

1 **Vancouver, B.C.**

2 **March 5, 2012**

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

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

5 MS. BROOKS: Mr. Roberts has a motion he's bringing this
6 morning.

7 THE COMMISSIONER: All right. Yes. Mr. Roberts, I've read
8 your material, and some of the relief that you're
9 asking for, that is, you want an order that
10 commission counsel be directed to call a number of
11 witnesses, and my understanding is that a number
12 of those witnesses are going to be called, so I
13 want to wait to see what happens after they've
14 testified to determine whether or not the
15 remaining witnesses that you want ought to be
16 called.

17 MR. ROBERTS: Well, Mr. Commissioner, I have more on the agenda
18 on my application than those witnesses, and I also
19 want to address you as to the timing of their
20 calling.

21 THE COMMISSIONER: Timing of?

22 MR. ROBERTS: So I would like -- with respect, sir, I'd like to
23 proceed with my motion. I expect to be about half
24 an hour.

25 THE COMMISSIONER: Well --

1 MR. ROBERTS: I followed the court's procedure, this inquiry's
2 procedure for this application.

3 THE COMMISSIONER: Yes.

4 MR. ROBERTS: And fundamental to this application is a response
5 I'm seeking from you with respect to your remarks
6 last day.

7 THE COMMISSIONER: All right.

8 MR. ROBERTS: I want to proceed with that.

9 THE COMMISSIONER: All right. Is commission counsel -- are you
10 prepared to deal with this now?

11 MR. VERTLIEB: I think we'll just have to see how it unfolds,
12 Mr. Commissioner. We have four -- we do have
13 witnesses waiting.

14 THE COMMISSIONER: Okay. All right.

15 MR. ROBERTS: Mr. Commissioner, the first thing I'd like to do
16 is to file as an exhibit proper the material that
17 has been filed, part of it at least, as Exhibit AA
18 For Identification. They are the police board
19 minutes of a regular meeting in April 26th, 2000,
20 and subsequent years right up to December 4, 2007.
21 That material is all in Exhibit A For
22 Identification. It should properly be an exhibit
23 for -- material for the fact of the matter before
24 this inquiry. And I've put in there for the sake
25 of completeness in my new binder to be filed the

1 minutes of the police board meeting on April 28,
2 1999, so everything is all in one place, and I've
3 put it in a three-ring binder so it's easier for
4 Mr. Commissioner -- Mr. Registrar to deal with,
5 and I ask to file that as the next exhibit --

6 THE COMMISSIONER: All right.

7 MR. ROBERTS: -- as a matter of fact. I can't see how anybody
8 would object to that.

9 THE REGISTRAR: For Identification AA will be rescinded and the
10 exhibit -- those documents marked as Exhibit
11 number 113.

12 **(EXHIBIT 113: Resolutions of the Vancouver Police**
13 **Board establishing and renewing the \$100,000**
14 **reward and the reward poster authorizing a reward**
15 **for information assisting in the investigation of**
16 **the crimes of unlawful confinement, kidnapping and**
17 **murder)**

18 THE COMMISSIONER: Yes. Go ahead, Mr. Roberts.

19 MR. ROBERTS: Thank you, sir. Mr. Commissioner, on my
20 application this morning I have prepared a written
21 submission to save your writing hand, if you will,
22 and so that I can be more closely adherent to the
23 matters that I want to address you on.

24 So by way of introduction, my application
25 follows, in my view, inexorably from the oral

1 evidence of former Chief Constable Terry Blythe
2 heard on February 20th, 21st, 22nd, and 23rd this
3 year and from the written evidence in the
4 Vancouver Police Board resolutions of April 28,
5 1999, and each subsequent year to 2007. These
6 resolutions authorized and renewed a \$100,000
7 reward for information leading to the arrest and
8 conviction of the persons responsible for the
9 unlawful confinement, kidnapping, and murder of
10 the missing women from the Downtown Eastside of
11 Vancouver. The \$100,000 reward comprised \$30,000
12 from the City of Vancouver and \$70,000 from the
13 Province of British Columbia through the office of
14 the Attorney General. And that exhibit number now
15 I can refer to Mr. Registrar as?

16 THE REGISTRAR: Exhibit 113.

17 MR. ROBERTS: Thank you.

18 The Vancouver Police Department and the City
19 of Vancouver and the Attorney General worked out
20 the wording of the award among themselves, in
21 particular the crimes about which information
22 leading to arrest and conviction would be
23 rewarded.

24 In July 1999 the Attorney General, then
25 Attorney General Dosanjh, and the chief constable

1 of the Vancouver Police Department, Mr. Blythe,
2 signed the reward poster. This set out the terms
3 on which the reward money was to be paid, that is,
4 information leading to the arrest and conviction
5 of persons responsible for the crimes of unlawful
6 confinement, kidnapping, and murder of the missing
7 women. The crimes under investigation, unlawful
8 confinement, kidnapping, and murder, were set out
9 three times in the poster. The poster also
10 contained the pictures of 31 women missing from
11 the Downtown Eastside of Vancouver. The poster
12 was released to the public from a press release
13 and was widely posted in the Downtown Eastside.

14 In oral evidence Mr. Blythe said that the
15 crimes set out in the poster and in each of the
16 renewal resolutions from 2000 through 2007 were
17 crimes in Vancouver that were to be investigated
18 by the Vancouver Police Department under its
19 leadership-- under his leadership, I should say.
20 They were not set out in the poster or in the
21 resolutions as window dressing. He expected the
22 Vancouver Police Department to investigate the
23 crimes of unlawful confinement, kidnapping, and
24 murder thoroughly and competently. He was also
25 looking to the direction and leadership of Deputy

1 Chief Constable McGuinness in these
2 investigations.

3 Deputy Chief Constable McGuinness was the
4 head of the Investigative Division of the
5 Vancouver Police Department, which included the
6 Homicide and Major Crime sections. His division
7 included the officers in the chain of command
8 superior to Detective Constable Shenher, who
9 investigated the Crime Stoppers tip from Mr.
10 Hiscox in 1998 that pointed to Pickton as a
11 suspect for the suspected foul play in the
12 disappearance of the missing women.

13 Mr. Blythe testified in 1998 when he was
14 Deputy Chief of the Vancouver Police Department
15 the crimes for the Vancouver Police Department to
16 investigate in Vancouver in relation to the
17 missing women were the same as those in the 1999
18 reward and in the subsequent reward renewals which
19 took place right through to 2007, that is to say,
20 unlawful confinement, kidnapping, and murder.

21 This evidence supplements the evidence of
22 Deputy Chief Evans in her report. I won't go to
23 it. I simply refer to it as the January 19th
24 transcript, where in examination she said that the
25 crime was -- indeed that began in Vancouver was

1 kidnapping. In my submission it establishes
2 unequivocally, albeit belatedly, that in the
3 disappearance of the missing women from the
4 Downtown Eastside of Vancouver the Vancouver
5 Police Department had the duty to investigate the
6 crimes of unlawful confinement, kidnapping, and
7 murder, the crimes by which the women went
8 missing.

9 Where the evidence pointed to the missing
10 women getting into vehicles on sex trade
11 transactions, being transported to another place
12 and then disappearing, the crimes of kidnapping
13 and murder by reason of death caused during the
14 kidnapping were the paramount crimes for the
15 Vancouver Police Department to investigate. This
16 is especially the case since unlawful confinement
17 in a vehicle in Vancouver is part of the offence
18 of kidnapping, transportation to another place
19 being the other part of the offence.

20 This irrefutable fact of the crimes of the
21 Vancouver Police Department that they were to
22 investigate is in the authorizing and renewal
23 resolutions of the Vancouver Police Board for the
24 reward and in the placement of \$70,000 of the
25 Province's money by the Attorney General in the

1 reward for the investigation of these designated
2 crimes. It also confirmed by the signatures -- it
3 is also confirmed by the signatures on the posted
4 reward and in the admission of the former chief
5 constable of the Vancouver Police Department who
6 headed the police force during three of the four
7 years of the investigation of these crimes until
8 Pickton's arrest on February 5, 2002. That, of
9 course, is Mr. Blythe.

10 Therefore, the answer to the question what
11 crimes were the responsibility of the Vancouver
12 Police Department to investigate during the period
13 of the missing women from the Downtown Eastside of
14 Vancouver, in my submission, is very clear. They
15 are the crimes of unlawful confinement,
16 kidnapping, and murder.

17 This inquiry can now continue on a more solid
18 footing to inquire into the conduct of the
19 Vancouver Police Department investigation of these
20 crimes, which is the first task of this inquiry
21 under the terms of reference, along with the
22 inquiry -- an inquiry into the conduct of the RCMP
23 in the investigation of the crimes of murder in
24 their jurisdiction.

25 So I turn now to the subject that I want to

1 address this morning, Mr. Commissioner, and that's
2 a clarification of your remarks when I addressed
3 you recently. On February 23, 2012, at the
4 conclusion of the evidence of Mr. Blythe a short
5 submission was made by counsel for Marion Bryce of
6 the need to now hear from witnesses such as
7 Sergeant Field, Staff Sergeant Brock Giles, and
8 Deputy Chief Constable McGuinness and others on
9 the conduct of the police investigations in
10 Vancouver with respect to the crimes of unlawful
11 confinement, kidnapping, and murder as authorized
12 by the Vancouver Police Board and by the Attorney
13 General Dosanjh in April of 1999.

14 In response to that brief submission, Mr.
15 Commissioner, you said:

16 Vancouver did accept responsibility,
17 I boldface that in my submission this morning,
18 and there might be other counsel here who
19 would argue that -- that contrary to what
20 you're saying it's just not Vancouver but
21 there were other jurisdictions. That is
22 something we'll have to ultimately -- I'll
23 have to ultimately decide that, and you're
24 free to argue that at the end of the day.
25 I'm here this morning to respond in part to that,

1 sir.

2 The first bolded statement "Vancouver did
3 accept responsibility" has the unfortunate
4 appearance of a finding of fact when the evidence
5 and the circumstances before this inquiry hardly
6 supports such a finding.

7 The apologies offered by the Vancouver Police
8 Department when their internal review report was
9 made public and by Mr. LePard and the counsel for
10 the Vancouver Police Department at this inquiry
11 cannot be taken as acceptance of responsibility
12 for what occurred or did not occur in carrying out
13 Vancouver's duty to investigate their crimes.
14 There is no acknowledgment in the Vancouver Police
15 Department internal review, Exhibit 1, nor even
16 any discussion of any crimes that Vancouver was to
17 investigate let alone the crimes of unlawful
18 confinement, kidnapping, and murder as designated
19 in the \$100,000 reward authorized in April 1999 by
20 the Vancouver Police Board and the Attorney
21 General of this province.

22 In response to the submission of counsel for
23 Marion Bryce, that's myself, on February 23rd,
24 2012, Mr. Dickson, counsel for the Vancouver
25 Police Department, said, and I'm quoting him:

1 Deputy Chief LePard has never, not for a
2 single second, taken the position that it was
3 not incumbent upon them to investigate
4 kidnapping, abduction, forcible confinement,
5 murder within Vancouver. Certainly not.

6 And I say there parenthetically I think he also
7 meant murder wherever it occurred as a result of
8 death caused during the other crimes, not just in
9 Vancouver. I take his point in the very strict
10 sense, Mr. Commissioner, that Mr. LePard has not
11 expressly said this, but in evidence he repeatedly
12 denied that any crimes were committed in
13 Vancouver. He asserted that there could not be a
14 crime in Vancouver on the pick-up of a sex trade
15 worker from the Downtown Eastside because it could
16 not be known when Pickton intended to kill them,
17 and he contradicted the conclusion in the Evans
18 report at page 45 that the crimes began in
19 Vancouver. I'm not going to deal with the
20 transcript references right there, Mr.
21 Commissioner. We all remember that evidence.
22 Therefore, it is a fair argument to make that the
23 thrust of his evidence before this inquiry is that
24 it was not incumbent upon the Vancouver Police
25 Department to investigate the crimes of

1 kidnapping, abduction, forcible confinement, and
2 murder by reason of death caused while committing
3 any of these crimes.

4 The only evidence called on this inquiry as
5 to what the Vancouver Police Department did in the
6 investigation of these crimes is that of Constable
7 Shenher, who did not know the crime of kidnapping,
8 was not trained in homicide, did not know
9 informant law, did not have kidnapping in mind
10 when she was conducting her investigation of
11 Pickton using the source information provided by
12 Mr. Hiscox and did not have it in mind when she
13 discussed her investigation with Sergeant Field.
14 And I will go to -- I'm going to save people
15 having to go to the actual transcript. If you go
16 to page 10, I have the core of what's on my mind
17 set out there, please. About halfway down the
18 page:

19 Q And did you know then that kidnapping, the
20 basic kidnapping crime is simply
21 confinement plus transportation?

22 A I did not know that, I had never worked on
23 a kidnapping.

24 All right.

25 Q Isn't it part of your oath to know what

1 kidnapping is?

2 A I didn't interpret that specifically, no.

3 Q I see. All right. So my basic question
4 to you is, I'll move off this in a moment,
5 as you were out there on the street
6 working as a constable in 1998 you did not
7 know that the crime of kidnapping was
8 confinement and transportation, the basic
9 crime?

10 A As I said I have no experience with
11 kidnapping, so I don't know what I thought
12 about kidnapping at that time.

13 Q All right. So just to move off this then.
14 You were out doing an investigation with
15 respect to this tip information, and it's
16 your evidence that at that time you did
17 not have knowledge of the crime of
18 kidnapping. Have I got it right?

19 A That's correct, yes.

20 Q And so we'll put it more -- perhaps I can
21 try and make it more precise. You didn't
22 have knowledge for you to be able to
23 identify a crime of kidnapping in relation
24 to the women from the Downtown Eastside
25 having sex bargains and getting into cars,

1 that didn't trigger anything in you as to
2 whether there might be a kidnapping going
3 on?

4 A I don't consider kidnapping for --

5 Q You didn't think of it?

6 A I did not. No, I didn't think of it.

7 Q And did you know that you could get a
8 search warrant even though it's based on
9 hearsay?

10 A I did not know that.

11 Q But this is accurate, isn't it, the upshot
12 of all of this is that from the outset of
13 the examination of you that unique,
14 compelling, credible evidence,

15 that's the language of Deputy Chief Evans,

16 from Mr. Hiscox never got used, right?

17 A No, I suppose not.

18 So I return, Mr. Commissioner, to page 5 of
19 my prepared submission. The only evidence about
20 the investigation of those crimes that's been
21 called by someone who was -- had been referred to
22 by yourself, sir, as the lead investigator is one
23 who knew nothing about the crime of kidnapping,
24 was not investigating the crime of kidnapping, and
25 appears to have been completely unaware of that

1 through her work. So however sympathetic a figure
2 she is for all the work she did in the missing
3 women search, she was completely inappropriate as
4 the person to be doing the work for Vancouver in
5 investigating the disappearance of the women from
6 the Downtown Eastside of Vancouver.

7 I go to paragraph 18 of my submission. If,
8 on the other hand, the remark that you made, Mr.
9 Commissioner, "Vancouver did accept
10 responsibility" was meant to indicate that we now
11 have the evidence from this inquiry --

12 THE COMMISSIONER: Mr. Roberts, excuse me for interrupting you.

13 MR. ROBERTS: Yes, I know you are.

14 THE COMMISSIONER: I didn't make that as a finding of fact. I
15 don't know how often I have to say that. I was
16 summarizing what some of the evidence is. You may
17 argue at the end of the day that I ought not to
18 pay attention to that. What you're doing here is
19 giving me your closing argument.

20 MR. ROBERTS: No, I'm not, sir.

21 THE COMMISSIONER: Just wait a minute.

22 MR. ROBERTS: We're in a public process.

23 THE COMMISSIONER: Just a minute.

24 MR. ROBERTS: We're in a public process, and I'm asking you to
25 clarify it while we're in a public process.

1 That's all. Which you're doing now.

2 THE COMMISSIONER: Just -- from time to time I make statements
3 about where the evidence has come and where the
4 evidence I expect will go. I don't know what I'm
5 going to decide at the end of the day. I don't
6 know that. I'll have to hear all of the
7 arguments.

8 MR. ROBERTS: I understand, sir.

9 THE COMMISSIONER: And this -- this -- your position that
10 kidnapping by fraud is something that they should
11 have investigated is something that I'll have to
12 consider at the end of the day. You have, with
13 all due respect, beaten this thing to death, and
14 that is that you've gone on and on about
15 kidnapping by fraud. I get it, I know what you're
16 saying, but I haven't made any findings of fact
17 yet.

18 MR. ROBERTS: I appreciate that, sir.

19 THE COMMISSIONER: Just a minute. Let me finish. I apologize
20 for interrupting you, but let me finish.

21 MR. ROBERTS: No apology necessary.

22 THE COMMISSIONER: The fact is that I will have to hear the
23 whole of the evidence. Your theory is and your
24 argument I expect at the conclusion of the
25 hearings will be that the Vancouver Police

1 Department was negligent, they breached their duty
2 by not investigating the crimes of kidnapping. I
3 get that, and I will have to deal with that at the
4 end of the day. When I say that Vancouver
5 accepted responsibility, that's a general
6 statement wherein I say that when Deputy Chief
7 LePard was here he accepted responsibility and, in
8 fact, apologized for the conduct of the Vancouver
9 Police. Detective Constable Shenher, in fact,
10 apologized and accepted responsibility for the
11 shortcomings in her investigations. Those are all
12 matters of mix that I'll have to deal with at the
13 end of the day. I haven't made any findings of
14 fact. You've been a trial lawyer long enough to
15 know that from time to time in a courtroom trial
16 judges make statements about where the evidence is
17 now, and that doesn't mean that the judge has
18 reached any conclusion or made any conclusive
19 findings of fact. That's not the case at all. I
20 know what you're saying. I'm going to -- you're
21 an experienced lawyer. I'm going to have to
22 listen to you at the end of the day whether or not
23 Vancouver was negligent, whether the Vancouver
24 Police Department failed to investigate crimes
25 that they should have investigated. I mean, I get

1 that, but you have gone on and on and on about
2 this. I get it. I know what you're --

3 MR. ROBERTS: I haven't gone on and on and on about this. With
4 deference --

5 THE COMMISSIONER: Well --

6 MR. ROBERTS: -- that is unacceptable.

7 THE COMMISSIONER: Well, Mr. Roberts, every witness that has
8 come here you've cross-examined them, and I get
9 that. I know what you're saying. Your position
10 is that the Vancouver Police Department was
11 negligent, they failed to do what they should have
12 done, and part of your argument is what the former
13 chief said, Terry Blythe. He said that these were
14 Vancouver's crimes to investigate. I know that,
15 and that's again something that I'm going to have
16 to consider.

17 MR. ROBERTS: I'm saying more than that, sir.

18 THE COMMISSIONER: Well, I know you're saying more than that,
19 but I don't need to hear your closing argument. I
20 know you're saying more than that. I've simply
21 summarized it and painted a gloss over it. But go
22 ahead.

23 MR. ROBERTS: I'd like to continue.

24 THE COMMISSIONER: Yes.

25 MR. ROBERTS: Because there's a conclusion in the remarks that

1 you've made.

2 THE COMMISSIONER: There's no conclusion at all.

3 MR. ROBERTS: There is. There's a procedural conclusion in
4 your remarks, with utmost respect, and that is
5 that you make this decision at the end of the day
6 after all the evidence is in. This is not a
7 trial. This is a fact finding process where you
8 have, in fact, the authority to make preliminary
9 findings. You can make an interim report. And
10 there's nobody's rights on the line that have to
11 be decided at the end of the day.

12 THE COMMISSIONER: I know.

13 MR. ROBERTS: So I'm also addressing that because you can make
14 preliminary findings of fact, and you already, in
15 my respectful submission, have given an indication
16 you are going in that direction by asking now
17 to -- us to consider -- what is the matter I want
18 to refer to? This item number 2 in your policy
19 directive the other day.

20 THE COMMISSIONER: Let me interrupt you. Excuse me. Let me
21 interrupt you one more time. I have not made any
22 preliminary findings of fact. All I'm saying to
23 you is this is the evidence, let me hear the rest
24 of it. I have not, I'll repeat for your benefit,
25 I have not made any preliminary findings of fact.

1 I haven't.

2 MR. ROBERTS: I accept you saying that, and it's not just for
3 my benefit. This is a public process here.

4 THE COMMISSIONER: I know.

5 MR. ROBERTS: I take it that's -- you're saying that for the
6 public's benefit too.

7 THE COMMISSIONER: I'm saying it for everyone's benefit and for
8 everybody in this room. I haven't made any
9 findings of fact.

10 MR. ROBERTS: I'd like to return to my submission.

11 THE COMMISSIONER: All right. Go ahead.

12 MR. ROBERTS: I'm at paragraph 17. I think I've -- no, I'm at
13 paragraph 16 at the top of the page. The only
14 evidence called on this inquiry as to what the
15 Vancouver Police Department did in the
16 investigation of these crimes, that is to say, in
17 particular, unlawful confinement, kidnapping, and
18 murder in the course of these crimes, the only
19 evidence as to what Vancouver did in investigating
20 them is by Constable Shenher, who did not know the
21 crime of kidnapping, was not trained in homicide,
22 did not know informant law, did not have
23 kidnapping in mind when she was conducting her
24 investigation of Pickton. That was the purpose of
25 my reading that passage.

1 Further, she did not know what a search
2 warrant -- that it could be obtained on hearsay
3 evidence, and after a meeting with Mr. Hiscox and
4 Corporal Connor on October 15th, '98, she was
5 waiting for Corporal Connor to say what he wanted
6 to do, and Corporal Connor was waiting on her
7 because Hiscox was her source and he was not
8 investigating Vancouver's crimes as to how the
9 missing women disappeared.

10 If, on the other hand, Mr. Commissioner, and
11 you've helped clarify it already, "Vancouver did
12 accept responsibility" was meant to indicate that
13 we now have evidence before this inquiry from the
14 Vancouver Police Board and the Attorney General,
15 the then Attorney General, in their authorization
16 of the \$100,000 reward directing the Vancouver
17 Police Department to investigate the crimes of
18 unlawful confinement, kidnapping, and murder for
19 the disappearance of the missing women, as well, I
20 say parenthetically almost, as the evidence of
21 former chief Terry Blythe, Chief Terry Blythe, who
22 said he accepted such responsibility, this
23 evidence was not called by the Vancouver Police
24 Department, nor, for that matter, by any
25 commission counsel, and we have yet to hear from

1 the Vancouver Police Department that they now
2 acknowledge that these were -- crimes were for
3 Vancouver, for Vancouver to investigate. Indeed,
4 if it is their position that it was incumbent upon
5 Vancouver to investigate these crimes of
6 kidnapping, abduction, forcible confinement, and
7 murder, as Mr. Dickson seemed to intimate --
8 indicate is another word -- in his responding
9 submission on February 23rd last, then I invite
10 them to say so expressly. Let's get it over with,
11 and then we can concentrate on the question of
12 Vancouver Police Department's conduct during the
13 course of the investigation of these crimes.

14 I turn now for the moment -- I respectfully
15 submit that the question of what you said,
16 "Vancouver did accept responsibility", I accept
17 that you have sought to clarify it during the
18 course of my submission.

19 I move to paragraph 19. With respect to the
20 second bolded passage "that contrary to what
21 you're saying it's not just Vancouver but there
22 were other jurisdictions", with the greatest of
23 respect, sir, that too is opaque and requires some
24 clarification.

25 First of all, it has never been suggested

1 that the RCMP had no crime to investigate during
2 the period of the missing women. I have never
3 made such a suggestion. No doubt when murder was
4 suspected to be occurring on Pickton's property
5 the RCMP had that crime to investigate. Counsel
6 for Marion Bryce, myself, has never made any
7 suggestion to the contrary.

8 However, since the missing women are missing
9 from Vancouver, some two jurisdictions removed
10 from Coquitlam, the crimes by which the women went
11 missing were always Vancouver's to investigate.
12 In particular as designated in the police board
13 resolutions and in the reward signed by Chief
14 Constable Terry Blythe and Attorney General
15 Dosanjh, these crimes were unlawful confinement,
16 kidnapping, and murder. The authority of the
17 board to designate these crimes for the Vancouver
18 Police Department to investigate is in the *Police*
19 *Act*, section 26(2).

20 Therefore, if the second bolded phrase in
21 your remarks, sir, Mr. Commissioner, was intended
22 to suggest that the Coquitlam RCMP ought to have
23 investigated the crimes in Vancouver by which the
24 women went missing, such would be contrary to what
25 I understand to be well-established policing law

1 and convention in this province. Indeed, it would
2 be seen by my client, Ms. Bryce, Ms. Marion Bryce,
3 to be contrary to her expectation. It's the duty
4 of the Vancouver Police Department which is at
5 issue in her mind as to how her daughter got
6 snatched off the streets of Vancouver and was
7 murdered.

8 The restriction on policing jurisdiction was
9 first alluded to in this inquiry in the evidence
10 of Mr. Connor, formerly Corporal Connor and then
11 Sergeant Connor of the RCMP. When asked by
12 commission counsel about the crimes that he was
13 investigating, he made it plain he was
14 investigating murder in Coquitlam. He said that
15 any crimes by which the women went missing were
16 Vancouver's crimes.

17 The next evidence on the point was that of
18 Mr. Blythe in response to a question from Mr.
19 Edward Greenspan. Mr. Greenspan asked how should
20 the police be responsive to the jurisdiction
21 providing the funding, to which Mr. Blythe said
22 yes and said further that so far as he was
23 concerned the crimes of unlawful confinement,
24 kidnapping, and murder by which the women
25 disappeared from the streets of Vancouver were

1 Vancouver's crimes and were for the Vancouver
2 Police Department to investigate thoroughly and
3 competently. He said it was irrelevant that
4 something may have happened in another
5 jurisdiction.

6 Supporting and underscoring, in my
7 submission, this evidence is the very language of
8 section 26(2) of the *Police Act* of this province.

9 The duties and functions of a municipal
10 police department are, under the direction of
11 the municipal police board,

12 the bolding is mine,

13 to

14 (a) enforce, in the municipality...the
15 criminal law and the laws of British
16 Columbia,

17 (b) generally maintain law and order in the
18 municipality, and

19 (c) prevent crime.

20 With respect to any possible convention that
21 may apply to policing jurisdiction, I set out
22 below a passage in the internal review report from
23 Mr. LeParad which, in my submission, is very
24 applicable.

25 By law and convention, the police agency of a

1 jurisdiction is responsible for crimes that
2 occur in that jurisdiction. When a crime
3 occurs in one jurisdiction, e.g., Vancouver,
4 but the investigation requires follow-up in
5 another jurisdiction, then the original
6 jurisdiction can request assistance from
7 another jurisdiction, or pursue the
8 investigation itself. Both scenarios happen
9 regularly.

10 Thus, in my submission, Mr. Commissioner,
11 following upon that accurate passage, where
12 kidnapping occurs in Vancouver the Vancouver
13 Police Department while conducting their
14 investigation may follow up in another
15 jurisdiction and ask that other jurisdiction for
16 assistance in the investigation of this crime and
17 any crime committed during the kidnapping.

18 Conversely, Coquitlam RCMP in investigating
19 murder in their jurisdiction may ask for
20 assistance from Vancouver if there's anything in
21 Vancouver's jurisdiction that will assist
22 Coquitlam in the investigation of its crime, which
23 is simply murder.

24 In my submission, there is no duty or
25 convention for a police force to investigate the

1 crimes in another's jurisdiction that belonged to
2 the other. In this case the crimes of unlawful
3 confinement and kidnapping in Vancouver and both
4 murder in Vancouver and murder during the course
5 of Vancouver's crimes of unlawful confinement and
6 kidnapping were always Vancouver's crimes to
7 investigate.

8 It should be noted as well, and I go back to
9 say that passage, which I have borrowed straight
10 out from Mr. LePard's report, of course is written
11 in context to his report, which says there are
12 no -- doesn't identify any crimes in Vancouver.
13 Doesn't say there weren't any, but he identifies
14 the crime being -- he uses that passage for the
15 purpose of identifying the burden to investigate
16 on Coquitlam RCMP in the absence of any
17 acknowledgment of these major crimes in Vancouver.

18 In my submission, paragraph 30 of my
19 submission, it should be noted as well that when
20 the Vancouver Police Department appeared before
21 the police board on April 28th, 1999, with respect
22 to the \$100,000 reward it is most unlikely the
23 board was ever told that the VPD were not going to
24 investigate the designated crimes and were simply
25 going to leave it up to the RCMP in Coquitlam.

1 They could never say such a thing. That would
2 amount to a complete and total dereliction of
3 duty.

4 Lastly, Vancouver's early recognition of the
5 crimes in their jurisdiction by which the women
6 went missing from Vancouver's streets was not only
7 their duty, but it was far more likely to result
8 in an early and successful capture of Pickton.
9 They had the evidence to work with for the crimes
10 committed in their jurisdiction, kidnapping,
11 unlawful confinement, which is the first part of
12 kidnapping plus transportation. The Coquitlam
13 RCMP, not having any missing women in their
14 jurisdiction, did not.

