB Park in 1997 and the other in memory of
23 Wendy Poole in a park we had named after her,
24 which is at the foot of Alexander and Main Street.

25 I would like the VPD to reopen the

1 investigation of Wendy Poole's brutal murder in
2 1989 in Dera's Four Sister Co-op building.

3 Under questions and points to be raised with
4 Mr. Rossmo, by the mid -- by the mid-'90s I was
5 sending a series of letters to the Vancouver
6 Police Department raising the issue of the need
7 for better police investigation of the many
8 missing, murdered women of the Downtown Eastside.
9 I was also repeatedly raising the specter of a
10 serial killer. So, Mr. Rossmo, do you remember my
11 series of letters to the Vancouver Police
12 Department on those issues?

13 A Yes, I do.

14 Q All right. Secondly, I would like some
15 clarification from Mr. Rossmo regarding his
16 statements about my letters that he mentioned
17 yesterday under cross-examination from Robyn dean
18 Gervais. Do you remember your comments concerning
19 my letters, series of letters that were sent to
20 the police department?

21 A Yes, I do.

22 Q Could you restate them, restate your comments,
23 please?

24 A Could you maybe ask me a specific question?

25 THE COMMISSIONER: Maybe you should -- you want him to -- what

1 do you want him to do?

2 MR. LARSON: I was just confused as to what his comments were
3 going towards.

4 THE COMMISSIONER: All right.

5 MR. LARSON: I thought it was creating some kind of confusion
6 about my letters or perhaps downplaying them in
7 some way.

8 THE COMMISSIONER: I don't -- from my perspective I don't think
9 that's the case, but maybe you can ask him that.
10 Were you, to use his words, downplaying his
11 letters?

12 A Let me know if this does not answer your question,
13 sir, but I did not feel that there was a
14 connection between the issues you were raising and
15 the question of the missing women given the time
16 frame that you were concerned about and given the
17 fact that we had a missing women situation at that
18 time. That's what we knew about. We didn't know
19 that they were murders or we weren't certain that
20 they had been murdered.

21 MR. LARSON:

22 Q All right. I did eventually have two meetings at
23 312 Main Street, the police department at the
24 time, with police officers under stressful and
25 less than, in my mind, optimal conditions. And

1 you referenced, Mr. Rossmo, to meeting me, and I
2 honestly didn't remember meeting you until hours
3 later after yesterday's cross-examination by Robyn
4 dean Gervais, but now I do. What I was searching
5 for at the time was a one-on-one somewhat
6 informal, casual meeting with you to discuss my
7 concerns about serial killers in the Downtown
8 Eastside, and I don't remember having that meeting
9 with you, but I do remember you being at at least
10 one of the two meetings that I did have with the
11 Vancouver Police Department, and it was in a very
12 small room. And I was hoping originally for a
13 meeting with two police officers, and I think it
14 was arranged by Inspector Gary Greer. I'm not a
15 hundred per cent certain. So I was supposed to
16 meet -- it ended up being five or six police
17 officers, and I think -- I'm sure you were one of
18 them now, and they kind of informally, casually,
19 you know, mumbled their names, and I wasn't really
20 sure who was in the room, but there was one RCMP
21 officer. I do remember that. But I don't
22 remember, and you can correct me, Mr. Rossmo, but
23 I don't remember you either asking me any
24 questions or taking any notes. Am I correct on
25 that?

1 A Sir, I don't remember meeting you. I'm not saying
2 that didn't happen. I just don't remember it.
3 What I believe my evidence was, was that I had
4 talked to you on the telephone.

5 Q Oh, I don't remember that. All right. I was --
6 you know, from my letters it was pretty clear that
7 I was raising some pretty serious concerns.
8 Whether my information was, in your view, right or
9 wrong, I think it would call for you to --
10 actually to arrange a meeting with me in -- you
11 know, a formal meeting in the police department
12 with an hour meeting or something such as that
13 rather than --

14 THE COMMISSIONER: So you're asking --

15 MR. LARSON:

16 Q -- what you allege was a phone call.

17 THE COMMISSIONER: So you're asking him why he didn't meet with
18 you?

19 MR. LARSON: Yes.

20 A Mr. Commissioner, I'd just like to state again
21 that I did not have any primary investigative
22 responsibilities or authority, so the appropriate
23 approach would have either been through one of our
24 investigative bodies, for example, Major Crime,
25 which makes the most sense here, or through

1 patrol, just provide an analytic support function
2 for investigators, not a primary investigator in
3 that section.

4 THE COMMISSIONER: Do you understand the response, Mr. Larson?

5 MR. LARSON: Not really.

6 THE COMMISSIONER: Well, I think what he's telling you is that
7 he wasn't -- he wasn't an investigator and there
8 were other people there who were investigators and
9 they may have been more appropriate for you to
10 meet. So I don't know if that answers your
11 concern, and if it doesn't, you can ask further
12 questions, if you want.

13 MR. LARSON:

14 Q Well, Mr. Rossmo, yesterday under cross-
15 examination you mentioned that there were
16 primarily three ways of solving crimes, and I
17 don't think you were referencing only murders or
18 serial killings, but I would perhaps assume that
19 that would include that, and one of the ways was
20 to meet with the community, either individuals or
21 groups. Is that correct, that you said that?

22 A Yes, it is. And you're right that it applies to
23 all crime generally.

24 Q All right. Thank you. So, again, I guess I'm
25 coming back to the point where someone with a --

1 in a small organization on their organization's
2 letterhead with a signature on the bottom is
3 asking for a meeting. I don't understand why it
4 would only get, like, a phone call. Who were you
5 meeting with in those days since you're saying it
6 was very important to meet with the community?

7 A But I wasn't meeting really with anybody. I had a
8 couple of meetings I attended, but the primary
9 individual doing that was Detective Constable Lori
10 Shenher.

11 Q Yeah. Okay. Thank you. I never, again, met with
12 Lori Shenher. I remember seeing her and yourself
13 at a Carnegie Community Centre meeting held by the
14 police. Do you remember that meeting?

15 A Yes, I do.

16 Q Yeah. And I remember she used to, like, hand out
17 cards saying, "I'm Lori Shenher, police
18 detective." And one of the earlier people on the
19 stand was someone that worked with WISH, and she
20 had kind a way of characterizing Lori Shenher, but
21 -- and it was like she was kind of a West Side
22 person in appearance and was kind of, "Oh, here's
23 my card. Do give me a call if you hear anything,"
24 kind of thing, and so I just didn't find that to
25 be very proactive on her part. Would that be a

1 fair characterization or not?

2 THE COMMISSIONER: Well, she'll be testifying --

3 MR. LARSON: All right.

4 THE COMMISSIONER: -- next week, so maybe that might be a
5 proper question for you to ask her. You have the
6 right to do that if you want.

7 MR. LARSON: Thank you.

8 Q Under reaching out to the community, which you've
9 indicated is a number one way of solving many
10 crimes, I would say from my memory of those days,
11 and I've been in the community, the Downtown
12 Eastside for about 29 years actively as a
13 community worker, unpaid, but a good organizer for
14 -- one of our achievements was getting CRAB Park
15 at the foot of Main, seven acres, but my
16 remembrance of the days was very, very few people
17 were being listened to by the police from the
18 community, and I would suggest that in the day
19 Constable Dave Dickson and DEYAS's John Turvey,
20 who was a friend but has passed, and his wife, Deb
21 Mearns, were pretty much the only people being
22 listened to by the VPD. Would you concur with
23 that or know that fact or assumption?

24 A No, I would not agree, at least from my time, and
25 I'm certainly not saying that people that should

1 have been listened to were always listened to,
2 and, of course, there's many members of the VPD
3 working in that area, so I can't characterize all
4 the different interactions, but, you know, I think
5 there were a number of people. One that comes to
6 mind is Mr. Green, who ran for mayoral office. I
7 remember having several discussions with him when
8 I walked the beat down there. So I think there
9 were others that we spoke to. I know that even
10 during this time period that there was a fair bit
11 of interaction between VPD and WISH, so I think
12 that's an oversimplification.

13 Q Okay. The person from WISH, I don't remember her
14 name, but she spoke here on the stand under oath,
15 and I gathered from her comments she was not
16 overly impressed with the interaction from the VPD
17 and WISH. I'll just leave that remark.

18 A I would just respond that I personally attended a
19 session at WISH with Lori Shenher and Keith
20 Davidson where we were -- they were helping us
21 facilitate a meeting with some of the sex trade
22 workers from that area, and I thought the
23 cooperation and communication was good, but that
24 was just one meeting.

25 Q All right. I think she felt otherwise, but all

1 right. Thank you.

2 A She was not at that meeting.

3 Q Oh, okay. Under kind of community outreach, if
4 you like, Morris Bates, who I knew somewhat, who's
5 a Native man, and he was during the days a staff
6 person with the Native Police Liaison, who had a
7 little office actually kind of attached to the
8 main police building, kind of --

9 A On the main floor, sir?

10 Q No, it was kind of outside. There was a separate
11 door to the left, to the south of the main police
12 door at 312 Main.

13 A Okay. I think I know where you mean.

14 Q All right. And I had a few conversations, brief
15 as they were, with him. And just for the record,
16 and he being a Native aboriginal man hired by the
17 city police, he had a lot of difficulty
18 communicating with the regular, quote unquote,
19 regular members of the Vancouver Police Department
20 on various issues, including this one. Are you
21 aware of that?

22 A No, I'm not.

23 Q All right. Under cross-examination, Mr. Rossmo,
24 you stated, I think it was yesterday, that if a
25 West Side person went missing or murdered, we'll

1 say Kerrisdale or Dunbar, somewhere like that, the
2 police would have reacted much more quickly and
3 with much more resources. Is that a correct
4 summation?

5 A Yes, it is.

6 Q Thank you. And to put it another way, like, when
7 I -- when I attend these meetings and I walk back
8 to the Downtown Eastside, I'm always stunned by
9 the two different worlds there are, this world and
10 the world in the Downtown Eastside, and although
11 it's a negative, I have to say the -- what I
12 believe, the general perception of the people of
13 the Downtown Eastside regarding the police and
14 their perception of them is that there's
15 prejudice, and there's prejudice by the VPD, some
16 officers, towards street people, Downtown
17 Eastside, Native aboriginals, prostitutes, and
18 drug addicts. Would you concur with that or --

19 A I would say over the course of my 20 years with
20 the VPD, a thousand members, there will be
21 individuals that have biases against different
22 groups. So I would say that's definitely the
23 case, but there's many, many more people who are
24 very concerned about all members of the community,
25 and I would specifically like to say that I -- as

1 I testified, I think, that those biases did not
2 play a role, at least in my observations, in terms
3 of the lack of timely response. I think it was a
4 more subtle process, which I tried to describe,
5 Mr. Commissioner, through the interactions with
6 the slide, the lack of power of these individuals
7 permitted management to remain disengaged and to
8 hold their belief that there was no serial killer
9 beyond the point that the evidence suggested that
10 they should have changed their mind.

11 THE COMMISSIONER: Mr. Larson, I want to point out to you that
12 when the evidence part of this commission of
13 inquiry is finished, that is, the hearing portion,
14 we will be having meetings with people from the
15 Downtown Eastside. I would invite you to come and
16 speak to us and tell us about these concerns that
17 you have raised because with your experience and
18 knowledge we would be interested in hearing from
19 you.

20 MR. LARSON: Thank you.

21 Q What I'm trying to get across, I guess, is -- and
22 I respect your views and your expertise, but I
23 personally would suggest, my own view, personal
24 only, that the issue of prejudice against Downtown
25 Eastside people in general was an issue for the

1 lack of a proper, timely, and resource-funded
2 response to the missing women cases.

3 And I guess Mr. Gratl kind of referenced this
4 in my opening remarks some time ago at the
5 beginning of the inquiry, but our group has kind
6 of a support for the decriminalization of
7 prostitution rather than the legalization of, and
8 I will note that we've had one advocate for the
9 legalization of prostitution on the stand here
10 earlier, Susan Davis. And I will just quickly
11 note that the people that were -- that do support
12 the legalization of prostitution were not an
13 active part in the forming of the Women's Memorial
14 March and still aren't to this day. But do you
15 believe, Mr. Rossmo, that if there was a
16 decriminalization policy towards prostitution that
17 these sex trade workers would have been able to
18 reach out to you and other police officers much
19 more easily than they were able to, because we
20 have heard that they felt absolutely disempowered
21 to speak to the police, the sex trade workers?

22 A Most likely.

23 MR. LARSON: All right. Those are my comments.

24 THE COMMISSIONER: All right. Thank you, Mr. Larson.

25 MR. VERTLIEB: Mr. Commissioner, I do want to say that we're

1 grateful that Mr. Larson has come, because it
2 takes great courage for him to do what he's done,
3 and I want to say that he's always been extremely
4 respectful of everyone in your staff. He's been
5 in our office a number of times and been
6 respectful to the commission. He's been
7 respectful to you personally in all his dealings.
8 And I think it's really important that he's felt
9 the desire to come here, and it also points out
10 your comment about the importance of going to the
11 community and also points out that this isn't a
12 lawyer's process. This is not a trial. And I
13 think it's just wonderful that you've been so
14 accommodating to him, and we're grateful for his
15 help.

16 THE COMMISSIONER: I just want you to know when we have our
17 study hearings in the Downtown Eastside, as I said
18 a moment ago, I want you to come. I invite you to
19 come. And also you can convey my invitation to
20 other people who want to talk to us who live in
21 the Downtown Eastside and who know about these
22 conditions, in particular the relationship between
23 the community and the police, because we want to
24 meet with you and we want to know what your
25 concerns are. All right?

1 MR. LARSON: Okay. Thank you for your comments. And thank
2 you, Mr. Rossmo.

3 THE COMMISSIONER: Thank you, Mr. Larson. All right. We'll
4 take the break.

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

6 (PROCEEDINGS ADJOURNED AT 11:15 A.M.)

7 (PROCEEDINGS RESUMED AT 11:38 A.M.)

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

9 MR. GRATL: Before we -- I'm sorry to interrupt, Mr.
10 Commissioner. I wonder if we could mark the
11 Lindsay Kines article dated September 18th, 1998,
12 as the next exhibit, please.

13 THE COMMISSIONER: Isn't it already in that book?

14 MR. GRATL: It's not in that book.

15 THE COMMISSIONER: Oh, I see.

16 MR. VERTLIEB: I don't think so. No objection.

17 THE COMMISSIONER: All right.

18 THE REGISTRAR: That will be marked as Exhibit number 74.

19 THE COMMISSIONER: Thank you.

20 (EXHIBIT 74: Document entitled - "Missing Women
21 Case Probed..." Vancouver Sun article by Lindsay
22 KINES dated September 18, 1998 - VPD-003-007984)

23 THE COMMISSIONER: Yes.

24 MR. PAISANA: Yes, Mr. Commissioner. Tony Paisana appearing on
25 behalf of former Deputy Commissioner Bass.

CROSS-EXAMINATION BY MR. PAISANA:

Q Good morning, Mr. Rossmo. I just have a few questions for you.

A Good morning.

Q I understand the Exhibit M binder has been provided to you. If you could please turn to tab 21 in that binder. Now, Dr. Rossmo, this is the September 4, 1998 letter that my friend took you to earlier this morning. Do you recall that?

A Yes, I do.

Q And do you recall in your testimony that you've testified, I think a number of times now, that the working group was not an investigative group but was more of a review team; is that correct?

A We hoped to provide some guidance on the investigation. It was mainly to try to figure out what the situation was with this large number of missing women.

Q You were trying to determine what was going on?

A Yes. Yes.

Q And I'd like to direct your attention to the last paragraph on the first page of this letter, and I am just going to read it to you. You write:

It is not the purpose of the Working Group to investigate these cases, only to try to

1 determine what is going on.

2 And that's more or less along the lines of what
3 you've just said, correct?

4 A Yes.

5 Q And your intention was to let Superintendent
6 Bass -- your intention was to let him know that
7 that was what was going on in the working group,
8 correct?

9 A Yes.

10 Q And that was more or less consistent with the
11 blueprint you had created, correct?

12 A Correct.

13 Q And if I have it correct, it's determine what's
14 going on first, investigate links, and if required
15 at the end, perhaps create a task force, correct?

16 A Just make recommendations regarding what the
17 investigation should look like. So, for example,
18 if the linkages showed connections between
19 different jurisdictions, then obviously the
20 investigation should involve all those
21 jurisdictions.

22 Q But that determination would only be made later on
23 in the day?

24 A Correct.

25 Q If you could please turn to tab 22 in that binder.

1 Doctor, this is the September 16th letter my
2 friend took you to earlier, correct?

3 A Yes.

4 Q And I'd like to direct your attention to the
5 second to last paragraph, and that's the paragraph
6 about offering Detective Constable Shenher access
7 to the unsolved homicide records. Do you see
8 that?

9 A Yes.

10 Q And you'd agree with me that that's a positive act
11 of communication between you and Superintendent
12 Bass, correct?

13 A Yes, very much so.

14 Q And you would agree the same holds for the final
15 paragraph, him inviting you and your associates to
16 provide any information that may be relevant to
17 unsolved homicides, correct?

18 A Yes, I would.

19 Q And following this September 16 letter you would
20 agree with me that you had no further interaction
21 with Superintendent Bass with respect to the
22 missing persons case?

23 A Certainly not that I recall.

24 MR. PAISANA: Thank you. Those are my questions, Commissioner.

25 THE COMMISSIONER: All right. Thank you.

1 MR. DELBIGIO: Mr. Commissioner, Greg DelBigio.

2 THE REGISTRAR: Mic.

3 MR. DELBIGIO: Greg DelBigio. My client is Brian McGuinness.

4 **CROSS-EXAMINATION BY MR. DELBIGIO:**

5 Q I'll call you Professor, if I may.

6 A Yes.

7 Q Now, I am going to be referring to Exhibit 72, and
8 that's the thin binder with a variety of tabs, and
9 is that the one that you still have in front of
10 you, sir?

11 A I don't believe so.

12 THE REGISTRAR: That's the -- yes.

13 MR. DELBIGIO:

14 Q It's the one with your PowerPoint presentation and
15 a variety of e-mails in it.

16 A Yes. Sorry. I have it now.

17 Q Have you got that now?

18 A And, I'm sorry, which tab number, sir?

19 Q Go first to tab 12, please.

20 A Yes.

21 Q And tab 12 in that exhibit is a document entitled
22 "Downtown Eastside Missing Persons Working Group"?

23 A Yes.

24 Q And I believe that Mr. Vertlieb took you through
25 this document.

1 A Yes.

2 Q And if you'll see near the bottom of the document,
3 there's some handwriting with the notation
4 98.02.21 (sic). Do you see that?

5 A Yes, I do.

6 Q And there's a name. It looks like Brian MC
7 A/Chief. Do you recognize that handwriting?

8 A Yes, I do.

9 Q And you recognize that handwriting as being Brian
10 McGuinness's; is that right?

11 A Yes, I do.

12 Q And this is a notation in which he is asking
13 that -- that -- notifying that you have been
14 given -- that he has approved you for
15 participation in the task force and that he's
16 asking that the people assist you in any way,
17 right?

18 A Correct.

19 Q And he was -- he was supportive of you throughout,
20 right?

21 A Yes, he was.

22 Q He recognized -- you testified yesterday -- I
23 forget who asked you the questions, but you
24 testified that you offered -- you lent your
25 assistance and expertise to a variety of other

1 police forces, it sounds like globally really?

2 A Yes.

3 Q And that was done with his permission as well,
4 right?

5 A Yes.

6 Q And based upon his recognition of the assistance
7 that you were able to provide?

8 A That's correct.

9 Q Now, you have been qualified as an expert in
10 policing generally. I am going to ask you -- I
11 understand you've been gone from Canada for some
12 time, but if I ask you some questions with respect
13 to the requirements for obtaining a search warrant
14 or a wire-tap, is that something that you are
15 still comfortable answering?

16 A Probably not.

17 Q Can I try?

18 A Yes. Okay.

19 Q Okay. Do you understand that in order to apply
20 for either a search warrant or a wire-tap an
21 affidavit is needed to be presented to a judge or
22 a Justice of the Peace?

23 A Yes.

24 Q And do you understand that the requirements were,
25 when you were working, that if a police officer

1 who is making that application -- that the police
2 officer making the application has to give the
3 justice full disclosure, meaning the good
4 information as well as the bad?

5 A I know that the disclosure laws changed in Canada
6 following the *Feeney* decision, so I'm not quite
7 sure what was required specifically at that point
8 in time.

9 Q Let me see if I can be a bit more particular. Do
10 you agree that if a person were to be applying for
11 either a search warrant or a wire-tap and if that
12 person making the application were aware that --
13 was aware that there was more than one suspect in
14 an investigation that the affiant would be
15 required to advise that there is more than one
16 suspect?

17 A I can't say that I know that specifically.

18 Q Fair enough. Mr. Ward asked you some questions, I
19 believe, about the evolution of your state of
20 knowledge, and he asked you some questions about
21 the meeting that took place with various people,
22 including the Attorney General, Dosanjh at the
23 time?

24 A Yes, he did.

25 Q And that meeting, if you'll recall, took place in

1 April; is that right?

2 A I'd have to -- I had no knowledge of that or
3 involvement with that meeting. I know there's a
4 document associated with it. I can't remember the
5 date.

6 Q Okay.

7 THE COMMISSIONER: You weren't at that meeting?

8 A No, I wasn't.

9 THE COMMISSIONER: That was a meeting in Victoria?

10 A Correct.

11 THE COMMISSIONER: Right.

12 MR. DELBIGIO:

13 Q That's right. The question is -- and then he
14 asked you when did you believe that there was a
15 serial killer, and you answered that after the
16 CPIC data was received in May of 1999?

17 A I would say that starting when I saw the data that
18 Lori Shenher presented at Carnegie. And recognize
19 here that we're talking degrees of probability.

20 Q I understand.

21 A So I became quite concerned, hence the
22 communication to Brian McGuinness in that e-mail
23 that we saw, but by the time we hit May we had had
24 the brainstorming session. Lori Shenher had not
25 been able to find people. We knew they were not

1 collecting welfare. Finished the analysis. I
2 was -- I had a high confidence that that was the
3 likely explanation.

4 Q If the meeting with the Attorney General was in
5 April, then the things that you just talked about
6 was subsequent to the meeting?

7 A Yes.

8 Q It was Mr. Gratl who asked you some questions with
9 respect to information that was available to you,
10 and you -- and one of the answers that you gave
11 was from a geographic angle you were -- you saw --
12 one piece of information that would have been
13 useful to you is the various corners of the
14 streets that the women worked on?

15 A Correct.

16 Q And you said that the -- so really it's the
17 paucity of information, the absence of information
18 that was making your task difficult?

19 A I think everyone's task difficult.

20 Q Fair enough. And in that same binder at tab 12 --
21 or, I'm sorry, tab 18 -- and I should say just as
22 a -- leading up to my next question, in answer to
23 Mr. Gratl you also referred to the fact that the
24 women were -- the last known location for the
25 women was not just the Downtown Eastside, and if

1 you refer to tab 18, this is your document called
2 "Case Assessment"?

3 A Yes.

4 Q And that's from 25 May 1999?

5 A Correct.

6 Q And on pages 6 and 7 -- or page 6 is a chart that
7 you set out of location last seen?

8 A Correct.

9 Q And that is an example of the information that was
10 available and the information that was not
11 available to you with respect to last seen
12 locations, right?

13 A Yes. Mr. Commissioner, this is a list of 20 out
14 of the 27 that were being analyzed. 10 of them
15 are listed as being not known. Some are vague
16 locations, like South Marine Drive. Others I know
17 from my experience were probably where they lived,
18 like 412 Carrall Street, 333 Columbia Street, and
19 some of the others are probably where they were
20 working, like Victoria Drive and Franklin Street,
21 Princess Avenue and Hastings Street.

22 Q And, of course, the problem with information, even
23 if you have a location from where a person was
24 last seen, that does not mean that that is the
25 location where the person was picked up from; is

1 that right?

2 A Exactly. It would be a proxy. It would not be
3 ideal. I thought it was the only possible thing
4 that we could try.

5 Q Okay. Now, I read your Ph.D. dissertation. It's
6 an interesting document. I am going to ask you
7 some questions about some of the information set
8 out in there, okay, and I want to be clear I'm
9 not -- this is not a memory quiz, and so I'll just
10 say some things -- I'll remind you of some things
11 and see if you still agree with them, okay?

12 A Okay.

13 Q The problem with a serial killer investigation as
14 compared to most other murders is the absence of
15 connection between suspect and victim; is that
16 right?

17 A Yes. Only a very few instances involve a serial
18 killer attacking someone that they know. If they
19 do, that's likely to lead to their arrest and they
20 don't become serial. So it's almost -- almost all
21 are stranger and stranger crimes.

22 Q So four factors that make a serial killer
23 investigation very difficult is the offence is
24 often committed as between strangers, number one?
25 And perhaps this is --

1 A I'm sorry, could you just start again?

2 Q Yeah. Often the suspect and victim are strangers
3 to one another?

4 A Yes. I just -- can I just clarify because I
5 thought about this a little more carefully. There
6 are some types of serial killers, for example, the
7 custodial killers we mentioned yesterday or nurse
8 killers, who do know their victims, at least to
9 some level, but often the police don't even know
10 that they have murders on their hands. And there
11 also may be, like, a short relationship, like an
12 individual gets picked up at a nightclub and then
13 taken home and murdered. So they have met, but,
14 you know, they really didn't have any sort of
15 long-term relationship that can be exploited in a
16 police investigation. So I just wanted to clarify
17 that.

18 Q I guess that actually invites this question in
19 that even if you have concluded that you're
20 possibly dealing with a serial killer, you are
21 still left with the task of trying to figure out
22 what kind of serial killer, right?

23 A That's correct.

24 Q So the fact that even if it is accepted that
25 you're dealing with a serial killer, that's really

1 the beginning of a whole bunch -- a whole series
2 of further questions that need to be answered?

3 A Well, I would say that, I mean, the classification
4 or typology is not relevant other than how it may
5 help you investigate the crimes and then apprehend
6 the offender.

7 Q Right. You wrote in your thesis, and I'll read it
8 and see if you still agree:

9 The thoughts of interviewed serial killers
10 showed just as many differences as they do
11 commonalities.

12 A Yes, I would still agree with that.

13 Q And, again, illustrating the difficulty that even
14 if you've identified a possible serial killer
15 theory, there's still a great deal of
16 investigation to be done?

17 A Yes, but we also have to recognize there are
18 commonalities, there are patterns and trends.

19 Q Okay. You summarize the following as being the
20 problems of a serial killer investigation, and
21 I'll just -- one, the lack of a relationship, and
22 I guess we should now say possible lack of
23 relationship between a victim and offender?

24 A Yes.

25 Q Two, the need to determine the likely group of

1 potential suspects?

2 A Yes.

3 Q Three, the information that you're analyzing must
4 be useful in nature?

5 A Useful to the investigation, yes.

6 Q And you wrote:

7 The determination of what is useful and what
8 is not is a less than straightforward task.

9 A Yes. You don't always know if something is going
10 to be critical and relevant at the beginning of
11 the investigation.

12 Q Okay. Four, the issue of information overload and
13 the high cost of extensive, long-term
14 investigations. That's always a factor in serial
15 murder investigations?

16 A There's a few that the police were very lucky in,
17 but I would say almost all, and I would say those
18 are two of the biggest problems.

19 Q And I guess also that within serial murder
20 investigations sometimes the investigation has
21 bodies that -- that there are actually bodies as
22 opposed to simply missing people, right?

23 A That's probably the more common scenario.

24 Q And if there is a body, that is, in effect, a
25 crime scene that makes an investigation -- gives

1 you a lead, gives you at least possible leads with
2 respect to where the investigation should go?

3 A Oh, you have much more information if you have the
4 victim's body.

5 Q Okay. And I take it also that we are looking back
6 some considerable years, and you have at various
7 points of your testimony talked about the
8 importance of information management and
9 information overload?

10 A Yes.

11 Q I take it that now as compared to a decade ago the
12 police are much better off with the technology
13 available with respect to information management?

14 A I'm not -- I would say that undoubtedly it's
15 better, but I think it was at a reasonable state
16 of development then. After the Yorkshire Ripper
17 case the British police had developed the HOLMES,
18 the Home Office Large Management Enquiry System
19 for managing data. We had SIUSS in the Vancouver
20 Police Department. The ViCLAS system was up and
21 running at that point in time. We did have
22 available relatively cheap computing power, so we
23 did have a reasonable capability in the mid-'90s.

24 Q Would you say, though, it's an evolving science,
25 information management is an evolving science?

1 A Yes. For example, the further development of the
2 PRIME system and other police software databases
3 would be one example of what you said.

4 Q Okay. Can I just ask you to go back to tab 18 of
5 that binder that you have in front of you?

6 A Yes, sir.

7 Q And this is your case assessment from 25 May 1999?

8 A Yes.

9 Q Go to page 3, please. And the -- I'm just -- it's
10 the second line down from the top beginning with
11 the words, "It should be remembered..." Are you
12 there?

13 A Yes, sir.

14 Q I'm just going to ask you a question about that,
15 and I'll read for the commissioner the sentence.

16 It should be remembered that individuals from
17 fringe populations (e.g., Skid Row,
18 prostitutes, drug users) --

19 THE COMMISSIONER: I think you are going to have to speak up.
20 I don't know if the reporter can, but I'm having
21 trouble hearing.

22 MR. DELBIGIO: Sorry.

23 THE REGISTRAR: Just pull the mic down towards you a little
24 bit.

25 MR. DELBIGIO: Better. Thank you.

1 Q I'll begin again.

2 It should be remembered that individuals from
3 fringe populations (e.g., Skid Row,
4 prostitutes, drug users) are less stable and
5 often nomadic, and therefore more difficult
6 to find. On the other hand, extraordinary
7 efforts were made by our Department to locate
8 these individuals.

9 Do you see that?

10 A Yes.

11 Q And I take it that that, what you say, the factor
12 that should be remembered, that also increases the
13 complexity or difficulty of an investigation of
14 this sort?

15 A Yes, but I want to be clear that when I'm
16 referring to them being nomadic I'm not talking
17 about them -- these women being on a prostitution
18 circuit. I'm talking about the fact that one day
19 they're at the Balmoral Hotel and then they move
20 to the Columbia Hotel a week later and then
21 they're staying at some friend's house off of
22 Princess Street, that type of thing, maybe they go
23 back to their home reserve or hometown for six
24 months, but not on this sophisticated, high-end
25 prostitution circuit that had been discussed

1 earlier.

2 Q I understand the distinction, but -- and I guess
3 -- but even on the basis of that distinction and
4 as you have explained it, still those factors
5 significantly increase the difficulty of an
6 investigation of this sort?

7 A Well, I think one of the -- the biggest issue is
8 the fact that we didn't receive reports of them
9 being missing sometimes for quite a period after
10 they had been reported missing.