15 And I stop there to say parenthetically I've
16 checked the evidence of Mr. LePard when he -- the
17 information which he gave to Deputy Chief Evans,
18 and during the course of their discussion -- it's
19 in the transcript, anybody can read it -- he said
20 there's no women in this matter, in this inquiry
21 that are missing from Coquitlam. There might have
22 been one or two from Surrey or elsewhere, but all
23 the rest of them are missing from the Downtown
24 Eastside of Vancouver.

25 In addition, Mr. Commissioner, to the well-

1 accepted notion that two heads are always better
2 than one and the utility of a joint forces
3 response to a multi-jurisdictional crime,
4 Vancouver had valuable circumstantial evidence, if
5 they cared to look for it, in the activity of the
6 sex trade workers when they worked on the Downtown
7 Eastside streets. It provided evidence of how the
8 women went missing. In addition, when foul play
9 was suspected when the missing women did not show
10 up and attend to their daily habits and respond to
11 family and children, Vancouver had more
12 circumstantial evidence as well.

13 Thus, when the witness statement from Victim
14 97 -- we now know her to be Ms. Anderson -- was
15 received on July 27, 1998, a Crime Stoppers tip
16 that was received by the Vancouver Police
17 Department about Mr. Hiscox -- from Mr. Hiscox
18 about women's clothing, jewelry, women's
19 identification, women's bloody clothing and
20 syringes being found in Pickton's trailer, they
21 were in a position to mount an intensive
22 investigative procedure. Every witness who has
23 testified at this inquiry has said that Mr. Hiscox
24 was credible and that reliability should be
25 attached to his information. Deputy Chief Evans

1 described the information from Hiscox as unique
2 and compelling. Others described Hiscox's
3 information as consistent both internally and
4 externally. That's Mr. LePard, by the way. Both
5 Constable Shenher and Corporal Connor believed
6 that Ms. Anderson, Victim 97, and Constable
7 Shenher -- believed her and found her evidence
8 compelling. As well, as required for a search
9 warrant, the information from Hiscox was very
10 detailed as to the things to be found in Pickton's
11 trailer.

12 And most importantly, Vancouver's crimes of
13 kidnapping and murder as a result of death caused
14 whilst committing kidnapping provided the
15 necessary nexus and connection with items of
16 evidence to be found in Pickton's trailer. Only
17 Vancouver could bring this information -- bring
18 this application, in my respectful submission
19 having some knowledge of criminal law, because of
20 this nexus requirement between the suspected
21 crimes and the things to be found, and that's
22 grounded on the *Turcotte* case and another case,
23 which are summarized in *Martin's Criminal Code*,
24 and I don't need to turn to them now.

25 It was the evidence of Mr. Connor that he

1 could not make this connection proceeding from --
2 with Coquitlam's crime simply of murder because
3 Coquitlam did not have any missing women.

4 However, because Vancouver did not recognize
5 the crime of kidnapping occurring under their very
6 noses and did not have an experienced investigator
7 working with the information from Hiscox and the
8 witness evidence of Ms. Anderson, this opportunity
9 to pursue a search warrant investigation of
10 Pickton was wasted, and it was wasted again in
11 1999 even though a second source, Mr. Caldwell,
12 identified the very same things that were
13 available to be found in Pickton's trailer.

14 And I pause here to say it will be my
15 submission, Mr. Commissioner, that this area, the
16 wasting of this evidence in 1998, at the end of
17 the day it will be my submission, and in 1999 is
18 one of the fundamental failures for the missing
19 women from the Downtown Eastside, and that centres
20 in 1998. It will be my submission that by not
21 having their eye on the ball, by not investigating
22 kidnapping, if that's the way the evidence leads
23 us, that that is the fundamental reason for the
24 tragedy of the missing women from the Downtown
25 Eastside.

1 Mr. Connor testified that he was in the same
2 position in 1999 and in 1998 -- as he was in '98
3 of not having a nexus, as required by law, between
4 Coquitlam's crime, which is murder simpliciter,
5 and the things to be found on a search warrant
6 application, and so he was left to try and pursue
7 more difficult investigations, such as in-place
8 video cameras and undercover operations.

9 The protestations by counsel for the
10 Vancouver Police Department during the course of
11 my submission on the 23rd about Vancouver's
12 involvement in investigating their crimes of
13 kidnapping and murder, that sort of focus, would
14 have confused matters. That is the thrust of the
15 submission that my learned friend Mr. Dickson
16 made. In my submission, that is entirely and
17 utterly spurious. It is difficult to regard that
18 position as anything more than an attempt to
19 deflect attention from the great tragedy of the
20 Pickton murders: the failure of the Vancouver
21 Police Department to recognize and investigate the
22 crimes in their jurisdiction of kidnapping and
23 death caused during, which is always their crime.
24 And I finish off on this point before I move on by
25 referring to the hand-up of material which

1 everybody received on this application.

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

3 MR. ROBERTS: I ask you to be good enough to turn to tab --

4 THE COMMISSIONER: No, Mr. Roberts. How long? You said you
5 needed half an hour. How much longer?

6 MR. ROBERTS: I guess I'm wrong, sir.

7 THE COMMISSIONER: Sorry?

8 MR. ROBERTS: I guess I'm wrong. Sorry about that.

9 THE COMMISSIONER: Well, we have witnesses waiting and --

10 MR. ROBERTS: I know you do, sir, but this is important, and I
11 beg your indulgence to let me finish.

12 Would you be good enough to turn to tab 8 of
13 the hand-up of the material to be relied on. I
14 prepared this to show what we are talking about.
15 I am going to hold mine up. There is a map
16 showing Vancouver outlined in green. In between
17 Vancouver is Burnaby, and then outlined in yellow
18 is the large jurisdiction of Coquitlam lying one
19 jurisdiction, policing investigative jurisdiction
20 removed from Vancouver. Just stop for a moment
21 and understand -- we all understand this.
22 Kidnapping in Vancouver, where the person is taken
23 to a place in Vancouver and death is caused there,
24 that's first degree murder by statute. That
25 remains Vancouver's crime just as much as the

1 kidnapping itself, kidnapping only being unlawful
2 confinement and transportation. That's
3 Vancouver's crime both to investigate. And, of
4 course, where there is first degree murder, as you
5 well know, Mr. Commissioner, from your years on
6 the bench, it must be charged as first degree
7 murder by itself but with reference to the
8 underlying means to be entitled to be first degree
9 murder without proof of specific intention.

10 If the crime -- then let's move to the next
11 jurisdiction, Burnaby. Let's suppose the
12 transportation is that far and murder takes place
13 in Burnaby or death is caused. The kidnapping
14 remains Vancouver's crime, as does the death
15 caused in Burnaby, and is to be charged -- the
16 normal convention is to investigate it and charge
17 it as Vancouver's crime as murder by means of
18 kidnapping. It makes no difference when you go
19 across the boundary.

20 I'll say one more time Pickton's property is
21 somewhere just south of the City of Coquitlam.
22 It's Port Coquitlam, near there. So kidnapping in
23 Vancouver, the person is transported by kidnapping
24 to Coquitlam and murder takes place there. The
25 kidnapping is Vancouver's crime. Death caused

1 during kidnapping is Vancouver's crime to
2 investigate and prosecute as murder by means of
3 kidnapping. It doesn't matter and I know of no
4 convention which says that there's any obligation
5 on another jurisdiction where the body shows up
6 that they must also investigate Vancouver's crime
7 and prosecute it as Vancouver's crime. Indeed
8 that didn't happen in this case. Coquitlam --
9 Coquitlam ended up at the end of the day finding
10 the means to catch Pickton by the search warrant
11 of the young constable who was looking for
12 firearms, and the crime got prosecuted as murder
13 by intention, deliberation and planning, a much
14 different murder to charge and to convict.

15 So for purposes of identification of what is
16 Vancouver's crimes, it is the kidnapping and the
17 murder wherever it takes place. Indeed, that
18 would be true even if you go to another
19 jurisdiction anywhere in Canada. You and I know
20 that is the law. I know of no convention that's
21 contrary to that.

22 THE COMMISSIONER: I have your point on that, that is, that
23 Vancouver should have investigated the crimes of
24 kidnapping and, indeed, first degree murder.
25 That's your argument, and I have it.

1 MR. ROBERTS: Mr. Commissioner, on that part of it, the reason
2 I made that submission is because of the remark
3 which you made.

4 THE COMMISSIONER: Well, I don't know why those remarks
5 compelled you to make this argument. The argument
6 you are making is obvious, that if a crime takes
7 place in Vancouver it's Vancouver's duty to
8 investigate that crime. I know that.

9 MR. ROBERTS: You said, sir:

10 ...other counsel here would argue that
11 contrary to what you're saying it's just not
12 Vancouver but there are other jurisdictions.

13 THE COMMISSIONER: I said there are other jurisdictions
14 involved here because the bodies and the murders
15 apparently took place in Coquitlam, so we have
16 multi-jurisdictional issues involved. That's what
17 I said.

18 MR. ROBERTS: I'm only asking for clarification.

19 THE COMMISSIONER: I don't know why that's so difficult for you
20 to --

21 MR. ROBERTS: I'm only asking for clarification.

22 THE COMMISSIONER: Well --

23 MR. ROBERTS: Other jurisdictions did not have the
24 jurisdiction, did not require to investigate
25 Vancouver's crimes.

1 THE COMMISSIONER: Nobody said that for a minute.

2 MR. ROBERTS: Well --

3 THE COMMISSIONER: Nobody said that for a minute.

4 MR. ROBERTS: Well, thank you, I appreciate that, but it could
5 be taken from what you --

6 THE COMMISSIONER: You're the one that set up this argument,
7 and now you're arguing against it. I didn't say
8 that.

9 MR. ROBERTS: I didn't set up the argument. I'm asking for
10 clarification of what you said. This is a public
11 process --

12 THE COMMISSIONER: First of all --

13 MR. ROBERTS: -- and I think it would be fair to ask you to
14 make that explanation.

15 THE COMMISSIONER: Well, it would be fair for me to offer the
16 explanation at the end of the day. What I want to
17 do is, I ask different lawyers to address their
18 issues to the -- to where it's -- where a certain
19 amount of evidence is given and an answer is
20 called for, and I'll ask Mr. Hern or Mr. Dickson
21 at the end of the day to clarify what Chief
22 Constable Terry Blythe said in his remarks.
23 Obviously they're going to have to reply to that,
24 and they will, no doubt, and I will have to
25 consider it at the conclusion of the arguments

1 when I make my findings of fact. I don't know why
2 that's so difficult to grasp.

3 MR. ROBERTS: It's not difficult to grasp.

4 THE COMMISSIONER: Well --

5 MR. ROBERTS: I grasped the issues in this case a long time
6 ago, sir. I'm simply -- this is a public process.

7 THE COMMISSIONER: I know.

8 MR. ROBERTS: There is jury out there, and the jury is on the
9 integrity of this process, and I'm trying to
10 clarify your remarks for that jury.

11 THE COMMISSIONER: Well --

12 MR. ROBERTS: I'm entitled to do that.

13 THE COMMISSIONER: I know that. Yes.

14 MR. HERN: I just want to speak here for a moment as an
15 objection because I find this interchange where
16 counsel is challenging the commissioner over a
17 statement made in the course of a 50- to 60-day
18 hearing so far to be quite inappropriate, and so I
19 am going to object to this line of challenging.
20 If there's an application to be brought for a
21 recall of witnesses, that's fine.

22 THE COMMISSIONER: Well, I presume that's what the application
23 is.

24 MR. HERN: But I find this inappropriate.

25 MR. ROBERTS: May I move on, please? I'm at page 12 --

1 THE COMMISSIONER: Yeah, I know.

2 MR. ROBERTS: -- at paragraph 41. I'm glad you know, sir.

3 This being the state of the evidence as to
4 what Vancouver did or did not do in investigating
5 its crimes, in my submission there was
6 consternation when you said, Mr. Commissioner --
7 when you delivered Process Management Directive #3
8 indicating a change in focus to a mandate to make
9 recommendations and to conducting the hearing with
10 panels of witnesses and supported this position by
11 referring to important information learned during
12 the 53 days of this hearing, and this is how you
13 phrased it in that directive:

14 Evidence from the lead investigator of the
15 Vancouver Police Department missing women
16 investigations, Detective Constable Shenher.
17 She may indeed have been a lead researcher for
18 missing women, but she was not by any stretch of
19 the imagination a lead investigator of the
20 criminal investigations of the Vancouver Police
21 Department in crimes that were theirs to
22 investigate. She was, as identified already, most
23 woefully inadequate for that task.

24 THE COMMISSIONER: Well, I'll have to consider that at the end
25 of the day, won't I? Thanks for helping me,

1 though. If she's inadequate, I'll have to decide
2 that, and you don't -- that's a closing argument
3 that you're giving now, Mr. Roberts.

4 MR. ROBERTS: No, I'm not. I'm here because this commission,
5 in my respectful submission, has been off track
6 from the very beginning.

7 THE COMMISSIONER: Well -- really?

8 MR. ROBERTS: Yes, it has.

9 THE COMMISSIONER: Maybe --

10 MR. ROBERTS: Let me finish, please.

11 THE COMMISSIONER: I want you to finish soon because --

12 MR. ROBERTS: I know you do, but I --

13 THE COMMISSIONER: Wait a minute. You asked for half an hour.

14 You're onto an hour now. This is not the first
15 time you've done this. The last time you ran over
16 an hour, and I was taken to task by Mr. Gratl for
17 very good reason, because I allowed you to go on
18 for an hour longer than your estimate. Now,
19 you've been around long enough in the courts to
20 know that the trier of fact, the judges or
21 commissioners are entitled to the courtesy of some
22 kind of accuracy in time estimates, and I don't
23 know why at this stage in your career you continue
24 to run over the time estimate that you give.

25 MR. ROBERTS: I have been expeditious and focused entirely in

1 my submissions, and I don't accept the criticism
2 you just gave me. With respect, it's misplaced.

3 THE COMMISSIONER: All right.

4 MR. ROBERTS: I'm at page -- paragraph 43. This commission has
5 much work to do for the first and foremost task
6 before it in paragraph 4(a) of the terms of
7 reference. That task is to inquire into the
8 conduct of the police investigations conducted
9 between January 23, 1997, and February 5, 2002, by
10 police forces in British Columbia respecting women
11 reported missing from the Downtown Eastside of
12 Vancouver. This inquiry is to make findings of
13 fact respecting the conduct of those
14 investigations.

15 Process Management Directive #3 undermines,
16 in my respectful submission, the confidence of my
17 client and I believe many in the public that this
18 inquiry will complete its task on this fundamental
19 issue. The women by definition are missing from
20 the Downtown Eastside of Vancouver. They are not
21 missing from Coquitlam. Any crimes by which they
22 are missing were Vancouver's to investigate, and
23 we are nowhere near the point where this inquiry
24 can focus on recommendations.

25 It should be noted that the Attorney General

1 of British Columbia, Mr. Dosanjh, provided \$70,000
2 of the province's money for the reward for
3 information that would assist in the investigation
4 of Vancouver's crimes. No similar reward was ever
5 provided to assist the RCMP in their investigation
6 in Coquitlam. Obviously this is because the
7 crimes by which the women went missing and were
8 suspected to have been killed were Vancouver's,
9 and it was Vancouver's duty to investigate them
10 and keep the public safe, including the women on
11 the Downtown Eastside, from what appeared to be
12 one or more serial killers.

13 There is therefore, in my submission, an
14 inextricable link between the establishment of the
15 \$100,000 reward for the information to assist in
16 the investigation of these crimes in Vancouver and
17 the work of this commission. The public have a
18 right to know what was done by the Vancouver
19 Police Department to investigate these crimes for
20 which the reward was authorized and renewed,
21 especially since it took over four years to catch
22 the killer, and they did not catch him, Vancouver
23 didn't. The RCMP did executing a search warrant
24 for firearms on Pickton's property.

25 In my submission, this inquiry must return

1 immediately to the fundamental task of determining
2 the conduct of the police investigations in
3 Vancouver of the crimes by which the women went
4 missing, fundamentally kidnapping. Anything less
5 risks the inquiry failing in its duty to the
6 public with reference to the first term of
7 reference. Therefore, sir, an order is sought
8 directing commission counsel to call the witnesses
9 set out in paragraph b(1) of the Notice of
10 Application.

11 Only a few words are necessary to identify
12 the significance of these witnesses. I start with
13 Sergeant Geramy Field. She was the supervising
14 officer of Constable Shenher and as such was
15 responsible to make certain that the investigation
16 of Pickton using Mr. Hiscox's information was
17 competently done. Sergeant Field reported to
18 Staff Sergeant Brock Giles, who knew about the
19 information from Hiscox and instructed Constable
20 Shenher on November 4, 1998, to simply offer
21 assistance to the Coquitlam RCMP in the
22 investigation of Pickton. He in turn reported to
23 Inspector Fred Biddlecombe, who in turn reported
24 to Deputy Chief Brian McGuinness. This is the
25 chain of command up from Constable Shenher in the

1 Investigative Division of the Vancouver Police
2 Department.

3 They were all charged with the duty of
4 investigating the crimes authorized by the
5 Vancouver Police Board and by the Attorney General
6 of this province. Former Chief Terry Blythe said
7 he depended upon Deputy Chief Brian McGuinness and
8 his division to carry out the investigation of
9 these crimes thoroughly and competently. We need
10 to hear from these witnesses very soon and before
11 the commission runs out of time in relation to its
12 current schedule.

13 I have spoken with commission counsel. This
14 answers in part an observation you made to me
15 earlier, Mr. Commissioner. I've spoken with
16 commission counsel with respect to the timing of
17 the calling of these witnesses, and I have not
18 received any assurance as to when they will be
19 called. In the case of Staff Sergeant Brock
20 Giles, commission counsel said he had nothing to
21 say, indicating to me he did not intend to call
22 him, at least that's how I took it. With the
23 utmost respect, this is not good enough. We need
24 to hear his evidence under oath and all of the
25 others I've identified as to what, if anything,

1 they did to investigate Vancouver's crimes.

2 Detective Ron Lepine has been added to this
3 by me because, having read his evidence, he had
4 much expertise from his years working as a
5 detective in investigations in the Sexual Offence
6 Squad and in Homicide. In interviews he said he
7 was very knowledgeable about working with sex
8 trade workers on the Downtown Eastside and in
9 understanding how they could go missing on a con
10 or a pretext -- very relevant reference by him --
11 when otherwise they were most reluctant to leave
12 the Downtown Eastside. He is an important witness
13 for this inquiry.

14 With respect to Deputy Chief Gary Greer, he
15 was in the other division, but he was an inspector
16 at the time and ultimately a deputy chief of
17 Operations and participated in significant
18 operations. I see he is scheduled here for a
19 panel, and I don't oppose that idea. That's fine.

20 Only when these witnesses have been called
21 will this commission of inquiry, in my submission,
22 be able to complete its mandate of inquiring into
23 and making findings of fact with respect to the
24 conduct of the police investigations as to
25 Vancouver's crimes as mandated by the Attorney

1 General of this province and by the Vancouver
2 Police Board in their resolutions through the
3 years 1999 to 2006 -- or '7, I should say.

4 Now, I'll go through the next passage very
5 quickly, sir. There was some difficulty when I
6 was examining -- cross-examining Mr. LePard on the
7 issue of the meaning of kidnapping, how it
8 applied. That should not have happened. I even
9 had an objection from my learned friend Mr. Hern
10 that I was asking him legal questions. Well, with
11 respect, his duty is, the duty of all police
12 officers, to know the crimes by which -- which
13 they are investigating.

14 And I think it's important now to establish
15 very briefly just what are the crimes that were
16 Vancouver's to investigate and what do they mean.
17 I am going to go over to the bottom of page 16,
18 Mr. Commissioner, and I want to approach this very
19 much like on a criminal trial. By the way, I had
20 some experience at criminal trials. I did -- my
21 first five years of practice was in Prince George,
22 and I assisted Lee Skip, the late Lee Skip, and
23 Les Cashman, the late Les Cashman, in prosecuting
24 criminal assizes in Prince George, and I have
25 defended a murder trial since. I was a former

1 director of research for Canada for the Law Reform
2 Commission of Canada for two years. I know a
3 little bit about what I'm talking about.

4 Kidnapping. Bottom of page 16. "Every
5 person in Canada commits an offence who kidnaps a
6 person with intent..." That's the first
7 expression of crime.

8 (a) to cause the person to be confined or
9 imprisoned against the person's will.
10 That's the crime of kidnapping. Over page. This
11 is the basic crime of kidnapping. I ignore the
12 other separate crimes of kidnapping in section
13 279(1)(b), causing a person to be unlawfully sent
14 or transported out of Canada against the person's
15 will, and section 279(1)(c), to hold the person
16 for ransom or service against the person's will.
17 So we focus on the first one, (a).

18 I turn next to the dictionary definitions of
19 the word "kidnap". You've heard me earlier on
20 this, and I'm sorry if I'm going on too long, but
21 in addition to the Oxford Concise Dictionary I've
22 added Websters, the American dictionary. It means
23 to seize and detain or carry away by unlawful
24 force or fraud.

25 The Court of Appeal of this province, Chief

1 Justice Nemetz in the *Metcalf* case said, and the
2 paragraphs are partway down page 17:

3 ...applying common sense and appreciating the
4 subtle and ingenious methods employed by
5 criminals undertaking this evil, it is
6 readily apparent that offering sweets to
7 children is not the only stratagem available
8 to induce victims to accompany abductors.

9 ...the fact that the person is not forcibly
10 conveyed by a stratagem of an inducement can
11 make no difference. The crime is complete
12 when the person is picked up and then
13 transported by fraud to his place of
14 confinement.

15 I identify as well, sir, that kidnap is synonymous
16 with abduct.

17 The elements of kidnapping on page 18. In
18 addition to unlawful confinement there must be a
19 movement or a taking of the person from one place
20 to another. It doesn't have to be to a different
21 jurisdiction. It can be in the jurisdiction or
22 out.

23 Intention. I focus on these paragraphs. The
24 intention required to complete the crime of
25 kidnapping is a legal presumption that one intends

1 the natural and probable consequences of one's
2 act. The most recent authority for that is the
3 *Regina v. Vu* case, a statement of the law by Chief
4 Justice Finch.

5 By force. I pause here to say, Mr.
6 Commissioner, as in any criminal case, of course
7 the final authority on the law is the judge. I
8 invite you at any time if I am misstating what the
9 law is at any time in this inquiry that you will
10 correct it.

11 By force. The physical act of the taking
12 also supplies the intention by reason of the legal
13 presumption making the crime of unlawful
14 confinement complete on the taking of another.

15 By fraud. Where a person obtains confinement
16 of another on a representation and then attacks
17 the confined person the legal presumption applies
18 to make the representation fraudulent for the
19 purpose of obtaining unlawful confinement.

20 Investigating kidnapping by means of
21 representation or pretext. The police investigate
22 suspected crime. When it is suspected that a
23 person's been carried away by another person by
24 means of a pretence or fraud and has not returned
25 in circumstances where foul play is suspected,

1 there is a crime of suspected kidnapping to
2 investigate. And I've already identified the
3 elements are unlawful confinement and
4 transportation.

5 A couple more and I'll move off this.
6 Confinement. Unlawful confinement does not mean
7 close confinement. It means under the custody and
8 control of another, and there's a case authority I
9 can -- which is in the case material I believe
10 I've handed up.

11 First degree murder. Irrespective of whether
12 a murder is planned and deliberate on the part of
13 any person, murder is first degree murder in
14 respect of a person when the death is caused by
15 that person while committing or attempting to
16 commit kidnapping.

17 Death caused during kidnapping. There need
18 not be an exact coincidence between the act
19 causing death and the acts constituting the
20 underlying offence of kidnapping. It is
21 sufficient if they form part of one continuous
22 sequence of events forming a single transaction.
23 There is ample authority for all those
24 propositions.

25 And I now move to the example given in the

1 evidence of Corporal, Sergeant, now Mr. Connor.
2 And I was referring in his examination to the
3 disappearance from the Downtown Eastside of
4 Nancy -- I misnamed her -- Nancy Jane Bob.

5 Q I just pause to say, you used the word
6 "abduct" to talk about carrying somebody
7 away, by force or fraud, in that instance,
8 Mary,

9 that should be Nancy,

10 Jane Bob, to -- by the stratagem of a sex
11 trade bargain so he could get confinement
12 of her and take her out and attack her?
13 That's how you used the term?

14 A Correct.

15 Q Stopping there. Is it your understanding,
16 I assume that it is, that kidnapping is a
17 crime where the intent is provided by a
18 legal presumption, the deeming of intent
19 in the act itself?

20 A That's my understanding.

21 Q And that, to give an example of that, if
22 kidnapping is a snatching of a person by
23 force, the act and the intent come
24 together, it being deemed or presumed that
25 the person intended to snatch, by force,

1 the victim, right?

2 A That's correct.

3 Q Intending to confine him?

4 A Correct.

5 Q By force?

6 A (Nod)

7 Q You are nodding. Thank you.

8 Yes.

9 Q And to give the other example, if a person
10 is taken into confinement by a
11 representation and then transported
12 somewhere, and attached --

13 "attacked". That should read "attacked". That's
14 a misspelling by the reporter.

15 ...then the legal presumption is that the
16 representation was intended to get
17 confinement so that they could attack him.
18 Isn't that the way it works?

19 A I would agree with that.

20 Lastly, sir, I turn to the question of
21 calling Mr. LePard. And by the way, Mr.
22 Commissioner, if at any time you find that I have
23 not stated that law correctly, even in the next
24 number of days, of course it is always your
25 prerogative to correct counsel. The law here is

1 for the court to know. There is no requirement,
2 as we all know standing here before you, sir, that
3 there's no requirement to prove domestic law. It
4 is presumed that we know it.

5 I ask for an order that Mr. LePard be re-
6 called as a witness in this inquiry, and I'm
7 asking for this to be done at a last stage in the
8 inquiry, and I will explain in a moment.

9 In Mr. LePard's testimony before this inquiry
10 he said there was no crime committed in Vancouver.
11 He repeated that on November 9th as well. It's my
12 submission the clear implication from this
13 testimony, at least as understood by my client and
14 I believe by the public, was that there was no
15 crime for Vancouver to investigate, but, in my
16 submission, Mr. LePard not being content with
17 these statements went further, and he said:

18 There's not a shred of evidence that a crime
19 was committed in Vancouver and we don't know
20 where Pickton formed the intent, or, as I
21 say, we're not able to say, my understanding
22 is, any offence, any woman that Pickton
23 personally picked up...some of them probably
24 in a car by Pickton, it's not known where he
25 formed the intent to kill them.

1 This testimony, in my respectful submission,
2 appears intended to support his review report,
3 which makes no mention anywhere in the text of
4 that report of any crimes committed in Vancouver
5 by Pickton or by anyone else in relation to the
6 missing women, who were always the -- likely
7 suspect -- victims of suspected crimes by
8 Vancouver to investigate.

9 Yet on April 28th, 1999, the Vancouver Police
10 Board and the Attorney General of British Columbia
11 authorized a reward of up to \$100,000 for
12 information leading to the arrest and conviction
13 of the murder of any or all of the list of missing
14 women. There were 31 at that time all missing
15 from the streets of Vancouver. At the time this
16 reward was authorized Mr. LePard was an inspector
17 in the Vancouver Police Department.

18 On July 27th, 1999, the Vancouver Police
19 Department released the missing women reward
20 poster and supported it with a press release at a
21 press conference and had the reward posted at one
22 or more places in the Downtown Eastside of
23 Vancouver. And I repeat, of course, that reward
24 poster was for information leading to the arrest
25 and conviction of persons responsible for the

1 unlawful confinement, kidnapping or murder of any
2 of the 31 missing women.

3 On April 26, 2000, Mr. LePard was present at
4 a Vancouver Police Board meeting along with
5 Sergeant Field, Deputy Chief Carolyn Daley, and
6 Deputy Chief Greer and Chief Constable Terry
7 Blythe and supported an application for a one-year
8 extension of the reward, which was duly passed by
9 the board. That reward was renewed again in each
10 of the following years with the last renewal at a
11 board meeting on December 12, 2007, applied for by
12 Mr. LePard himself as deputy chief, and I wish to
13 refer to that one.

14 I'm just going to refer to where I know it's
15 handy, and I am looking at Exhibit AA For
16 Identification for the moment. In that binder
17 it's at tab 6. Sorry, tab 7. Bottom of page 2.

18 Deputy Chief Doug LePard spoke regarding this
19 report. The purpose is to seek renewal of
20 the Vancouver Police Board's portion, being
21 30,000, of the \$100,000 reward, which has
22 been in place since 1999. The offer of a
23 significant reward may inspire a person or
24 persons to provide information to police or
25 the Missing Women Task Force on the unlawful

1 confinement, kidnapping or murder of any of
2 the women listed as missing by the Missing
3 Women Task Force.