11 MR. DELBIGIO: Thank you, sir. Those are my questions.

12 THE COMMISSIONER: Thank you, Mr. DelBigio. Mr. Henderson.

13 MR. HENDERSON: Mr. Commissioner, Rick Henderson appearing for
14 retired Deputy Chief of Police Gary Greer.

15 **CROSS-EXAMINATION BY MR. HENDERSON:**

16 Q Dr. Rossmo, my questions are going to focus upon
17 what might have happened or what was available to
18 be done by yourself or Gary Greer after the
19 dust-up meeting. That's the meeting of September
20 22nd, 1998. So I don't intend to be long or to
21 bounce you through a number of exhibits. First of
22 all, your contact, the contact that was made with
23 you was done at the end of August of 1998?

24 A That's correct.

25 Q And that was made by Gary Greer and/or Staff

1 Sergeant MacKay-Dunn?

2 A Staff Sergeant MacKay-Dunn and then we had a
3 meeting with Gary Greer.

4 Q At that time the organizational structure, I think
5 the Commissioner has indicated, was paramilitary;
6 it was a hierarchy, ranks, commands up and down
7 and so on and so forth, the usual type of
8 organization for a police force?

9 A Yes, sir.

10 Q Your responsibility was a particular section of
11 the operation support division, that's the
12 geographic profiling?

13 A That's correct.

14 Q In the same operating division was Major Crimes;
15 is that not correct?

16 A That is correct.

17 Q And another division was District 2, which was
18 Gary Greer's command for -- which included the
19 Downtown Eastside?

20 A That is correct.

21 Q And his superior was Deputy Chief Blythe?

22 A Yes.

23 Q There was also a communication structure that
24 would have existed in August of 1998, and that
25 would involve up and down the ranks and laterally,

1 I assume, amongst various sections within the
2 police department?

3 A I'm not -- I wouldn't limit it to that, but those
4 would be definitely common ways of communicating
5 depending on what the purpose of the communication
6 was for. So, for example, if I wanted to talk to
7 Lori Shenher or she wanted to talk to me in the
8 course of the next several months, we would just
9 talk to each other.

10 Q Some communication levels are informal, and some
11 are more formal?

12 A Yes.

13 Q When you were contacted at the end of August of
14 1998, eventually out of that contact developed the
15 idea of the Missing Women's Working Group; is that
16 not correct?

17 A That's correct.

18 Q You're aware that Inspector Greer, as he then was,
19 had a good deal of respect for your talents?

20 A I'm not certain of that.

21 Q Well, he advises me so.

22 A Okay.

23 Q That he has respect for you and for your talents
24 at that time. And he obviously contacted you for
25 a reason. He thought you could be of assistance?

1 A Yes.

2 Q And I assume that this is a relatively exciting
3 thing for you because it's right up your alley?

4 A Yes.

5 Q So you could bring your talents to bear to
6 hopefully an end point that you thought would be
7 useful?

8 A Yes.

9 Q Now, you have already given the commissioner your
10 evidence concerning the events that took place up
11 to the dust-up meeting, and that is memos, your
12 strategic blueprint, contact with various
13 individuals concerning the proposed meeting, and
14 you've been shown the *Vancouver Sun* article of
15 September 18th this morning, so I'm not going to
16 take you through any of those again. I think it's
17 fair to say that things fell apart or were
18 derailed at this September 22nd meeting where what
19 I refer to as the dust-up occurred; is that not
20 correct?

21 A That's correct.

22 Q In various ways, shapes or form Gary said that he
23 locked horns with Inspector Biddlecombe. Shenher
24 says that you and Gary were emotional about your
25 position. I gather you and Gary consistently were

1 proponents of the Missing Women's Working Group,
2 which would be natural?

3 A Yes.

4 Q And you've already indicated why it was derailed,
5 so I am not going to get you into that too much.
6 I think it's fair to say when the dust settled
7 from this dust-up meeting what was originally
8 conceived for the Missing Women's Working Group
9 was no longer in effect?

10 A It was no -- in my opinion and I'm pretty sure in
11 Gary Greer's opinion it was no longer a viable way
12 forward at that point in time. Another way
13 forward had been laid out for how this was going
14 to proceed by Inspector Biddlecombe, and that was
15 the assignment of Detective Constable Lori Shenher
16 to try to find the missing women. So that's what
17 ended up happening. That's what -- the approach.
18 It was not an ideal approach, but at least it was
19 something.

20 Q Well, the concept of the Missing Women's Working
21 Group was both inter-jurisdictional as well as
22 intra-jurisdictional? It involved other police
23 forces, and it also involved different sections
24 within the Vancouver City Police?

25 A That's correct.

1 Q So it's not a particularly usual event, I would
2 assume?

3 A It would be not unheard of, but also, you're
4 right, not usual.

5 Q And once the dust settled, so to speak, it became
6 something that was going to be operated within the
7 Major Crime Section?

8 A That is correct.

9 Q And both you and Gary, I think it's fair to say,
10 would be disappointed with the outcome?

11 A Yes.

12 Q And you would have had options available to you.
13 Now, you've touched upon some of your own options,
14 which were limited. I assume if you wanted to
15 revive something like the Missing Women's Working
16 Group under the new mandate you weren't able to
17 walk over and say, "I'm taking charge of this"?
18 Clearly you couldn't do that?

19 A Correct.

20 Q You could have reported up the ranks to Deputy
21 Chief McGuinness, and I think you've indicated why
22 you didn't do that. You had some constraints at
23 the time?

24 A You certainly don't go tattling to your boss when
25 things don't always work out the way you want them

1 to work out. At least we had a way forward that
2 was occurring with Detective Constable Shenher.
3 Again, we were disappointed. We didn't think that
4 was the best thing, but at least it was something.

5 Q Yes. I think you said you couldn't do an end run,
6 which I think is a fair comment.

7 A Yes.

8 Q So you were still going to be there possibly used
9 as a resource person by Major Crimes in whatever
10 they used to provide the whole Missing Women's
11 Working Group?

12 A Yes.

13 Q Whatever to assist?

14 A Yes, hence my e-mail requesting data.

15 Q Now I'd like to ask you what realistic options
16 Gary Greer might have had at that time upon the
17 dissolution of the Missing Women's Working Group.
18 Assuming he wanted to have something similar
19 continue in the future, was there anything
20 realistic that he could have done?

21 A I was disappointed that Gary didn't push back
22 further against Inspector Biddlecombe. Inspector
23 Biddlecombe is a very strong personality. Maybe
24 he felt the same way that I did, that at least
25 this was a way forward. I felt uncomfortable that

1 this would only be a Major Crime initiative
2 because I really saw the Patrol Division as having
3 a lot to provide in terms of contacts and
4 knowledge, in particular, people like Dave
5 Dickson, but, unfortunately, Biddlecombe and
6 Dickson did not get along well, at least
7 Biddlecombe did not like Dickson.

8 Q Well, sir, as far as the result was concerned,
9 that is to say that when the dust settled it was
10 within Major Crime, I believe most of the people
11 who have provided reports here have indicated that
12 was technically the proper result. Is that not
13 correct?

14 A It's the proper result for taking control of the
15 investigation, and obviously Major Crime played a
16 key role if you look at the individuals on the
17 working group and how many of them came from Major
18 Crime, you know, in our initial idea of a working
19 group, but I think Inspector Greer could have
20 demanded more accountability from Inspector
21 Biddlecombe, more reporting, and maybe suggested
22 that, okay, if you want to do this, why not
23 allocate more resources.

24 Q Did you know or participate in any of the weekly
25 or regular meetings of the management at which

1 time everybody would report on progress in their
2 respective sections?

3 A I'm not quite sure what you're talking about, so
4 perhaps my answer is no.

5 Q Okay. Were you aware that there were departmental
6 meetings on a regular basis that involved
7 inspectors and deputy chiefs?

8 A Yes. I recall going to some within my division at
9 the time that Ken Higgins was the deputy chief
10 constable, but only some. As amongst other
11 tricks, I sometimes got left off mailing lists and
12 other such things.

13 Q All right. Well, I'm concerned mostly about
14 responding to your comment about Greer
15 participating in information that might have come
16 to him afterwards. You're aware that there were
17 weekly meetings or bi-weekly meetings of the
18 management?

19 A Okay, I understand what you're saying, and I would
20 have to say that I can't -- I have no knowledge of
21 all the different forms of communication Inspector
22 Greer did get from Inspector Biddlecombe.

23 Q And are you aware of any communication that Greer
24 might have made to his deputy chief concerning the
25 break-up of the Missing Women's Working Group?

1 A No, I'm not.

2 Q Okay. And Deputy Chief LePard in his report has
3 indicated that the taking control of the situation
4 of the missing women investigation by Major Crime
5 was something that was probably correct because
6 otherwise there would have been confusion, there
7 would have been a lack of clarity about who was in
8 charge?

9 A The idea that Major Crime would run the thing,
10 let's just say, for instance, Major Crime said,
11 "We want to be in charge of this, we suggest that
12 we take over the working group," I think would
13 have been a perfectly acceptable and probably
14 positive outcome.

15 Q But that was not done?

16 A No.

17 Q And the realistic options that Gary had to be able
18 to deal with the situation after the dust-up
19 meeting were, I suppose, limited to those things
20 you've touched on now: talking to Inspector
21 Biddlecombe about what was going on, impressing
22 his opinion on where we were with missing women
23 from time to time?

24 A Communicating to his deputy chief and to the
25 chief, those types of things. If I understand

1 what you're saying regarding organizational
2 responsibilities, then I would agree that, you
3 know, Major Crime definitely is a -- the most
4 central player in this.

5 Q And just lastly, you're aware of the
6 responsibilities that the District 2 commander
7 would have for communication within the Downtown
8 Eastside, meetings with groups and so on and so
9 forth? You're generally aware of all those
10 things?

11 A Not of the specifics, but I know they would have a
12 number of those things, many different groups.
13 It's a very busy part of the city, District 2.

14 Q Do you have any evidence or knowledge about any
15 difference in the manner in which Gary Greer would
16 have handled those duties after the dust-up
17 meeting than he did before the dust-up meeting?

18 A The only thing I could think of, Mr. Commissioner,
19 is I do notice that there were interactions in
20 some meetings, like at the Carnegie Centre. I
21 don't know the origin of how those meetings were
22 set up, so that may have been a result of it. I
23 just don't know.

24 Q Inspector Greer was gone from District 2 by
25 January 4th, I think, 1999. I'm not certain of

1 the Carnegie meeting date.

2 A Yes, it was probably after that.

3 MR. HENDERSON: Dr. Rossmo, thank you very much for answering
4 my questions.

5 A Okay.

6 THE COMMISSIONER: Thank you, Mr. Henderson.

7 MR. VERTLIEB: Mr. Neave.

8 MR. NEAVE: Thank you, Mr. Commissioner. Professor Rossmo, I'm
9 David Neave. I'm counsel for former Inspector
10 Biddlecombe.

11 THE COMMISSIONER: I think the reporter is having trouble
12 hearing you.

13 **CROSS-EXAMINATION BY MR. NEAVE:**

14 Q Inspector -- or, sorry, Professor, I am going to
15 put to you several documents from the Vancouver
16 Police Department files, and just before I do that
17 and before I commence my review of the documents I
18 just want to clarify that you were first -- your
19 appointment to detective inspector occurred on the
20 16th of October, 1995; is that correct?

21 A That's correct.

22 Q And your evidence is that you were the
23 Geographical Profiling Section?

24 A I had a clerical assistant, but that was it.

25 Q Other than those, yourself and your assistant, you

1 were it?

2 A Yes.

3 Q So when we see references to the Geographical
4 Profiling Unit or Geographical Profiling Section
5 in the documents, that's you; is that fair?

6 A Yes.

7 Q And I understand that you were already in your
8 role as the Geographical Profiling Unit or in that
9 responsibility prior to Inspector Biddlecombe
10 assuming the position of inspector in what was
11 then called the Violent Crime Section?

12 A For just over two years.

13 Q Yes. And the first document I am going to show
14 you -- show you, Professor, is a Vancouver Police
15 Department memo dated the 7th of February, 1998.

16 A Yes, sir.

17 Q Have you seen this before?

18 A No, I have not. At least not to my memory I have,
19 though I do think I did hear about these
20 recommendations.

21 Q Yes. And my understanding is that you were mailed
22 a copy in February 1998. Is that not your
23 recollection, sir?

24 A That's not my recollection. I'm not saying it
25 didn't happen, it's just I can't remember. It's

1 not in my administrative files that I have.

2 Q Okay. Well, let's review this document. So this
3 is a document that Inspector Biddlecombe authored.
4 It goes to Deputy Chief Constable Brian McGuinness
5 on the 7th of February, 1998, fair?

6 A Yes.

7 Q And you will see, as per your recollection,
8 Inspector Biddlecombe was first assigned to or
9 became the inspector in charge of the Violent
10 Crime Section in January 1st, 1998?

11 A Yes.

12 Q So you were already in your position?

13 A Yes.

14 Q And as you page through this document you will see
15 that its purpose is a research project that
16 Inspector Biddlecombe and others conducted with
17 respect to homicide rates at various locations
18 across the country, fair?

19 A Yes, I see that.

20 Q And those results and the people that he
21 interviews are summarized on the first and second
22 pages, and then on the succeeding pages there's
23 various statistics that are compiled with respect
24 to homicide rates and clearance rates, fair?

25 A Yes.

1 Q And then if I can direct your attention,
2 Professor, to page 9 at the bottom, you will see
3 that the inspector starts -- it's an introductory
4 paragraph, if you will, to the recommendations
5 that he's about to make with respect to the
6 management team or from the management team for
7 the Violent Crime Section.

8 A Sorry, no, I don't see that. Page 9?

9 Q Page 9 at the bottom. You'll see:

10 Based on the comments from the above noted
11 Police agencies...

12 A Okay. I have it.

13 Q So that's the preamble to the recommendations,
14 fair?

15 A Yes.

16 Q And then, sir, over to the recommendation number
17 10. So these are -- so in early 1998 we have
18 Inspector Biddlecombe making certain
19 recommendations, and they're numbered, and the
20 tenth one affects you --

21 A Yes, it does.

22 Q -- correct?

23 A Yes.

24 Q "When appropriate, the Homicide NCO..." What's
25 NCO?

1 A Non-commissioned officer. It would be probably a
2 sergeant rank.

3 Q Okay. And that would be a person that would be
4 below your rank structure in the organization,
5 fair?

6 A It would be a supervisory position.

7 Q Yes. And below your rank structure?

8 A I think I existed sort of in a parallel universe,
9 if you will. The Homicide NCO would be below
10 Inspector Biddlecombe.

11 Q Yes. And he would be less than your rank --

12 A No.

13 Q -- of deputy inspector?

14 A No.

15 Q Okay. So he is the individual or she is the
16 individual that's in charge of the Homicide Unit;
17 is that correct?

18 A Well, I would say Inspector Biddlecombe is in
19 charge of it all, but at any given point in time
20 because of different shifts, days off you would
21 have a sergeant in charge that would deal with the
22 supervision of the daily activities.

23 Q Right. So it would be fair to describe that
24 person as the day-to-day supervisor --

25 A Yes.

1 Q -- of the active investigations that are being
2 conducted by the Vancouver Homicide group within
3 the Vancouver Police Department?

4 A That sounds like a fair characterization.

5 Q So that person is assigned the authority, so this
6 sergeant is assigned the authority to call you out
7 to attend crime scene -- to attend crime scenes
8 when that sergeant determines that that call-out
9 is appropriate, correct?

10 A Correct.

11 Q And indeed, sir, you did get notice of that
12 particular recommendation, didn't you?

13 A Yes, I did.

14 Q And that was in the letter, the memo directed to
15 you by Inspector Biddlecombe that we referred
16 to -- that you were referred to yesterday?

17 A Yes.

18 Q Mr. Commissioner, for your aide-memoire, that's
19 document 6 of the -- of the documents that are in
20 the Professor Rossmo package.

21 And when you saw that recommendation you
22 telephoned Inspector Biddlecombe and thanked him
23 for making that specific recommendation --

24 A Yes.

25 Q -- didn't you?

1 A Yes.

2 Q And indeed with respect to the work that you were
3 performing as the Geographical Profiling Unit,
4 it's fair to say that you were getting extensive
5 support from senior management within the VPD
6 given that you were working not only locally, you
7 were working in the United States and you were
8 working in Europe, fair?

9 A I was getting mixed support.

10 Q But you were getting support to work in Europe,
11 fair?

12 A I had support from Deputy Chief Brian McGuinness,
13 and I had support from Chief Constable Canuel and
14 Chief Constable Chalmers.

15 Q And you were getting support and actually did do
16 work in the United States in a number of cases
17 that were put to you yesterday, fair?

18 A Yes.

19 Q And this recommendation is a clear example that
20 Inspector Biddlecombe supported you and your call-
21 out by a sergeant on homicide investigations,
22 fair?

23 A At this point in time, but I will mention I never
24 received a single call-out.

25 Q That's not my question. My question is at that

1 point in time Inspector Biddlecombe made a
2 recommendation that supported your continued -- or
3 your call-out on appropriate cases by the sergeant
4 in charge of the Homicide Unit, fair?

5 A Yes, in February 1998.

6 MR. NEAVE: May that be marked as the next exhibit, please?

7 THE REGISTRAR: Exhibit 75.

8 MR. NEAVE: Thank you.

9 (EXHIBIT 75: Document entitled VPD Memorandum
10 dated February 7, 1998; McGUINNESS to BIDDLECOMBE)

11 MR. NEAVE:

12 Q Professor Rossmo, I'm showing you an e-mail train
13 that commences in September 22nd, 1998, with the
14 bottom portion of that document and then a
15 follow-up of 9th of September -- or, sorry, 9th of
16 February, 1999 and then the 13th of February, '99.
17 Have you seen this document before, sir?

18 A Yes, I have.

19 Q And indeed if we focus first on the e-mail from
20 the 22nd of September, 1998, that's an e-mail from
21 yourself to former Inspector Biddlecombe, correct?

22 A Correct.

23 Q And this is -- is this the e-mail that you
24 referred to yesterday in which you were seeking
25 certain statistical information from several

1 individuals within the department?

2 A It's part of it, though there are other e-mails
3 and e-mail threads on that topic that are in the
4 documents here.

5 Q Thank you. And so this one goes to Inspector
6 Biddlecombe, and the others go to other
7 individuals; is that fair?

8 A I would have to look at the other ones to know
9 exactly who they went to.

10 Q But, in any event, this one goes to Inspector
11 Biddlecombe?

12 A Yes.

13 Q And this is the one that you didn't get an answer
14 to you testified to yesterday, correct?

15 A Correct.

16 Q And so the next thing that you do is -- well, not
17 the next thing. On February 9th, 1999, you send
18 this earlier e-mail to Deputy Chief McGuinness,
19 correct?

20 A Yes.

21 Q Directly?

22 A Yes.

23 Q You don't copy Inspector Biddlecombe on it, do
24 you?

25 A No.

1 Q And indeed what you're doing here is what you said
2 you couldn't do; you're doing an end run on
3 Inspector Biddlecombe?

4 A No, I'm sending this to Brian McGuinness because
5 Brian McGuinness -- this flowed from a
6 conversation with Brian McGuinness. If you look
7 at what I say to him, "Brian, here is the data I
8 requested," it's following on a personal
9 conversation that we had.

10 Q And Deputy Chief McGuinness's e-mail response back
11 to you is -- and it goes to Inspector Biddlecombe,
12 to Dan Dureau, and to Brock Giles, fair?

13 A Yes.

14 Q "Was this information forwarded?" So he's
15 querying each of them, correct?

16 A Yes.

17 Q And he then says:

18 If not, please find out why and bring the
19 information to the 24th meeting.

20 Fair?

21 A Yes.

22 Q So did you get the information on the 24th
23 meeting?

24 A I didn't get the information I was looking for
25 until Lori Shenher presented her data at the

1 February meeting at the Carnegie Centre.

2 Q Was there a 24th of February meeting?

3 A There may have been a meeting. I don't recall
4 being at it.

5 Q Did you follow up with --

6 A If it involved Inspector Biddlecombe, I was not at
7 a meeting -- actually, I just think we had the one
8 meeting in Brian McGuinness's office with Geramy
9 Field, so perhaps that's the 24th meeting. I'm
10 not sure without looking at the documents
11 regarding the date. But the only meeting I had
12 with Brian -- sorry, with Fred Biddlecombe
13 following September was the meeting in Brian
14 McGuinness's office in February. So that might be
15 the 24th, but I just had the one meeting in any
16 event.

17 Q Did you get the information you were seeking on
18 the 24th or thereafter?

19 A I got it from the Carnegie Centre or from Lori
20 Shenher after her presentation at the Carnegie
21 Centre.

22 Q So you did get the information?

23 A From Lori Shenher, yes.

24 Q You didn't need to follow up with Deputy Chief
25 McGuinness again to query why Inspector

1 Biddlecombe hadn't given you the information, did
2 you?

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

4 Q Did you follow up with Deputy Chief McGuinness and
5 complain that you didn't get the information from
6 Inspector Biddlecombe?

7 A Would it be possible to look at that longer e-mail
8 thread that talks about the subject, because I
9 just would like to reference that?

10 MR. NEAVE: I don't know which exhibit you're referring to, but
11 I'm in counsel's hands.

12 MR. VERTLIEB: Perhaps we should do it over the break.

13 MR. NEAVE: Thank you. I can come back to that issue later.

14 THE REGISTRAR: The hearing will now adjourn until two o'clock.

15 **(PROCEEDINGS ADJOURNED AT 12:28 P.M.)**

16 **(PROCEEDINGS RESUMED AT 2:20 P.M.)**

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

18 MR. VERTLIEB: Mr. Commissioner, I regret the time that was
19 taken and you were waiting. Mr. Skwarok will help
20 you with some e-mail chain that arose, but I
21 thought it was important to take the time to sort
22 out the e-mails so that the witness will have the
23 e-mails that he feels are necessary for this line
24 of questioning. So I'm sorry you were sitting
25 wondering what we were doing.

1 THE COMMISSIONER: All right.

2 MR. VERTLIEB: Mr. Skwarok can just tell you what he's
3 identified.

4 MR. SKWAROK: Sir, Skwarok appearing for Rossmo.

5 THE COMMISSIONER: Yes.

6 MR. SKWAROK: Two matters. Yesterday in my examination of Dr.
7 Rossmo I made reference to a document and failed
8 to mark it as an exhibit, and I request that that
9 happen now.

10 THE COMMISSIONER: All right.

11 MR. SKWAROK: It's dated January the 13th. It's a memo from
12 Detective Inspector Rossmo to Inspectors
13 Biddlecombe and Ken Doern.

14 THE REGISTRAR: That will be marked as exhibit number 76.

15 **(EXHIBIT 76: Document entitled - VPD Memorandum**
16 **dated January 13, 1999; ROSSMO to BIDDLECOMBE)**

17 MR. SKWAROK: Yesterday, sir, the commission staff filed a
18 binder of documents. At tab 15 of that binder is
19 a series of e-mails.

20 THE COMMISSIONER: Yes.

21 MR. SKWAROK: In my review of them it became evident that some
22 were missing. What will be distributed to all
23 counsel is a complete package of those e-mails,
24 but for your benefit I've already done that. You
25 will see to the left of each one of the e-mails

1 there is a handwritten number, and that
2 handwritten number represents the sequential time
3 and date of each e-mail. So on the first page the
4 e-mails are 9, 5 and 1. The second page is 8 and
5 4.

6 THE COMMISSIONER: All right.

7 MR. SKWAROK: Next page 6, 10, 3, and 2.

8 THE COMMISSIONER: Okay.

9 MR. SKWAROK: And on the fourth page numbers 11 and 7.

10 THE COMMISSIONER: Okay.

11 MR. SKWAROK: And then there's an attachment.

12 MR. VERTLIEB: We appreciate Mr. Skwarok's assistance. I'm in
13 your hands on this, Mr. Commissioner, but perhaps
14 there's two ways, either separately mark it as a
15 separate exhibit or --

16 THE COMMISSIONER: I think you should mark it as a package.

17 MR. VERTLIEB: Okay. And then just leave existing tab 15 as is
18 with this as a corrected document. That's fine.

19 THE COMMISSIONER: Yes. Mr. Neave.

20 MR. VERTLIEB: We won't redo the binder that we passed up on
21 Monday. We'll leave it as is. This will be a
22 separate exhibit.

23 THE REGISTRAR: You just wish to mark that now as a separate
24 exhibit?

25 MR. VERTLIEB: Yes.

1 THE COMMISSIONER: That will be marked as Exhibit number 77.

2 (EXHIBIT 77: Document entitled - Email dated
3 February 13, 1999 from McGUINNESS to BIDDLECOMBE)

4 MR. NEAVE: Thank you, Mr. Commissioner. David Neave
5 continuing again for Inspector Biddlecombe.

6 Q Professor, do you have a copy of this marked up
7 set of pages of e-mails with the numbers that Mr.
8 Skwarok just referred to?

9 A Yes, I do.

10 Q All right. So on the first page let's start
11 because that's where we were earlier this morning,
12 and that's the request for the information that
13 you sent to Inspector Biddlecombe on 22 September
14 1998, correct?

15 A Yes, at 18:57 p.m.

16 Q And that's the information that you say Inspector
17 Biddlecombe did not respond to, fair?

18 A Correct. I note that in a -- well, Inspector --
19 can we just hold off on that comment because I
20 think it will become clear what happened as we go
21 through the thread?

22 Q Did you get a response from Inspector Biddlecombe
23 to those -- to those questions?

24 A No.

25 Q Okay. So let's go to the third page, item 2.

1 That's the next in the series in time order there.

2 Bottom of the page, page 3.

3 A Yes.

4 Q Item 2. That's the next, as I understand it, in
5 the sequence, correct?

6 A Yes. October 7, 1998.

7 Q And that's an e-mail from Sandra Cameron to you on
8 the 8th of October, 1998?

9 A Correct.

10 Q Correct. Couple weeks after the first request,
11 right?

12 A Yes.

13 Q And she provides you with some information there,
14 doesn't she?

15 A Well, not the information that I was looking for.

16 Q Well, she provides you with some information,
17 doesn't she?

18 A No.

19 Q All right. Let's read it. "Geramy," and I take
20 it that's Geramy Field, correct?

21 A Yes.

22 Q

23 Geramy,

24 Field,

25 gave me your memo where you want statistics

1 on missing persons.

2 And that's a reference back to your e-mail,
3 correct?

4 A Yes.

5 Q To Inspector Biddlecombe.

6 I am attempting to gather that information
7 for you. Please be advised that this will
8 only be a list of all adults reported missing
9 throughout the City of Vancouver since 19 --
10 sorry,

11 City of Vancouver since 1980, not just the
12 downtown eastside and not just prostitutes.
13 The numbers will be up in the 12-15,000 range
14 I think. Of that we usually average 8-10
15 cases a year not resolved, some years only
16 4-5. Vicki Yip in information is looking
17 into this as well as the annual reports for
18 missing persons for 1988, 1989 and 1990 can't
19 be located in my office.

20 Is there a certain date you need or want this
21 by?

22 Is that a fair reflection of what you were told?

23 A My copy says "reports for missing persons for
24 1988, 89" and then there's a period and then it
25 says "80 can't be located in my office".

1 Q Fair enough, and I incorrectly filled that in with
2 the '90 because that's kind of in order, but I
3 have your point. That was the information you
4 were provided, correct?

5 A Well, it's a response to my e-mail. It's not the
6 information that was requested.

7 Q It was a response to your e-mail, wasn't it?

8 A Yes, it was a response to my e-mail to me on that
9 date.

10 Q And it's fair you're just not satisfied with the
11 information, fair?

12 A It's not even what I asked for or helpful for the
13 analysis, so it's -- she says here:

14 I am attempting to gather that information
15 for you.

16 So she's in the process of gathering it, she says.

17 Q And where do you go back to her and ask for
18 follow-up or direct to Inspector Biddlecombe your
19 dissatisfaction with that information?

20 A She's told me she's attempting to gather the
21 information. This is not the information I asked
22 for. She doesn't pretend it's the information I
23 asked for.

24 Q And my question, sir, is where do you go back to
25 Inspector Biddlecombe or indeed to Miss Cameron

1 and ask her for the information that you say was
2 not provided?

3 A I'm not sure I answer -- sorry, that I understand
4 your question. There is a response dated the next
5 day from me to Sandy Cameron 8th of October, but
6 there doesn't -- that part of the e-mail or
7 message seems to be missing, and certainly this is
8 not a comprehensive catalogue of all my e-mails,
9 so I really don't know how to answer your
10 question.

11 Q Did you, sir, at any point, at any point go back
12 to Inspector Biddlecombe directly and ask him to
13 provide you with the information in your e-mail of
14 22 September 1998?

15 A Without having access to my e-mail files I can't
16 answer that. I don't know.

17 Q That's because you didn't, correct?

18 A Sir, if I can't remember it, I'm certain you can't
19 remember it. I'm saying I can't recall what
20 happened 14 years ago if I don't have access to my
21 e-mails.

22 Q What we do see in this series of e-mail is that
23 you sidestep Inspector Biddlecombe and go to the
24 deputy chief, McGuinness, on the 9th of February
25 with a series of e-mails outlining the failure to

1 provide the information, correct?

2 A No, that's completely untrue. Why don't we go
3 through this in the order so we can see what
4 really happens.

5 Q All right. We're at item -- on page 3. Item 4 is
6 on --

7 A Page 2.

8 Q -- page 2. That's an e-mail from you to Brian
9 McGuinness of the 9th of February, 1999, correct?

10 A Right.

11 Q So that's -- you go back on the 9th of February,
12 1999, to Inspector Biddlecombe's superior with
13 that e-mail, fair?

14 A Yes.

15 Q And you do not copy Inspector Biddlecombe, do you?

16 A No.

17 Q All right. Number 5 is on the first page. Number
18 5 is an e-mail from you to Deputy Chief McGuinness
19 on the 9th of February at 6:22 p.m., correct?

20 First page, item 5, second item. Are you with me?

21 A One moment, please. I'm just wondering if there
22 was a telephone call between Brian and myself
23 between then because I'm trying to -- I'm not sure
24 if -- there might have been a telephone call in
25 there. But, anyways, on February 9th 6:22 p.m. I

1 provide Brian information regarding the
2 information that I had requested, which is
3 forwarding the first e-mail that we numbered
4 number 1.

5 Q And Inspector Biddlecombe is not copied on that,
6 is he?

7 A No.

8 Q Item 6, page 3, 9th of February, 6:32 p.m. from
9 you to Deputy Chief McGuinness, correct?

10 A Correct.

11 Q Second item. Biddlecombe's not copied, is he?

12 A No.

13 Q Item 7, page 4, February 10th. Are you with me,
14 Professor?

15 A Yes.

16 Q From you to Deputy Chief McGuinness. Biddlecombe
17 is not copied there either, is he?

18 A Correct.

19 Q Number 8, page 2. This is the first time that
20 Deputy Chief McGuinness alerts Inspector
21 Biddlecombe, Dan Dureau, and Brock Giles, correct?