4 And so the motion is duly made and passed for
5 renewing the reward for information leading to the
6 arrest and conviction for those responsible for
7 the unlawful confinement, kidnapping, and murder
8 of any of the women listed, etcetera. And it was
9 renewed.

10 In my submission, Mr. Commissioner, it's
11 incumbent on Mr. LePard and the Vancouver Police
12 Department to explain to this inquiry and to the
13 public this conflict, which at least is apparent
14 to me, in the evidence. If there were no crimes
15 committed in Vancouver and not a shred of evidence
16 of any crime being committed in Vancouver, what
17 kept the Vancouver Police Department from advising
18 the police board and the Attorney General of this
19 fact at the time of the original authorizing
20 resolution in 1999 or at any of the renewals of
21 the reward that were actually sought by the
22 Vancouver Police Force, the last one by Mr. LePard
23 himself. That is a conflict that has to be
24 explained on this public inquiry.

25 In particular, focusing on the evidence of

1 Mr. LePard at this inquiry, why did he participate
2 in the renewals when it was his view, as stated
3 here at this inquiry, that there is not a shred of
4 evidence of any crime being committed in
5 Vancouver?

6 There's another compelling reason for the
7 recall of Mr. LePard. In cross-examination on the
8 crime of kidnapping by means of fraud, which Mr.
9 LePard acknowledged was an alternative to the use
10 of force by which the crime could be committed, he
11 declined to agree that the sex trade arrangement
12 by which Pickton obtained the confinement of Ms.
13 Anderson was kidnapping by means of fraud, yet in
14 re-examination by commission counsel, Mr.
15 Vertlieb, who said that he himself did not know
16 what kidnapping by fraud meant and was not going
17 to deal with that, Mr. LePard was then taken
18 through evidence of Dr. Lowman, which described
19 situations where a killer posed as a purchaser of
20 sex. Mr. Vertlieb described such situations as
21 fraudulent activity, to which Mr. LePard agreed.

22 Continuing this line of questioning, Mr.
23 Vertlieb then took Mr. LePard through some of the
24 evidence of Andrew Bellwood at the Pickton murder
25 trial in which Pickton told Bellwood that to get

1 the sex trade workers out to his farm was a tough
2 thing to do as they don't really want to leave
3 their general area in the Downtown Eastside of
4 Vancouver where they're working and that you had
5 to offer them heroin or cocaine or kind of a lure
6 with the drug of their choice and maybe offer
7 extra money. There was a little bit of conning to
8 try and get them to come that distance to
9 Pickton's property. And I've given you the cite
10 reference for that.

11 Mr. Vertlieb then said to Mr. LePard:

12 ...but if you put those facts together, sir,
13 doesn't that give you as a really good police
14 officer the concern that maybe there was a
15 criminal act that did in fact take place in
16 my city that we never considered.

17 I don't want to speculate too much on the "we",
18 but it seems to indicate Mr. -- commission counsel
19 together with Mr. LePard. Perhaps that explains
20 why commission counsel never addressed at the
21 outset of this inquiry the crimes that were
22 committed -- suspected to have been committed in
23 Vancouver by which the women went missing, and
24 we've waited four months to have that evidence,
25 and he didn't call it. I did, and Mr. Greenspan

1 did.

2 Mr. LePard agreed and said:

3 Well, I agree with you absolutely, and it's
4 unfortunate but I feel like some of my
5 evidence got lost, because my analysis after
6 the fact that we didn't know for sure whether
7 there had been an offence that occurred in
8 Vancouver was really kind of irrelevant to
9 what went on before Pickton was arrested and
10 before it was known that Pickton was the
11 offender.

12 I'm not going to try and make any sense out of
13 that, Mr. Commissioner, and I respectfully submit
14 that it is very hard to know what Mr. LePard was
15 there saying. But the rest of it's quite clear.
16 He says:

17 ...because of course that always had to be
18 the main suspicion was that women were
19 somehow being lured, coerced, forcibly
20 taken...

21 I'll pause there. There's never been a shred of
22 evidence that any woman was forcibly taken from
23 the Downtown Eastside. It was always a lure, a
24 con, a pretext, a fraud, and other places where
25 they went missing, and that was always something

1 that absolutely had to be contemplated, that that
2 was an offence that was occurring.

3 Commission counsel should be complimented, in
4 my respectful submission -- this is my first
5 approach to this at least -- by such a clever line
6 of questioning. He said he didn't know anything
7 about kidnapping by fraud, whatever that meant,
8 which he would leave up to myself, Mr. Roberts,
9 I've said in my text of my submission. That's
10 what he said. And then he proceeded to describe
11 fraudulent activity in the Downtown Eastside in
12 picking up sex trade workers, which, in my
13 submission, is every bit the same as kidnapping by
14 fraud, by means of fraud without actually using a
15 label. And here was Mr. LePard's answer:

16 So I don't disagree with any of that in terms
17 of the Vancouver Police Department's
18 responsibility when the women were going
19 missing that it was a likelihood, or at least
20 a strong possibility, that if they -- if the
21 disappearances were being caused by foul
22 play, which some people had to struggle to
23 come to that, that a likely scenario is the
24 one that you have described.

25 That's his answer finally to Mr. Vertlieb.

1 Unfortunately, in my submission, for other
2 counsel, this was evidence given in
3 re-examination. There was no opportunity for
4 other counsel to question Mr. LePard on this
5 evidence and its apparent conflict with his
6 previous testimony. Moreover, there has been no
7 explanation of what he meant by "my analysis after
8 the fact", an opaque phrase he repeated in a
9 lengthy answer, and I am not going to take you to
10 it. My sense of it is, and I make this in a
11 respectful submission way, is that it reveals that
12 when he wrote his review report he did not inquire
13 into what crimes, if any, were committed in
14 Vancouver by which the women went missing. It
15 wasn't necessary for his review report, and that's
16 why, being an internal review not intended to be
17 outed to the public at that time, that's why he
18 simply concentrated on his idea of systemic
19 factors. I'm guessing perhaps, but that's a very
20 opaque phrase, "my analysis after the fact". He
21 is referring, at least in my submission, to how or
22 why he wrote his report.

23 Nevertheless, in this case, in my submission,
24 the public should be informed and Mr. LePard and
25 the Vancouver Police Department must be encouraged

1 to provide a more candid apology at the end of the
2 day after all the evidence is in as to just what
3 the Vancouver Police Department did or did not do
4 in the investigation of the crimes during the
5 period of the missing women.

6 And I have one more point to make which I've
7 had trouble expressing in writing I want to
8 address to you orally, sir, and that is this.
9 This commission of inquiry, in my submission, was
10 off the rails from the very beginning from the
11 failure of this commission to establish the crimes
12 by which the women went missing from the Downtown
13 Eastside. That's a fundamental task before our
14 task could kick in to inquire into the conduct of
15 those investigations, and we did not establish
16 that until four months into this inquiry by, in my
17 submission, competent evidence from the police
18 board reports, from Deputy Chief Blythe, who said
19 he took responsibility that those were Vancouver's
20 crimes.

21 There's been a consequence from that. Before
22 I get to the consequence, I didn't appreciate -- I
23 am going to back up, sir, and I'm speaking as
24 always as counsel as candidly and as
25 straightforwardly and as honestly as I can. When

1 I was invited to participate in this commission of
2 inquiry, you might know it was by Mr. Irwin
3 Nathanson, who phoned me and asked me to join, and
4 I came along, and when I found out -- the reason
5 being, sir, that he advised me that the government
6 had not responded with money for interested groups
7 that you, sir, felt they should or the public --
8 some other members of the public felt they should,
9 and when I considered being involved on a pro bono
10 basis, of course that required me to involve my
11 law firm, Miller Thomson. We're a national firm,
12 and they could not commit me to something like
13 this for a long period of time, and I couldn't
14 unless I had their authority. And when I came
15 along to the inquiry, I thought this was very
16 worthwhile and we would be investigating something
17 which I thought would be established at the outset
18 as to what the crimes were in each jurisdiction
19 and we would simply focus on what the conduct was
20 into the investigation of those crimes.

21 When I received the LePard report -- it
22 shouldn't be called that, it should be called the
23 review report that was prepared by Mr. LePard and
24 completed sometime in early 2004 or '5 -- I
25 immediately wondered why it didn't identify the

1 crimes that had been committed in Vancouver by
2 which the women went missing, and I telephoned a
3 member of the commission staff and said surely the
4 crime we're talking about is kidnapping. And so I
5 won't say more about that. Then we got to the
6 inquiry, and I thought, well, if this report gets
7 filed, Mr. LePard's report, certainly it will be
8 filed with a huge disclaimer it says nothing about
9 the crimes by which the women went missing from
10 Vancouver. Well, it wasn't filed with a
11 disclaimer. We got into the evidence. I thought,
12 well, we'll bring that out in cross-examination
13 from Mr. LePard, and he fought with that bringing
14 out of the crime of kidnapping every step of the
15 way, and now we find out that indeed not only was
16 it the crime which the police board expected to be
17 investigated -- of course, common sense would tell
18 one that women don't go missing off the streets of
19 Vancouver and murdered somewhere else unless
20 there's most likely a crime by which they went
21 missing. Just common sense of the matter by
22 anyone who knows anything about criminal law.

23 And then finally we get to the police board
24 reports, which should have been produced and put
25 into evidence at the outset so as to trigger the

1 fundamental purpose of this inquiry in the first
2 term of reference to inquire into the conduct of
3 the police in that investigation. It's not the
4 business of this inquiry fundamentally simply to
5 inquire as a research project as to the missing
6 women. Police investigate crime. It's only --
7 almost an accident that the missing women's unit
8 is attached to the police department. It's a
9 convenience too.

10 Nevertheless, I thought, well, on cross-
11 examination Mr. LePard will acknowledge that, of
12 course, Vancouver had these crimes to investigate
13 and to pursue and that would be a big help in
14 their pursuit of the culprit who's been killing
15 these women. That didn't happen.

16 And finally we have it proved during the
17 course of the previous week that indeed here are
18 the police board reports. Perhaps I should have
19 found them earlier, but I didn't -- if commission
20 counsel didn't put them in, I didn't think to go
21 and look for them. I've looked for them. I found
22 them. My research assistant -- may I introduce
23 her -- Chantelle Rajotte, R-a-j-o-t-t-e, is
24 assisting me. A very able lawyer. And so they've
25 been put into evidence.

1 And I have to -- I have to go to this point,
2 sir. And this troubles me. When this inquiry got
3 underway we all knew that you, sir, were the
4 Attorney General during a period of time, during
5 the prosecution at least of Pickton for killing
6 the missing women. You became Attorney General in
7 2005 and continued as Attorney General of this
8 province in 2006 and 2007. And I thought, well,
9 that's -- when I was asked to get involved, it
10 perhaps would be better to have an independent
11 person outside of the province who doesn't have a
12 relationship with the police force, but we're all
13 on common ground here, no problem, provided it's
14 clear what each jurisdiction's crimes were. But
15 when we got into it and Vancouver Police
16 Department were putting forward witnesses such as
17 Mr. LePard, who didn't acknowledge there were any
18 crimes committed in Vancouver, I was very
19 troubled. And then when I found out a week or two
20 weeks ago that the renewals had taken place in
21 2005 and 2006 and 2007 when you, sir, were
22 Attorney General and you had to know that the
23 crimes that were being -- for purposes of the
24 renewal were unlawful confinement and kidnapping
25 and murder, I was even more troubled. I have been

1 tiptoeing around that subject for the last two
2 weeks. I cannot tiptoe around it anymore. Let me
3 finish, please. If I had known that at the
4 outset, I would have asked you not to sit, sir.

5 There is a fundamental principle, precept of
6 the law which governs all of us. We all learn
7 this in first year law. Justice shall not only be
8 done but shall manifestly be seen to be done.
9 Using plain language, the appearance of things.
10 You're deemed to know that the crimes that
11 Vancouver were to investigate were unlawful
12 confinement, kidnapping, and murder. The police
13 board has spoken, and you are deemed to know
14 whether -- I don't have to ask for the
15 correspondence -- that when Mr. LePard was in the
16 witness box and his denial of any crime being in
17 Vancouver, you had to know that he was involved in
18 the renewal of the reward based on those crimes in
19 2005, 2006, and 2007. I'm deeply troubled by
20 that.

21 THE COMMISSIONER: Well, let me refresh you as to the fact.

22 MR. ROBERTS: Can I finish and then I will sit down?

23 THE COMMISSIONER: Well, you know, you've been an hour and a
24 half for a time --

25 MR. ROBERTS: No, no, don't use the time to deal with this

1 terribly important matter, please.

2 THE COMMISSIONER: There are other lawyers in the room here,
3 Mr. Roberts.

4 MR. ROBERTS: Yeah. Well, I would like -- I'm not -- with
5 respect to this crucial matter I'm not taking too
6 long, and I'd ask you --

7 THE COMMISSIONER: Really.

8 MR. ROBERTS: -- to let me finish. I have a proposal to make.
9 I would have asked you to recuse yourself if I had
10 known at the outset that the Vancouver Police
11 Department were not going to admit that they had
12 the crimes of kidnapping and murder in their
13 jurisdiction. I would have asked you to recuse
14 yourself. It's too late now. The province cannot
15 afford another public inquiry of the four months
16 we've got. I believe it should carry forward, but
17 I have a proposal as to how the rest of the
18 evidence should be received. You have the power
19 to make interim findings, contrary to a suggestion
20 which you made earlier sometime ago that this
21 should all wait to a fact finding at the end. I
22 respectfully disagree. This is not a matter of
23 justice between parties. It's a fact finding
24 inquiry. And you have the power under -- I forget
25 the part, but there's a part in a division that

1 says you can make interim findings of fact, and if
2 you are oppressed against a time constraint, in my
3 submission you should proceed to make the interim
4 findings of fact with respect to fundamental issue
5 number 1: what is the conduct of the police with
6 respect to the crimes that they were to
7 investigate. I respectfully ask that you defer
8 the issue of recommendations for a later date.
9 That does not have to be dealt with all at once.
10 Fundamentally it's wrong.

11 I received a letter from Melina Buckley the
12 other day asking me to participate in the -- in
13 making submissions with respect to the
14 recommendations, one of which is a regional police
15 force. With respect, Mr. Commissioner, I am not
16 going to participate in that until this
17 commissioner -- this commission finishes its work
18 on the conduct of the police in the investigations
19 it was their duty to investigate. I mean, right
20 now what am I going to say, "Well, we need a
21 regional police force because we happened to put a
22 police officer on the street who did not know the
23 law of kidnapping which it was her duty to know
24 and which was the crime in Vancouver"?

25 THE COMMISSIONER: All right.

1 MR. ROBERTS: Of course I'm being absurd, sir, and I'm doing it
2 for dramatic effect, I suppose, but that would be
3 absurd, and I believe and I submit respectfully
4 that we must not go that direction for
5 recommendations, at least not on that matter,
6 until this commission of inquiry finishes its
7 fundamental task of inquiring into the conduct of
8 the police.

9 THE COMMISSIONER: All right.

10 MR. ROBERTS: And one more matter. And I suggest that the last
11 item I've asked -- sought here respectfully in my
12 application of recalling Mr. LePard should -- he
13 should come back here, he should not come back
14 before you. There is power under the act, as you
15 well know, to appoint more than one commissioner.
16 I believe all the work of this commission should
17 be done save and except for that, and I submit
18 that he should be brought -- we should have a
19 request from you to the Attorney General for
20 another commissioner to hear the evidence of Mr.
21 LePard --

22 THE COMMISSIONER: All right. Thank you.

23 MR. ROBERTS: -- on the transparency of the evidence which he
24 has given here.

25 THE COMMISSIONER: Okay. All right. Thank you, Mr. Roberts.

1 MR. ROBERTS: That's my submission. Thank you very much. And,
2 sir, thank you for hearing me.

3 THE COMMISSIONER: I was not going to respond except to say
4 that the -- I thought it was implicit that the
5 conduct of the investigation of missing women
6 necessarily involved the crimes that would have
7 been committed in any jurisdiction. I didn't
8 think we needed to state the obvious, but maybe
9 for your benefit we had to do that, Mr. Roberts,
10 but that's my response to you as to when you say
11 the commission went off the rails because it's not
12 investigating particular crimes. Obviously if
13 we're going to deal with the police conduct of
14 missing women we have to deal with that in the
15 context of the crimes that may have been committed
16 in any particular jurisdiction.

17 And the second point about my role as the
18 Attorney General, you should take the time to read
19 the terms of reference, which are -- there's a
20 timeline between what happened in the missing
21 women's investigation between 1997 and 2002. I
22 was not in government at the time. I was on the
23 court at that time. I think that was clear. I
24 didn't think that would have to be made clear to
25 you.

1 And the third thing you should know is the
 2 Attorney General does not have in his or her
 3 jurisdiction the jurisdiction of policing. The
 4 Solicitor-General in this province is entrusted
 5 with the task of policing. The Attorney General
 6 has nothing to do with that. All right. So you
 7 need to get your facts straight. And, Mr.
 8 Vertlieb, what do you say to Mr. Roberts?

9 MR. VERTLIEB: I think Mr. Hern wishes to make a submission,
 10 but since our timing has gone awry --

11 THE COMMISSIONER: Yeah.

12 MR. VERTLIEB: -- I would suggest we put off further discussion
 13 on this, take the morning break and then have the
 14 panel witnesses assemble and we get on with the
 15 people who have been waiting patiently.

16 THE COMMISSIONER: Yes, I apologize for -- to people here who
 17 have been waiting, and I thought Mr. Roberts was
 18 going to be half an hour and we could get going,
 19 but I didn't realize we were going to be an hour
 20 and a half, and so I apologize to all counsel and
 21 all the witnesses who have been patiently waiting
 22 all morning.

23 MR. HERN: So, Mr. Commissioner, we fully respect that we have
 24 witnesses waiting and that you want to get on with
 25 it. What Mr. Roberts has said in his hour and a

1 half submissions, however, does demand a response.
2 I mean, in our view they are based on a
3 misapprehension of the law and of the facts in the
4 evidence that has come out. Some of the
5 statements are, in my respectful view, off the
6 rails themselves from the beginning. And so we
7 need about 15 minutes to respond to it. We have a
8 written submission. Hopefully that will assist in
9 establishing exactly what the VPD's position is if
10 there's any confusion of that, and I would just
11 ask that you provide us at some point with that
12 opportunity not too far from where we leave off
13 here. And if you want to get to the witnesses
14 now, that's okay, but we really do need that 15
15 minutes to respond, and hopefully it will be
16 helpful.

17 THE COMMISSIONER: No, I think when you work your way through
18 all of what Mr. Roberts said there's really one
19 thing he wants, and that is for Deputy Chief
20 LePard to be recalled, and that's really what we
21 need to hear, is whether or not in light of what
22 he has said whether he needs to be recalled.

23 MR. HERN: I can speak to that.

24 THE COMMISSIONER: All right. We'll take the break.

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

1 **(PROCEEDINGS ADJOURNED AT 11:05 A.M.)**

2 **(PROCEEDINGS RESUMED AT 11:24 A.M.)**

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

4 THE COMMISSIONER: Yes.

5 MS. BROOKS: Mr. Commissioner, I'd like to introduce today's
6 police panel to you.

7 THE COMMISSIONER: All right.

8 MS. BROOKS: We're calling it the District 2 panel. District 2
9 is a patrol unit under the Operations Division,
10 and it includes the Downtown Eastside. So with us
11 today we have Chris Beach, and he was the district
12 commander of District 2 starting in January of
13 1999. He replaced Inspector Greer until he was
14 transferred to the inspector in charge of Major
15 Crime in November 2001. We also have Gary Greer,
16 who was the inspector district commander of
17 District 2 beginning in 1996 until December of
18 1998, and then he did some other things and
19 returned to Operations at the end of 2000 as the
20 deputy chief. Also with us is Dave Dickson. He
21 was the community liaison officer working out of
22 the Downtown Eastside Neighbourhood Safety Office
23 during our terms of reference. And, finally, we
24 have Doug MacKay-Dunn, and he was the District 2
25 staff sergeant from April 1998 until April of

1 2000.

2 And, Mr. Commissioner, these panels are
 3 called today so that they can help inform your
 4 development of recommendations with respect to two
 5 core systemic issues that you identified as being
 6 important in your Process Directive #3, and those
 7 issues are the relationship between the police and
 8 the marginalized community of sex workers as well
 9 as improvements that may need to be made with
 10 respect to the department's internal organization
 11 systems, particularly as those systems relate to
 12 information sharing in the department and also
 13 cooperation between divisions.

14 And as with the previous panel, we hope that
 15 this panel will engage in dialogue with each other
 16 and with you and that the information provided by
 17 the panel will be an important contribution to
 18 your work of making recommendations to improve the
 19 safety of the women, who, of course, are the focus
 20 of this inquiry.

21 So I'd like to first enter a brief of
 22 documents as an exhibit. I just see Mr. Ward is
 23 standing.

24 MR. WARD: Yes.

25 THE COMMISSIONER: Why don't we let counsel finish first. Do

1 you have an objection?

2 MR. WARD: I do. I do. I'd like to lodge an objection.

3 THE COMMISSIONER: Yes.

4 MR. WARD: It's Cameron Ward, counsel for the families of 25
5 murdered women, Mr. Commissioner. On behalf of my
6 clients I want to strongly object to receiving the
7 evidence in this fashion from these police
8 officers, who were integral to the investigation.
9 In our submission, it is completely inappropriate
10 to receive important evidence from four police
11 officers sitting in a group because it does not
12 enable you to -- it does not assist you, does not
13 enable you to discharge your fact-finding mandate.

14 I also object to Practice Management
15 Directive #3 both as to its content that allows
16 for so-called panels of witnesses like this one
17 and the manner in which the practice management
18 directive was created, that is, without the
19 commission offering us as participants in this
20 hearing any opportunity to be heard before the
21 decision to follow this procedure was taken.

22 In my respectful submission, receiving
23 testimony from four police officers appearing
24 together in a group is completely inconsistent
25 with the commission's fact-finding mandate,

1 primarily because it does not allow for an
2 adequate opportunity to cross-examine witnesses.
3 Cross-examination is, of course, as we all know,
4 the greatest engine devised for finding the truth.
5 In my submission, this format does not enable
6 cross-examination in any effective way, and
7 thereby it does not allow us to seek the truth.

8 As you well know, Mr. Commissioner, all
9 judicial proceedings, whether they're criminal or
10 civil, hear from witnesses singly. I am not
11 familiar with any such judicial proceedings where
12 as many as four witnesses sat in the witness stand
13 at once. The reason for proceeding in that
14 fashion is obvious. You have to have witnesses
15 appear one at a time in order to get the truth.

16 In my submission, it appears to us that both
17 Practice Management Directive #3 and the decision
18 to have witnesses appear in this fashion were made
19 in the -- were taken in the interests of
20 expediency, and on behalf of our clients, the
21 families of 25 murdered women who lobbied hard for
22 a public inquiry and waited for over a decade for
23 this process to ensue, I want to express on their
24 behalf in the strongest possible terms the
25 opposition to these measures that apparently have

1 been taken to rush this proceeding to a
 2 conclusion. Our position is that it would have
 3 been much more preferable to seek an extension of
 4 time from the government to enable this commission
 5 to fulfil its mandate properly and fairly to all.

6 THE COMMISSIONER: All right.

7 MR. WARD: I also want to say that I did not know, I did not
 8 have any notice, as far as I can tell, that
 9 Inspector Beach would be appearing on this panel,
 10 and as counsel it's impossible, absolutely
 11 impossible to prepare when witnesses appear
 12 without any notice. You, Mr. Commissioner, will
 13 remember your days as a lawyer, I'm sure, and
 14 cross-examinations aren't done on the fly.
 15 They're done by preparing in advance. And the
 16 first notice I got that Inspector Beach, who's an
 17 integral witness, his name appears throughout the
 18 documents, would be appearing today was when my
 19 friend announced that and introduced him, and
 20 that's just completely, completely unsatisfactory.

21 THE COMMISSIONER: All right.

22 MR. WARD: So those are my submissions.

23 THE COMMISSIONER: Thank you.

24 MR. WARD: And I don't expect to be cross-examining these
 25 witnesses for the simple reason that I see no

1 point in trying to cross-examine four men who are
2 sitting together talking to each other.

3 THE COMMISSIONER: Thank you.

4 CONSTABLE DICKSON: Can I respond to that, Mr. Commissioner?

5 MS. BROOKS: Sorry.

6 CONSTABLE DICKSON: I'd like to say something. To suggest that
7 I'm not going to tell the truth because I'm
8 sitting beside some other officers here, I find
9 that extremely offensive. I waited for years to
10 come here to tell the truth.

11 THE COMMISSIONER: Mr. Dickson, you don't have to -- you don't
12 have to explain yourself, and I -- I -- what's
13 your response?

14 MS. BROOKS: Well, we're giving effect to your process
15 directive, Mr. Commissioner. I know that when you
16 made that directive you were thoughtful about the
17 issues that are being raised by Mr. Ward and made
18 the determination that the panel format was an
19 appropriate one for you at this time and an
20 effective way to receive information that's going
21 to help you make recommendations, which you've
22 determined at this point in time is a very
23 critical aspect of your mandate that you need to
24 be focusing on, so I would like to carry on.

25 THE COMMISSIONER: Okay. Mr. Roberts.

1 MR. ROBERTS: Mr. Commissioner. Yes, Darrell Roberts for
2 Marion Bryce. I do not oppose this panel.

3 THE COMMISSIONER: Sorry?

4 MR. ROBERTS: I do not oppose this panel. I don't support Mr.
5 Ward's objection. I don't believe this panel was
6 really responsive to where I want to go with
7 respect to the Investigative Division, and so --
8 and I believe this panel's appropriate. Thank
9 you.

10 THE COMMISSIONER: Thank you. Well, the purpose, as we said in
11 the management directive, was to learn how we can
12 best move forward, and we've had some -- 50 some
13 odd -- 54, 55 days of hearings in which we've
14 done -- we followed the process, the conventional
15 way that lawyers are used to doing these things,
16 and it may be that some counsel aren't familiar
17 with this, but the fact is that we not only have
18 to find out what happened, but we also have to
19 give advice as to what recommendations ought to be
20 made, and that's the purpose of this. And I don't
21 know -- Mr. Ward says he didn't have notice about
22 Inspector Beach. What's your response to that?

23 MS. BROOKS: I'm sorry, I'm not able to speak to that. I'll
24 have to look into that with our commission staff.

25 THE COMMISSIONER: All right. In any event, go ahead.

1 MS. BROOKS: So, Mr. Commissioner, I'd like to mark a brief of
2 documents as the next exhibit NR, and that should
3 be before you. It's titled "Panel - District 2
4 Police Documents", and two copies have also been
5 placed before the panel.

6 THE REGISTRAR: That document will be marked as Exhibit No.
7 114NR.

8 **(EXHIBIT 114NR - Document entitled: Panel -**
9 **District 2 Police, Document Brief)**

10 MS. BROOKS: And I've also created a chronology of key events
11 as it relates to these witnesses. Counsel have
12 been provided with a copy of that, and a copy
13 should also be before the panel. I would like
14 that to be marked as an exhibit as well.

15 THE REGISTRAR: That's the chronology you refer to, Ms. Brooks?

16 MS. BROOKS: Yes.

17 THE REGISTRAR: That will be marked as Exhibit No. 115.

18 **(EXHIBIT 115: Key Events Chronology - District 2**
19 **Police Panel)**

20 MS. BROOKS: Okay, panel members, I'd like to start by having
21 each of you outline your police service.

22 THE REGISTRAR: Ms. Brooks, we need to affirm.

23 MS. BROOKS: Oh, of course.

24 THE REGISTRAR: Good morning, gentlemen. I will read the
25 affirmation once and then I'll come to each of you

1 summer of 2008.

2 MS. BROOKS: And what were you doing during your time there?

3 CONSTABLE DICKSON: For my entire career I was assigned to
4 District 2, which is basically the Downtown
5 Eastside Hastings Street corridor.

6 MS. BROOKS: So you were on patrol?

7 CONSTABLE DICKSON: I was on patrol. I was in a number of
8 different positions, but I always remained in the
9 Downtown Eastside. I was put in a position of the
10 Downtown Eastside community liaison officer I
11 think around 1995.

12 MS. BROOKS: And that -- and you were working out of the
13 Downtown Eastside Neighbourhood Safety Office?

14 CONSTABLE DICKSON: Yes, that's right.

15 MS. BROOKS: That's with Deb Mearns and John Turvey?

16 CONSTABLE DICKSON: Yes.

17 MS. BROOKS: And during your time in the Downtown Eastside were
18 you in contact with the street level sex workers
19 who worked there?

20 CONSTABLE DICKSON: I was. You know, frequently I became a bit
21 of an advocate for them because early in my career
22 I recognized that they were having some huge
23 difficulties in just their daily existence, so I
24 became -- unbeknownst to me I became involved in
25 the community, and I think that's why Inspector

1 Greer approached me and offered me the liaison
2 position for the community safety office when it
3 opened.

4 MS. BROOKS: And after you retired you took a contract with the
5 department to be the sex trade liaison officer?

6 CONSTABLE DICKSON: Yes.

7 MS. BROOKS: And what did that role involve?

8 CONSTABLE DICKSON: Well, there was -- a number of people
9 retired because -- there was a number of different
10 reasons. When I retired, I think it was 170
11 people left the job. I was aware that some of
12 them were going to be contracted back, and myself
13 included. I was contracted back I think for an
14 18-month period just in uniform as, you know, my
15 community liaison position. When that expired
16 they come up with the sex trade liaison because
17 that was an idea that come up out of the booklet
18 that, you know, I think -- what did they call the
19 booklet they put together for the future? They
20 realized there was some vulnerable people out
21 there, so somebody came up with the idea of the
22 sex trade liaison position. So that was offered
23 to me as a civilian position. So the last two
24 years of my job I was the sex trade liaison
25 because of my connection with the organizations

1 that worked with the women and the women
2 themselves.

3 MS. BROOKS: And that was a newly created position?

4 CONSTABLE DICKSON: Yes, that's right.

5 MS. BROOKS: Okay. And we've heard some evidence that it's a
6 position that was considered in around early 2000
7 by some community groups, PACE and PEERS. Are you
8 familiar with the circumstances that -- around
9 that position being put forward by those community
10 groups at that time?

11 CONSTABLE DICKSON: Yes, I remember at different meetings I
12 remember the discussions from the community groups
13 about that position. I think there was some
14 difficulty because the organization wanted to have
15 a police officer paired up with a former sex trade
16 worker, experiential worker, and that was a real
17 problem because of the information the police
18 department has. So I don't think that ever flew,
19 you know, so they come up with this other
20 position, and it was just -- you know, some
21 argued -- Deputy Chief Doug LePard argued it had
22 to be a police position and the union -- otherwise
23 the union would fight it. Another inspector
24 convinced whoever that it didn't have to be a
25 police position, and it was offered to me as a

1 civilian position.

2 MS. BROOKS: And when did your time as the sex trade liaison
3 officer come to an end, and what were the
4 circumstances around that?

5 CONSTABLE DICKSON: Well, that was in the summer -- three years
6 ago, summer of 2008, when, you know, Chief
7 Constable Chu chose not to renew it.

8 MS. BROOKS: And what have you been doing since then?

9 CONSTABLE DICKSON: Within three days I had another job at an
10 organization called Lookout Society because I'm
11 still very connected to the Downtown Eastside, so
12 I chose not to leave there. So I put the word
13 out, and Lookout Society called me up right away
14 and offered me an outreach position. So I'm still
15 doing pretty much the same thing I've been doing
16 for years.

17 MS. BROOKS: And to your knowledge, is there any other officer
18 in the department that has spent as much time in
19 the Downtown Eastside on the streets as you?

20 CONSTABLE DICKSON: No, there's not.

21 MS. BROOKS: Staff Sergeant MacKay-Dunn, if we could turn to
22 you next. You may have to adjust the mike.

23 MR. MACKAY-DUNN: Thank you.

24 MS. BROOKS: Could you please describe for us your police
25 service with the department.

1 MR. MACKAY-DUNN: I joined the department January of 1972, and
2 after the academy I was in undercover drugs for
3 approximately a year buying heroin from heroin
4 traffickers, at which time I developed quite an
5 in-depth understanding of the problems that those
6 addicted individuals are facing and formed an
7 early opinion that this was a medical problem, not
8 necessarily a criminal one. From that I went into
9 the Patrol Division.

10 MS. BROOKS: May I just stop you right there, Staff Sergeant.
11 That was -- that's an issue that's been
12 particularly close to you since your time there?

13 MR. MACKAY-DUNN: Since my retirement -- I advocated during my
14 time within the department in terms of dealing
15 with what I saw the real issue to be, is lack of
16 detox, rehab, and treatment for those addicted
17 individuals, and I still hold the opinion that if
18 those treatment facilities were in place we
19 wouldn't be having this inquiry.

20 Anyway, at any rate, I went into the Patrol
21 Division, which is basically general duty,
22 answering calls, taking B & E reports.

23 MS. BROOKS: What district were you working out of?

24 MR. MACKAY-DUNN: Well, that -- when I went -- I went to -- I
25 went to District 3, which is southeast Vancouver.

1 From southeast Vancouver I went into the detention
2 annex, which is the jail. From the jail I went to
3 District 1, which is the West End. This is as a
4 constable. During that -- my term of service in
5 District 1 I spent approximately three years
6 walking Granville Street, and during -- on that
7 assignment I dealt with what is referred to now as
8 sex trade workers -- we didn't use that term back
9 then, we used the term prostitutes -- and
10 individuals, people -- poor elements of society
11 and those individuals living in those single
12 rooms, dealing with street disorder, crimes
13 against individuals, and maintaining the -- trying
14 to maintain the peace and tranquility of Granville
15 Street, which would become challenging, especially
16 on weekends.

17 The -- from the -- from District 1 I went
18 into the Vancouver Integrated Intelligence Unit,
19 which is a unit comprised of RCMP and VPD members,
20 at which time I worked on organized crime issues,
21 specifically in the Chinese community. I also
22 worked on terrorism and did some work with
23 security service, which I'm not going to get into
24 now.

25 At any rate, from there I was promoted, went

1 back to the jail as a corporal. From the jail I
2 went into District 2 as a corporal. And from
3 District 2 I went into community relations, where
4 I was the first NCO, that's non-commissioned
5 officer, in charge of our school liaison program.

6 MS. BROOKS: Can I just ask you -- and you said you were a
7 corporal in District 2, so what kind of work were
8 you doing at that time?

9 MR. MACKAY-DUNN: Well, back -- the department has gone through
10 several reorganizations. Back in that day the
11 configuration under team policing configuration
12 was a sergeant and three corporals. I was one of
13 those corporals in charge of a team, which is
14 basically a patrol team. And that's the role I
15 performed until I moved to community relations to
16 take over the position or to create the position
17 of NCO in charge of the school liaison program.

18 MS. BROOKS: And can I ask you as corporal then of District 2
19 would you spend any time walking the streets of
20 the Downtown Eastside?

21 MR. MACKAY-DUNN: Walking the streets of the Downtown Eastside.
22 In fact, because of staffing shortages I even
23 drove the wagon picking up individuals that our
24 members were dealing with, dealing with some of
25 the concerns -- the concerns were not great back

1 then.

2 MS. BROOKS: What time period are you talking about?

3 MR. MACKAY-DUNN: We're looking at 1981. The concerns were --
4 the problems seemed to be localized at that time
5 around the 100 block East Hastings. It hadn't
6 spread. The businesses were still operating.
7 Still had -- Strathcona neighbourhood, for
8 example, was a good neighbourhood. It had some
9 issues, but not the issues that would come later.
10 We didn't have at that time, in 1981, any real
11 outreach with the community, certainly not with
12 the -- what is now referred to as the sex trade
13 workers and certainly not with some of the members
14 of the community that subsequently I came to know
15 when I was assigned -- re-assigned there under
16 Inspector Greer's leadership, and I'm referring to
17 John Turvey and Deb Mearns. So that was a
18 different police department, a different approach.
19 Very reactive, very enforcement oriented. And I
20 have to confess that in 1981 I was not a proponent
21 of community-based policing, but I was a proponent
22 of treatment, even though I believed that that
23 treatment should be enforced treatment or
24 legislated by the courts.

25 MS. BROOKS: And I'll ask you some questions a bit later and

1 for the whole panel about what community policing
2 means and the philosophy that was in place during
3 our terms of reference, but thanks for
4 highlighting that right now.

5 MR. MACKAY-DUNN: So then after community relations I went
6 into -- I became -- I was promoted to sergeant and
7 remained in community policing. One of the things
8 that we brought in at that time was the Victims/
9 Witness Program. I'm proud to say that I was --
10 the chief constable asked me to put that in place,
11 and I went out and got the individuals required
12 and put that in place, which, as we all know, has
13 been a great benefit to victims, especially in the
14 courts, those people before the courts.

15 From there I went to Patrol Division South as
16 a sergeant. I ran a team for a period of time.
17 And from there I went into the Strike Force, which
18 was a specialized surveillance take-down unit, and
19 I was actually taken out of Strike Force and put
20 into the Internal Audit, in charge of the Internal
21 Audit Unit, where I spent approximately four years
22 as the sergeant in charge of the Internal Audit
23 Unit, which conducted efficiency studies,
24 compliance studies within the organization. I was
25 in the Planning, Research and Audit Unit, and my

1 unit reported through my immediate boss, which was
2 Inspector Campbell, to the chief constable, and,
3 in fact, what it was, I was reporting to the chief
4 constable's office and dealing with the audit
5 program, so those are programs to deal with -- to
6 make sure the department is acting in the most
7 cost-effective way.

8 MS. BROOKS: Okay.

9 MR. MACKAY-DUNN: One of the things that came out of that
10 assignment was my recommendation, which was
11 implemented, that in terms of recruiting officers
12 the best control is the first control, and I
13 recommended, and it was accepted, to make sure
14 that recruits were polygraphed, applicants were
15 polygraphed before they were accepted. So that
16 was put -- and it was picked up by the RCMP later.

17 From the audit unit I went into the Stolen
18 Property Investigation Squad as the staff
19 sergeant. From there I was transferred to
20 District 4. No, sorry, District 1. I apologize,
21 I did get -- I did bounce around quite a bit.
22 District 1. Sorry, District 2 again. And I
23 believe I had contact with Dave Dickson here, and
24 that was my first contact with Detective Inspector
25 Kim Rossmo, who --

1 MS. BROOKS: And this is in the 1990s now?

2 MR. MACKAY-DUNN: Yeah, this would be in -- yeah, this would be
3 1990 -- yeah, 1990s, early 1990s, because in 1991
4 in May I went up to -- you have -- it's suggested
5 it was CLEU. It's not. I went up to the
6 Vancouver Integrated Intelligence Unit yet again
7 as a staff sergeant. But during my period in
8 District 2, and I think this is important, is when
9 I first started to get to know Dave Dickson and
10 also got to know Kim Rossmo, who was a constable
11 at the time, and at that time you could see that
12 the whole street problem was escalating. It was
13 beginning to, quite frankly, get out of hand. And
14 I looked into it, and I realized that there was
15 this inordinate number of service providers put in
16 an eight-block area in the Downtown Eastside that
17 was acting as a magnet for those individuals
18 needing treatment or help or support from outside
19 jurisdictions.

20 MS. BROOKS: When you say street problems, are you referring to
21 drug use?

22 MR. MACKAY-DUNN: Drug use. Drug use, open drug use. We ran a
23 number of operations to deal with the problem. It
24 became, unfortunately, a revolving door. The
25 problem, they would go in one side and out the

1 other before the officer -- we used to say before
2 the ink was dry on the report.

3 So from there I went into the, as I said,
4 into the intelligence unit, and from the
5 intelligence unit I went to District 1. That
6 would be 1994, which gave me my first opportunity
7 to become quite involved with community policing
8 and which we set up five community police offices
9 based on the parent advisory council model, which
10 is you have -- you have the committee that runs
11 the office, citizen based, and the neighbourhood
12 patrol officer would report directly to the
13 committee, and those officers would report
14 directly to me outside of the chain of command.
15 That was very effective. And another thing I was
16 very pleased that we put in place there was the
17 bash line, which is the -- for those gay, lesbian,
18 transgendered individuals that were victims of
19 assaults, they'd have a number that they could
20 call. So I take great pleasure -- great pride in
21 sharing that with the commission.

22 From there I went to District 4, and I was in
23 District 4 for a relatively short period of time,
24 at which time Inspector Greer, now subsequently
25 Deputy Chief Greer, called me up and asked me if I

1 wanted to come to District 2 to assist him in
2 further developing his community policing program,
3 which was well underway.

4 MS. BROOKS: And this is when you moved to District 2 as staff
5 sergeant in April of '98?

6 MR. MACKAY-DUNN: That's correct.

7 MS. BROOKS: And you stayed there until you retired in April of
8 2000?

9 MR. MACKAY-DUNN: No. Actually, after -- in April of 2000 I
10 was transferred to the position of executive
11 officer in the Bureau of Operations, and I retired
12 from that position.

13 MS. BROOKS: Right. In 2001 in October?

14 MR. MACKAY-DUNN: Yes, October the 1st, 2001, that's correct.

15 MS. BROOKS: Now, before we move further along, you mentioned
16 different patrol districts. There should be
17 before you a map that delineates the boundaries of
18 the patrol areas. Do you have a copy of that?

19 MR. MACKAY-DUNN: I do.

20 MS. BROOKS: Can you confirm that those are the district
21 boundaries?

22 MR. MACKAY-DUNN: That's -- yes, I can confirm that.

23 MS. BROOKS: Mr. Commissioner, you should also have a copy of
24 that map, and attached to it is -- is a map of the
25 Vancouver Downtown Eastside that sets out those

1 boundaries. Are you able to confirm that those
2 boundaries reflect what we call the Downtown
3 Eastside?

4 MR. MACKAY-DUNN: I can. I can make that statement.

5 MS. BROOKS: Okay. Could I have that marked as an exhibit, Mr.
6 Commissioner?

7 THE COMMISSIONER: Yes.

8 THE REGISTRAR: That will be marked as Exhibit No. 116.

9 (EXHIBIT 116 - Document entitled: Maps of City of
10 Vancouver District Boundaries and Vancouver
11 Downtown Eastside)

12 MR. MACKAY-DUNN: But I have to say, if I might just for the
13 commission, this is the Downtown Eastside, but it
14 is a sub -- it's a portion or a segment of
15 District 2, which goes all the way out to Boundary
16 Road.

17 MS. BROOKS: Right. And that's reflected on the first document
18 there?

19 MR. MACKAY-DUNN: Okay. Just so you now.

20 MS. BROOKS: Yes. Thank you. Now, you did speak about your
21 time that you spent in the Downtown Eastside. Can
22 you tell us specifically, though, what contact you
23 had and what was the nature of that contact with
24 women who were involved in the street sex trade in
25 the Downtown Eastside?

1 MR. MACKAY-DUNN: Well, I -- when I was first down there as a
2 corporal certainly I had direct contact with women
3 in the sex trade, but the -- most of the contact
4 started -- occurred when I went back to District 2
5 as the staff sergeant, and how that happened was
6 the first thing that Inspector Greer told me,
7 because, you know, you go there, you say, "Well,
8 you know -- well, boss, what do you think I should
9 do?" He says, "Well, the first thing I want you
10 to do is go down and see Deb Mearns at the
11 Downtown Eastside Safety Office, reacquaint
12 yourself with Dave Dickson and what he's doing
13 with the girls on the street, and also with John
14 Turvey and others," so that's exactly what I did.

15 MS. BROOKS: So --

16 MR. MACKAY-DUNN: During that process I attended the safety
17 meetings down at Deb Mearns' shop on a monthly
18 basis, got to know the sisters, the Franciscan
19 Sisters of Atonement, anybody that was involved in
20 any way dealing with the individuals on the street
21 in a supportive capacity, and that's exactly what
22 I did.

23 MS. BROOKS: So just -- am I hearing you right then that your
24 familiarity and knowledge of the lives of the
25 women that were involved in the sex -- street sex

1 trade in the Downtown Eastside really started to
2 develop when you assumed the staff sergeant role
3 of District 2 in '98?

4 MR. MACKAY-DUNN: Yes, because there was a completely different
5 focus. It wasn't reactive anymore. It was very
6 proactive. For example, to assign Dave Dickson
7 full time to that position in terms from a budget
8 perspective is approximately a hundred thousand
9 dollars, so that was a significant investment.
10 And that was done at the direction of Inspector
11 Greer before I -- before I arrived. So -- and
12 then we -- or Gary had set up a series of
13 community safety offices, and he can speak to
14 that, that was in place before -- even before I
15 arrived.

16 MS. BROOKS: And we'll touch on that -- those initiatives soon,
17 but let's turn it over to Inspector Beach.
18 Inspector Beach, I know that you've had a very
19 well-rounded career in administration, operations,
20 and investigation. Can you take us through your
21 service with the Vancouver Police Department?

22 MR. BEACH: Sure. Really quickly I'll touch on some of the
23 areas that I've worked. I joined in 1975. So my
24 experience in the Investigation Division, as it
25 was organized then, the Vancouver Police

1 Department was organized then, included some time
2 as a detective in what was called Operational
3 Auxiliary Section, which did things like VIP
4 security and sort of the stuff that no one else in
5 the organization did. I was also a detective in a
6 surveillance unit that Doug has referred to known
7 as the Strike Force. I spent some time at
8 Criminal Intelligence Service British Columbia as
9 a -- I was the first municipal police officer
10 there. I was the sergeant and ended up running
11 the unit, which was comprised almost exclusively
12 of RCMP members. And then much later I -- once
13 Deputy Chief John Unger retired from the police
14 department I acted as the deputy in charge of the
15 Investigation Division for a number of months.

16 My time in District 2. I had two assignments
17 in District 2. I was a corporal, which is the --
18 and I am going to presume that the commission is
19 aware of the ranks and all those kinds of things.
20 If not, please just -- I'm happy to explain. In
21 what was then called Team 3, which has gone
22 through any number of reorganizations but for the
23 most part is the Downtown Eastside. So that was,
24 I am going to guess, mid-'80s. I can't remember
25 all the exact dates, but in and around then. And

1 my other experience in District 2, of course, is I
2 replaced Gary when Gary was transferred out of
3 District 2 as the commander, the inspector in
4 charge of the district. I replaced him. As an
5 inspector --

6 MS. BROOKS: Just so we have the timing here, that was in
7 January of 1999?

8 MR. BEACH: Okay. Yes. As an inspector -- as an officer my
9 assignments included I was in charge of the
10 Communication Section. I was in charge of the
11 Human Resources Section for the department.
12 District 2, as I've mentioned. And when I left
13 District 2 I was transferred to the inspector in
14 charge of the Major Crime Section.

15 A couple of things that I did on -- and I'll
16 use the term on the side, not sort of directly
17 operational, is I participated in two significant
18 reorganizations of the department, one at the
19 request of Chief Chambers. Deputy Blythe was in
20 charge of it, but -- and I'm sure were he here he
21 would agree -- I did the actual work and he
22 approved things. And then later at the request of
23 then Deputy Greer and the rest of the executive I
24 led a group to again reorganize the department
25 because the City had insisted that we lose, and I

1 can't remember the exact number, but it was like
2 70 or 80 official positions had to be taken from
3 the books, so --

4 MS. BROOKS: And as I understand it, those reorganizations at
5 least under Chambers have some bearing for -- on
6 our work, so we'll perhaps get into some of that
7 as we move forward.

8 MR. BEACH: Sure. Absolutely.

9 MS. BROOKS: Can you tell us, Inspector Beach, about your prior
10 dealings with street-involved women in the
11 Downtown Eastside? I know you mentioned being a
12 corporal in Team 3 of District 2. Did you have
13 occasion to have contact with the women there?

14 MR. BEACH: Of course, yes. I mean, that -- that sort of job,
15 a patrol position at that time, and I don't know
16 so much recently, but certainly up until the time
17 I left is very reactionary in that it's call
18 driven, so response to 911 calls for assistance,
19 police officers attend, etcetera. As a
20 supervisor, you know, my primary job was to
21 supervise the constables in my team and elsewhere,
22 but absolutely would engage with all kinds of
23 people on a daily basis, sex trade workers, drug
24 addicts, homeless people, the gamut of types of
25 people who would come in and out of District 2.

1 MS. BROOKS: And you've said how at that time the approach was
2 very reactive driven. Would you say then that
3 your contact with the women would be incident
4 based?

5 MR. BEACH: Yes.

6 MS. BROOKS: Okay. And is there anything -- when did you
7 retire?

8 MR. BEACH: Halloween night 2005.

9 MS. BROOKS: Thanks.

10 MR. MACKAY-DUNN: Good timing.

11 MS. BROOKS: Deputy Chief Greer, could you give us your police
12 service background?

13 MR. GREER: Yes, Mr. Commissioner. I joined the Vancouver
14 Police Department in May of 1972, went through the
15 academy and was assigned as a constable to
16 District 2, where I worked for approximately five
17 or six years working in a patrol car, also subbing
18 in the paddy wagons that were used at that time.
19 I then worked for a year in the jail as a
20 constable and subsequently went to Planning and
21 Research for three years, where as a constable I
22 worked on the regulations and procedure manual for
23 the department and for other projects that came
24 up. From that position I was promoted to
25 corporal, and as a corporal I worked in the

1 Information Section for a year on the public
2 information counter and then worked as a corporal
3 on the street in District 2, although as it was
4 mentioned, at that time we were divided into
5 teams, and I was in Team 4, which took up District
6 2 from Clark to Boundary Road. Did that for about
7 a year and then was promoted or transferred to the
8 detective office, where I worked in the General
9 Investigation Section for a couple of years and
10 moved on to the Vancouver Integrated Intelligence
11 Unit, where I was subsequently promoted sergeant,
12 and as a sergeant I then returned to southwest
13 Vancouver and what they called Team 8 for a short
14 period of time and then returned to the Planning
15 and Research Section as a sergeant in the Planning
16 and Research. I worked there for another three
17 years. And subsequently I was promoted to staff
18 sergeant, and as a staff sergeant I worked in the
19 Coordinated Law Enforcement Unit and then became
20 an administrative staff sergeant in the Operation
21 Division, where I was then in about 1995 promoted
22 to inspector, and for approximately half a year I
23 was a duty officer as an inspector, which is a
24 24-hour position where you work on the street and
25 act as the chief constable's representative. So

1 if there's an emergency, the duty officer is the
2 person who attends and has the responsibility for
3 deploying the Emergency Response Team, etcetera,
4 and providing any other additional resources that
5 are required in an emergency.

6 I was then moved and put in charge of
7 District 2 in approximately 1996, and in 1999,
8 January of '99 I was transferred to the jail
9 reunification project, which was the unifying of
10 312 Main Street common jail with the jail at 222
11 and the remand centre so that it would all become
12 one jail and basically staffed by the provincial
13 jail service.

14 Now, during that time I was in the
15 Administration Division, and at that time the
16 deputy chief constable was Deputy Chief Constable
17 Battershill, and he accepted a position as chief
18 of Victoria, and so he recommended to the police
19 board that because I had been working with him for
20 the five months that I had been on this project
21 that they appoint me as the acting deputy chief of
22 the Administration Division, which they did, and I
23 then was the Deputy Chief of Admin. until, I
24 believe, 2000, when I became the deputy chief of
25 Operations. I remained the deputy chief of

1 Operations until my retirement in June 2003.

2 MS. BROOKS: And for our purposes in terms of the role that you
3 had during our terms of reference, you were --
4 started as the inspector of District 2, and then
5 when you moved -- transferred to the jail
6 unification project and then as deputy chief of
7 the Admin. Division, were you dealing at all
8 during those periods of times with the missing
9 women investigations?

10 MR. GREER: No. Once I went to the jail reunification project
11 I was no longer involved in what was going on
12 operationally, and then when I became the acting
13 deputy chief of the Admin. Division I was dealing
14 with the administration of the department.

15 MS. BROOKS: So you would have come back to the missing women
16 investigations at the end of 2000 when you joined
17 the Operations Division again?

18 MR. GREER: I came back to Operations, and all that time that I
19 was on the executive we did continue to receive
20 regular briefings about what the status of the
21 investigations were when it became the different
22 phases of the investigation. So I did hear that,
23 but I was not directly involved in it.

24 MS. BROOKS: And in terms of the dealings that you had before
25 you assumed the role of inspector of District 2

1 with the street-level sex workers in the Downtown
2 Eastside, can you tell us about the contact that
3 you would have had with them during your police
4 service before that time?

5 MR. GREER: The first contact was when I was a constable in the
6 '70s in the Downtown Eastside when primarily the
7 sex trade workers that were working in the
8 Downtown Eastside were along Gore and Prior, in
9 that area prior to it kind of being redeveloped.
10 There wasn't the -- the viaduct wasn't there yet.
11 So there was -- it was a fairly busy area which
12 they occupied, and so as a patrol car officer I
13 would deal with them sometimes on a complaint.
14 They would complain about somebody harassing them,
15 and we would get that call or they would flag us
16 over and complain about somebody, which we would
17 check out. And also I kept track of them because
18 in checking them you would find out whether there
19 was warrants for them, etcetera.

20 And then when I worked as a detective in
21 General Investigation Section for a couple of
22 years we used to investigate fairly regularly
23 complaints of sex trade workers robbing their
24 johns, and so we would be proceeding to try and
25 determine who they were and identify them and see

1 if we could proceed with charges.

2 And then as a duty officer, by that time the
3 sex trade had moved in terms of the street-level,
4 street-involved, drug-addicted lower -- what they
5 call the lower track was along Franklin. Goes
6 basically from up Clark past Victoria, so it was
7 Franklin and -- I forget the other -- Pandora
8 or -- and that -- so as a duty officer I was
9 frequently called to that area because of
10 involvements of people on the street, complaints,
11 crimes, officers dealing with juveniles. So
12 that's where I would have the dealings with them.

13 And then when I became the District 2
14 inspector I became quite involved with the
15 different agencies in the Downtown Eastside, and
16 there are many, but the ones in particular would
17 be DEYAS, which was John Turvey and his assistant,
18 Judy McGuire. They were fairly important because
19 they ran the needle exchange van and they also
20 produced the bad date sheet, and so they were
21 fairly involved with the street prostitutes and
22 with drug addicts in particular. So I had
23 frequent meetings with them talking about what was
24 concerning them, what the problem was.

25 And certainly when I took over in District 2

1 and we were opening the Downtown Eastside
2 Neighbourhood Safety Office, which was Deb
3 Mearns -- and this office was not a police office
4 in the sense that we didn't pay for it. It was
5 set up and supported by the agencies down there.
6 So on that safety office's board were
7 representatives of DERA, DEYAS, and Ray-Cam, and I
8 forget -- Dave would know more -- some of the
9 other people that were on the board. But it
10 became -- it was obvious to me when we had our
11 meetings about what this office wanted to do, from
12 my prior knowledge of Dave Dickson was that he
13 would be the person to put in there as a community
14 safety officer, so I did that, and it was through
15 Dave that I relied on a lot of information since
16 he attended many of the meetings and agency-
17 sponsored events that worked with the sex trade
18 workers in the Downtown Eastside, such as WISH and
19 PACE and some of these other agencies, and that's
20 where I kind of developed my knowledge of what was
21 going on.

22 MS. BROOKS: And you've just addressed both your dealings
23 before our terms of reference begin, which is
24 1997, and then some of the ways that you became
25 familiar with the women's lives after you became

1 inspector in charge of District 2; is that right?

2 MR. GREER: Yes.

3 MS. BROOKS: Now, Dave Dickson, as you've mentioned, you
4 assigned him to the Downtown Eastside
5 Neighbourhood Safety Office, and that was because
6 he, as you conceived of him, was, and this is the
7 words of Deputy Chief Evans, the in-house expert
8 with respect to the Downtown Eastside community
9 and in particular the women involved in the sex
10 trade; is that right?

11 MR. GREER: Well, I know that Dave during his time in the
12 department had worked very hard at becoming
13 knowledgeable about who the people were that lived
14 in the Downtown Eastside, who the different
15 agencies were in the Downtown Eastside, and he was
16 quite well connected to all those people, so he
17 did fit the bill as the person that we wanted in
18 that area.

19 MS. BROOKS: And the department widely recognized that special
20 relationship that Constable Dickson held with the
21 community; is that right?

22 MR. GREER: Yes.

23 MS. BROOKS: And, Constable Dickson, perhaps I could turn it
24 over to you now to tell us about how you developed
25 those ties to the community and the relationship,

1 and maybe you could begin your narrative with your
2 time on patrol and then moving into your role as
3 the community liaison officer. Just tell us about
4 the approach that you took policing in that
5 community.

6 CONSTABLE DICKSON: Well, I think when I started in 1980 I very
7 quickly realized that the system just doesn't seem
8 to work very good for a large proportion of the
9 people that I've worked with down there.

10 MS. BROOKS: In what way?

11 CONSTABLE DICKSON: I was arresting the same people sometimes
12 three times in one week. They would, you know, go
13 to jail, they'd be released on, you know, a date
14 to appear, and I'd be re-arresting them two days
15 later, so -- and that was the majority of the
16 people down there. They were constantly being
17 arrested. And I knew most of the calls that we
18 got, probably 95 per cent of the calls in the
19 Downtown Eastside were all either drug or alcohol
20 related, you know, so I think in the first couple
21 of years of my career I realized that, and I
22 started to look for organizations or people in my
23 area that could assist with -- I come up with the
24 idea that if I could help these people turn their
25 lives around and remove them from that lifestyle

1 it would be a lot more effective, so that's sort
2 of where it started. And then I set out to get to
3 know the people and the organizations and anybody
4 in the organizations that could assist me in doing
5 that.