22 A I don't know. I don't know the first time he
23 talked to them.

24 Q I'm asking on this e-mail.

25 A On this e-mail. And again, Mr. Commissioner, I'd

1 like to point out that we don't know what is
2 missing. What we originally were handed had
3 pieces missing. But in this set of five pages
4 this is the first time that Inspector Biddlecombe
5 is communicated with.

6 Q And that's consistent with the other e-mails that
7 are in this package from Deputy Chief McGuinness
8 on which he directed your e-mail to former
9 Inspector Biddlecombe, to Dan Dureau and Brock
10 Giles, right?

11 A I don't know what you mean by the word
12 "consistent".

13 Q Well, in each case on the 13th of February --
14 let's start looking at them then. Page 1, item 9,
15 13th of February, 11:09 a.m. to Biddlecombe,
16 Dureau, and Brock Giles, right?

17 A Correct.

18 Q Next page, 2, 13th of February from Deputy Chief
19 McGuinness to Biddlecombe, Dureau, and Giles,
20 right?

21 A I'm sorry, which number again?

22 Q Page 2, item 8.

23 A Yes.

24 Q Page 3, item 10, from Deputy Chief McGuinness to
25 Biddlecombe, Dureau, and Giles, correct?

1 A There's number 9 on page 1, also on the 13th.
2 Q Yes.
3 A And then item 10 on the 13th.
4 Q Yeah, we've done item 9. Am I going too quickly
5 for you?
6 A I'm with you on page 3, item 10.
7 Q Thank you. Item 10, same circumstance, correct?
8 A I don't know what you mean by circumstance, but
9 looking at this series --
10 Q It's an e-mail --
11 A -- of e-mails --
12 Q It's an e-mail --
13 A Would you please not interrupt me when I'm
14 answering. I'm trying to follow you, but it's a
15 little bit difficult. On the 13th of February we
16 had Deputy McGuinness sending off three e-mails in
17 a very short time period, 11:07 a.m., 11:09 a.m.,
18 and 11:10 a.m.
19 Q Yes, I agree. And we're on item -- page 3, item
20 10, and that, like the other two you just
21 indicated, is an e-mail from Deputy Chief
22 McGuinness to Biddlecombe, Dureau, and Brock
23 Giles --
24 A Correct.
25 Q -- correct?

1 A Yeah.

2 Q And then on page 4, same day, another e-mail from
3 Deputy Chief McGuinness to Biddlecombe, Dureau,
4 and Giles --

5 A Correct.

6 Q -- right? Fair?

7 A Yes.

8 MR. NEAVE: All right. And that package, Mr. Commissioner, I
9 believe is marked as an exhibit.

10 THE COMMISSIONER: Yes.

11 MR. NEAVE: Is that correct?

12 THE REGISTRAR: That was just marked as Exhibit number 77.

13 MR. NEAVE: Thank you very much. May the witness be shown
14 Exhibit 74, please, the news story from the
15 *Vancouver Sun* 18 September?

16 THE REGISTRAR: 74.

17 MR. NEAVE: 74. It was marked this morning.

18 THE REGISTRAR: Where have we got it here? You should still
19 have it. It wasn't a binder, it was a separate
20 document?

21 MR. NEAVE: I think it was marked this morning by one of my
22 colleagues.

23 THE REGISTRAR: There's a copy.

24 A Thank you.

25 MR. NEAVE:

1 Q Have you got that document, Professor, the news
2 release?

3 A Yes, I do.

4 Q Exhibit 74. You've got that before you, sir?

5 A Yes.

6 Q My understanding is that you have not seen this
7 document before. Is that correct?

8 A I think what I said is I don't recall reading it
9 when it first came out in the newspaper, but I may
10 well have read it at some later point.

11 Q I am going to ask you a few questions about it.
12 If you go -- the fifth paragraph down you'll see
13 starting, "Greer is calling the team..." Do you
14 see that?

15 A Yes.

16 Q
17 Greer is calling the team a "working group"
18 because it is simply trying to get a handle
19 on the numbers, he said.

20 A Correct.

21 Q I've read that correctly?

22 A Well, as I was asked and testified earlier, we
23 were trying to understand what was going on in
24 terms of the large number of missing women.

25 Q Yes. And, to your knowledge, that statement is

1 accurate and true, correct?

2 A It's a very limited, simple explanation of the
3 dynamics of what the working group hoped to
4 accomplish, and that was outlined in the strategic
5 blueprint, which we talked about earlier.

6 Q Right. And it's accurate to say the team was
7 being called a working group, correct?

8 A Yes.

9 Q And was trying to get a handle on the numbers.
10 That's accurate too?

11 A That was one of the things it was trying to do.

12 Q Yes. But to the extent that that's there, that's
13 accurate, fair?

14 A It's not the whole truth, but it's truthful as it
15 stands.

16 Q And then go down, sir, to the second last
17 paragraph on the page.

18 The team will include investigators from the
19 missing persons, sex offence, and homicide
20 sections, as well as Greer and geographic
21 profiler, Detective Inspector Kim Rossmo.

22 That's accurate, isn't it?

23 A That's what the working group hoped to do.

24 Q Yes. And you were a component of that, weren't
25 you?

1 A I was a co-chair with Inspector Greer of the
2 working group.

3 Q Yes. And then -- so that aspect, that's accurate,
4 fair?

5 A It's what we hoped to do. It's what we had
6 planned to do.

7 Q Is there anything that's not accurate about that
8 statement, sir?

9 A Well, except for the fact that it didn't turn out
10 that way.

11 Q At the time in September 18th -- or the 18th of
12 September, 1998 was that an accurate statement?

13 A I'm -- I think you're trying to put words in my
14 mouth. We had a blueprint. We've seen what that
15 blueprint is that outlines accurately, completely
16 and fully what the working group hoped to
17 accomplish.

18 Q I understand that, sir, and my question is is this
19 report and that statement with respect to what the
20 team will include accurate as of the 18th of
21 September, 1998?

22 A In my mind at that date, yes.

23 Q Thank you.

24 A I'm not sure what was in the mind of other people
25 in the VPD at this date.

1 Q Fair enough. And then the next paragraph, sir:

2 Rossmo uses a computer program to predict the
3 area where an offender is most likely to live
4 or work, based on where the crimes were
5 committed.

6 That's pretty accurate, isn't it?

7 A Correct.

8 Q And then, sir, dropping down to the paragraph that
9 starts, "Inspector Fred Biddlecombe..." Are you
10 with me?

11 A Yes.

12 Q So this says:

13 Inspector Fred Biddlecombe, who oversees the
14 homicide, sex offence and missing persons
15 sections...

16 I'll pause there. That's correct, isn't it?

17 A Yes.

18 Q

19 ...is not ruling out the possibility of a
20 serial killer...

21 I've read that correctly?

22 A You've read it correctly.

23 Q

24 ...but he said there is no evidence to
25 suggest that at this point.

1 Correct? Have I read that correctly?

2 A You've read it correctly, but it's not a correct
3 statement.

4 Q If it is accurate, Inspector Biddlecombe was not
5 ruling out the possibility of a serial killer,
6 fair?

7 A Based on his actions and what he said at the
8 meeting the 22nd of September, I felt that he had
9 effectively ruled it out.

10 Q If the statement is correct that is recorded here,
11 Inspector Biddlecombe was not ruling out the
12 possibility of a serial killer, correct?

13 A Sir, this is a newspaper story. You're acting
14 like the police departments are always truthful
15 with the media.

16 Q My question is simple, sir. If this statement is
17 accurate, this is a public representation that
18 Inspector Biddlecombe has not ruled out the
19 possibility of a serial killer, fair?

20 A Mr. Commissioner, I think this question would be
21 so much more appropriate for Mr. --

22 THE COMMISSIONER: Sorry.

23 A I think this question would be more appropriate
24 for Inspector Biddlecombe to answer. I don't know
25 what was in Inspector Biddlecombe's mind.

1 THE COMMISSIONER: No, it's not entirely unfair. What he's
2 saying is that if this statement on its face is
3 accurate, and I assume that you're having
4 difficulty with it because you don't say it's
5 accurate, your position is, but that's not the
6 question. The question is if that statement is
7 accurate.

8 A Okay. Could I ask you to repeat the question?

9 MR. NEAVE:

10 Q Yes.

11 A -- again and I'll --

12 Q I'm pleased to, Professor. If the statement is
13 accurate that is reported in the paragraph I just
14 read to you --

15 A Yes.

16 Q -- then there is a public statement that Inspector
17 Biddlecombe has not ruled out the possibility of a
18 serial killer, correct?

19 A Correct.

20 Q Thank you. I would like to put an additional
21 e-mail to the witness. Sir, I'm showing you an
22 e-mail dated the 21st of May, 1999. It's from
23 Inspector Biddlecombe. It goes to Ken Doern,
24 Brian McGuinness. It's copied to Geramy Field,
25 Brock Giles, Dan Dureau. Have you seen this

1 before, sir?

2 A No, I have not.

3 Q Well, let's go through it then. So on the 21st of
4 May, 1999, at 8:10 Inspector Biddlecombe sends
5 this e-mail, correct?

6 A Correct.

7 Q And this e-mail says this:

8 As a result of a request from Detective
9 Constable Shenher of Missing Persons, which
10 has been supported by Sergeant Field in
11 charge of Missing Persons, I am re-assigning
12 staff resources within the Major Crime
13 Section to a Missing Women Working Group.

14 Have I read that correctly?

15 A Yes.

16 Q

17 This Work Group will be tasked with
18 reviewing/investigating...

19 Correct? Am I correct so far?

20 A Yes.

21 Q

22 ...the circumstances surrounding the
23 disappearance of these 21 women.

24 Correct?

25 A Yes.

1 Q So if that statement's true, this Missing Women's
2 Working Group is being tasked with not only
3 reviewing, but investigating the circumstances,
4 fair?

5 A Yes.

6 Q And then there's a reference to re-assigning
7 staff, correct?

8 A Yes.

9 Q And there's a reference to the Garage Robbery Task
10 Force. Do you see that? End of the first
11 paragraph.

12 A Yes.

13 Q And you're familiar with the Garage Robbery Task
14 Force, aren't you?

15 A Yes, and also the Home Invasion Task Force.

16 Q Yes. And indeed on the Garage Robbery Task Force
17 you assisted Detective Latimer and Booker with
18 geographical profiling, correct?

19 A I attempted to, yes.

20 Q So we continue on, and you'll see there are a
21 number of people assigned to the working group,
22 correct? Sergeant Field.

23 A It lists them, but I certainly would not agree
24 that they were assigned to Project Amelia on any
25 sort of full-time basis. Only some were.

1 Q Okay. Let's see what this e-mail says.
2 Effective May 25th the following staff will
3 be assigned to this Working Group.
4 Have I read that correctly?
5 A Yeah.
6 Q That's Sergeant Field, correct?
7 A Yeah.
8 Q Shenher, right?
9 A Shenher, yes.
10 Q Shenher. Thank you. Lepine?
11 A Yes.
12 Q Chernoff?
13 A Yes.
14 Q Vinje, Dixon, and then clerical support, fair?
15 A Yes.
16 Q Then drop down two paragraphs.
17 Supporting this Work Group will be the
18 Geographic Profiling Section.
19 That's you, right?
20 A Yes.
21 Q
22 We will also be looking for support of the 2
23 constables assigned to the DISC Program.
24 What's the DISC program?
25 A It was a program where there was a database of

1 problematic customers for street prostitutes.

2 Q So -- and then you'll note at the last bit, last
3 paragraph:

4 All staff have been notified of this
5 assignment.

6 A Not true, but the statement's there.

7 Q The statement's there. And then you will see from
8 Geramy Field, at the top, the message is forwarded
9 on to Chernoff and Lepine, that's correct?

10 A Correct.

11 Q So in May 1999, on the 21st of May Inspector
12 Biddlecombe directs the Missing Women Working
13 Group to review and investigate and assigns seven
14 investigators, if I'm counting correctly, my math
15 could be off, and says, "Oh, by the way,
16 geographical profiling is to support them," right?

17 A Those aren't true statements, but they are correct
18 that that's what this memo says.

19 Q Do you have any reason to doubt, sir --

20 A But just to let me finish, he's not assigning the
21 Missing Working -- Missing Women Working Group,
22 the one we had. He's forming a review team, which
23 I believe was known as Project Amelia. So I just
24 want to point out that he's forming this not as a
25 transformation of any previous existing body.

1 Q All right. So what he's doing then in May 1999 is
2 Inspector Biddlecombe, who's in charge of that
3 unit, is issuing a directive creating a working
4 group and directing that they review and
5 investigate the missing women, the 21 at the time?

6 A That's what this memo says.

7 Q And he assigns people, and he assigns you as
8 support, correct?

9 A Yes.

10 Q Thank you.

11 A No, he's not in a position to assign me. Deputy
12 McGuinness could assign me.

13 Q So simply because Inspector Biddlecombe says
14 "supporting this Work Group will be the Geographic
15 Profiling Section" in your evidence is not tasking
16 you with assisting with this group?

17 A He could request me to help him or he could ask
18 Brian to assign me. That would be how it would
19 work.

20 Q And you don't know if that occurred or not?

21 A I don't recall it occurring at all.

22 Q Okay.

23 A Though I did have -- to be perfectly clear, I did
24 have a good relationship with Project Amelia and
25 always assisted them as necessary, and they

1 communicated with me on a fairly regular basis.

2 Q Thank you. Now, yesterday, sir, you were asked
3 some questions by Mr. Ward about your civil
4 action. Do you remember that?

5 A Yes.

6 Q Sir, I'm showing you the decision of Justice Allan
7 in *Rossmo v. Vancouver City Police Board*. That's
8 the civil action that Mr. Ward was referring to,
9 wasn't it?

10 A Yes.

11 Q And this is an action that you commenced against
12 the Vancouver Police Board, correct?

13 A Correct.

14 Q And you also sued Deputy Chief Constable Unger
15 personally?

16 A Correct.

17 Q And this was about an alleged wrongful dismissal
18 action that you brought after you were
19 terminated-- or after your contract was not
20 renewed, your five-year contract was not renewed
21 with the Vancouver Police Department, correct?

22 A Correct.

23 Q If I can turn you to paragraph 28, sir.

24 A Yes.

25 Q "Detective" -- it says:

1 Detective Inspector Rossmo responded with two
2 concerns. First, he wanted another five-year
3 contract because the proposed two-year
4 extension left him 28 months short of his
5 earliest possible retirement date.

6 Is that accurate, sir?

7 A Correct.

8 Q

9 Second, he had no control over obtaining the
10 requests for geographic profiling services
11 that were necessary to provide crime
12 resolution services to the VPD. He indicated
13 that he would --

14 and then -- and that's true too, right?

15 A Correct.

16 Q And then, sir, if I can take you to paragraph 99.

17 A Sorry, 99?

18 Q 99. And this is Justice Allan's decision, or part
19 of it.

20 Dr. Rossmo's employment was not terminated
21 and he was neither dismissed nor demoted.
22 The Agreement expired without renewal. Dr.
23 Rossmo was offered, and rejected, a two-year
24 extension of the Agreement.

25 That's correct, isn't it?

1 A Yeah.

2 Q

3 He declined to return to his pre-Agreement
4 position as Constable.

5 That's correct, isn't it?

6 A Correct.

7 Q

8 There was never any suggestion by the Board
9 or the VPD that his employment as a sworn
10 Constable would terminate at the end of the
11 Agreement.