6 On my down time I would park my car up around
7 the Ray-Cam Community Centre, and I started going
8 in there. That's situated at 920 East Hastings on
9 the corner of Campbell and Hastings. I would go
10 in there. I'd go into the daycare because I love
11 kids, and, of course, kids love the uniform, but I
12 found out when I went into these places -- and
13 also I went into the Vancouver Aboriginal
14 Friendship Centre, the daycare in there, the
15 Sundance Daycare. It always intrigued me when I
16 walked in a lot of the kids would be excited to
17 see the uniform, but there was always one or two
18 kids that would see the uniform and back off
19 completely to the far side of the room, and that
20 always became a challenge for me to try and get
21 that kid into the group, and it became a bit of a
22 game with myself.

23 MS. BROOKS: And so what did you make of that, that these kids
24 were very intimidated by individuals in uniform or
25 the police?

1 CONSTABLE DICKSON: You know, one in particular that sticks out
2 in my mind is in the Aboriginal Friendship Centre
3 in the gymnasium. There was a group of about 12
4 kids playing, and these were all four, five-year-
5 old kids playing in the middle of the gymnasium.
6 As I came in in my uniform the one little First
7 Nations girl literally pushed herself on her
8 backside right across the whole gymnasium floor to
9 the far side of the wall. Karen, the lady that
10 runs the daycare, told me about her, you know, her
11 father and her mother. The mother was addicted,
12 the father was a South American drug dealer, so
13 the police were coming into their place all the
14 time arresting the mother, beating the father up,
15 so this little child, that was her only perception
16 of the police: the uniform. So I began playing
17 with the other kids in the group, and they had a
18 bunch of balls, and I could see this little girl
19 out of the corner of my eye sitting against the
20 far wall, so I took one of the balls and rolled it
21 across the floor, you know, and I kept watching
22 her. She eventually walked over and picked it up,
23 but it took me about five minutes to get her back
24 into the group with the ball. And that for me --
25 I walked out of that with, you know, a huge smile

1 on my face, and that became sort of what I became
2 known for or, you know, what I did.

3 MS. BROOKS: And so can I just interrupt you to ask, you know,
4 the story that you just described, does that
5 illustrate sort of a broader, more global issue
6 that you saw in the Downtown Eastside in terms of
7 the aboriginal people that live there and their
8 relationship with the police?

9 CONSTABLE DICKSON: Well, it does because of the drug and
10 alcohol issues, and they were bad back then, and
11 they're still -- they're just as bad, if not
12 worse, today. But even the schools. I used to
13 park my car and I'd walk into the schools. I
14 remember the first time I did that one of the
15 teachers, you know, had this big wide-eyed look
16 and asked me what I was doing there. I just said,
17 "I just came in to say hi, basically, introduce
18 myself," and they were quite pleased with that.
19 So I did that on a regular basis too.

20 The Downtown Eastside is quite different from
21 any other section of the city. The schools in the
22 area, Strathcona, Lord Bing, you know, their sand-
23 boxes have to be swept by the maintenance guys
24 before the kids even show up, you know, each day
25 at school for needles. You know, the kids are

1 subjected to, you know, to walking to school and
2 stepping over used needles, used condoms, just
3 about anything you can imagine. So it really is a
4 different area, and the problems that have plagued
5 that have plagued it since I started, and they're
6 still down there.

7 MS. BROOKS: And you talked about -- just to go back to the
8 story in the gym, the way that eventually the
9 little girl that you described came around. How
10 did you -- how did that play out for you with
11 adults in the community? What kind of steps did
12 you take to bring people around? And I say this
13 assuming that you did that because we have heard
14 quite a bit about you in this inquiry and that you
15 do have a number of supporters in the community,
16 so just if you could really articulate for us what
17 approach you take that allows people to develop
18 those kinds of relationships with you.

19 CONSTABLE DICKSON: It was really as simple as just treating
20 everybody with the same respect I would anybody.
21 I just -- I never seen the drug problem, I never
22 judged the people, and I think that's -- and even
23 as late as two weeks ago I was talking to a young
24 guy in front of the Astoria that's got a history
25 of drugs down there, and he followed me for three

1 blocks. I'm usually out there about five o'clock
2 in the morning still. You know, but after three
3 blocks I told him I had to go back to the office,
4 and he asked me if I had a card, and I said, "Of
5 course," and he said, "Would you mind if I called
6 you?" He said, "I'd just like to talk to you
7 because," he says, "you talk to me like I'm a
8 person." And it's really as simple as that.
9 That's all I've ever done, I think. One of the
10 reasons, I guess, for my fan base down there, and
11 it's very flattering, but I don't think I've ever
12 done anything really special, but I was basically
13 there for them all the time. My pager I had with
14 me for years and years. It was on seven days a
15 week.

16 MS. BROOKS: How many calls would you get a week or a month?

17 CONSTABLE DICKSON: I think the record I had was 750 in one
18 month.

19 MS. BROOKS: What kind of calls would you get?

20 CONSTABLE DICKSON: Families that I knew, mothers that I knew
21 having problems with their kids. They'd want me
22 to come around and talk to their child that was
23 starting to act out. You know, just about
24 anything you can imagine. You know, somebody had
25 a warrant, they wanted legal advice, you know,

1 should they turn themselves in or wait until a
2 certain time, you know, what time is better to
3 turn themselves in. It really ranged. You know,
4 just about any request you can imagine.

5 MS. BROOKS: You talked about how you treated people with
6 respect. Did you also develop relationships by
7 attending at the different service organizations
8 that were down there on a regular basis?

9 CONSTABLE DICKSON: I did. I used to go to all the community
10 meetings, I think. Most of them anyway.
11 Certainly the one long-standing one was the
12 community meeting where, you know, Doug here
13 mentioned about going to -- you know, the Sisters
14 of Atonement used to go to it, Salvation Army.
15 There was a number of people that used to come to
16 these meetings and share information. So I was, I
17 think, a constant at most of those different
18 meetings. The organization, I used to go to them
19 because they would always like to have somebody
20 there that was aware of the system and how it
21 works. And I think I became very well-known down
22 there because of my longevity down there, if
23 nothing else.

24 MS. BROOKS: How was your role different from when you were on
25 patrol to when you assumed the duty of community

1 liaison officer?

2 CONSTABLE DICKSON: I don't think it was really that much
3 different. I think I had more time to -- maybe to
4 be involved in the community with Inspector Greer
5 giving me that position, and I think he knew that
6 I was already involved with the community to that
7 extent, so he basically gave me carte blanche and
8 said, "Pick your own days off and pick your own
9 shifts and do what you want," and that helped
10 immensely.

11 MS. BROOKS: You were effectively already carrying out that
12 kind of a role when you were on patrol; is that
13 right?

14 CONSTABLE DICKSON: I was. I think people appreciated my
15 honesty when I went to do talks, which I used to
16 do at the youth detention centre. I used to do
17 the different organizations. I think it was my
18 honesty that -- any time we went to do a talk the
19 first five minutes was always taken up with police
20 beating people up. If I would have stood up there
21 and denied that, the meeting would have been over
22 very quickly, but I never denied it because there
23 are some people that do that, and then I talked
24 about why and how and what to do if it did happen.
25 I said if you're out dealing drugs and you get

1 arrested and get beaten up in the process, don't
2 call me, but if you get handcuffed and then beaten
3 up, you call me and I'll be the first one to drive
4 you out to Internal. You know, so we used to talk
5 about it.

6 And the kids at the youth detention centre,
7 it used to be comical because we'd get 30 kids
8 come into a room, and they used to see the
9 uniform, and these are some really hard-nose kids,
10 some of them were in there doing time for murder,
11 they'd see the uniform and there would be a
12 blockade at the door, but the lady in charge would
13 get them all into the room, and then we'd start
14 talking, and I would ask them, I said, "Don't you
15 guys hate it when you get stereotyped for being a
16 certain race, like you're First Nations or you're
17 South American," and they'd all go, "Yeah, that's
18 bullshit." I said, "Well, you just did the same
19 thing to me when you walked in that door." I
20 said, "At the end of this two hours," I said, "if
21 you still think I'm an asshole because I'm in
22 uniform, it's not going to be because of my
23 uniform." You know, so I said, "I would just
24 appreciate the same," and then we talked about how
25 to deal with that when they ran into it on the

1 streets. So a lot of kids would shake my hand
2 when they left, and I always left my card with
3 them if they needed help. I said, "Don't blame
4 the whole world for, you know, the fact that
5 you're ending up in YDC." I says, "You have some
6 choices. If you want help, you know," I said,
7 "call me," and some of them did.

8 MS. BROOKS: Now, Inspector Beach, I saw you nodding, and just
9 like in your school days, if I see anybody showing
10 any signs at all that they want to participate, I
11 will pick on you. So did you have something that
12 you wanted to add to what Constable Dickson was
13 saying with respect to the role that he had in the
14 community and patrol generally?

15 MR. BEACH: I guess what I was smiling about or nodding about
16 was that -- and I don't -- I certainly don't want
17 to minimize anything that Dave has done in the
18 Downtown Eastside. He's -- he is singular and
19 exceptional, believe me. But one of the real
20 benefits here is that Dave was not attached to the
21 call load, so he wasn't required to be in a car
22 between certain hours or that kind of thing, and
23 that freedom, I would suggest, was really
24 important, and it was important that Gary gave him
25 that freedom with that assignment because -- and

1 as years went on and resources became more and
2 more scarce, all kinds of police administrators
3 would tinker with the idea of, you know, half of
4 this and part of that, and the whole idea is that
5 as the call load went up and bureaucrats didn't
6 see fit to match police resources, the pressure is
7 clearly on police shoulders to meet those needs,
8 and in order for someone like -- or anyone to be
9 successful in the kind of work that Dave was
10 doing, which was far more social development,
11 etcetera, not law enforcement per se, you have to
12 have the freedom to be able to respond and be
13 available for 750 pages a month or whatever, so --

14 MS. BROOKS: And this touches on community policing as a
15 philosophical approach to policing, and as I
16 understand it, what Dave's describing really
17 reflects the sort of fundamental tenets of
18 community policing. Perhaps, Deputy Chief Greer,
19 you could just describe for us a bit about the
20 evolution of community policing within the
21 department and then focusing particularly on what
22 kind of initiatives were in place in 1998.

23 MR. GREER: Yes, Mr. Commissioner, the -- kind of the history
24 of this would be developments that occurred first
25 in the United States, as usual, and then came

1 here, is that there was a -- what we would I guess
2 refer to as a professional police model that was
3 directed at call response, so as a result of that
4 focus you saw less and less beat constables and
5 more and more officers put into cars so they could
6 respond to the call load.

7 THE COMMISSIONER: It was a reactive type of policing.

8 MR. GREER: Very much so.

9 THE COMMISSIONER: Where police rode around in cars.

10 MR. GREER: Yes.

11 THE COMMISSIONER: And Dr. Herman Goldstein and a number of
12 other people said that we need to get into
13 problem-oriented policing, so we started getting
14 into some of the root causes as to why the police
15 were making those calls.

16 MR. GREER: That's correct, yes. So as we developed in the
17 '90s that became the focus of our department,
18 which was problem-oriented policing connected to
19 community-based policing. And the idea of
20 community-based policing is to empower the
21 community to participate in what is their -- which
22 is their most important role: crime prevention
23 and maintaining the peace. And Robert Peel, when
24 he created the London Met, one of his comments,
25 and our former chief, Bob Stewart, loved to quote

1 this, is that the police are the public and the
2 public are the police. The police are only those
3 people paid to give full-time attention to what is
4 every citizen's responsibility: prevention of
5 crime, maintaining the peace.

6 Now, the reactive policing model had kind of
7 taken that away from the community, and I think
8 that still exists today. There are many people in
9 the community who somehow think that all of the
10 responsibility rests on police shoulders to
11 accomplish that, but, in fact, it is the community
12 that is the most important participant in this,
13 and the police are there to provide assistance to
14 the community, and obviously where there's
15 emergencies, etcetera, we have the use of force
16 and other things, but the principal role is
17 prevention of crime, and in order to do that you
18 need to activate the community. That was the idea
19 of our community offices.

20 So within District 2 we had quite a number of
21 offices. We had the Downtown Eastside
22 Neighbourhood Safety Office. We had an office in
23 Gastown. We had an office in Chinatown, which is
24 the Chinatown community office. We had an office
25 in Strathcona. We had an office in Grandview-

1 Woodland. And we had an office in Hastings North.
2 In each of those offices we were able to assign a
3 neighbourhood safety officer, in some cases two.
4 The Chinatown office had two officers because not
5 only did they deal with Chinatown, they dealt with
6 the larger Chinese community within Vancouver.

7 We also had the Native Liaison Society, which
8 had two officers assigned to that, and that office
9 actually worked out of 312 Main Street. And the
10 intention there with two officers was to maintain
11 our community association with First Nations.

12 And so the importance was, and Dave
13 epitomizes it, is to get to know who is in your
14 community and have them help the police in
15 maintaining -- in achieving our goals for a safe
16 community, and so there were officers in all of
17 those community offices that were trying to do
18 that, and that was our focus, was to activate the
19 community so that they would participate in
20 preventing crime and maintaining public order.

21 THE COMMISSIONER: Now, every police force in Canada says
22 they're in community-based policing. They all say
23 that. In your view, since you're no longer there,
24 maybe you could tell us whether or not the
25 Vancouver Police Department is involved in true

1 community-based policing.

2 MR. GREER: Well, I have been gone for almost nine years, so
3 commenting on what's happened in the last four or
4 five would be possibly -- I might say something
5 wrong, but certainly at the time when I was there
6 we were trying to do that. You continue with the
7 pressure of call load, and you continue with the
8 pressure of resourcing. Community-based policing
9 is expensive because, as we say, we put a
10 constable into one of these offices and he's not
11 responding to the call load. He's dealing with
12 prevention, and prevention sometimes is very hard
13 to measure.

14 THE COMMISSIONER: But the fundamental premise or the basis of
15 community-based policing is that if the community
16 works with the police then the reactive type of
17 policing wouldn't be as necessary because the
18 community is there helping the police?

19 MR. GREER: Yes, that's the thought, that it should reduce that
20 and it should make our streets safer. And we had
21 a couple of examples of problems where reactive
22 policing can be quite detrimental. There was a
23 project that brought people from other districts
24 to do some enforcement in the Downtown Eastside
25 for a very short time that was funded out of the

1 chief's office. The problem was -- and I was on
2 holidays. When I came back, my call box was full,
3 my e-mails were crazy from all the community
4 organizations who complained about these officers
5 who showed up in the area and took enforcement
6 action without any regard to who people were or
7 what they were doing, and so there was an example
8 where for community policing to work you do need
9 officers assigned to an area long term who get to
10 know everyone. Then you run -- the other side of
11 that is people getting concerned about corruption,
12 is you say, okay, if somebody's there too long and
13 they get to know everybody, which -- where do they
14 turn a blind eye, but in my mind, with proper
15 supervision and attention to that it's more
16 important to have officers assigned who have those
17 community relations that can develop that kind
18 of --

19 THE COMMISSIONER: See, I'm sure all of you are familiar with
20 what's gone on in Manhattan in New York --

21 MR. GREER: Yes.

22 THE COMMISSIONER: -- where they've gone into community-based
23 policing in the Manhattan area. They've decreased
24 property crime by vast amounts by flooding the
25 area with officers on the street. And if you've

1 been there around Time Square or Madison Square
2 Garden, you see police everywhere, and they're
3 interacting with the public, thereby they reduce
4 the incidence of street crime.

5 MR. GREER: Well, again, they have access to other statutes
6 that we don't.

7 THE COMMISSIONER: I know that.

8 MR. GREER: The city enacted one where if you commit a local
9 offence and you can't provide identification
10 you're immediately arrested and you're sent to the
11 court and you sit in court for 24 hours waiting
12 for your case to be heard. And so they were very
13 successful in removing many street-level criminals
14 from that area because they just didn't want to
15 get arrested time and time and time again.

16 THE COMMISSIONER: All right.

17 MR. GREER: And it is the attention to the broken windows
18 theory as well that they started paying attention
19 to that, and it paid off for them.

20 MS. BROOKS: Constable Dickson, I believe that you seem to be
21 indicating you wanted to make some comments on
22 this issue and then Staff Sergeant MacKay-Dunn.

23 CONSTABLE DICKSON: No, it's interesting. New York also has
24 mandatory treatment. That's a huge thing. We
25 don't. The community offices when they first

1 started being opened up, and, actually, the Native
2 store-front was the very first one before any of
3 the other offices, and I was responsible, I
4 assisted Deb Mearns and John Turvey in setting
5 that one up, and it worked famously until,
6 unfortunately, they moved across the street into
7 the police station and it started to go downhill
8 because people just wouldn't enter that big brick
9 building knowing that it was full of police
10 officers. But these guys here aren't, you know,
11 responsible -- I mean, they're really good and
12 they get the idea behind community policing. The
13 difficulty is when you get other officers -- and
14 I'll pick on Chief Jamie Graham, who I thought was
15 an awesome chief, but when he came in he made a
16 comment at a meeting -- because I think at that
17 time I had about 18 safety offices, community
18 offices. He said his idea of a community police
19 office was the Fleetwood model, and I stuck up my
20 hand and said, "I'm sorry, sir, I was in that
21 office on a couple of occasions because I live out
22 there. When I walked in one time, there was no
23 less than 12 police officers." I said, "That's
24 not a community police office, that's a
25 substation."

1 MS. BROOKS: So it's not driven by the community?

2 CONSTABLE DICKSON: There's a huge difference. But he
3 reiterated and said his idea is an office that's
4 run by police. That's not a community police
5 office. It has to be run by the community and
6 have a liaison officer assist them in running
7 different programs or whatever they want. That's
8 a true community office.

9 THE COMMISSIONER: So the police deal with community priorities
10 as opposed to their own priorities?

11 CONSTABLE DICKSON: That's right. And that's a lot of the, you
12 know, the mentality of the higher ups. They think
13 that's a community police office, and it's not.

14 MS. BROOKS: And the model that you're proposing, I hear what
15 you're saying, is that it encourages more
16 community participation?

17 CONSTABLE DICKSON: Well, it does. Our Downtown Eastside
18 community office, it eventually shut down because
19 there was funding available from the city, but we
20 didn't get the funding because we refused to
21 follow the model and sign the operation agreement.
22 Chief Chambers when he came into our office said
23 we weren't -- in fact, the term that he used, he
24 said, "If you're not on the bus, you're going to
25 get run over by it." That was about the time I

1 walked out of the office. But we lost, you know,
2 the money, the funding, we never got it, so the
3 office eventually closed down, you know, because
4 we wouldn't sign this operating agreement, which
5 meant we had to have -- our volunteers had to have
6 criminal record checks. We had trouble finding
7 volunteers that we could keep sober because in the
8 heart of the Downtown Eastside it was very
9 difficult to find good volunteers. So it just --
10 and we argued our office had to be different, and
11 it was, but they didn't see that.

12 THE COMMISSIONER: We'll stop there.

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

14 (PROCEEDINGS ADJOURNED AT 12:30 P.M.)

15 (PROCEEDINGS RECONVENED AT 1:45 P.M.)

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

17 THE COMMISSIONER: Yes.

18 MS. BROOKS: So --

19 THE COMMISSIONER: Ms. Gervais.

20 MS. GERVAIS: Robyn Gervais, counsel for aboriginal interests.

21 Mr. Commissioner, I advised Mr. Vertlieb this
22 morning that I --

23 THE COMMISSIONER: You want to make a statement.

24 MS. GERVAIS: Yes.

25 THE COMMISSIONER: Well, I don't want to stand this panel down

1 again. We've already been an hour and a half
2 late, so I'll hear you, but I'll hear you later on
3 in the week, all right?

4 MS. GERVAIS: Mr. Commissioner --

5 THE COMMISSIONER: Ms. Gervais, we already started an hour and
6 a half late, and we've got to get through the
7 witnesses, so I will -- whatever time is
8 convenient for you later in the week I'll hear
9 you. All right. Thank you.

10 MS. GERVAIS: My statement will be about 10 minutes. I'm
11 not --

12 THE COMMISSIONER: I know that, but, I mean, I don't want to
13 interrupt the evidence anymore. So you have to
14 realize that there are -- you know, we have other
15 considerations, and -- but I'll deal with your
16 issue later on in the week.

17 MS. GERVAIS: I realize that you have other considerations, but
18 this is with respect to my role as independent
19 counsel.

20 THE COMMISSIONER: I know that, but I will hear you -- I've
21 made my ruling. I've made -- you know, I've made
22 my decision. I'll hear you later on.

23 MS. BROOKS: Staff Sergeant MacKay-Dunn, before we broke we
24 were talking about the department's commitment to
25 community policing during the time period in

1 question and also what it looks like today, and I
2 know you had some comments you wanted to make
3 about that.

4 MR. MACKAY-DUNN: Thank you. Mr. Commissioner, I just want to
5 take a moment and follow up on what Gary Greer has
6 shared with the commission in terms of community
7 policing in District 2, and I have to tell you
8 that I do have some experience in setting up
9 community policing, community-based policing, not
10 community relations, but actual community-based
11 policing as well in District 1. I set up five
12 offices. I had advisory groups, neighbourhood
13 patrol officers assigned to each of these areas,
14 and we had strong support from the community. And
15 this is to your point. But what we did not have
16 in District 1 was what Gary was putting up with
17 with this rampant drug use on the streets. So
18 community policing worked, in my opinion, worked
19 very well in reducing the fear of crime, which is
20 critical in terms of quality of life issues, but
21 it was very, very difficult to reach that same
22 level of effectiveness in District 2 because of
23 this huge problem, huge medical problem, in my
24 view, with drug use and -- on the street. So I
25 just wanted to make that point.

1 THE COMMISSIONER: All right. Thank you.

2 MS. BROOKS: And in just speaking about the department's
3 commitment to community policing at the time, and,
4 Deputy Chief Greer, I know you've used the words
5 that there was an interest in activating the
6 community in getting them to help make their
7 streets safe and also with respect to the
8 community being involved in solving crime. I just
9 wanted to read to you some evidence from Professor
10 Rossmo, who also spoke to this issue, and have you
11 comment on that, and this is what he said when he
12 gave evidence at the commission on January 24th in
13 response to a question asked by Mr. Vertlieb. He
14 said:

15 It's also important to realize when we step
16 away from the Hollywood rhetoric about
17 detectives is that the number one group that
18 solves crimes is the community. In fact,
19 there's a classic study done by Rand on the
20 investigative function and they found that
21 the number one group for solving crimes is
22 the community, the public, the number two
23 group were patrol officers, and the number
24 three group were detectives. So this said
25 that it was very important to have good lines

1 of communication within your agency, and good
2 lines of communication between your agency
3 and other agencies, and good lines of
4 communication between the police agencies and
5 the community.

6 And I take it that nobody on this panel would
7 disagree with that; is that right?

8 MR. GREER: No.

9 MR. BEACH: Well, sorry, but I don't know what -- truly, and I
10 don't want to split hairs, but I don't -- I'm not
11 sure -- I mean, ultimately all crimes, almost all
12 crimes are solved somehow by the community unless
13 the only evidence is a fingerprint or DNA. So as
14 soon as there's a statement from anyone, that's
15 the community solving the crime. And certainly --
16 and, again, I don't know the study that Professor
17 Rossmo's referring to, but increasingly crimes are
18 being solved by forensic specialists more and
19 more, and it's certainly not the old cigar-
20 smoking, fedora-wearing detective in the back room
21 doing an interview that solves crimes. Absolutely
22 not. But that summary in that order seems a bit
23 simplistic or something.

24 MR. GREER: My comment on that is I would like to say that,
25 actually, in my opinion the community has far more

1 of a role in preventing crime. That to me is at
2 the front line of things. The solution of crimes
3 -- in effect, yes, you need the community because
4 from the community is where you draw your
5 witnesses or you'll draw expert testimony or
6 you'll draw people who can comment on what they
7 think might have happened and lead to a solution.
8 But I think the far greater emphasis from
9 community-based policing is to have the community
10 far more involved in crime prevention.

11 MS. BROOKS: Thanks. And Staff Sergeant.

12 MR. MACKAY-DUNN: Just a couple of things. Firstly, in terms
13 of what Dr. Rossmo was referring to, and that's
14 the Rand study, and, Gary, you're aware of it from
15 Planning and Research, basically the majority of
16 crimes are smoking guns, and that would be solved
17 by the uniform division because they're first to
18 arrive. The more sophisticated events, and that's
19 what Chris is referring to, requires highly
20 skilled investigators and, pardon, it's a TV term,
21 CSI back-up, as it were. But two things.
22 Firstly, when I was in the street, especially out
23 in District 3, if I wanted to know what was going
24 on in a neighbourhood, I would ask the kids. They
25 knew everything that was going on. So if you get

1 along with the kids, you knew everything that was
2 going on, including strangers, some strange people
3 are -- moved into that house down the block and
4 they're doing strange things and this is what
5 they're doing. From the children. Secondly --
6 now, we're not going to use them as witnesses, but
7 I'd certainly search for information.

8 The other thing, as an example, is when I was
9 with District 2 I went to a community meeting.
10 The concern was -- the citizens had some concerns.
11 I brought my stats guy with me, and I was going to
12 tell them what the problem was. Well, after
13 unsuccessfully meeting that objective, they would
14 have nothing to do with it. They said, "Our
15 problem is not with B & E's, it's not with car
16 thefts. It's racing cars." So finally I said,
17 "All right, all right, I'll assign somebody to
18 look at the racing cars." We did, and we arrested
19 the burglars that were -- had stolen cars and were
20 racing around the block. So my point is the
21 community usually knows the solution, the
22 majority. Thank you.

23 MS. BROOKS: And why this discussion is important for the
24 commission's work is because, of course, in the
25 missing women investigation we're faced with

1 precisely the problem that's been identified by
2 Inspector Beach in that there's a lack of forensic
3 evidence, and so the community plays an even more
4 important role in terms of assisting in providing
5 information that may solve the crime in this case,
6 and further to Dr. Rossmo's point, as does the
7 lines of communication between divisions in terms
8 of the Investigative Division being able to access
9 the information that may be provided to the
10 community from the Patrol Division. So it's that
11 issue that I would like us to focus on, and in
12 order to lay the foundation for that issue I'd
13 like to understand the way that the divisions
14 worked within the department at the time, and so
15 if you have before you Exhibit 49. This is an
16 organizational chart. And if you turn to the 1998
17 chart, I would like to ask the Staff Sergeant
18 MacKay-Dunn if he could please explain to us the
19 way the divisions worked within the department,
20 and if you could focus on how the -- the level of
21 communication between the divisions, to what
22 extent that was promoted.

23 MR. MACKAY-DUNN: Well, the page 4, the annual statistical
24 report 1998, is, in fact, the organizational
25 structure that occurred in the time in question,

1 1998 at least. You'll find that for the sake of
2 discussion there are three divisions: the
3 Operations Division, which is essentially patrol
4 and some support services, the Operational Support
5 Division, which includes Major Crime, Geographical
6 Profiling, and, you know, other follow-up
7 services, tactical support. So critically in
8 terms of the operational support you have the
9 Major Crime Section, which is Inspector
10 Biddlecombe, and Geographic Profiling Section,
11 Inspector Kim Rossmo.

12 MS. BROOKS: And, sir, just to interrupt, Staff Sergeant, Major
13 Crime Section is further broken down into units?

14 MR. MACKAY-DUNN: That's correct.

15 MS. BROOKS: And included in that is the Missing Persons Unit?

16 MR. MACKAY-DUNN: Absolutely.

17 MS. BROOKS: Okay.

18 MR. MACKAY-DUNN: And then the Administrative Support Division,
19 which includes services, information, human
20 resources and the like. But in terms of your
21 question, the two major divisions here would be
22 the Operations Division, which is patrol, which
23 includes all four districts, and that would
24 include District 2 with Gary Greer in command, and
25 then the Operational Support Division, which does

1 include, as I said before, Major Crime, Fred
2 Biddlecombe, which is Missing Persons, and Kim
3 Rossmo of the Geographic Profiling Section.

4 Now, the -- in order to -- and Gary could
5 speak more to it than I can at this point, but I
6 know that in order to tap into resources from one
7 division to another you have to ride the chain of
8 command ladder to the top, acquire permission, and
9 then that would move over to the next division at
10 which the decision would be made whether or not
11 they would release those resources or assign
12 resources to a particular problem. So Gary wanted
13 to make a comment.

14 MS. BROOKS: I do want to hear from the deputy chief on that
15 resources point, but before we get there could you
16 also comment on how the Investigative Division
17 engaged the Operations Division in terms of
18 assisting with investigations? So to what extent
19 was there communication? If a criminal
20 investigation was occurring within the district
21 that you're concerned with, how was that
22 communication affected?