12 That's correct, isn't it?

13 A Correct.

14 Q "The board was not" -- and then she says:

15 The Board was not obliged to either maintain
16 the GPU at the end of the five-year term or
17 to reassign Rossmo to another position as an
18 Inspector.

19 That's her conclusion, isn't it?

20 A Correct.

21 Q And by the way, did you get a pension?

22 A Eventually. A reduced one with a penalty.

23 Q And that's because you didn't go to the maximum
24 period of time --

25 MR. VERTLIEB: I'm not sure this goes to --

1 THE COMMISSIONER: I don't know where all -- how this is
2 relevant. I note that nobody was objecting to it,
3 but I --

4 MR. NEAVE: I have one more question and I'm finished.

5 MR. SKWAROK: Sir, Skwarok for Rossmo. I let the first
6 questions go in because I thought there was going
7 to be an effort at impeaching the witness from a
8 previous statement. I didn't see any other reason
9 for him referring to it. Now he's asking
10 questions about the conclusions of Justice Allan
11 on a completely unrelated matter, and now he's
12 going on asking questions about a pension. Now,
13 if my learned friend wants to reopen the case on
14 the civil case, I'm happy to do that, and I'll
15 read from the evidence there. It's irrelevant.

16 THE COMMISSIONER: Yes. Tell me, Neave, how any of this is
17 relevant and how is this going to help me in our
18 terms of reference?

19 MR. NEAVE: Well, on two bases, Mr. Commissioner. Firstly,
20 this person has been classified or --

21 THE COMMISSIONER: Sorry?

22 MR. NEAVE: On two issues. Firstly, professor Rossmo has been
23 declared an expert.

24 THE COMMISSIONER: Declared what?

25 MR. NEAVE: An expert.

1 THE COMMISSIONER: Yes.

2 MR. NEAVE: An expert with respect to -- and we know the
3 categories.

4 THE COMMISSIONER: Yes.

5 MR. NEAVE: There is an issue of pecuniary bias and there is an
6 issue of bias that are derived from this decision,
7 which do one of two things. They either deal with
8 his expertise and his capacity to be an expert or
9 they place in issue the weight that's to be
10 attributed to his statements with respect to the
11 investigation.

12 THE COMMISSIONER: Wait a minute. Are you saying now that he's
13 not an expert?

14 MR. NEAVE: I'm saying I didn't have an opportunity to address
15 that, and I say that --

16 THE COMMISSIONER: Wait a minute.

17 MR. NEAVE: -- there's some serious issues with respect to his
18 classification of an expert.

19 THE COMMISSIONER: So how is that --

20 MR. NEAVE: And I say that --

21 THE COMMISSIONER: Okay. Sorry.

22 MR. NEAVE: And I say that because of what Justice Allan
23 specifically found at paragraph 122.

24 THE COMMISSIONER: I don't care what she found. How does that
25 help me in what we're doing?

1 MR. NEAVE: Because it's an issue of bias that goes to the
2 heart of this witness's capacity as an expert.

3 THE COMMISSIONER: I tell you, that's one of the longest bows
4 I've ever heard. I mean --

5 MR. NEAVE: Then I have your position, Mr. Commissioner.

6 THE COMMISSIONER: So I am not going to hear anything more
7 about the lawsuit.

8 MR. NEAVE: Thank you. Those are my questions.

9 THE COMMISSIONER: All right.

10 MR. NEAVE: I will reserve my right to have Professor Rossmo
11 re-called in the event I find it necessary upon a
12 full review of the material.

13 THE COMMISSIONER: All right. Thank you.

14 MR. VERTLIEB: Just as an aside, I just want to tell all of the
15 lawyers here that we're going to send a summons to
16 all of the lawyers direct to their clients for
17 production of documents, and the reason is that
18 commission staff have not seen this memo dated
19 February 7, 1998, from Mr. Biddlecombe to Mr.
20 McGuinness, and perhaps Mr. Neave did not have it
21 when the interview took place back in August of
22 last year, but we've checked, and apparently it
23 was not known to the commission as a document
24 relating to this. So I'm not critical of Mr.
25 Neave, but what concerns me is whether there are

1 other documents as between various of the
2 individual police that never found its way into a
3 police file so that the lawyers for the VPD could
4 produce it. The lawyers for VPD have always said
5 and we've accepted because of the relationship
6 that they've produced what they have. This
7 document does not have a VPD number on it, which
8 alerted us to the fact that the VPD apparently
9 didn't have it. We hadn't seen it. So just so
10 you know, Mr. Commissioner, we are going to send a
11 summons to all these new participants and ask them
12 to produce anything they may have in a personal
13 file.

14 THE COMMISSIONER: All right.

15 MR. VERTLIEB: And having said that, we have only two cross-
16 examinations left. Mr. Hira is next. And I want
17 to just say that in respect of the witness's
18 evidence, which was covered in his presentation,
19 where he is speaking to RCMP failures he always
20 has made it clear that those are his failures --
21 his -- his opinion of failures on a systemic
22 basis, and he's never directed them to any
23 individual police officer in the RCMP. So none of
24 that evidence should be in any way used to have
25 any impact on any individual police --

1 THE COMMISSIONER: All right.

2 MR. VERTLIEB: -- that may feel their interests are affected,
3 and I think by saying that it may assist the last
4 two cross-examinations in the time they need. I'm
5 told that Mr. Hira will be no more than 10 minutes
6 and Ms. Srivastava will be about the same, so it's
7 20 more minutes, but I do have some
8 re-examination, so I leave it to you if you want
9 to take a quick afternoon break and finish.

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

11 MR. REGISTRAR: The hearing will now recess for 10 minutes.

12 (PROCEEDINGS ADJOURNED AT 3:00 P.M.)

13 (PROCEEDINGS RESUMED AT 3:16 P.M.)

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

15 THE COMMISSIONER: Yes.

16 MR. NEAVE: Mr. Commissioner, I neglected to mark the last
17 e-mail that I put to Professor Rossmo. If that
18 could be marked, I would appreciate that.

19 THE COMMISSIONER: The e-mails?

20 MR. NEAVE: Yes, the last one from May 1999.

21 THE REGISTRAR: That will be marked as Exhibit number 78.

22 (EXHIBIT 78: E-mail dated May 21, 1999, from
23 Geramy Field to Mark Chernoff)

24 MR. NEAVE: Thank you. And with your leave, Mr. Commissioner,
25 I will recuse myself for the day.

1 THE COMMISSIONER: Sorry?

2 MR. NEAVE: With your leave I will recuse myself for the day.

3 THE COMMISSIONER: Yes. Thank you.

4 MR. VERTLIEB: Just so all the lawyers know, they're free to
5 come and go, Mr. Commissioner. They don't need to
6 ask your permission.

7 THE COMMISSIONER: Yes. No, I agree. You're the only one
8 that's ever asked for leave.

9 MR. NEAVE: Old school.

10 MR. HIRA: He's got long bows.

11 THE COMMISSIONER: Mr. Hira.

12 **CROSS-EXAMINATION BY MR. HIRA:**

13 Q Mr. Rossmo, I act for retired Assistant
14 Commissioner Earl Moulton --

15 A Yes, sir.

16 Q -- who at the relevant time was an inspector at
17 the Coquitlam RCMP. Now, I'll be dealing with
18 three exhibits. The first couple of questions I
19 have are not on my behalf, but I'm asking these
20 questions on behalf of Ms. Hoffman, so bear with
21 me, I might have it wrong. But you should have
22 before you Exhibit M, tab 23, and that should be a
23 continuation report bearing the date February --
24 sorry, September 22, 1998, 1:00 p.m., apparently
25 written shortly after that meeting of September

1 22, correct?

2 A Correct.

3 Q And I'll direct your attention to the last
4 paragraph. Ms. Hoffman put to you the last
5 paragraph, which -- sorry, the last paragraph on
6 page 1.

7 It would appear that the Working Group does
8 not expect much in the way of involvement
9 from this office or the RCMP Detachments,
10 rather they will be calling on the

11 Provincial...Policing Section, involved...
12 And I'm just going to deal with that sentence in
13 that last paragraph. She asked you at that time
14 whether you were going to be -- whether you were
15 assigned the task of calling on the Provincial
16 Prostitution Policing Section, and I believe your
17 answer was that these would be initiatives that
18 Shenher would have engaged in. Do you recall
19 saying that?

20 A Yes.

21 Q And now that we have the benefit of Exhibit 77
22 from Mr. Neave I'd like to -- which hopefully you
23 have before you. The e-mail of September 22,
24 1998.

25 A Yes.

1 Q And I'm referring to your e-mail to Inspector
2 Biddlecombe of 18:57 hours, again after the
3 September 22 meeting. Do you see that?

4 A Yes.

5 Q And it says, "Further to our discussion today..."
6 Do you see that?

7 A Yes.

8 Q It starts out the e-mail. Going down to the last
9 paragraph, you write:

10 I will attempt to locate the additional
11 necessary information from,
12 and I'm skipping. It names a couple of -- it
13 names SOS, the RCMP, and continues "and the
14 Provincial Prostitution Unit". Do you see that,
15 sir?

16 A Yes, I do.

17 Q And I'm just going to suggest to you that when you
18 answered Ms. Hoffman you were mistaken when you
19 said that that was something that Shenher would be
20 doing. It was something that you undertook to do?

21 A Yes, I'm sorry, I --

22 Q That --

23 A -- misunderstood what calling on the Provincial
24 Prostitution Policing Section meant. I thought it
25 was some sort of operational liaison, but it's

1 clear here that I was going to be contacting them
2 to obtain data.

3 Q And that's fine. I was just clearing that up.
4 It's an honest mistake. After all, there has been
5 14 years since these matters.

6 Now let's deal with my questions. They're
7 few. First, sir, with respect to your PowerPoint
8 presentation, and in particular the slide relating
9 to the RCMP failure to properly investigate
10 Pickton, you should have that open in front of
11 you.

12 A Yes, I do, sir.

13 Q Now, you will agree with me that your presentation
14 and your opinion, for the purposes of doing those
15 you did not read or review any RCMP files?

16 A Correct.

17 Q You did not interview any RCMP officers and, in
18 particular, any Coquitlam RCMP officers?

19 A That's correct.

20 Q Thank you. And, in fairness, your opinion given
21 and your PowerPoint presentation is based -- and
22 your comments regarding the RCMP are based upon
23 your review of the LePard report, correct?

24 A To be comprehensively accurate, there would be a
25 couple of things that I would know from my own

1 experiences here, for example, that no bodies had
2 been found or that the witnesses were
3 uncooperative and unreliable making timelines
4 difficult to establish. Of course I know that
5 Coquitlam and Vancouver are in different
6 jurisdictions. But for the rest of it, that was
7 based on my reading of the LePard report and the
8 Evans report.

9 Q Well, let's just deal with the LePard report
10 first. This PowerPoint presentation, you will
11 agree with me, was given to Evans before you were
12 interviewed by Deputy Chief Evans, correct?

13 A I know it was given to her, but I thought it was
14 given to her after.

15 Q Well, let's just deal with that then.

16 A Sir, I believe I may have sent it to the
17 commission, who may have given it to Jennifer
18 Evans. I have no knowledge of that. But I
19 believe based on my interview I also sent it to
20 Jennifer Evans afterwards.

21 Q Well --

22 A I have a certain amount of doubt about that just,
23 you know, without checking e-mails and timelines
24 and everything, but that's what I recall.

25 MR. HIRA: May I approach the witness and refresh his memory?

1 THE COMMISSIONER: Yes.

2 MR. HIRA: It's the most efficient way of doing things, Mr.
3 Commissioner.

4 Q I am just going to direct your attention to page
5 56, lines 13 and 14, 13 through 16. Just read it
6 to yourself and refresh your memory.

7 A Yes, I think that's basically what I said.

8 Q So that PowerPoint presentation was given to the
9 commission before your interview by Ms. Evans,
10 correct?

11 A Correct.

12 Q And you were interviewed by Ms. Evans on August
13 29, 2011?

14 A I remember in August.

15 Q Is that approximately the date?

16 A Yes. Yes. Yes.

17 Q Good. So you will agree with me that your
18 PowerPoint presentation and your opinion is based
19 primarily on the LePard report?

20 A No, because I made some revisions to it after
21 reading the Evans report. Not major ones, but I
22 did make some revisions.

23 Q So are you telling me that the -- do you recall
24 what revisions you made after reading the Evans
25 report?

1 A I simplified some elements and included the
2 coordination within the RCMP slide. I would have
3 to actually compare the two side by side, though.
4 There would be a high degree of similarity, but
5 some -- definitely I made some changes.

6 Q Agreed. So when I speak about your opinion, I'm
7 talking about the opinion evidence you've given
8 and the PowerPoint presentation. It is based on
9 your reading of two reports, correct?

10 A Correct.

11 Q Thank you. And based primarily on the LePard
12 report, correct?

13 A No, I would say based on both reports.

14 Q All right.

15 MR. VERTLIEB: I just -- if it helps you, Mr. Hira, I think
16 there's an error here, because we only received
17 the PowerPoint in the last few days, and, of
18 course, the PowerPoint wasn't available back --
19 anyway, I just want you to hear that. And I just
20 checked with Mr. Skwarok, who sent it to us. So
21 there's some confusion. Remember, we didn't have
22 the Evans report until early November. I'm not
23 sure it matters to your client, Mr. Moulton.

24 MR. HIRA: It doesn't, but let's just get the record
25 straightened out on that point.

1 MR. VERTLIEB: Just having raised that, though, Mr.
2 Commissioner, the recognition of participant
3 status would go to the participant as it relates
4 to that person's interests. And I'm not trying to
5 interfere with Mr. Hira, but it seems to me none
6 of this would matter to Mr. Moulton anyway. Just
7 a comment.

8 THE COMMISSIONER: How does it even affect Mr. Moulton?

9 MR. HIRA: Well, if it doesn't affect Mr. Moulton, that's fine,
10 but you're left with a record -- the point that he
11 refreshed himself from --

12 THE COMMISSIONER: Yes.

13 MR. HIRA: -- reads:

14 I'm not sure if you've seen the slide show
15 that I sent to Boddie (phonetics) some time
16 ago, and I probably should send it to you
17 again because I think that is my best
18 analysis of what happened based on the LePard
19 report.

20 THE COMMISSIONER: Yeah.

21 MR. HIRA: That's the evidence. You should have that. And I'm
22 not going any further with it.

23 A I believe I could clear it up, Mr. Commissioner.

24 THE COMMISSIONER: All right.

25 A When I was first contacted by John Boddie of the

1 commission back in 2011, I sent him some material,
2 including, I think, part of my book chapter, but
3 also a presentation on the missing women case that
4 I had done at the Western Society of Criminology
5 meeting. That was also -- that was the
6 presentation I was referring to that I sent
7 Jennifer Evans following the interview. The
8 presentation that we have in evidence here is
9 based on that but was revised as a result of my
10 reading the Evans report.

11 MR. HIRA: Thank you. That's very helpful.

12 THE COMMISSIONER: All right.

13 MR. HIRA:

14 Q And just a couple more points. When you were an
15 investigator -- I'm sorry, when you were on the
16 beat, patrol beat, did you at all -- did you at
17 any time put together informations to obtain
18 search warrants?

19 A Yes, sir.

20 Q And when was the last time that you did that,
21 approximately? Late '80s probably?

22 A I can say with certainty that it would have been
23 no later than 1994 after I left CLEU Intelligence.

24 Q Thank you. And as you know, one of the things
25 that you've got to be able to do when putting

1 together an information to obtain a search warrant
2 and a search warrant itself is to be able to
3 articulate the offence, that is, the time period,
4 the actual offence, the victim, the location, and
5 things of that nature, correct?