23 MR. MACKAY-DUNN: Generally speaking, the Vancouver Police
24 model is different than the RCMP, Mr.
25 Commissioner. In the RCMP, as you are well aware,

1 the officer in question would keep the file until
2 it's concluded. In the Vancouver Police
3 Department the member would attend, let's say a
4 break-in and would initiate a burglary report. We
5 call it a B & E report. And if there was
6 sufficient information in that report that
7 follow-up seemed to be promising, the
8 Investigation Division -- let's say it's something
9 to do with stolen property. The Investigation
10 Division would receive a copy of that report and
11 initiate an investigation. So the investigation
12 may not -- sometimes with a minor offence it would
13 be conducted in the Patrol Division, but if it was
14 a major offence where it required expertise, it
15 would go to the Investigation Division for
16 follow-up. For example, if you attend a murder
17 scene, the patrol officer would take an initial
18 report, contain the scene, with help of course,
19 the investigative team would be notified through
20 the duty officer, and they would arrive from MCS
21 and take over the investigation. That's the way
22 it works.

23 MS. BROOKS: Deputy Chief Greer, did you have some comments you
24 wanted to make on either the communication between
25 the divisions or the resources and how they were

1 deployed?

2 MR. GREER: Well, in terms of the communications, it was in one
3 sense a stovepipe of -- information came into the
4 Operations Division about a crime, so a primary
5 investigation unit would take that information and
6 then put that report through to the Investigation
7 Division, and it was up to the Investigation
8 Division to decide based on their own solvability
9 factors of the case as to how far they would take
10 it. The problem there then becomes once they
11 initiate an investigation, and say in the sense of
12 a bank robbery or in the sense of a kidnapping,
13 the information of that investigation becomes very
14 sensitive, and they do not release that to anyone
15 else. So even though you may have been the
16 primary investigator that took a crime, once
17 you've passed it on and -- that information of
18 suspects, informants, etcetera, that have been
19 developed is kept within that investigation. So
20 in the sense of what occurred in my belief with
21 the missing women's investigation, where we have
22 evidence of Lori Shenher having this informant
23 that she talks to in August and then she develops
24 that, well, that is a standard procedure for
25 investigators. That information is not shared,

1 and the reason it's not shared is because you
2 could easily compromise the investigation. You
3 could easily have what you thought was an
4 informant who was giving confidential -- as soon
5 as they find out that somebody knows who they are
6 they may shut up. They won't speak anymore. So
7 that's how you can see that where communications
8 are good and you want people talking about what's
9 going on and sharing ideas about how to do an
10 investigation, within a specific investigation
11 that information becomes confidential and it sits
12 inside that investigation.

13 MS. BROOKS: Deputy Chief, we've heard about the phenomenon of
14 silos. Is that an example of what is being
15 referred to when that's spoken of?

16 MR. GREER: Well, yes, we are silos in that each division had
17 its specific responsibilities and accountabilities
18 for each division as to what we would do. So the
19 Operations Division would be responding to calls,
20 would be responding to initial investigations,
21 developing that information, passing it to the
22 Investigation Division. Now, the ideal thing in
23 most kind of common investigations would be an
24 exchange of information back and forth so that you
25 would have detectives contacting the constables

1 and asking something. So they would potentially
2 come to Dave and say to Dave, "Look, we are
3 looking at this. Can you tell us if you know a
4 guy named George?" Right. "He's a large fellow
5 and he's" -- so that kind of information goes, but
6 it tends to be informal. It tends to be between
7 investigators. And ideally, when you have good
8 relationships, that information flows. But
9 formally the information goes up through into the
10 Information Section, reports are copied, and then
11 the report goes to the assigned follow-up squad.

12 MS. BROOKS: Can you also comment on resource issues, because I
13 understand that in 1998 and at the time there were
14 significant resource difficulties or challenges
15 that the department was faced with? Can you tell
16 us about those?

17 MR. GREER: I believe the commission has heard this from other
18 witnesses, about the problems with resourcing the
19 police department. In the '90s there became --
20 the federal government reduced payments to the
21 provinces, the provinces reduced payments to the
22 cities, and so the Vancouver Police Department was
23 part of the City's restructuring of their budget.
24 They had to reduce. People don't realize this,
25 but in the '90s Vancouver Police went to white

1 police cars. We went to white police cars because
2 that's how they got delivered from the factory and
3 we could save money by not painting them. That's
4 how tight we were. And then by 1998 we actually
5 were having to give up positions.

6 So one we had, very successful police
7 enforcement program was our Strike Force, which
8 follows active criminals and kind of catches them
9 as they commit their crimes. We found that very
10 effective. We had gone to three teams, but in the
11 face of our budget restrictions we went to two.
12 And that's actually where Lori Shenher came from
13 in that reduction. So we were dealing with very
14 restricted resources. At the same time, you still
15 have to meet your basic commitments to the
16 community, and one of those is call load. You
17 still have to go to calls, and there's not a lot
18 of police on the street. In our District 2 at
19 potentially any given time in that whole area you
20 may only have 10 or 12 constables available to
21 take calls or available to deal with any kind of
22 situation. So when you start asking for proactive
23 intervention, where you could go and take
24 proactive measures, our staff is not available,
25 and it was difficult to maintain our commitment

1 with our community offices, but that was something
2 we tried to do even in the face of having to go
3 with vacancies in our patrol.

4 MS. BROOKS: Now, I'd like to turn to asking some questions
5 around what you understood, each of you understood
6 about the condition of the women's lives at the
7 time of the missing women investigation. So if
8 you can go back to that time and frame your
9 answers that way. And we've understood that this
10 is a significant issue in that there was
11 varying -- there was a varied degree of
12 understanding of what these women's lives actually
13 looked like, and particularly around the issue of
14 transiency and entrenchment, so I'd like to ask
15 you some questions now about the women's lives and
16 what you knew at that time. And I'll start
17 with -- with just framing this by talking about
18 where the women were working, so the strolls in
19 the Downtown Eastside, and, Constable Dickson,
20 perhaps you can answer this question since you
21 were on the street there every day, and you can
22 refer to the map that's been entered as Exhibit
23 116, page 2. This is a map of the Vancouver
24 Downtown Eastside. And just start by telling us
25 where the low track strolls were situated in the

1 Downtown Eastside.

2 CONSTABLE DICKSON: The majority of women working the
3 streets -- the majority of the working down there
4 working the streets are pretty much from Main
5 Street up to about the 700 block where the Astoria
6 Hotel is, and that's Hawks. So the intersection
7 of Hawks and Hastings to Main Street is about
8 seven blocks, and that's -- I guess 90 per cent of
9 the women that worked worked down there 24 hours a
10 day.

11 MS. BROOKS: And we've heard from several witnesses about what
12 the strolls were like, and we've heard that they,
13 and I'm quoting from some of the evidence now,
14 were "dark, isolated, deserted, scary, dangerous",
15 and we've also heard, though, from former Chief
16 Constable Blythe that, in fact, the strolls were
17 well lit and the environment was not dark or
18 dangerous, so I'd like to hear from you, and I
19 assume you've had occasion to visit the strolls,
20 Constable Dickson, how you would describe them.

21 CONSTABLE DICKSON: Well, some of the areas are well lit, but
22 the difficulty, I guess, when the girl gets picked
23 up, you know, she doesn't name the place where she
24 wants to go, so -- you know, so they get taken to
25 places that aren't very well lit, and that's where

1 the addiction, you know, comes in, because the
2 addiction is so rampant. It's gotten worse. In
3 the early '90s it started with cocaine and then
4 the late '90s it went to crack cocaine, and that
5 was really the huge difference in the Downtown
6 Eastside in the addiction issues. It's gotten to
7 the point now, and even in '98 was the same, the
8 girls were willing to throw all caution to the
9 wind and all their sixth sense and all the rules
10 that they had before went out the window with the
11 crack cocaine addiction. So they'd stand out
12 there sometimes for hours. The first customer
13 that would come by they weren't about to, you
14 know, dicker about where they were going to go
15 they were so desperate for the next \$20 or
16 whatever they could get. And the money has
17 changed so dramatically too over the years. You
18 now have women doing dates for \$2, \$5, you know,
19 where they never would have done that before, but
20 there's girls out there doing it. And the rock
21 cocaine now is down about \$2. You can run to your
22 dealer and get a little piece of rock cocaine out
23 of the bottom of the bag for a toonie. So that's
24 how desperate the women have become.

25 MS. BROOKS: So you've talked about the drug addictions that

1 the women faced, and Staff Sergeant MacKay-Dunn,
2 are you able to comment on what you knew about the
3 level of addiction that the women had at the time?

4 MR. MACKAY-DUNN: Mr. Commissioner, I am going to draw on
5 my source. Actually, it's my wife. She worked in
6 the city jail for 30 years, and she'd know these
7 women. And some of the women had passed also. In
8 fact, when Dave Dickson came to me first with his
9 concerns, the first person I called was my wife to
10 ask her if she -- you know, "Are you missing any
11 of your girls," and she said, "There's a couple
12 that haven't shown up." That's what caused me to
13 go see Rossmo. Anyway, she tells me, is that the
14 girls will orchestrate their arrest to get off the
15 street to get into the jail to get medical
16 treatment, get a safe place to sleep, a bath. In
17 some cases their clothes would be cleaned. But
18 more importantly is my wife, Doreen MacKay-Dunn,
19 would do, first thing she did with them, she would
20 give them a very thick peanut butter and jam
21 sandwich because these girls hadn't eaten for two
22 weeks because they're on a coke run. They're
23 totally out of it. They do not have the ability
24 to form any logical intelligent decision regarding
25 their own safety. They're incapable of taking

1 care of themselves, and I would argue that they
2 would also -- the *Mental Health Act* could be
3 applied to these people at this time at least to
4 get them off the street and get them into some
5 sort of a safer place. And she would tell me of
6 the sores that she would see. Dave's seen them,
7 I'm sure, and the condition of these poor people.
8 I remember she was telling me that one of the
9 ladies was expecting around the same time as my
10 wife was. It was very sad, actually. And the
11 lady said to my wife, "Well, you know, Doreen,
12 maybe we can -- our kids can play together." You
13 know, they want normalcy. They know what's
14 happening, but they're trapped because of the
15 stage of their addiction is so severe that they
16 just can't look after themselves. So I would
17 argue at point not only are they a danger to
18 themselves but to others.

19 MS. BROOKS: And so you've used the word "trapped", and how --
20 and you've discussed how powerful the addictions
21 are, so what did you understand in 1998 about
22 whether the women were moving in and out of the
23 Downtown Eastside?

24 MR. MACKAY-DUNN: Well, I did not -- I did not agree with the
25 hypothesis that somehow they were on a road trip

1 to Toronto. You know. I agreed with Dave
2 Dickson, is that's where they lived. That's their
3 neighbourhood. That's their comfort zone. They
4 know the area. There's something about the
5 Downtown Eastside for these folks. It's because
6 they feel comfortable in that neighbourhood. They
7 belong. If they're up in Granville Street or in
8 the West End, they didn't belong.

9 MR. BEACH: Doug, forgive me.

10 MS. BROOKS: If you could speak into the mike.

11 MR. BEACH: Sure. Part of the reason that they worked there
12 was because of the accessibility to drugs. I
13 mean, it's one thing, I think, Mr. Commissioner,
14 we have to keep in the context, and there's a
15 danger here, and I don't mean any disrespect at
16 all, but there's a danger of simplifying so that
17 we can understand all this stuff easier, and it's
18 foolish. It's a fool's game to try this. This is
19 an incredibly complex issue. First of all, if we
20 try and put -- draw a circle around the community,
21 you're going to be here for weeks trying to
22 describe that because these people are not all --
23 they don't all come from the same place, they
24 don't have the same education, they don't have the
25 same family supports. They're all individuals.

1 So -- and it gets more complex from there. So one
2 of the issues around why do certain sex trade
3 workers work in certain locales are things like
4 where do they take their johns. So if they work
5 in alleys or in the back seats of cars, that's a
6 different trade, if you like, than someone who
7 works around the corner and across the street from
8 where they live and they take the john into where
9 they live to do the trick. So the attraction --

10 MS. BROOKS: And where do the --

11 MR. BEACH: -- for the Downtown Eastside -- sorry -- is twofold.

12 One is there are all kinds of alleys and places,
13 etcetera, that you can go and do the deed and not
14 be found, and the other is the vast majority, if
15 not all, were drug addicted. So the purpose of
16 the sex trade was not the sex trade per se. It
17 was to acquire money to acquire drugs. So once
18 the trick had been completed, the money has
19 exchanged, they want to be as close to the dealer
20 or dealers as possible. A lot of my -- in my
21 tenure in District 2 complaints were kind of
22 twofold in terms of from community members. There
23 was the disorder, noise, cars, all those kinds of
24 issues, the street disorder stuff from the actual
25 strolls where they -- where the women would stand

1 in order to attract johns. The other complaint
2 was south of Hastings Street. It was in
3 Strathcona in driveways and lanes of more suburban
4 kinds of settings where people would walk out to
5 their car and walk over three discarded condoms
6 and kids would be walking to and from school and,
7 of course, you have the after-effects of the drug
8 trade, which are discarded condoms and syringes.
9 But -- so the sex trade wasn't necessarily
10 practised only in one spot. There was the
11 transportation, the commission of the act, the
12 discarding of the condom, etcetera, which would be
13 blocks and blocks away. So, again, it's just more
14 complicated, and I'm not trying to be overly
15 complicated, but --

16 MS. BROOKS: Oh, I think it's important for us to understand.

17 MR. BEACH: I wouldn't want to simplify things too much. I
18 don't think it's useful for the commission.

19 MS. BROOKS: Thanks. No, I appreciate that. And, Constable
20 Dickson, did you have something to add?

21 CONSTABLE DICKSON: I was just going to say a really important
22 part of the Downtown Eastside, and you have to --
23 I don't like to separate the areas where the girls
24 worked, but you really have to. The girls --
25 people that run away on Granville Street have

1 different reasons why they run away from families.
2 You know, the Downtown Eastside, I've got a
3 30-year-old lady who I met when she was 10 years
4 old. She was performing oral sex on a guy. She's
5 still down there, her mother's down there, and her
6 grandmother's down there. I've got another lady,
7 she's down there with her three daughters. You
8 know, that's really common in the Downtown
9 Eastside. I've got another 10-year-old that's now
10 36 years old. A lot of these women are born into
11 it, unfortunately, and that's the tragedy behind
12 the Downtown Eastside. It's sort of the -- I'm
13 not sure what you'd call it, but the historical
14 abuse. You know, it's just horrendous, and it's
15 really difficult to deal with that without huge,
16 huge resources and proper resources.

17 MS. BROOKS: And we heard from Maggie de Vries, who was reading
18 from her sister, Sarah de Vries' journals that
19 Sarah described some of the residents in the
20 Downtown Eastside as lifers. Is that sort of what
21 you're describing right now?

22 CONSTABLE DICKSON: Oh, certainly. Some of these kids are born
23 into it. That's all they've ever known, is the
24 poverty, the addiction, sexual abuse, and that's
25 why they're down there. Their mother's down

1 there, their brothers are down there.

2 MS. BROOKS: And Staff Sergeant.

3 CONSTABLE DICKSON: How do you get away from that?

4 MR. MACKAY-DUNN: I agree. I just want to make a point to
5 Chris's point here. What I was talking about in
6 answering your question, the question, Mr.
7 Commissioner, I was talking about those poor folks
8 that are so deeply addicted, deeply addicted they
9 can't even look after themselves, and they
10 certainly can't form that insight that needs to be
11 formed to protect themselves from predators, and
12 there are a number of predators out there. You
13 know, we're talking about one individual here.
14 But that's one of the terrible things about this
15 whole issue in terms of these women that are
16 involved in prostituting themselves, and they're
17 doing this in many cases because of -- well,
18 poverty, of course, but because of their addiction
19 to drugs. The cycle of addiction is so
20 significant in the Downtown Eastside, because
21 that's what attracts them, that in order to
22 prevent this from happening again that cycle of
23 addiction has to be broken, and that's my earlier
24 point about detox, treatment, and rehab.

25 Now, I want to just share with the

1 commission, I worked undercover drugs buying
2 heroin from heroin traffickers, which means I got
3 to know a lot of heroin addicts, and, yes, Chris
4 is absolutely right, they came from all walks of
5 life. Extremely sad stories. Kids that have gone
6 to school, gone to SFU. You feel they're going to
7 be -- they could be a judge. Right. But no, not
8 now. They're addicted to heroin, and there's no
9 way out for them, and they don't --they're so
10 embarrassed they can't go to their family for
11 help. There's been several stories of people's
12 lives being destroyed, and these women are victims
13 of the society, in my opinion. We haven't done
14 enough for these folks in terms of detox,
15 treatment, and rehab, and I am not talking just
16 about the police here, but also prevention, for
17 education. We put our money into Insight, harm
18 reduction, and policing. We don't put the needed
19 monies, in my opinion, into detox, treatment, and
20 rehab. And Dave's absolutely right, that's
21 serious money, but you know what, when I was
22 working in the West End -- when I was in charge of
23 the West End I would go to St. Paul's Hospital.
24 We had various working groups. And the medical
25 practitioners in the Emerg. would tell me, "I just

1 wish they'd stop," because the number of people
2 that were on WCB because of needle pokes taking
3 the HIV protocol. Now, just think of the cost to
4 our medical system, that's quite frankly
5 imploding, and this is one of the factors, in my
6 opinion, in terms of moving forward. So I feel
7 very passionate about this. And people like Dave
8 and those folks in our Odd Squad, Toby Hinton, put
9 a human face on these individuals because the rest
10 of us don't want to know anything about it. As
11 long as they stay down there away from
12 Shaughnessy, away from the rich neighbourhoods, as
13 long as we don't see it, it doesn't exist, and
14 it's time that we got our head out of the sand and
15 dealt with this issue. Thank you.

16 MS. BROOKS: Constable Dickson.

17 CONSTABLE DICKSON: Well, no, I can't emphasize enough. I
18 mean, Doug's right about the lack of addiction.
19 We've spent hundreds of millions of dollars in the
20 Downtown Eastside, and it's still a disgusting
21 mess. And I can probably give you the most
22 extreme example I can think of is about addiction.
23 I did a talk to a bunch of students at Langara a
24 couple of months back, and I said I don't hand out
25 -- usually I've got food, I've got cigarettes,

1 I've got other stuff I hand out on the streets. I
2 don't give out crack pipes. I don't give out
3 needles. I have a real moral dilemma with that.
4 I'm not going to help them -- I look at the kids
5 down there, especially the females -- like, my
6 daughter, who -- she's 25 years old now. Not in
7 the wildest dreams I would ever give my daughter a
8 needle or a crack pipe. So -- but when I say to
9 this student -- this student got in my face for
10 not handing out the crack pipes and needles
11 because she said don't you realize that it cuts
12 down the rate of HIV, and I started to laugh, and
13 I said that would be okay, except you're talking
14 about the Downtown Eastside. And some doctors get
15 extremely upset when I mention this. There are
16 people down there that are actually trying to
17 contract HIV, and anybody here know why? If
18 you're HIV-positive, you can go to your doctor,
19 get a note, and you can go to welfare and you'd be
20 classed as Disability 2. You get an extra \$400 a
21 month on your welfare cheque. And that's the
22 bottom -- that's the truth. Some people find that
23 extreme, but you know what, if I'm out there using
24 drugs every day, a lot of the people I'm using
25 with are HIV-positive, and they're still around

1 with me every day, they're out there doing the
2 same thing, except the difference is they're
3 getting more money than I am.

4 MS. BROOKS: So I think what we're hearing from the panel is
5 just how complicated of a problem this is. And
6 one of the things that, Staff Sergeant, you said
7 that I'd like to revisit is that there's people in
8 Shaughnessy, you used as an example of a
9 neighbourhood, who want to just keep it down
10 there, and I'm wondering if there's any connection
11 between that and what we know happened with the
12 missing women investigation in terms of generating
13 pressures for resources to be poured into that
14 kind of investigation.

15 MR. MACKAY-DUNN: Well, one of the things that the department
16 was going through at the time, and Gary would
17 probably be able to speak to it better than I, but
18 there was this huge problem with home invasions,
19 for example. And for those folks that don't know
20 what a home invasion is, let me describe -- just
21 paint a picture for you. Assume for a moment it's
22 four o'clock in the morning, you've gone to bed
23 with your significant other, the kids are neatly
24 tucked into their bunk-bed, and the front door
25 gets kicked in and the husband is tied up, you're

1 tied up. The kids are hiding under the bed. They
2 start to beat up the husband asking where the
3 money is, etcetera. Maybe they think it's a drug
4 house, whatever. That's what a home invasion is.
5 So when you have a rash of home invasions, which,
6 in my view, aside being a robbery under the
7 Criminal Code, but also for me it's tantamount to
8 rape, and it destroys peoples lives. And when the
9 department is faced with that in terms of setting
10 your priorities, that's going to go right to the
11 top of the list, and it doesn't matter where it
12 happens. Anywhere within our jurisdiction and our
13 watch that's going to be job one, and you're going
14 to get people, officers that are going to work
15 24/7 to bring those people to justice, because
16 they will kill people. And that was happening --
17 one of the things that was happening within the
18 department at that time.

19 MS. BROOKS: And so, you know, some might say, though, if I
20 could just make a comment in response to that,
21 Staff Sergeant, that while, you know, you do paint
22 a terrifying picture of home invasions, equally
23 I'm sure the sex workers in the Downtown Eastside
24 would paint an equally terrifying picture of the
25 things that they have to endure, and so in terms

1 of where community pressures come from, what role
2 did that play in the missing women investigations?
3 And, Constable Dickson, what can you say about
4 that?

5 MR. MACKAY-DUNN: Well --

6 MS. BROOKS: Oh, sorry.

7 MR. MACKAY-DUNN: -- one second. In terms of my role, I know
8 Gary got very much involved with this, but when
9 Dave came to me in the first place with his
10 concern and the subsequent list of missing women,
11 again I made a call, as I said earlier, to my
12 wife, who said, "Yeah, it looks like a couple of
13 girls are -- have been away longer than normal."
14 I then went up and saw Rossmo because I thought at
15 that time that if there's -- and the problem was,
16 as Dave would tell you, there was -- we kept
17 hearing this refrain no body, no file. I went to
18 Rossmo, and I said, "Look, Kim, can you give me a
19 hand here. Can you run the numbers as I said and
20 look if there's a statistical case to be made that
21 something is happening." In other words, if you
22 eliminate the impossible, the improbable, although
23 terrifying, could be true. And he came back a
24 couple of days later, this is all very informal at
25 this point, and said, "Yeah, it looks -- it looks

1 like there could be something going on." So I go
2 to Gary, and Gary kicks it off and starts doing
3 what he would have to do in terms of his position.
4 But that was not with -- that was not as a result
5 of any community pressure, because not only did I
6 contact the jail, I also contacted Deb Mearns, I
7 talked to John Turvey, and I talked to other
8 people on the street. Nobody knew anything. And
9 I think Dave would agree with that.

10 CONSTABLE DICKSON: Yeah.

11 MR. MACKAY-DUNN: Because -- well, no.

12 CONSTABLE DICKSON: What'd he say?

13 MR. MACKAY-DUNN: I asked you -- I said nobody --

14 CONSTABLE DICKSON: I'm kidding.

15 MR. MACKAY-DUNN: Well, it's not the time to kid. Really,
16 don't.

17 CONSTABLE DICKSON: No, I agree with you.

18 MS. BROOKS: But here's what the issue is, I think, and I
19 wouldn't mind hearing, Deputy Chief, your views on
20 this, is Staff Sergeant pointed out how the home
21 invasions went to the top of the list and how
22 there was tremendous community pressure for that
23 to be so. Then we have the missing women
24 investigations, and there are community voices
25 from the Downtown Eastside that are crying out for

1 resources to be poured into that investigation.

2 What happened there?

3 THE COMMISSIONER: See, we've heard evidence here and opinion
4 evidence here that the Vancouver Police were
5 concerned more about the garage robberies that
6 were taking place on the west side of town than
7 they were about the poor aboriginal women, the
8 poor women who were disappearing on the Downtown
9 Eastside. That's what we've heard.

10 MR. GREER: Yes, Mr. Commissioner, the -- I think the issue
11 here becomes the difference between a report and
12 an actual crime. So in one sense the garage
13 robberies, which were people being ambushed after
14 they'd come from a casino and have a gun put in
15 their face and take their money, plus the other
16 invasions that were going on, those were actual
17 crimes against people immediately, so, yes, the
18 department put resources into that. To back up to
19 the reports of missing people, the department
20 takes anywhere from 3,000 plus missing reports a
21 year, and there was a process at the time on how
22 to deal with missing persons. The first was for
23 children. A child reported missing got immediate
24 action. A car would be sent to see the parents, a
25 description would be taken, and then a sergeant in

1 the area would determine what further action was
2 needed to search the area, call in more resources
3 to search the area, and that response expanded as
4 the time went by where the child was missing. For
5 adults it was a different case. There is no law
6 against going missing. People go missing all the
7 time for their own personal reasons. And so it
8 becomes an issue for a department with resources
9 as to how you respond to these kinds of reports.
10 So in the Downtown Eastside as we got these
11 reports and they were taken, and I know there's
12 conflict over how well one of our clerks responded
13 to people, and that was -- that's an issue that
14 the department has to deal with, but we started
15 getting reports of people who had not been seen
16 for two years. So what do we do with that? What
17 occurred was when Dave Dickson came to me with a
18 report saying, "I have this list of missing
19 people," some of them had been missing for quite a
20 while, some had gone recently missing. He was
21 concerned because they weren't picking up their
22 welfare cheques, they had not spoken to their
23 spouses or spoken to their children, and so this
24 was out of character and something should be done.
25 At that point we went to Kim Rossmo, Dr. Rossmo,

1 as the geographic profiler to see what he could
2 tell us, and he came back saying, "I can't tell
3 you geographic profiling information, but in my
4 opinion as a criminologist there's a statistical
5 anomaly here. Something else is happening, so we
6 need to do something." Well, so what we decided
7 on was, well, we need to get hard facts in order
8 to assign resources. As I said, resources are
9 tight. If you want to get resources, you have to
10 have facts to back it up. So the intent was when
11 we created the Missing Women's Working Group in
12 District 2, which would appear sometimes that it
13 was some big formal organization. It wasn't. It
14 was an ad hoc committee set up by myself with Kim
15 Rossmo and Doug MacKay-Dunn to create an
16 opportunity to have a cooperative investigation
17 into what was happening with these people. And
18 I'm quoted I believe in the press on September
19 18th talking about that, that we weren't saying
20 there was a serial killer at this time, but we
21 were trying to investigate what was going on. So
22 it's one of those problems, is what you're dealing
23 with in Missing Persons is not a strong
24 investigative case to assign a whole bunch of
25 extra resources until you have further

1 information, and that's where we needed reports of
2 abductions or we needed reports of assaults or we
3 needed further information that would say to us we
4 have significant crimes here, assign extra
5 resources, but, unfortunately, it took, obviously,
6 far too long for that to happen.

7 MS. BROOKS: And, Deputy, I know you know that this is a
8 looking backwards and looking forwards commission,
9 so I just want to pick up on a point you made that
10 I think is an interesting policy point. You
11 talked about how children are treated as high
12 risk, and so when they are reported missing
13 there's immediate attention paid to that, and we
14 know now that we've had an opportunity to look in
15 great detail at these women's lives and the
16 conditions of these women's lives that they were
17 entrenched in the Downtown Eastside, that they did
18 experience extreme violence regularly, that they
19 did have these addictions that they were dealing
20 with. In your opinion with those factors, how
21 should reports of missing women that fit that
22 profile be received today? Should they be grouped
23 in a high-risk category?

24 MR. GREER: I believe based on the experience that we've had
25 from Pickton and what we know now I believe the

1 department is doing that. I think there is a far
2 more rigorous missing persons procedure to be more
3 rigorous and quicker on the investigation of
4 those.

5 MR. BEACH: I can't speak -- I've been gone for a number of
6 years as well, but I don't think policing, whether
7 it's Vancouver or anywhere else in North America,
8 for that matter, could ever go pre-Pickton again.

9 MS. BROOKS: We've learned so much?

10 MR. BEACH: That's right. And the unthinkable occurred. If I
11 can go back for a sec to community pressures here,
12 and, again, it's not my intent to try and
13 complicate things at all, but there's -- I'm
14 getting the sense that we're just trying to again
15 simplify things. There is a real, and there was
16 in those times, but there still is a public
17 sentiment that sex trade workers put themselves in
18 vulnerable situations, therefore, right, if
19 something bad happens it's somehow their fault.
20 And I'm not suggesting, I'm not arguing for that
21 position at all. I'm saying it exists. And part
22 of what a manager, a senior police officer did in
23 the Vancouver Police Department during my time
24 there was we had to -- we had some influence in
25 the allocation of resources, so what some

1 priorities were and what some weren't and those
2 kinds of things. And so what we were faced with,
3 and I'll speak for Doug and Gary and I because we
4 all did the same kind of work at one time or
5 another, is we would field calls from members of
6 various communities in District 2 with different
7 priorities. And this is part of what the
8 importance of community-based policing is, it's
9 intelligence, if you like, from the community.
10 What's important to someone in Strathcona might
11 not at all be important to someone in Grandview.
12 They're all as important to them, but they're very
13 different. And so Chinatown had significantly
14 different issues than Gastown, and they were both
15 significantly different than the Downtown
16 Eastside. So there's this competition, daily,
17 nightly competition for scarce police resources.
18 When you then add the layer of this sense of
19 culpability in terms of people's behaviour, what
20 occurs, how much energy, how many resources do the
21 police put into preventing harm from people who
22 put themselves in harm's way, the job for police
23 managers was pretty complex in terms of responding
24 to community demands that we encouraged through
25 community-based policing. So there's no simple

1 allocation of resources. I would be the first
2 person in hindsight to say I wish I'd had four
3 police officers for every corner, but you know
4 what, those resources didn't exist.

5 MS. BROOKS: And I want to anchor your comments in a particular
6 press release that Professor Lowman deals with in
7 terms of the police role in containing the women
8 in a particular area that put them at risk, and I
9 want to give you an opportunity to speak to it.
10 So this is -- if you can go to, and I'll have to
11 ask Registrar Giles to help us out here, Exhibit
12 3, Appendix 1-H. And this is -- I'll describe the
13 document and read from it. This is a press
14 release issued in 1997 in February, and it
15 describes street prostitution enforcement since
16 August of 1996, and it's signed by the deputy
17 chief constable at the time of the Investigation
18 Division, Rich Rollins, and Deputy Chief Constable
19 Terry Blythe of the Patrol Division, and I'll just
20 read parts of it. It says:

21 Since August of 1996, our focus on the street
22 sex trade has been on:

23 Sexual exploitation of youth through

24 prostitution and pornography;

25 Violence in prostitution;

1 Community safety and nuisance issues
2 resulting from prostitution related issues;
3 Targeting Pimps and Johns.

4 And then if you go down to the next paragraph, the
5 second paragraph:

6 Recent media reports on this matter have
7 brought a number of telephone calls to the
8 Department with respect to when we would
9 arrest and charge female sex trade workers.
10 The unusual circumstances necessary to arrest
11 would be: to protect young persons who are
12 being sexually exploited; or female sex trade
13 workers who are pressing and persistent in
14 residential, school, playground, parks or
15 community centre areas (community safety and
16 a demonstrated nuisance problem).

17 And then it's noted that:

18 Street prostitution is a controversial issue,
19 with legal, social, health, and economic
20 implications. The life of a street sex trade
21 worker is frequently characterized by
22 exploitation, violence, substance abuse and
23 disease.

24 The Vancouver Police are developing and
25 implementing innovative strategies at

1 prevention as well as enforcement tactics to
2 deal with the problems associated with street
3 prostitution.

4 And then I want to tell you what Dr. -- Professor
5 Lowman stated about this particular press release.
6 He says this in his evidence in chief by Mr.
7 Vertlieb on October 13th, 2011. He's talking
8 about what he refers to as displacement, and he
9 says:

10 ...in response to residents' complaints,
11 various devices and strategies were devised
12 to move the stroll to the north side of
13 Hastings Street into the industrial and
14 commercial area, rather than in the
15 residential area. I trace that in the
16 report,

17 that's a report he wrote,

18 the various strategies that were used, and
19 also identify and include in one of the
20 appendices a media release that the Vancouver
21 Police Department published which basically
22 admitted that they had set up an area to
23 contain prostitution. I referred to it at
24 the time as an "orange light district" and
25 the reason for not calling it a "red light

1 district" is that's really what it was but
2 nobody was admitting that's what it was.

3 And then he goes on to say:

4 What happened with the movement of the women
5 to the north side of Hastings Street is one
6 problem got solved -- nuisance. But there
7 was no attempt as far as I could see to do
8 the things you would need to do to that area
9 to protect those women. Various kinds of
10 monitoring, development of systematic
11 relationships with police, making sure there
12 was eyes on the street, making sure there was
13 proper lighting, entertaining the idea that
14 if we couldn't get these women out of
15 prostitution we might try and do something to
16 make them safe, by giving them a safe place
17 that they might be able to continue these
18 activities until we could find some way of
19 helping them out. So I don't think it was
20 the intention of anybody to make this a more
21 dangerous area or the situation worse, but I
22 think that's exactly what it did.

23 So I'd like to hear from the panel now on your
24 familiarity with this -- I can see you're all keen
25 to jump in here, but on this enforcement strategy

1 and whether it was as described by Professor
2 Lowman. So who would like to begin? Constable
3 Dickson.

4 CONSTABLE DICKSON: I can start. The enforcement strategy
5 wasn't just -- I don't think it was just a police
6 idea. Some of the sex trade workers themselves
7 wanted that because the only reason they were
8 asked to work on the north side of Hastings is so
9 the girls weren't working outside the school
10 grounds and the Ray-Cam Community Centre and the
11 other community centres in the area. The police
12 -- or the women themselves used to police
13 themselves. If they heard another girl was
14 working over there, the women in WISH when they
15 went there for their dinner every night would
16 actually speak to the girls and tell them, "Please
17 don't work." So the women used to enforce that
18 law themselves because they all -- most of them
19 had kids. You know, the north side of Hastings is
20 no darker than the south side of Hastings. I just
21 don't -- I don't see where his argument is coming
22 from. It's dangerous, and it's like somebody said
23 moving these women down to the streets of
24 Hastings, the killing fields of -- if we were to
25 move every sex trade worker down there to

1 Shaughnessy tomorrow to start working, guess where
2 all the johns would be. Not in the Downtown
3 Eastside. So, I mean, it doesn't matter where
4 these women work. The guys will find them.

5 MS. BROOKS: And one of the things, though, that Professor
6 Lowman is concerned about here is that the area
7 was deserted, that there was no monitoring, there
8 was no attempts to ensure that the women were safe
9 despite this containment area, which, as you say,
10 Constable Dickson, the women may have expressed an
11 interest in themselves. So, Staff Sergeant
12 MacKay-Dunn, what do you say about that?

13 MR. MACKAY-DUNN: Well, standard -- well, I'll just tell you.
14 Standard operating procedure of the Patrol
15 Division always is the cars would go through that
16 area and give it special attention. They would
17 drive by and check with the girls and just ask
18 them how it was going, if there had been any bad
19 dates, any weirdos that we should know about, that
20 type of thing. The other side of that is that
21 they didn't want you in a marked police unit.
22 They didn't want you down there too long because
23 you'd be interfering with business because the
24 johns would stay away. I know Chris Beach used to
25 drive the -- drive them crazy because that's

1 exactly what he would do. But we would drive
2 through there, and, you know, even though it seems
3 like, oh, it's abandoned, but you can see them.
4 If it's more congested, they're more difficult --
5 it's more difficult to see them, so if they're in
6 trouble, you would miss it. I know it seems to be
7 a contradiction in terms, but it was actually, in
8 my opinion, safer than the previous situation
9 because we could get at it, we could monitor it,
10 and we did do that, and it was just something that
11 the officers did just as -- by habit.

12 MS. BROOKS: Deputy Chief.

13 MR. GREER: Well, I think, again, this first of all comes back
14 to an issue of resources, is that if we had
15 sufficient resources to deal with street
16 prostitution we could move it out of the city. We
17 don't, so what you end up having is in what area
18 of the city do these people go to where there is
19 the least impact on community and the least
20 pressure from a community for the police to do
21 something, because I believe in one of your -- in
22 your latest report to us about communities and how
23 communities should be involved, well, the problem
24 is how do you define a community? Which community
25 are you talking about? So within the Downtown

1 Eastside we had quite a number of communities. We
2 had the Chinatown community. We had Strathcona
3 community. We had the people who --

4 MR. MACKAY-DUNN: Gastown.

5 MR. GREER: And the Gastown community. You had people who were
6 in the Vancouver Area Network of Drug Users who
7 were very -- advocating for their community of
8 drug use. And you have the street sex trade, who
9 would say that they could be a community
10 advocating for something. So the question then is
11 for the public organization of the police and our
12 placing of our resources, which communities are we
13 going to listen to? Who should we give priority
14 to? And so, in effect, the priorities that we
15 were giving were to the communities that
16 represented the residences, the business people
17 that were in the area who had complaints about
18 what was occurring. So obviously Strathcona we
19 used to get all kinds of complaints from the
20 community centre and the school for these women
21 who would be working on the street corners and
22 would be bringing the johns in, and these johns
23 would proposition anybody, so if you had a
24 daughter walking to school --

25 MR. MACKAY-DUNN: Right.

1 MR. GREER: -- the johns would proposition these school girls,
2 which, of course, they would say to their parents
3 what's happened, and that would demand a response
4 from us.

5 Now, in the sense of paying attention to
6 these street workers and their safety, we clearly
7 understood that one of the major problems is the
8 johns, so a lot of our enforcement became directed
9 at john enforcement. Our other enforcement
10 related to our officers creating what we called
11 Dear John letters. So people going into this area
12 would be pulled over by our officers, identified,
13 why they were there, determine if they had a
14 reasonable explanation for their presence there,
15 and then they would receive a letter from us, a
16 Dear John letter saying this is a community under
17 stress, please don't come here anymore. And then
18 two of our officers, Ramos and Payette, realized
19 that we needed to focus the information on these
20 sex trade consumers, and they on their initiative
21 and my support created the Deter, Identify Sex
22 Trade Consumer Program, and that was intended to
23 try and identify the sex trade consumers in the
24 area so that if we had complaints of assaults that
25 we would have somewhere to go to to look for this

1 information. And we paid attention to the bad
2 date sheets. I met regularly with Judy McGuire,
3 and we met with our officers and with Dave about
4 what issues were going on there, what problems
5 were existing. And then in 1997 we actually did
6 an enforcement project to try and deter these
7 people in that area because of our complaints, and
8 for the process of about eight weeks we were
9 successful. The women either stopped working on
10 the street or they went to New Westminster or they
11 went to Surrey. As soon as we stopped, they were
12 back again. And that was just the result -- when
13 I'm talking about what police resources you have,
14 we didn't have the resources to deal with that
15 further.

16 MS. BROOKS: And, Inspector Beach, I'd like to direct this
17 question to you because you said something
18 interesting to me, which was things have changed
19 post-Pickton, and, you know, what I hear from the
20 panel is that you're trying to balance these
21 competing, often competing interests in the
22 community and that that may come at the expense of
23 other -- of some groups' interests, and in this
24 case --

25 MR. BEACH: Absolutely.

1 MS. BROOKS: -- the safety of the women were plainly -- was
2 plainly compromised. I don't think we could say
3 any different given so many were actually killed.
4 What could the police do in balancing those
5 interests to accommodate the nuisance concerns of
6 the community and reduce the risk that the women
7 face to violence? That's a very important
8 question for this commission, and --

9 MR. BEACH: Right.

10 MS. BROOKS: -- what do you say about that?

11 MR. BEACH: So what I'll do, if you will allow me, I will go
12 back to Professor Lowman's comments and I'll say
13 this, and I don't dispute his expertise or his
14 education or credentials whatsoever, but he's
15 never -- to my knowledge, he's never been a cop,
16 and the problem for the police versus academics is
17 when I would pull up to a street corner, which I
18 often did as a duty officer, etcetera, Doug
19 alluded to this earlier, so it's three o'clock in
20 the morning, and I'm in an unmarked police car in
21 a white shirt, which is far too identifiable, I'm
22 not fooling anyone, and I pull around the corner,
23 and there are two women clearly working the sex
24 trade on a street corner. One of two things
25 typically happened. Either they both turned their

1 backs and walked in different directions, or they
2 would smile and nod, meaning I'm okay, you know.
3 Okay. So my point here is what the professor
4 doesn't seem to have addressed is there's an issue
5 around safety, but the women are not working in
6 the middle of the night on -- you know, in
7 darkness out of concern for safety. They're there
8 to make money. It's a business, and the police
9 are not good for business typically, so when the
10 police are there checking on their safety and
11 their well-being, etcetera, we're getting in the
12 way of business, and so the response from many sex
13 trade workers was avoid the police, not engage the
14 police. So I can appreciate where the professor
15 is coming from from that perspective, but the fact
16 is that we couldn't control where women worked. I
17 don't think the police have been any more
18 successful today than they were 10 years ago or 20
19 years ago. There's this constant pendulum that
20 swings back and forth move them off the street and
21 into, you know, rooming houses or wherever or
22 brothels or whatever, and then that doesn't seem
23 to work, and people want to license that, and bad
24 things happen there. I mean, it just -- I'm not
25 sure anybody has got their finger firmly on the

1 mercury just yet. It's really too difficult.

2 So with respect to Professor Lowman, I
3 appreciate what he's saying, but, again, I don't
4 think it's that easy, I don't think it's that
5 simple of an answer. I think it's really, really
6 difficult to try and get a hold of this idea of
7 where would it be safe for people to get into
8 vehicles with strangers in the middle of the
9 night, particularly if they're mentally ill, drug
10 addicted or both, intoxicated somehow, etcetera.
11 They have no idea if the person has a weapon or
12 what scenario they're stepping into. It's really,
13 really hard to suggest that there's going to be
14 any certainty of safety. Pretty much impossible.
15 And, again, I'm in absolutely no way trying to
16 suggest or imply that any harm should come to
17 anybody. That's not where I'm coming from at all.
18 What Pickton did is an absolute tragedy. It's
19 absolutely despicable. But what I am saying on
20 the same hand is more police on street corners
21 isn't the answer. That's not going to prevent
22 other tragedies in the future. It's -- much more
23 is required, things like --

24 THE COMMISSIONER: You say more police enforcement in the
25 Downtown Eastside would not have prevented Pickton

1 from doing what he did?

2 MR. BEACH: Well, if somebody had picked him off in a one in a
3 million, who knows. I don't -- you know, who
4 could say with any kind of certainty. What I'm
5 saying is as a public policy simply ramping up
6 more police officers isn't going to work. You
7 know, we have this dilemma right now, for example,
8 and this fits right in with this scenario, and it
9 existed before, and I'm certain it still does.
10 Public health officials, they won't deal with
11 addicted people if they're mentally ill, and the
12 mental health people won't deal with people if
13 they're drug addicted. So officers in my tenure
14 as a police officer on a daily, nightly basis
15 would take people clearly suffering from some kind
16 of mental illness to Vancouver General or St.
17 Paul's, Vancouver General more in recent years of
18 my career, and the person would never be admitted
19 because, "Well, they're drug addicts. We can't
20 deal with drug-addicted people." Well, so you
21 have these people who are incredibly vulnerable,
22 including sex trade workers, who suffer from some
23 kind of mental illness and they're drug addicted,
24 and even if they want to come off the street,
25 nobody will take them or help them on a long-term

1 basis. In my tenure as a District 2 Inspector,
2 and I can't cite the year, there were six, six
3 beds for drug-addicted juvenile females in this
4 province. Six. Well, I'm sure that Dave could
5 have walked down one block of Hastings Street and
6 found enough people to occupy those beds. So it's
7 the resourcing. It's the help that's out there in
8 the community and the other things that are
9 required to really get at some of these issues.
10 It's not simply more cops or less cops or whether
11 the cops forced somebody over into this side of
12 the street or that side of the street. Those
13 kinds of responses to me are so superficial
14 they're misleading. It requires everybody to
15 participate as partners to tackle really complex
16 problems and throw enough money at these things to
17 make a difference; otherwise, Mr. Commissioner,
18 you're going to have another panel 25 years later,
19 and they're going to be talking about the same
20 things. I'm sorry, but in my 30 years of policing
21 the Downtown Eastside was -- it was awful when I
22 started, and it was awful when I left.

23 THE COMMISSIONER: So why can't we solve the Downtown Eastside?
24 There are other cities in North America who have
25 solved Downtown Eastsides.

1 MR. BEACH: I'll give you my answer, Mr. Commissioner, for what
2 it's worth. I don't know about the other panel.
3 Not too long after I became the District 2
4 inspector the federal government, provincial
5 government, and the City of Vancouver had this
6 huge announcement about the Vancouver Agreement,
7 and they were going to commit all this money, a
8 million dollars each for three years, and it was
9 going to deal with problems in the Downtown
10 Eastside and ra, ra, ra. A few months later I
11 became pretty frustrated because I was getting
12 lots of announceables and I wasn't seeing many
13 deliverables, and I asked a couple of people, and
14 it was probably a bit impetuous and what have you,
15 but I asked them, "What's the account number? How
16 do I write a cheque to get some access for this
17 money because there's lots of stuff we could do,"
18 and I -- it was sort of this, "What are you
19 talking about?"

20 I would like -- I suppose it's a bit
21 skeptical, but people talk a lot about doing
22 things. In my tenure as a police officer there
23 was a lot more talk and there were a lot more
24 meetings than actual results. The creation of
25 beds, the creation of facilities, the reopening,

1 if you like, of mental health facilities where
2 people are going to actually get off the street
3 instead of being put in halfway houses -- I mean,
4 the nonsense of putting eight or ten people with
5 addiction and mental illness together in a house
6 so that when one brings drugs into the house they
7 can share them, I mean, stuff like that has to be
8 revisited and changed, and until we do that I
9 don't see -- I'm not very hopeful.

10 THE COMMISSIONER: So you're saying it's a silo mentality
11 wherein various areas of the community, various
12 community organizations don't get together and
13 solve the problem? Is that what you're saying?

14 MR. BEACH: Absolutely. When -- and I don't know how many
15 community groups there are down there, Dave. I
16 lost track early on. But they all apply for
17 funding separately. Right. They apply to the
18 provincial government and the federal government,
19 and they do it as individuals, essentially, and
20 they all get money from different levels of
21 government to do individual programs, etcetera.
22 And at one point I was told, and I don't know how
23 accurate this was, that the provincial and federal
24 governments were putting about a million dollars a
25 day into various grants, etcetera, in the Downtown

1 Eastside. Now, that was in my tenure, which is 10
2 years ago. Again, I don't know if that was
3 accurate or not, but I -- there was a lot of money
4 going into the Downtown Eastside, and I guess I
5 would have expected a lot more results. And when
6 I go by Main and Hastings today, it looks
7 suspiciously familiar to 20 years ago, so what
8 effect is all that money, all those grants, all
9 those people, all the halfway -- what effect is
10 all that having? I don't know.

11 THE COMMISSIONER: Constable Dickson, you've spent more time
12 down there than anyone else, and you seem to have
13 a lot of credibility amongst the people who live
14 there, work the streets, everyone from the sex
15 trade workers to drug addicts, so what's your
16 response to what Inspector Beach has said?

17 CONSTABLE DICKSON: Well, I agree a hundred per cent. I mean,
18 the difficulty is, Mr. Commissioner, some of the
19 women out there, they work for their rent, they
20 work for the drugs, whatever they work for, but
21 you have to try and imagine standing out there on
22 a freezing cold night for five hours without --
23 the term they use is braking, when a date comes by
24 and picks them up they brake. But imagine
25 standing out there for five hours and finding one

1 of your dates comes along and along around the
2 corner comes a police car and you've just missed
3 that one chance at making your rent money or
4 whatever money. So some of the women choose to
5 work in the darker areas of the city. And talking
6 about -- we met a long time ago, I think, and
7 talked about this issue, and for me it's not so
8 much about the police department as it is the
9 bigger issue. I mean, we have a society that
10 allows 12-year-old children to stand out there and
11 sell their bodies in the streets. So it's very
12 frustrating because I'm still working down there,
13 and you know what, I can see all my new clients up
14 and coming, and it's really disgusting when I
15 think about that. We have to -- I keep waiting
16 for somebody to prick me and I am going to wake up
17 and somebody actually is going to realize that 31
18 years I've been down there and it's worse than it
19 ever was before after hundreds of millions of
20 dollars has been spent. I keep waiting. I hope
21 I'm around for that day when somebody says, you
22 know, time out.

23 THE COMMISSIONER: So --

24 CONSTABLE DICKSON: Every program you've mentioned that's
25 successful, mandatory treatment, minimum of one

1 year up to four-year stay. You can't undue 14 or
2 15 years of abuse in a six-week program. I'm
3 sorry.

4 THE COMMISSIONER: Well, there are those that say the mandatory
5 treatments don't work.

6 CONSTABLE DICKSON: Garbage.

7 THE COMMISSIONER: Sorry?

8 CONSTABLE DICKSON: Absolute garbage.

9 THE COMMISSIONER: Oh. All right.

10 CONSTABLE DICKSON: It works because somebody says, well,
11 they're just going to use and it's against their
12 rights, you can't force people to clean up. You
13 can force people to clean up because if you take
14 10 people and put them in a program you are going
15 to get one or two success stories out of those 10
16 people, and you're still going to have another
17 chance at the other eight down the road. They are
18 successful, but I am not talking about a six-week
19 program. New York, Italy, Sweden, they all have a
20 one-year mandatory, you know, stay up to four
21 years. Rudy Giuliani when he was mayor of New
22 York said it the best. I remember the press
23 conference when he said, "These people deserve a
24 better life." He says, "The first part of the
25 program is we have to get them off the drugs."

1 Like the inspector or staff sergeant mentioned
2 here, anybody out there using 3 or 4 or \$500 worth
3 a day of drugs is not going to think about their
4 health or care less about their health. You have
5 to get them off that first, and that means a
6 mandatory program. Once you get them off the
7 drugs, then you sit down, somebody who cares about
8 the person sits down with them and discusses the
9 next phase, and that's job -- self-esteem, that's
10 life skills, that's a whole bunch of different
11 things.

12 THE COMMISSIONER: All right.

13 CONSTABLE DICKSON: You know, that could be up to a two- or
14 three-year program. And before somebody made the
15 comment about it's complicated. The problem is
16 complicated. The solution's not. Simple as that.

17 MS. BROOKS: And, Mr. Commissioner, I think Staff Sergeant
18 MacKay-Dunn before the break wanted to address
19 your question as well.

20 THE COMMISSIONER: Yes.

21 MR. MACKAY-DUNN: First thing, Mr. Commissioner, I'll give this
22 to counsel, I'm just referring to a Form 4 Mental
23 Health Act Medical Certificate (Involuntary
24 Admission), and it clearly states that in the
25 doctor's opinion the person has a disorder of the

1 mind that requires treatment and which seriously
2 impairs the person's ability to react
3 appropriately to his/her environment or to
4 associate with others. I would argue if you are
5 so deeply addicted that you cannot form logical
6 thought that is a mental condition that's drug
7 induced, and this has not been used and could have
8 been used. If the doctors knew how to use it
9 properly, this could have been so valuable in
10 getting those folks off the street to the first
11 step. But I have to say this. What is going on
12 right now in these various programs is detox.
13 It's not treatment. Two different things. Dave's
14 talked about it. Now, as you probably gather, I
15 feel rather passionate about this because I feel
16 this is the cause, this is the root cause that
17 we're talking about, and the solution, Dave's
18 right, is simple, but it's expensive. But I would
19 argue that if you put out three treatment centres
20 that Dave is talking about, one in Courtenay, one
21 in Prince George, one out in Chilliwack, and you
22 had a two-year program, detox, rehab, treatment,
23 and rebuilding that person and job skills, and
24 when they come out of that program after two years
25 they get a job, that business that hires them gets

1 a tax break. And if they're clean and sober after
2 five years, they don't have a drug record. You
3 have to give these people hope, because they have
4 none.

5 THE COMMISSIONER: But that's part of what the community court
6 down there is supposed to be doing, right?

7 MR. MACKAY-DUNN: But it's -- listen, it's all flash, no bang.

8 THE COMMISSIONER: Oh.

9 MR. MACKAY-DUNN: We're not getting there, and we're not
10 getting there because -- listen, it's too easy --
11 listen, I'm a councillor with the District of
12 North Vancouver. I apologize. That's what I do,
13 you know, since I left policing. It's too easy
14 politically for the politicians, and I believe you
15 had some experience in that, Mr. Commissioner, to
16 simply say give the money to, let's say the Insite
17 or some other program that looks great, look what
18 we're doing, look how much money we're putting
19 into this, but how much money is getting to the
20 street, how much money is actually achieving
21 results in terms of getting those folks off the
22 street? There's only one agency, and you can
23 correct me on this, Dave, that I think its whole
24 reason for being, and that is -- what is it -- oh,
25 I forget the name of it now -- Covenant House,

1 which is privately funded. Their mission is to
2 get the kids off the street. There are others
3 that will keep them on the street because it's
4 conditional on their funding, and that's one of
5 the problems that has to be addressed.

6 THE COMMISSIONER: All right. Okay. We'll take the break.

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

8 **(PROCEEDINGS ADJOURNED AT 3:05 P.M.)**

9 **(PROCEEDINGS RESUMED AT 3:25 P.M.)**

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

11 MS. BROOKS: So now what I'd like to do is move into the
12 missing women investigations and ask you a few
13 questions about them. So I'd like to start -- I'd
14 like to start this with Constable Dickson, your
15 investigation into what's been referred to here as
16 the initial list, and I understand that in around
17 March of 1997 you were asked to investigate a list
18 of homicide victims identified by the First
19 Nations Summit, and I'll just take you to the
20 letter that was received by Sergeant Cooper with
21 respect to this issue on February 7th, 1997, and
22 that's at tab 2 of Exhibit 114NR. It should be
23 before you. Tab 3. Pardon me.

24 CONSTABLE DICKSON: Yeah.

25 MS. BROOKS: So this is a letter to Sergeant Cooper from Karen

1 Isaac at the First Nations Summit, and she
2 attaches a list of 48, and she describes them as
3 homicide victims believed to be of a First
4 Nation/Aboriginal ancestry, and she requests
5 certain information. Is this a letter that you
6 ever saw that you recall?

7 CONSTABLE DICKSON: I did see this. I was seconded out to
8 Surrey, requested to go out to Surrey and work on
9 the list with the historical homicide squad
10 Sergeant Honeybourn was in charge of.

11 MS. BROOKS: Okay. So if you could go to tab 10, this is a
12 to-do list, and is it created by you?

13 CONSTABLE DICKSON: No, it's not.

14 MS. BROOKS: Oh. Do you know who created this list, this to-do
15 list?

16 CONSTABLE DICKSON: I don't remember who did this.

17 MS. BROOKS: Is it something you've seen before?

18 CONSTABLE DICKSON: I think I did see it.

19 MS. BROOKS: Okay. So just tell us about what you understood
20 the assignment to be and then I'd like you to tell
21 us what steps you took to complete the assignment.

22 CONSTABLE DICKSON: I was basically to look at the list and
23 each name on the list and try and discover what
24 had happened to them, you know, what
25 circumstances, how they met their death, if they

1 had met their death.

2 MS. BROOKS: So one of the issues that's been raised in this
3 proceeding is whether your assignment was to look
4 into homicide victims or missing women and/or
5 homicide victims, so did you understand it to be
6 one or the other?

7 CONSTABLE DICKSON: Yes, I did. I was to look at basically
8 everything.

9 MS. BROOKS: Okay. So some of the -- it was your understanding
10 that some of the women on the list may just be
11 missing and not actually unsolved homicides?

12 CONSTABLE DICKSON: Well, I wasn't sure at first when I looked
13 at the list what had happened to them, so that was
14 basically what I wanted to do, was look at the
15 list and come to a conclusion where I could say
16 that they, you know, had passed away or if they
17 were still missing.

18 MS. BROOKS: Did you understand that the initial request by the
19 First Nations Summit was that the list attached
20 was homicide victims?

21 CONSTABLE DICKSON: I think that was what I remember.

22 MS. BROOKS: Okay. Eventually the list moves from 48 to 55 to
23 71, and when you give your final report you're
24 reporting on 71 women. Do you have -- do you know
25 how the list grew? And if you'd like to look at

1 your findings, your summary is at tab 11.

2 CONSTABLE DICKSON: I don't remember how the list grew.

3 MS. BROOKS: Do you remember personally adding to the list?

4 CONSTABLE DICKSON: No, I don't.

5 MS. BROOKS: So in the summary that you provide you have a list
6 of the names, and you provide a description of
7 what has happened to that particular woman. So
8 tell us the steps you took to learn that.

9 CONSTABLE DICKSON: Well, looking at the list now, I recognize
10 a lot of the names I was -- you know, I was
11 working down there. Some of them were my kids
12 that I chased around. And so I knew right away
13 that Peggy Favel for one, for an example, I went
14 to her funeral. She overdosed on the Downtown
15 Eastside. So right away I recognized some of the
16 names and knew that they hadn't been murdered. So
17 the steps I took to look into it, I checked -- I
18 think the first check was with the police
19 computers, the CPIC, and that goes right across
20 Canada. That would tell me if any of them were
21 alive and well and had moved to another city and
22 ever been checked by the police. I believe I
23 requested all the coroner's documents for anybody
24 that had passed away. You know, when I received
25 that I checked that with the list, so I come up

1 with some names, and the coroner's list had just a
2 brief description, if I remember right, of the
3 circumstances, whether it was an overdose. Some
4 of them were car accidents, I think. You know,
5 some of the women had just simply moved away to
6 other parts of BC and were still alive.