6 A Yes, I remember that.

7 Q And you'll agree with me that that was very
8 difficult to do in this particular case?

9 A Which particular case? We have a number of
10 different victims.

11 Q Well, when do you believe you could articulate an
12 offence, at which point in time, sir?

13 A I'm just looking at my original case assessment
14 because I believe the time frame for the
15 disappearance of some of the missing women was
16 fairly tight, and, of course, others were quite --
17 it was quite a bit longer. Yeah, I believe that
18 the time window was narrower for some women than
19 for others, so those would be the ones perhaps you
20 might have to focus on, but there have been other
21 cases of murders occurring when the police are
22 investigating missing persons and they've been
23 successful in obtaining search warrants. They, I
24 believe, create a window frame that the person was
25 killed between this day and that date. So it all

1 depends on how the search warrant request is
2 constructed and all the different pieces of
3 information that can be pulled together to provide
4 you reasonable and probable grounds.

5 Q Is that your best answer to my question?

6 A Well, okay, you said case. Let me ask you which
7 specific case, which victim.

8 Q Well, my questions -- on this occasion I get to
9 ask the questions. I'm asking you is that your
10 best answer to my question?

11 A I'm not even sure I know what your question is.

12 Q When do you believe you could have articulated the
13 charge?

14 A Well, considering I wasn't involved in the actual
15 investigation in Amelia or following that, I don't
16 have anywhere near the information I would need to
17 answer your question.

18 MR. HIRA: All right. Thank you. Those are my questions.

19 THE COMMISSIONER: Thank you.

20 MS. SRIVASTAVA: Mr. Commissioner, Anila Srivastava, counsel
21 for retired Staff Sergeant Brock Giles of the
22 Vancouver City Police.

23 **CROSS-EXAMINATION BY MS. SRIVASTAVA:**

24 Q Dr. Rossmo, I think you really are in the home
25 stretch now, and I do thank you for your

1 fortitude. I want to, like many counsel, go back
2 once again to your PowerPoint presentation. Do
3 you still have that binder?

4 A Yes.

5 Q And the slide that I have marked as slide 20 -- I
6 know these pages aren't numbered. It is the first
7 flow chart or diagram, the centre rectangle of
8 which says "Refusal to accept serial killer
9 theory".

10 A Yes.

11 MS. SRIVASTAVA: Mr. Commissioner, I think you have that as
12 well.

13 THE COMMISSIONER: Which? Oh, yes. All right.

14 MS. SRIVASTAVA:

15 Q Now, Dr. Rossmo, you had described your key in the
16 bottom left-hand corner of that chart as having
17 three components to it of factors that you had
18 classified; is that correct?

19 A Yes. Personnel, organizational, situational.

20 Q Right. And any factor that you identified as
21 organizational is depicted on the diagram by a
22 rectangle; is that right?

23 A A green rectangle, yes, ma'am.

24 Q I think some of us have black and white. I'm not
25 sure of their colour.

1 A Rectangles definitely.

2 Q Thank you. In the top, roughly speaking, right-
3 hand corner of that diagram is a rectangular box
4 that says "Sickness and retirements". Do you see
5 that?

6 A Yes.

7 Q And so you've identified that as an organizational
8 factor?

9 A Yes.

10 Q Is it fair to say that in your analysis something
11 you've defined as an organizational factor means
12 that no fault or blame can be attached to the
13 individual who is on sick leave or about to
14 retire; is that correct?

15 A Generally speaking, yes. However, Mr.
16 Commissioner, sometimes there's an overlap between
17 the two. So, for example, extended sick leave
18 before retirement when someone's not really sick,
19 which unfortunately used to be not uncommon in the
20 Vancouver Police Department, would also be a
21 personnel issue. It would also be an
22 organizational issue because they were allowing
23 that to happen. So there can be some overlap, but
24 generally speaking, ma'am, I would agree with your
25 statement.

1 Q And do you have any reason to believe, Dr. Rossmo,
2 that any of the individuals that were in Major
3 Crime Section in 1998 and 1999 were using sick
4 leave improperly?

5 A I've heard rumours to that effect, yes.

6 Q Do you have any reason to believe that Staff
7 Sergeant Giles was using sick leave improperly?

8 A I'd say, ma'am, that I have a lot of respect for
9 Brock Giles. He had a very good reputation. I
10 thought he was very competent and professional. I
11 never saw any other behaviour from him.

12 Q Thank you. I also want to clarify, if I can, just
13 the use of the term management. I don't know if
14 you've had a chance to follow Deputy Chief Evans'
15 evidence, but in her testimony she clarified that
16 in her report when she refers to senior management
17 she means inspector level and above. Is that the
18 same way that you use the term?

19 A Primarily, yes, though we have to recognize at
20 least in the VPD set-up sometimes staff sergeants
21 will act for either a short term or, more
22 critically, long term in an inspector position,
23 but yes.

24 Q And when you talk about sergeants and staff
25 sergeants, the term that's used, I think you

1 referred to it earlier today in your testimony, is
2 non-commissioned officer or NCO?

3 A Correct. Those individuals at a supervisory level
4 versus -- along with corporals.

5 Q And when you're referring to supervisory, those
6 are not the sorts of tasks that you have described
7 as management in your various reports and
8 particularly in this PowerPoint; is that correct?

9 A That is correct. The responsibility for a section
10 is with the inspector, and therefore -- sorry, the
11 authority for the section is with the inspector,
12 therefore, the responsibility, not with the
13 supervisors directly, other than for what
14 particular assignments they may have been given.

15 Q Thank you. Now, in 1998 and 1999 I know that you
16 were not a member of Major Crime Section, but you
17 consulted both formally and informally from the
18 time that you started in your position as
19 geographical profiler from 1995 on with members of
20 the Major Crime Section; is that correct?

21 A Yes, Mr. Commissioner, I believe I worked seven
22 files, could represent, you know, maybe 200
23 crimes, for Major Crime, Robbery, Sex Offence
24 Squad and Homicide in the period from when I first
25 started the Geographic Profiling Section to the

1 September 22nd meeting of 1998.

2 Q And, sir, through that exposure to the Major Crime
3 Section and also just by virtue of being a member
4 of the department at that time you were aware that
5 the violent crime scene in 1997, 1998, and 1999,
6 particularly with respect to gang-related
7 homicide, expanded explosively, if I might say?

8 A I'm sorry, that could well be the case. I just
9 can't say that I can, you know, remember that
10 happening. I can say I do remember Major Crime
11 having a lot of work to do, a lot of high-profile
12 cases.

13 Q I'm going to name a couple of those high-profile
14 cases. I can certainly take you to a newspaper
15 article. Perhaps just reminding you of the names
16 and times will refresh that. One was Bindy Johal
17 being shot in a Vancouver nightclub December of
18 1998.

19 A I remember that case.

20 Q Another was -- sorry. Excuse me. I think it was
21 pronounced Venus News McKenzie (phonetic) in the
22 summer of 1998.

23 MR. VERTLIEB: I'm sorry, Mr. Commissioner, but perhaps counsel
24 can once again be reminded that their
25 participation is related to the interests of their

1 client. Now, if Mr. Giles is in some way involved
2 in a way that we need to hear about this, we
3 should hear about it. I'm just not sure where
4 this is going.

5 THE COMMISSIONER: I don't know how relevant any of this is.

6 MS. SRIVASTAVA: I'm simply trying to illustrate, Mr.

7 Commissioner, the context of violent crime in
8 which the missing women's investigation --

9 THE COMMISSIONER: Well, he's already said he doesn't know but
10 he accepts your contention that it could have
11 happened. I mean, I would think that there are
12 other witnesses who could give that evidence as to
13 the incidence of violent crime.

14 MS. SRIVASTAVA: That may very well be, Mr. Commissioner, and I
15 am at somewhat of a disadvantage for two reasons:
16 one, fairly recent retainer on this file; and
17 second, I don't believe that we have a
18 comprehensive witness list. It may very well be
19 that there are witnesses coming in the future to
20 which I can direct very specific questions. What
21 I may do then is instead of putting these
22 questions to these witnesses, if I can direct you,
23 Mr. Commissioner, to two pages out of the LePard
24 report that describe that context.

25 MR. VERTLIEB: Again, that's missing the point, with respect.

1 The participation that you are recognizing is
2 because these individual people had interests at
3 stake. They were not given a wide-open grant of
4 standing to go through everything. If it relates
5 in some way to Mr. Giles, that's fine. I haven't
6 heard it, but maybe I'm missing it.

7 THE COMMISSIONER: You know, we asked for participant status
8 way back last year, and so the reason you're here
9 is because there's some interest, your clients
10 have a legitimate interest for being here, and Mr.
11 Vertlieb's position is that you're asking
12 questions at large that in no way even affect your
13 client.

14 MS. SRIVASTAVA: With respect, Mr. Commissioner, I don't agree
15 that these questions are being asked at large.
16 Staff Sergeant Giles was a member of the Major
17 Crime Section at the relevant time. This witness
18 knows Staff Sergeant Giles and worked with him on
19 Major Crimes files at the relevant time. But I'm
20 happy to put questions like this to another
21 witness on the understanding that at some point
22 we'll know who those witnesses are.

23 MR. VERTLIEB: Well, again, though, you've already got the
24 evidence of how he views your client, and I would
25 have thought that was ample, but I'm not telling

1 what you to do. It seems to me if there's a
2 concern about Giles, who was a staff sergeant, not
3 a chief of police or deputy chief, that's fine.
4 I'm not aware of one, but you obviously have some
5 different instructions. I just want to remind
6 everyone that the grant of a right to be here was
7 because of your individual clients having an
8 interest.

9 THE COMMISSIONER: I mean, how does any of this affect Staff
10 Sergeant Giles? As a matter of fact, you've
11 already got good evidence out of him. He said
12 that as far as he knew he was a, I think,
13 competent officer and he commended him, so --

14 MS. SRIVASTAVA: I'll move on from that area, Mr. Commissioner.
15 Thank you for your clarification. I do want this
16 witness's assistance in clarifying a misconception
17 that I think may have been raised in Mr. Ward's
18 cross-examination of this witness from yesterday,
19 and that is the area about the garage robberies.
20 If I may just ask one or two questions about that.

21 THE COMMISSIONER: Well, Mr. Ward's in a different position.
22 Are you going to start cross-examining on the
23 garage robberies now?

24 MS. SRIVASTAVA: Mr. Commissioner, Mr. Ward's questions about
25 the garage robberies may have left this commission

1 with the erroneous impression that they were a
2 series of property crimes, break and enters. I
3 wish to correct that misapprehension.

4 THE COMMISSIONER: Well, I don't think you have to tell me that
5 if it's a robbery it's not simply a property
6 offence. I know what the definition of robbery
7 is.

8 MS. SRIVASTAVA: May I put a document to this witness about the
9 garage robberies?

10 MR. VERTLIEB: Again, it's relevance relative to Mr. Giles. If
11 there's some implication to Mr. Giles, that's
12 fine. I'm just not aware of it. I just think
13 it's important that we have the discipline to stay
14 with this.

15 THE COMMISSIONER: You know, we need to be focused here. This
16 is an inquiry, and it's not something that --
17 cross-examination at large, and so -- now, what
18 document do you want to put to him?

19 MS. SRIVASTAVA: Mr. Commissioner, my client was a staff
20 sergeant in the Major Crime Section at the
21 relevant times, and as I've said, Dr. Rossmo
22 worked with my client and was aware of other files
23 and circumstances that were going on in Major
24 Crimes at the time. I do not see this as a
25 cross-examination at large, and I'm concerned that

1 the commission was left with a misapprehension by
2 Mr. Ward's cross-examination of Dr. Rossmo on the
3 garage robberies. If the commissioner is
4 accepting that the garage robberies were a series
5 of 28 violent at-gunpoint robberies within a
6 period of three months of residents of Vancouver,
7 then I do not need to cross-examine this witness
8 on that point.

9 THE COMMISSIONER: Well, look, I'm not prepared to say what I'm
10 accepting. The fact is if they're robberies, by
11 definition they're violent. I mean, that's the
12 definition of robbery under the code.

13 MS. SRIVASTAVA: And I do think for the purposes of this
14 commission that the number of offences, the
15 frequency of them, and the time frame in which
16 they took place is relevant to your
17 considerations, Mr. Commissioner.

18 THE COMMISSIONER: How does that affect Staff Sergeant Giles?

19 MS. SRIVASTAVA: Because Staff Sergeant Giles, my client, who
20 has been referred to in both the Evans report and
21 the LePard report, was a staff sergeant in Major
22 Crimes at the time.

23 THE COMMISSIONER: Well, okay, but would this witness know
24 anything about that?

25 MS. SRIVASTAVA: That's what I was about to cross-examine this

1 witness on.

2 THE COMMISSIONER: All right. Do you have any objection to
3 that?

4 MR. VERTLIEB: Yes, but I think we should just deal with it
5 because we can deal with it with other witnesses.
6 I think it's important that everyone understand
7 the way you granted them status. I just don't see
8 it. I'm not sure. I haven't seen the document or
9 what it is.

10 THE COMMISSIONER: I don't know.

11 MR. VERTLIEB: We've heard much about the Home Invasion Task
12 Force. Remember all that with Deputy LePard. And
13 your mandate is missing women. And with the
14 greatest of respect, my colleague is not here on
15 behalf of the Vancouver Police Department
16 explaining away resources. I just don't
17 understand it.

18 MS. SRIVASTAVA: As you know, Mr. Commissioner, and I don't
19 wish to belabour the point, our retainer on this
20 file came quite late. We have not had an
21 opportunity to cross-examine Inspector LePard, and
22 we don't have a witness list, so I'm not aware of
23 what witnesses are coming, so I've put questions
24 appropriate to the witness that's here.

25 THE COMMISSIONER: Well, I'm sorry you came here late, but it's

1 not for us to fill you in at what happened before
2 you got here.

3 MS. SRIVASTAVA: That's absolutely fair, Mr. Commissioner.

4 THE COMMISSIONER: Yes.

5 MS. SRIVASTAVA: It will be helpful at some point, I'm sure, if
6 I do understand -- if we're all aware of what
7 witnesses are coming so that we know who to direct
8 these sorts of questions to.

9 THE COMMISSIONER: All right. Go ahead.

10 MS. SRIVASTAVA: Thank you, Mr. Commissioner.

11 Q We are very pressed for time, Dr. Rossmo. This is
12 a short article, and perhaps you can skim it while
13 I distribute some further copies.

14 A Yes, ma'am.

15 Q Dr. Rossmo, have you had time to review that?

16 A Yes, I have.

17 Q You had some involvement in providing some
18 assistance to Major Crime Section on the so-called
19 garage robbery cases; is that correct?

20 A Inspector Biddlecombe directed that a geographic
21 profile be done in this case. It took two months
22 for me to obtain the data.

23 Q And you may now remember, or perhaps this article
24 has refreshed your memory, the garage robbery
25 cases were a series of 28 hold-ups, face to face,

1 by an assailant with a handgun of people in the
2 Vancouver area, those 28 taking place within a
3 three-month period; is that correct?

4 A It doesn't go into details of how the crimes
5 occurred except they were robberies, there were 28
6 of them and one in Richmond, 28 in Vancouver, one
7 in Richmond in a three-month period. The
8 individual was charged with 17 counts of robbery,
9 and an imitation handgun was seized. One of the
10 charges, Mr. Commissioner -- sorry, charged with
11 17 counts of robbery, unlawful confinement, and
12 break and enter.