7 MS. BROOKS: And if you go to tab 13, there's the report that
8 Sergeant Honeybourn provides to Karen Isaac, and
9 he gives a summary of your efforts, and that's on
10 page 2. So that gives us the total number of
11 named individuals that you were investigating, and
12 then it gives a breakdown of what has happened to
13 them. But I just wonder if you can help us
14 understand this confusion that seems to have
15 arisen between the initial list being one the
16 First Nations Summit provided of homicide victims
17 that eventually somehow grew to 71 and then became
18 a list of locating the women as well as
19 determining what had happened to the criminal
20 investigation into their deaths. And I'll tell
21 you why this matters to us, is because we
22 understand that at some point later Inspector
23 Biddlecombe and others refer to the list that was
24 initially provided by the community here as
25 unreliable because all the women ended up being

1 accounted for. So it seems to have some
2 significance later in the chronology, but are you
3 able to help us understand how it got from a list
4 of 48 potential homicide victims to a list of 71
5 women that you were investigating both their
6 deaths and whether they were still alive?

7 CONSTABLE DICKSON: I don't recall the number of 48, to be
8 honest with you. I always remembered the list
9 from the First Nations Summit, you know, as 71, I
10 thought.

11 MS. BROOKS: Okay. Well, I just showed you the letter
12 initially at tab 3. That's the initial letter
13 that's provided by the Summit --

14 CONSTABLE DICKSON: Yes.

15 MS. BROOKS: -- of 48. So it does grow, and we're just not
16 clear on how those names get added, so if you --

17 CONSTABLE DICKSON: I can't remember seeing this letter. I
18 just remember getting a list.

19 MS. BROOKS: So you recall that the list you received was of 71
20 names?

21 CONSTABLE DICKSON: I thought it was, yeah. I don't remember
22 the 48.

23 MS. BROOKS: Okay. So now I'd like to hear from each of you
24 about how you first became aware there was a
25 missing women problem, and so, Constable Dickson,

1 I'll ask you that question first.

2 CONSTABLE DICKSON: When I completed this list, and, I'm sorry,
3 I can't be really specific on how it happened, I
4 guess it got something in me, you know,
5 remembering some of the work -- the women in the
6 Downtown Eastside. I would -- I remember on
7 occasion waking up in the middle of the night and
8 thinking of a name of somebody that I used to see
9 almost on a daily basis and hadn't seen for a
10 while, so after doing this list here I guess it
11 just peaked my curiosity and I started to write
12 down names. Now, it took a matter of six months
13 or more before I actually completed a list and had
14 done all the checks where I felt comfortable going
15 forward with it and putting a report into
16 Inspector Greer or Staff Sergeant MacKay-Dunn
17 here. And these were women, once again, that I
18 used to see on a regular basis once a week, and I
19 probably hadn't thought about it before because a
20 lot of the women, they used to get arrested, they
21 used to go to Surrey, you know, they would
22 disappear occasionally for a few days at a time or
23 maybe a little longer if they're doing a week or
24 two in jail. But my concern, you know, rose when
25 I just started checking them, and some of the

1 women were on the police computer, and one or more
2 of them actually had a warrant out for their
3 arrest that hadn't been served or acted on, and by
4 that I mean, you know, some of the women might
5 evade capture for a week, you know, or a few days,
6 but not for a few months. Some of the warrants
7 were out there and hadn't been served for months.
8 That concerned me because their lifestyle, you
9 know, revolved around the Downtown Eastside and
10 they just didn't disappear for that long.
11 Everybody gets caught on the warrants. So that's
12 how I started checking, and I checked with
13 organizations where the women go for their food or
14 their weekly allowance. The final check I did
15 with most of the women was with the social service
16 agency where they picked up their welfare cheque,
17 and I recall, you know, that the first few
18 women -- you know, that the file -- the computer
19 said the file had been closed, so I had to go to
20 the actual office where they were collecting their
21 cheque because that computer, I was told, would
22 have more information on why the file was closed.
23 When I went to that office the computer entry said
24 the file was closed, cheque never picked up. That
25 was when I started to get quite concerned because

1 every woman I started to check, you know, the end
2 result was the same, the file was closed but the
3 cheque was never picked up. And at some point,
4 you know, that was when I put my list of 31
5 missing women which I considered legitimate
6 missing, I guess, for lack of a better term, in to
7 my superiors.

8 MS. BROOKS: And just so -- I think the list is 35; is that
9 right?

10 CONSTABLE DICKSON: Yeah.

11 MS. BROOKS: So -- and you know that one of the issues that
12 this commission is interested in is the
13 communication within the department and as between
14 divisions. So we know that at the time that you
15 put your list in, which is found at tab 24, and
16 it's dated August 27th, 1998, that Constable
17 Shenher has been assigned to the Missing Person
18 Unit to also look into this issue, and our
19 understanding is that assignment arose as a result
20 of Sandy Cameron flagging for Inspector
21 Biddlecombe this issue that she had also noticed
22 that there seemed to be an increased number of
23 missing women that fit this particular profile.
24 Had you had any discussions with Sandy Cameron at
25 this time about your concerns?

1 CONSTABLE DICKSON: No, not really. I used to go up there on a
2 weekly basis, and I would go through her -- her
3 juvenile file, any missing juveniles, because most
4 of my focus those days was on the kids. So on a
5 weekly basis or twice weekly I would go up there
6 and go through her file. I would update her file
7 because I had run into one of the kids that were
8 reported missing, so I'd just put a notation that
9 I had checked the juvenile, you know, or she would
10 give me any new ones. But I never had any
11 discussions with her about missing sex trade
12 workers. I don't remember anyway.

13 MS. BROOKS: Okay. So you didn't know at the time that you
14 were putting this list together that in April, I
15 think it was, of 1998 she had spoken to Inspector
16 Biddlecombe about the very concern that you had
17 identified?

18 CONSTABLE DICKSON: No, I wasn't aware of that.

19 MS. BROOKS: Okay. Staff Sergeant MacKay-Dunn, when did you
20 first become aware that there was a problem with
21 missing women?

22 MR. MACKAY-DUNN: I first became aware of the problem of the
23 missing women when Dave Dickson knocked on my
24 office door, sat down and started to explain
25 his -- share his concerns with me. And this would

1 be in August, Dave?

2 CONSTABLE DICKSON: Yes.

3 MR. MACKAY-DUNN: Around August. Anyway, my advice to David
4 was, you know, make sure you document this, you
5 know, and send a report in. I then made the call
6 to the jail, as I've mentioned earlier in my
7 evidence. Then I went up to see Detective
8 Inspector Rossmo, who I had worked with fairly
9 closely in the Vancouver Integrated Intelligence
10 Unit, and I asked him -- described the problem or
11 my concerns because I felt at that time that there
12 was something to it and I wanted him sort of, as I
13 said before, to run the numbers because of his
14 math background to see if, in fact, from a
15 statistical perspective there's something going
16 on. Eliminate the impossible, the improbable, no
17 matter how horrendous it might, could be true.
18 And he said, "Yeah, I'll have a look" -- words to
19 the effect, "I'll have a look at that." And then
20 subsequent to that then Gary and -- Gary and I
21 spoke with Rossmo, at which time we discussed this
22 whole geographic profiling and which Rossmo
23 mentioned, he said, "Well, you know, I can't
24 really apply geographic profiling because we don't
25 have any body sites, but I can look at it from --

1 as a researcher." But one thing that Kim did say
2 to me when I was speaking with him, and I did have
3 a number of conversations with him on this issue,
4 informal conversations, he cited the example of
5 the Green River Task Force and the problems they
6 ran into in terms of that investigation, and he
7 said, you know, it's important to find the
8 predator before the first body is found because
9 then they go underground. I mean, we did not have
10 any inkling of what finally transpired in terms of
11 what Pickton was doing with the bodies, which
12 is -- it's just -- I'm so, so sorry, so sorry that
13 we just didn't get the job done as quickly as
14 everybody here would like to see it have been
15 done. And then for the rest essentially go over
16 to Inspector Greer.

17 MS. BROOKS: Yeah. And, Deputy Chief Greer, when did you
18 become engaged in the issue?

19 MR. GREER: I became engaged, Mr. Commissioner, when Staff
20 Sergeant MacKay-Dunn and Dave Dickson came to me
21 with the concerns and with this list of missing
22 women and the issue they felt that there was not
23 being enough done to investigate what's happened
24 to them and that something more should be
25 occurring. So as a result of that and Staff

1 Sergeant MacKay-Dunn having talked to Kim Rossmo,
2 we had a meeting to talk about what this list was
3 actually telling us, and at that point we had a
4 meeting and decided that we would form basically a
5 working group within District 2.

6 MS. BROOKS: Can I just ask -- sorry to interrupt. I just want
7 to make sure that I understand the chronology of
8 events. So we know that there were two meetings
9 that we've been referencing with respect to the
10 working group, and one was September 4, and the
11 other was on September 22nd. Are you referring to
12 the first?

13 MR. GREER: I was referring to the first one.

14 MS. BROOKS: Okay.

15 MR. GREER: And, again, it's unfortunate that the e-mails that
16 existed at that time are not recoverable because
17 in my recollection there was probably a number of
18 e-mails going back and forth prior to that meeting
19 as to what we were going to do. I believe
20 Detective Inspector Rossmo put together his ideas
21 of what would be a reasonable course of action.

22 MS. BROOKS: So just before -- I just want to make sure we go
23 through this in a sort of chronological form, so
24 sorry to interrupt. Can you turn to tab 25? And
25 this is a memo that you're copied on, Deputy

1 Chief, and it's from the Deputy Chief at that
2 time, McGuinness, of Investigations and Deputy
3 Chief Blythe, and it attaches a memo that
4 Detective Constable Shenher wrote to Acting
5 Inspector Dureau on August 27th, and in it
6 Constable -- or, sorry, Deputy Chief McGuinness
7 states that Detective Constable Shenher would be
8 an excellent resource to this task force that
9 you're referring to. So at this time do you
10 recall receiving this memo?

11 MR. GREER: Yes, I do. And, again, in terms of the timing of
12 meetings and what you would characterize as a
13 formal meeting or just a working meeting to try
14 and get things together, I believe that the report
15 that came from Deputy Chief McGuinness would have
16 been initiated from correspondence from Detective
17 Inspector Rossmo about what we were doing. We
18 were in no way a task force.

19 MS. BROOKS: Okay.

20 MR. GREER: In no way a task force.

21 MS. BROOKS: And we understand. We've all been referring to it
22 as a working group.

23 MR. GREER: So the intent was to do a working group, and so we
24 had our meeting as to how we were going to do
25 that.

1 MS. BROOKS: And at this time this memo reflects that you had
2 the support of both deputies of the division, of
3 the Investigative Division and the Operations
4 Division?

5 MR. GREER: Yeah. I had spoken to my deputy chief, Terry
6 Blythe, saying, you know, this is what we thought
7 was a reasonable activity, and I'm assuming that
8 Detective Inspector Rossmo was the one who
9 informed his direct in command, which was Brian
10 McGuinness, about what our plans were.

11 MS. BROOKS: And so you have this meeting when you decide that
12 you are going to form a working group, and the
13 working group is going to be inter-jurisdictional
14 and multi-disciplinary?

15 MR. GREER: Well, the intent was -- I thought Kim's plan was a
16 reasonable one, is that we would have
17 representatives from the Investigation Division,
18 from other jurisdictions, and our resources within
19 the community to examine, in effect, as I've said
20 before, the -- verify exactly what this list
21 meant, were they just missing, had they gone to
22 another -- had they gone to a home community, had
23 they left, had they been the subject of foul play,
24 just what it was that was going on that would
25 result then in the ability of the department to

1 assign greater resources.

2 MS. BROOKS: And just to speak to that point, if you turn to
3 tab 26 there's a memo from Detective Inspector
4 Rossmo to you. It's dated September 4th, 1998,
5 and he attaches his strategic blueprint and his
6 press release and is seeking feedback on it. And
7 so if you turn the page, you'll see that he's
8 articulated the objective as being to determine if
9 a serial killer is preying upon females in
10 Vancouver's Downtown Eastside and, if so, what
11 murders and disappearances are linked together.
12 So that was what you recall about the objective of
13 the working group?

14 MR. GREER: Yes.

15 MS. BROOKS: Okay. So at this point were all of the members
16 that had attended at that initial meeting to talk
17 about the working group on side with this
18 strategic plan and the press release? I know we
19 come to another meeting later, but --

20 MR. GREER: I believe that -- and again, Mr. Commissioner, I'm
21 sorry, I'm not sure exactly who was at the
22 September 4th meeting beyond myself, Staff
23 Sergeant MacKay-Dunn, and Detective Inspector Kim
24 Rossmo. I don't believe it was a larger meeting
25 other than our first initial group as to what we

1 were going to do.

2 MS. BROOKS: Constable Dickson, do you recall being at that
3 meeting?

4 CONSTABLE DICKSON: I don't think I was.

5 MS. BROOKS: Okay.

6 CONSTABLE DICKSON: I don't recall any -- if that's what
7 they're calling the working group, I wasn't part
8 of the working group. I went to the two meetings
9 where everybody was there, Inspector Biddlecombe,
10 but I don't think that's what they're referring to
11 as the working group. Is that right?

12 MR. GREER: Well, yeah, the first meeting, the September 4th
13 meeting --

14 MS. BROOKS: You were just developing the plan at this stage?

15 MR. GREER: I believe that's where we first talked about
16 obviously what Detective Inspector Rossmo had
17 developed prior to that, which is referenced why
18 he would have a note from Deputy Chief McGuinness
19 supporting what we were planning to do.

20 MS. BROOKS: Yes.

21 MR. MACKAY-DUNN: Just if I might, Mr. Commissioner, just to
22 help with that, when I met with Kim Rossmo I said,
23 you know, "You are going to have to get," I said,
24 "B. Mac on side." That's Deputy Chief McGuinness.
25 And he said, "Don't worry about it. I'll deal

1 with it." So I guess that's what Gary is saying,
2 and that's exactly what happened in terms of that
3 memo.

4 MS. BROOKS: Yeah, it looks like from the documents that the
5 deputy chiefs write September 1st that they're on
6 side, and then you have a September 4th meeting,
7 it's decided to develop a strategic plan, Rossmo
8 provides that in that memo attached dated
9 September 4th, and then, as I understand it,
10 Inspector Biddlecombe, who's away, returns, and
11 then we get his September 14th memo to you that's
12 found at tab 27. Deputy Chief Greer, if you could
13 just turn to that memo. And here he's expressing
14 his concerns about the press release, which he
15 states is inaccurate, and he also states in this
16 memo that he spoke with you about it, and this
17 memo reflects some of his concerns. So tell us
18 what you -- what happened when he returned and
19 what you understood his concerns to be.

20 MR. GREER: I guess my -- in this report where he points out
21 that it would have been nice for us to have talked
22 to him and Staff Sergeant Dureau before we took
23 off in this direction, I cannot remember why we
24 would not have spoken to him before in the
25 formation of this other than he would have been

1 away, and as far as I was concerned, when we had
2 our discussions this seemed to me to be a fairly
3 straightforward process. If you look at the
4 blueprint that is listed there, the blueprint is
5 actually what was done.

6 MS. BROOKS: What do you mean? What was being done by --

7 MR. GREER: What was being done. It was being done by Lori
8 Shenher, and it was subsequently enhanced and
9 carried on as they added more resources in 1999.
10 So I was kind of surprised at what to me was kind
11 of an innocuous suggestion of what we should do.
12 However, I was unaware of all of the issues that
13 Inspector Biddlecombe was of the history of the
14 issues around reports of missing women, of
15 unsolved homicides and the issues that that
16 brought to the Major Crime Section in terms of us
17 doing something prematurely, which would impact
18 his resources, and it would impact what he was
19 able to do. So that appeared to be what his
20 concern was, is that he had not been consulted, he
21 felt that the direction we were taking in terms of
22 a press release was premature, that it would
23 create work that he didn't think he had resources
24 to do, and it was premature to do that, and then
25 he had a variety of reasons from the fact that

1 there had been the 71 person named list that had
2 resulted in everybody being located to a belief
3 that many of these women could have been -- could
4 have relocated themselves back to home
5 communities, to whatever, that as far as he was
6 concerned not near enough work had been done to
7 verify what that list actually meant. And it's
8 unfortunate in my interview with Deputy Chief
9 Evans that she quotes me and then disagrees with
10 what I said, but all I was saying was what Fred
11 Biddlecombe said to me. That was not what I was
12 saying. So I'm --

13 MS. BROOKS: I'd like to take you to that at some point because
14 I would like to give you a full opportunity to
15 respond to that.

16 MR. GREER: Okay.

17 MS. BROOKS: But just sort of as we make our way here through
18 the chronology of events, you mentioned that there
19 was a media release on September 18th. I'd like
20 to show that to you. That's at tab 98. Or
21 newspaper article, sorry, from *The Vancouver Sun*.
22 And this is quoting from you. And so we're at
23 September 18th now, which is four days after the
24 memo that Inspector Biddlecombe writes to you
25 where he expresses his concerns. It's the last

1 tab in the brief, the first article there. And so
2 this says, this article quotes from you:

3 Inspector Gary Greer, officer in charge of
4 that district, said the team,

5 referring to the working group,

6 was created to address rumours and concerns
7 in the community.

8 "They're concerned about what they believe is
9 a great number of missing women who may have
10 been murdered," he said,

11 meaning you.

12 "So our step is to put together what we would
13 consider a real list."

14 Greer is calling the team a "working group"
15 because it is simply trying to get a handle
16 on the numbers, he said.

17 "We're in no way saying there is a serial
18 murderer out there. We're in no way saying
19 that all these people missing are dead.

20 We're not saying any of that.

21 "We are merely, from a community-based
22 policing perspective, trying to respond to a
23 community's concerns with some facts."

24 And is that accurately quoting what you --

25 MR. GREER: That's accurately what I was saying.

1 MS. BROOKS: Okay. And the piece also quotes Inspector
2 Biddlecombe, and that's on the second column, and
3 he's saying this:

4 Biddlecombe said there are a number of
5 possible reasons for the unsolved cases.

6 "They could have wanted to change their names
7 for any number of reasons," he said. "They
8 could have gone to another town with a new
9 identity. They could have gone to the
10 States. They could have married and they
11 don't want anyone to know what's going on."

12 And then he talks about some -- and then he says
13 there are some --

14 "There are strong suspicions in some [cases]
15 of suicide, because you find a piece of
16 clothing and a wallet on a bridge,"
17 Biddlecombe said. "Your suspicion is
18 obviously that it may be a suicide, but you
19 don't have a body. So it still is an open
20 missing-persons file."

21 So did you understand that that was his view about
22 what could explain the disappearances of the
23 women?

24 MR. GREER: Yes. He didn't feel that there was enough work
25 done to properly determine who these people were

1 on this list and what they were actually --
2 whether they were actually missing, whether they
3 were actually subject to foul play or that they
4 had voluntarily decided to go somewhere else, and
5 so he was not prepared to commit resources to that
6 until we had verified more information on that
7 list.

8 MS. BROOKS: And wasn't that the purpose of the working group?

9 MR. GREER: That was the purpose of the working group, yes.

10 MS. BROOKS: So, Staff Sergeant MacKay-Dunn, what happened at
11 the second meeting of September 22nd, 1998, when
12 Inspector Biddlecombe joins the group and you're
13 all there to talk about the plan?

14 MR. MACKAY-DUNN: So I was -- actually, I wasn't at the
15 meeting. I was in my office, which is next door
16 to Gary Greer's office, and I was busy, because we
17 had a district to run, and I heard a rather loud
18 noise coming from the office. I came out of my
19 office to see Gary standing there, and his face
20 was as white -- as white as snow, and Inspector
21 Biddlecombe, visibly upset concerning it, and I
22 believe he said something along the line, "Don't
23 tell me how to run my section," or something like
24 that. And there was a number of police officers
25 that were in the area, and we all stood around

1 absolutely shocked. We couldn't believe it.

2 MS. BROOKS: What were you surprised about?

3 MR. MACKAY-DUNN: Well, I -- it's not common to see two
4 officers in a discussion like that in front of the
5 "junior ranks" where one officer obviously is
6 extremely upset to the point where he's lost his
7 temper. I don't -- that's not a common occurrence
8 in policing. So that's what -- that's what I --
9 at least that's what I heard. Now, I wasn't in
10 the room at the time, so --

11 MS. BROOKS: So that's what you observed in the aftermath. So,
12 Deputy Chief Greer, tell us what happened at the
13 meeting.

14 MR. GREER: Yes, Mr. Commissioner. I know it has been
15 described by a number of witnesses. It was
16 intended to be a working meeting where we had
17 invited some RCMP officers who had custody of
18 investigations in Agassiz of some found sex trade
19 workers who had been murdered. We had invited the
20 people from the different groups that we thought
21 would make for this working group. And at this
22 point I guess I became surprised at Inspector
23 Biddlecombe's concerns about how far we were
24 taking this working group that was basically
25 impinging on what he considered his -- his

1 responsibility and what he had accountability for,
2 which was missing persons and homicides, and that
3 he had -- probably where the biggest issue between
4 him and I developed was that he made accusations
5 about one of my staff members who he believed was
6 improperly leaking information to the media, and
7 so I was concerned about that and I kind of called
8 him on that and said, you know, "That's not my
9 understanding. I don't believe that's happened."
10 Well, he persisted and basically said because of
11 his concerns for the integrity of his
12 investigations he would not share information from
13 missing persons or unsolved homicides without the
14 presence of Sergeant Field and even then to a very
15 limited extent. And so based on that the meeting
16 sort of broke up. The RCMP kind of ran away
17 because, as you say, you don't often see officers
18 have such open conflict.

19 Subsequently in talking with him and in
20 talking to my deputy chief it was determined in my
21 mind Inspector Biddlecombe had come to his reasons
22 for his belief based on his experience and his
23 knowledge that we should have this missing persons
24 investigation reside in Major Crime and that he
25 felt that they were doing the right job and that

1 they were going to proceed doing the steps that
2 were outlined in that blueprint and that they were
3 involved in doing that. So faced with the fact
4 that the major component of our working group,
5 which would be missing persons and homicide, I
6 spoke with my deputy chief and said there's no
7 point proceeding with the District 2 Missing
8 Persons Working Group, Missing Women's Working
9 Group any further and that we would do all we
10 could to support Major Crime then in any way we
11 could, and that's where we then had to rely on
12 Major Crime and Missing Persons for the
13 continuation of that investigation.

14 MS. BROOKS: Okay. So I have a few questions arising from
15 that. You've said that, and this isn't exactly
16 what words you used, but that Inspector
17 Biddlecombe felt like this working group was
18 encroaching on his territory, effectively. Is it
19 unusual to have these inter-division working
20 groups? Would that have been something that was
21 unique at the time?

22 MR. GREER: I don't necessarily think it was unique, but I
23 don't remember one such as that being established.
24 I mean, we had task forces when we worked on a
25 specific crime where each division or section

1 would contribute people, but this -- as I said,
2 this working group was an ad hoc working group.
3 We didn't -- we weren't formal. Usually when you
4 have a task force or something created it becomes
5 a formal event because it gets assigned a budget,
6 it gets assigned reporting, who reports to who and
7 where the reports go.

8 MS. BROOKS: And what significance do you place on that? I
9 just heard you say that -- a couple times that was
10 an ad hoc working group.

11 MR. GREER: Well, it was a creation of ours in District 2 in
12 response to the concerns that Dave Dickson brought
13 to us, and it was, to me, it was obvious that
14 there would be an issue in the community about
15 trying to determine what had happened to these
16 missing women and try to do it expeditiously so
17 that we could assign the necessary resources if we
18 could actually prove that something was happening.

19 MR. MACKAY-DUNN: Can I just --

20 MS. BROOKS: Yes.

21 MR. MACKAY-DUNN: Just to help Gary out here, the reason that
22 we did the ad hoc working group, which is
23 basically pulling resources then under Gary's
24 authority as the Inspector IC District 2, is
25 because we didn't want -- because it would have

1 taken too much time to put a formal group
2 together. So we've already described the silos,
3 your words, going up the chain of command, getting
4 two deputies to agree, assigning of resources and
5 all the rest. By that time we would have missed
6 the opportunity. We thought if we could bring
7 things together with the right resources maybe we
8 could get some traction in terms of resolving the
9 problem or determining what the problem was.
10 That's the reason we went ahead with the working
11 group per se, which is -- it's not -- it's not
12 common, but it's certainly not unusual because
13 there have been cross-functioning or -- cross-
14 functioning working groups within the department
15 depending on the project or the objective to be
16 achieved. So that has happened in the past. It
17 was a vehicle that Gary came up with so we could
18 get on with -- try to get on with the job. That
19 was the idea.

20 Now, in terms of Mr. Biddlecombe's concern, I
21 want the commission to understand this. Kim
22 Rossmo, as I mentioned when I went through the
23 work chart, was in the Investigation Division, an
24 inspector. Detective Inspector. Brian
25 McGuinness, his boss, is in charge of the

1 Investigation Division. Both these parties were
2 spoken to, consulted, and, in fact, we got a
3 letter of permission, if you will, from the deputy
4 chief. It's unfortunate, perhaps, that the --
5 Inspector Biddlecombe should have checked with the
6 deputy chief and called him to task rather than
7 calling -- taking Gary to task on that meeting in
8 question.

9 MS. BROOKS: Yes. Just to help us -- I mean, help us
10 understand what the downside would have been to
11 pursue this working group where you have Patrol
12 and Investigations working together like this, if
13 you can, from Inspector Biddlecombe's perspective.
14 What would the downside have been in having this
15 group formed?

16 MR. GREER: In my opinion there wouldn't have been a downside,
17 but it was a decision from Inspector Biddlecombe I
18 think partly in his belief that he could not trust
19 people from Operations to maintain the
20 confidentiality of any investigation and that it
21 would be leaked to the media. That was obviously
22 one of his concerns and one of the things we
23 disagreed about. And so I guess in his -- and I
24 hate to put words in his mouth, is that he was
25 waiting for more information to be proven before

1 he was looking to add any more resources.

2 MR. MACKAY-DUNN: Could I just --

3 MS. BROOKS: Yes.

4 MR. MACKAY-DUNN: I think your question was why didn't we just
5 continue with the working group absent --

6 MS. BROOKS: That was my next question.

7 MR. MACKAY-DUNN: -- absent Biddlecombe. Okay. Well, it's
8 sort of like in order to move forward we have to
9 have all the information, so you can't have
10 parallel investigations going on where the right
11 hand is not speaking -- doesn't know what the left
12 hand is doing. That's unproductive and, quite
13 frankly, can be dangerous. I mean, just look at
14 our brothers and sisters in the American police
15 agencies where you have four agencies showing up
16 to the same house at the same time with guns. So
17 we have to be very careful how we do this, and if
18 the -- if the investigations -- Investigation
19 Section of record that is accountable and
20 responsible for this particular investigation
21 doesn't want to play ball, it's really of limited
22 value. But having said that, even though we
23 didn't have the working group in place, we were
24 still working the file, talking to people on the
25 street, talking to Deb Mearns, John Turvey, Gary

1 was on the phone, Dave was on the street trying to
2 do what he's doing, he's down at Missing Persons
3 checking with them, all very informally, to see
4 what we could come up with.

5 MS. BROOKS: Okay. Well, we'll tomorrow go through some of the
6 ways that Patrol contributed to the missing women
7 investigation, but do you have anything more to
8 add, Deputy Chief, about why the working group
9 could not have persisted without the support of
10 Major Crime?

11 MR. GREER: Well, in the one sense, if you look at major case
12 management and if you were starting to suggest
13 that this missing persons list was something
14 suggesting major case management, it requires one
15 commander, one group that looks after it and one
16 group that looks after media so you don't have
17 media leaks and so you don't have people working
18 at cross-purposes. I mean, the worst thing you
19 can do is have two investigators out there
20 stepping on each other's toes, one going after an
21 informant for one reason and somebody else doing
22 something else. I mean, it would create chaos.
23 So I can't see us keeping up an investigation, but
24 certainly we carried on what we did every day in
25 that division or in my district, which was to

1 communicate with the communities. We spoke
2 constantly with DEYAS, with Judy McGuire. I had
3 to meet once a month with the Downtown Eastside
4 Liaison Office to inform them of what we were
5 doing with the missing persons. Now, at that
6 point, once Major Crime said that they were taking
7 it, then we relied on the reports from Major
8 Crime, which I got in two ways. One were written
9 reports. The other was every Wednesday the
10 executive met with the managers of the
11 departments, and that offered a round table
12 opportunity for each of the managers to talk about
13 what was happening in their section, what was
14 going on, and those were the opportunities for me
15 to speak to Major Crime, to ask what was happening
16 with the missing persons investigation, where we
17 were with the list, because I had to frequently
18 explain to community people what was happening.
19 That's how we carried on. And then, as I said,
20 Dave Dickson maintained his work and our other
21 officers maintained their work in the other -- in
22 the other offices.

23 THE COMMISSIONER: We'll stop there.

24 THE REGISTRAR: The hearing is now adjourned for the day and
25 will resume at 9:30 tomorrow morning.

1 (PROCEEDINGS ADJOURNED AT 4:03 P.M.)

2
3 I hereby certify the foregoing to
4 be a true and accurate transcript
5 of the proceedings transcribed to
6 the best of my skill and ability.

7
8 Leanna Smith

9 Official Reporter

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