13 Q In your opinion as an experienced analyst,
14 statistical analyst, is that rate of robberies
15 quite high for a three-month period, exact same MO
16 and ultimately same perpetrator?

17 A Yes, very high.

18 MS. SRIVASTAVA: Thank you. Those are my questions.

19 THE COMMISSIONER: All right. Thank you.

20 MS. WINTERINGHAM: Mr. Commissioner, Janet Winteringham for now
21 retired Inspector Don Adam. I just have a few
22 questions.

23 **CROSS-EXAMINATION BY MS. WINTERINGHAM:**

24 Q Dr. Rossmo, I am going to ask you to draw on your
25 expertise, if you wouldn't mind, for a moment,

1 please. And during your testimony on Tuesday you
2 talked about a conference in Kelowna in November
3 of 2000?

4 A Yes, Mr. Commissioner.

5 Q And I'm not going to go through that conference in
6 any detail, but just to remind you that was
7 yourself, Keith Davidson from the Profiling Unit,
8 and also Scott Filer as well as a number of
9 homicide investigators, correct?

10 A Yes, including Geramy Field from the VPD.

11 Q And one of the things that the homicide
12 investigators were doing at this conference was
13 addressing the number of unsolved sex trade worker
14 homicides in the province; is that fair?

15 A Yes, it was a major focus of the conference.

16 Q And so there was discussion of the missing women,
17 there was discussion of the unsolved homicides in
18 Prince George, there was discussion of the
19 homicides, the unsolved homicides over on
20 Vancouver Island, there was mention of the Agassiz
21 killers?

22 A And I also believe -- yes to everything you said,
23 but I also believe there were some murders in
24 North Vancouver, North Vancouver District as well
25 that was looked at -- that were looked at.

1 Q And this collection of experts, if I could say,
2 were trying to determine how best to solve these
3 unsolved homicides in the province?

4 A It was -- yes, Mr. Commissioner, it was a
5 presentation, discussion, brainstorming trying to
6 come up with ideas and solutions for moving
7 forward in the investigations.

8 Q And among other things, one of the topics was the
9 importance of identifying suspects; is that fair?

10 A I'm almost certain that would have happened. I
11 just don't remember a lot of discussion on
12 individual suspects, but I'm sure that would have
13 happened.

14 Q Well, based on your experience would you agree
15 that it's important when you're investigating a
16 serial killer to have a wide net when you're
17 considering suspects?

18 A Yes, generally, but it's a balance. So you want
19 information, but you want relevant, high-quality
20 information, so you -- it's important to collect
21 suspects, but then it's also important to
22 prioritize them according to how they fit with
23 what you believe are the essential parameters of
24 the particular crime that you're looking at.
25 Maybe you have a description from the victim,

1 maybe you have some partial physical evidence,
2 maybe you have modus operandi, these types of
3 things. Geographic and temporal factors.

4 Q And one of the things that you want to do is to
5 make sure that your net is wide enough so you've
6 included the killer in it, correct?

7 A Yes, and in actual fact, often, more times than
8 not, investigations of murders do have the name of
9 the suspect somewhere in their files.

10 Q And would you agree that it's a good and solid and
11 sound investigative strategy to commence a serial
12 killer investigation by having a broad net?

13 A I think you want to commence by collecting
14 evidence and information. And, again, I would say
15 we have to be careful about being too broad. We
16 don't want to be looking in necessarily Quebec in
17 the beginning stages of an investigation for our
18 suspects or California. So it's not a blanket
19 wide is good. It's determining the appropriate
20 balance between quality and comprehensiveness.

21 Q And sometimes a less experienced homicide
22 investigator might be too focused on a particular
23 suspect; is that fair?

24 A Yes. Mr. Commissioner, this is a very good point,
25 because often in these cases, and I personally saw

1 it in the D.C. sniper case, which I was involved
2 with, the Green Ribbon investigation into Paul
3 Bernardo, there would be really good suspects that
4 would emerge, people that you would swear on your
5 mother's grave were the person responsible because
6 they fit so well with all the parameters, until
7 subsequent investigation determined that the DNA
8 did not match or they had a rock-solid alibi. So
9 if you don't know that, inexperienced
10 investigators can sometimes jump too solidly to
11 such a conclusion, suffer from tunnel vision,
12 place too much emphasis on their intuition rather
13 than the evidence and the facts. So you're
14 absolutely right.

15 MS. WINTERINGHAM: Thank you, Dr. Rossmo.

16 THE COMMISSIONER: Thank you.

17 MR. VERTLIEB: I think everyone's concluded, and we just have
18 Mr. Skwarok, who has one area, and I have a few
19 areas.

20 THE COMMISSIONER: All right.

21 MR. VERTLIEB: Mr. Skwarok.

22 **CROSS-EXAMINATION BY MR. SKWAROK:**

23 Q Thank you. Sir, you gave evidence about Exhibit
24 number, I believe it's 77, which is the series of
25 e-mails between you, Inspector Biddlecombe et al?

1 A Yes.

2 Q And you were -- it was suggested to you by counsel
3 for Inspector Biddlecombe that you "bypassed"
4 Biddlecombe by writing to McGuinness. Is that a
5 fair assessment of what you did by going to
6 McGuinness?

7 A That is inaccurate, incorrect. My chain of
8 command was Brian McGuinness and then the chief
9 constable. Bypassing somebody would be if I
10 bypassed Brian and went to the chief. Inspector
11 Biddlecombe was in a separate section, so he was
12 not in my chain of command, and, therefore, I
13 could not bypass him.

14 Q You requested information on September the 22nd,
15 1998, from the inspector, and that was shortly
16 after the temper-tantrum meeting, correct?

17 A Correct.

18 Q And some weeks later you received some response
19 from one of the members of his section, Ms.
20 Cameron, suggesting that she would get the
21 information to you in due course, correct?

22 A Correct.

23 Q There were no further e-mails in the chain that we
24 looked at which suggested you followed up your
25 request with Major Crime. A, does this appear to

1 be a complete copy of all relevant e-mails in the
2 chain?

3 A Definitely not. We are just looking at this one
4 thread. I am somewhat obsessive-compulsive about
5 these things. I made numerous requests, and I
6 think you can see evidence of my frustration in my
7 annual report when in mid-December I write that
8 I'm still waiting for information on the missing
9 women case and then finally in the February
10 meeting at the Carnegie Centre where I see some of
11 the data that I've been waiting for for so long.

12 Q It's been said by several witnesses that during
13 that time frame, the '90s, e-mails were not
14 necessarily the primary method of communication.
15 Is that your assessment?

16 A Yes. This is the Vancouver Police Department, so
17 we had e-mail, but we probably more commonly
18 communicated by telephone and also, you know,
19 physically seeing someone or visiting their
20 office. For example, the first meeting with
21 Inspector Greer. Just walked up to his office a
22 couple of floors above and we had our meeting
23 after. So that example. Doug MacKay-Dunn phones
24 me. He comes down to see me. We go up to talk to
25 Inspector Greer.

1 Q You were asked whether or not or at least the
2 implication of the question was that you did not
3 have any follow-up with Major Crime with respect
4 to your requests for information. Is it your
5 evidence that you did or did not request again
6 from somebody at MCS the information you first
7 asked for in September of '98?

8 A I made multiple attempts.

9 Q And in what form were those attempts made?

10 A I cannot recall.

11 Q And are you saying that you made further
12 communications with MCS for the same information?

13 A Correct, just like I did when I tried to get the
14 workload estimate filled out, just like I tried to
15 do with the garage robberies. It was very
16 frustrating, my efforts to obtain information from
17 Major Crime or in my communication with them. As
18 I've pointed out, I think, in all this material
19 from after September 22nd there's no record of any
20 correspondence from Inspector Biddlecombe to
21 myself.

22 Q Was there correspondence between yourself -- from
23 you to Inspector Biddlecombe after September the
24 22nd, 1998, of any description?

25 A Yes. For example, my case assessment report.

1 Q So you were communicating with him, but he not
2 you, correct?

3 A I communicated with him as needed, and I did not
4 receive responses back.

5 Q Reference was made by my learned friend for the
6 inspector of an e-mail dated May the 21st, 1999,
7 to, amongst others, Deputy Chief Constable
8 McGuinness regarding what the proposed plan was
9 with respect to a working group looking into the
10 murders. You saw that e-mail, correct?

11 A Yes, I did.

12 Q And that wasn't c.c.'d to you, was it?

13 A No, it was not, even though I was referenced and
14 apparently assigned to something.

15 Q In fact, did Inspector Biddlecombe or anyone at
16 MCS request further services from you?

17 A As I said, for the first -- just over half, 55 per
18 cent of my contract period I worked seven cases
19 for Major Crime. After the September 22nd
20 meeting, which was -- till the end of my contract,
21 which was about 45 per cent of my time, 28 months,
22 I only worked a single case. That was the garage
23 robberies, and it was only because Brian
24 McGuinness, our deputy, insisted upon it, and it
25 took me two months to obtain the data, and in the

1 end the only way I got the data was by physically
2 walking into Major Crime and saying, "I'm here for
3 the data," and just standing there until finally
4 after an embarrassing couple of minutes somebody
5 decided to give it to me so I would go away.

6 Q I just want to be very clear. In this e-mail is
7 the following phrase:

8 Supporting this Work Group will be the
9 Geographic Profiling Section.

10 Did anybody at Major Crime communicate to you that
11 your services would potentially be used in the
12 ensuing investigation?

13 A From Major Crime, no.

14 Q So the first you learned that your services were
15 to be available for this 1999 investigation was
16 today?

17 A Well, if we look earlier back, there's
18 correspondence or a memo from Brian McGuinness
19 back in September or August of the previous year
20 saying that I would be involved, so as far as I
21 was concerned in terms of my boss, I was still to
22 give assistance. I was obviously very interested
23 in the case, and on an informal level my
24 relationship with Sergeant Field and with
25 Detective Constable Shenher was good, and whenever

1 they wanted something, and there's some e-mail
2 traffic in that regard when they were looking for
3 this bit of information or that bit of information
4 or they wanted a meeting or they wanted to discuss
5 something with me, I fully cooperated with them.

6 Q Do you believe your services could have been used
7 more?

8 A Yes.

9 MR. SKWAROK: Those are my questions.

10 THE COMMISSIONER: Thank you.

11 **RE-EXAMINATION BY MR. VERTLIEB:**

12 Q Professor Rossmo, you were asked in cross-
13 examination that led to you making the comment --
14 or someone mentioned Truman, and the comment was,
15 "The buck stops here." You remember that?

16 A Yes, sir.

17 Q And that was from the interview that the counsel
18 had read. You also then went on to say, and
19 correct me if I'm wrong:

20 You know, in the Vancouver Police Department
21 they could have had a sign saying, "The buck
22 stops anywhere but here."

23 A I remember that, Mr. Commissioner.

24 Q You said that?

25 A Yes.

1 Q And that reflected your opinion at the time?

2 A Yes, and today.

3 Q And today. Thank you.

4 A Reference, please, that we're talking the
5 Vancouver Police Department at that time.

6 Q Yes. You were asked about the LePard report and
7 your agreement with it, and I had the impression,
8 and I may be wrong, that it was suggested that you
9 agreed with the LePard report. You in your
10 interview with Evans actually said, and correct me
11 if I'm wrong here as I put this to you, that
12 you -- the one area in the LePard report you
13 disagreed with, and you agree with Doug, who cares
14 about this, but you disagree that this would have
15 happened with any group?

16 A Yes. I felt that -- Deputy LePard was trying to
17 make the point that the Vancouver Police
18 Department did care about and did actively and
19 thoroughly investigate crimes of violence,
20 including homicide, against street prostitutes,
21 and he's right, and I had some involvement with
22 such cases. I know that to be so. But I also
23 believe that if this group of missing women were
24 from a different strata of society we would have
25 seen a radical police response. And I think one

1 of the reasons I felt that it would be helpful to
2 do an analysis was to show how these two
3 conflicting things could actually co-exist, and
4 this ended up with the idea of management
5 disengagement due to the lack of power and
6 pressure from the politicians, the media,
7 surrounding society, the Police Board, etcetera.

8 Q Thank you. Now, another counsel asked you about
9 the *RCMP Gazette* article, and there was some
10 discussion with you about that. In fact, there
11 was a discussion between you and counsel about the
12 term "science fiction". Do you remember that?

13 A Yes.

14 Q I just wanted to find this part of your interview.
15 The reference was made to the *RCMP Gazette*
16 article, and you said it was pulled back at the
17 request of the VPD, and you said, "Yes, Doug
18 LePard shared that with me." Is that correct?

19 A He shared that information with me.

20 Q And then you said:

21 Quite worrisome. It paints this whole thing
22 as some wonderful, great investigation by the
23 RCMP, and that was just not true, and it's
24 really worrisome that they would distort the
25 truth to that extent. So I'm just telling

1 you that as a warning.

2 That was a comment made by you to Ms. Evans when
3 you met with her?

4 A Yes.

5 Q That was your attitude about the *RCMP Gazette*
6 article?

7 A Yes.

8 Q And then later in that same interview on the same
9 subject did you say this:

10 I am of the opinion that both VPD and RCMP
11 made a number of errors at the time, and if
12 the goal of the commission is to come up with
13 ideas that would prevent something like this
14 from happening again in the future, we really
15 need to know what went wrong.

16 You are of that view?

17 A Yes, I am, Mr. Commissioner.

18 Q You then said:

19 Not to lay blame, nothing like that, anything
20 like that, but just to make sure the same
21 mistakes are not repeated in the future.

22 A Yes, Mr. Commissioner.

23 Q And, sir, I didn't ask you earlier, but I think
24 given the cross-examination that has been
25 conducted I wanted to ask you what's your

1 principal motive, sir, in being here from Texas?

2 A I have three. The first one is to tell you what
3 my experiences were at that time in relationship
4 to the missing women matter. The second one was
5 to provide some sort of framework or analysis so
6 that all the information and all the files could
7 be understood; more accurately, the information in
8 the Evans and the LePard report could be
9 understood in terms of the dynamics of how this
10 failure occurred. And the third was to assist the
11 commission with at least some ideas in some
12 specific areas for preventing this from --
13 something like this from happening again. I've
14 said that the missing women have been the victims
15 of three tragedies: whatever circumstances and
16 events in their lives that resulted in them being
17 on the street addicted to drugs and engaged in
18 prostitution, the second was when Robert Pickton
19 attacked and murdered them, the third
20 victimization was when the police investigation
21 failed them, and all we can hope for is that there
22 isn't a fourth victimization in that we don't, and
23 by "we" I mean society -- police, the government
24 learns from this horrible tragedy so something
25 like this will never happen again.

1 MR. VERTLIEB: Thank you.

2 THE COMMISSIONER: Are you done?

3 MR. VERTLIEB: Yes.

4 THE COMMISSIONER: Dr. Rossmo, I want to thank you sincerely
5 for coming here, and I know it's a major
6 inconvenience in that you're disrupted from your
7 normal life, and I just want you to know that your
8 attendance as well as your expertise, your
9 analysis, and your advice is very much
10 appreciated, and I want to thank you for all that
11 you have done for this inquiry.

12 A Thank you very much, Mr. Commissioner.

13 THE COMMISSIONER: All right. We'll adjourn.

14 THE REGISTRAR: The hearing is now adjourned for the day and
15 will resume Monday at 9:00 a.m. -- at ten o'clock.

16 (PROCEEDINGS ADJOURNED AT 4:10 P.M.)

17

18 I hereby certify the foregoing to
19 be a true and accurate transcript
20 of the proceedings transcribed to
21 the best of my skill and ability.

22

23 Leanna Smith

24 Official Reporter

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