

March 6, 2012

Vancouver, BC

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

THE REGISTRAR: Order. The hearing is now resumed.

MS. GERVAIS: Good morning, Mr. Commissioner. Robyn Gervais,  
counsel for aboriginal interests.

THE COMMISSIONER: Thank you. I'm sorry I couldn't accommodate  
you yesterday, but we'd already had a long delay  
in the morning and I wanted to get on with the  
witnesses who had been waiting around all morning.  
I'll hear you now.

MS. GERVAIS: Okay. I'll proceed with my statement then.  
Thank you for allowing me the opportunity to make  
a statement.

THE COMMISSIONER: Thank you.

MS. GERVAIS: In light of recent events affecting my role as  
independent counsel for aboriginal interests, I  
find it necessary to make this statement on the  
record. In my opening statement I highlighted a  
number of ways that I'd hoped my involvement as  
independent counsel for aboriginal interests could  
assist you in making useful recommendations. I  
recognized the challenges that the commission  
faced when the aboriginal community refused to  
participate, but I accepted my appointment as

1 independent counsel in the hope that I would be  
2 able to work with the aboriginal community to  
3 adequately represent their interests and, in  
4 particular, the interests of aboriginal women.

5 My opening statement focused on the life of  
6 Georgina Papin and aboriginal women to illustrate  
7 how important it is that the evidence reflects  
8 underlying issues such as systemic racism, the  
9 affects of past discriminatory policies and the  
10 current systems that place aboriginal women in a  
11 vulnerable position.

12 This inquiry is fundamentally about missing  
13 and murdered women. As the evidence has  
14 consistently disclosed, a disproportionate number  
15 of these women were aboriginal. As you may know,  
16 Dr. Bruce Miller authored an excellent report that  
17 assessed the issue of systemic bias within the  
18 missing women investigation. Soon after my  
19 appointment, I learned that his report would not  
20 be put into evidence and he would not be called as  
21 a witness.

22 THE COMMISSIONER: Who wouldn't be called?

23 MS. GERVAIS: Dr. Bruce Miller. My understanding was that he  
24 was on the initial witness list.

25 Shortly after that, I immediately began

1           contacting experts from universities across Canada  
2           in hopes that I could find an expert to author a  
3           similar report. I contacted six experts, and  
4           during the first two months of my appointment, and  
5           they all refused to participate and citing the  
6           lack of aboriginal support for the inquiry is the  
7           reason for their refusal.

8           The hearings began with evidence of Dr. John  
9           Lowman, who focused on the lives of the missing  
10          and murdered women. Mr. Baynham's  
11          cross-examination of Dr. Lowman highlighted the  
12          fact that aboriginal women are almost exclusively  
13          involved in low-track survival sex work, which  
14          makes them especially vulnerable to violence.

15          When Dr. Lowman was asked about solutions, he  
16          testified: "We have to find solutions to poverty,  
17          we have to find solutions to addiction and we have  
18          to find solutions to the effects of 200 years of  
19          colonization on west coast aboriginal peoples." I  
20          was encouraged by Dr. Lowman's focus on aboriginal  
21          women and my sense was that the commission was on  
22          the right track, but then Deputy Chief Constable  
23          LePard took the stand for 12 days, followed by  
24          RCMP Inspector Williams for three days, and Deputy  
25          Chief Evans for five days, and I began to question

1           how I could focus the evidence back on aboriginal  
2           women.

3           As we continue to hear from the Vancouver  
4           Police Department and RCMP witnesses, some of whom  
5           accepted no responsibility for the inadequate  
6           investigation of missing aboriginal women, it  
7           became clear that you were hearing a one-sided  
8           story through a police filter. While I recognize  
9           that it is necessary to hear from the police, I  
10          became increasingly concerned that you would not  
11          hear from aboriginal witnesses. Then suddenly it  
12          appeared that every senior criminal lawyer in B.C.  
13          was involved in the hearing and the focus became  
14          on which lawyer was representing which officer and  
15          how much the lawyers were being paid. While I am  
16          not critical of my colleagues, but at this point  
17          we've heard 39 days of police evidence and minimal  
18          evidence from the aboriginal community.

19          When I looked around the hearing room and saw  
20          24 publicly funded lawyers hired to protect  
21          individual police officers and the police  
22          generally, I hope you can understand why I began  
23          to question that even with the support of Mr.  
24          Baynham and the resources of Harper Grey I could  
25          adequately represent aboriginal women.

1           You may recall the concerns expressed by  
2           Grand Chief Ed John in his opening statement on  
3           behalf of the First Nations Summit. He said:  
4           "Any report and recommendations of the commission  
5           will be received and considered with a large  
6           degree of skepticism, perhaps, as some have  
7           stated, protecting and advancing the interests of  
8           only those who are able to afford legal counsel."

9           On February 14th, 2012 I attended a vigil at  
10          Crab Park for the missing and murdered women prior  
11          to the Women's Memorial March. At the vigil Grand  
12          Chief Stewart Phillip of the Union of British  
13          Columbia Indian Chiefs spoke about the inquiry and  
14          the lack of credibility it has in the aboriginal  
15          community. With the comments of Grand Chief Ed  
16          John and Grand Chief Stewart Phillip ringing in my  
17          ear as the parade of police witnesses continue to  
18          make their way to the stand with no apparent time  
19          limit on their cross-examination, I still question  
20          my role.

21          On February 21st, 2012 you issued process  
22          management directive number 3. Like everyone  
23          else, I was caught off guard by your announcement,  
24          but on reflection, I saw the panel format as an  
25          opportunity to present aboriginal witnesses to you

1 in a meaningful way.

2 I was also encouraged by your stated plan to  
3 reach out to First Nations community members and  
4 leaders and by the fact that your directive  
5 specifically called for an aboriginal interest  
6 panel. I regarded the panels as an opportunity to  
7 focus the hearing back on Dr. Lowman's call for  
8 solutions to the effects of 200 years of  
9 colonization on west coast aboriginal peoples. I  
10 welcomed the opportunity to put together an  
11 aboriginal interest panel and when word of the  
12 directive spread through the aboriginal community,  
13 new aboriginal witnesses began to contact me.

14 I had previously interviewed aboriginal  
15 witnesses from the Vancouver Police Native Liaison  
16 Society, who provided me with information about  
17 the difficulty they had reporting missing  
18 aboriginal women and the extensive involvement  
19 they had with family members. I had used this in  
20 my cross-examination of Constable Shenher and  
21 Chief Constable Blythe, but I was eager for you to  
22 hear directly from the witnesses.

23 In the course of meeting with these  
24 witnesses, I was also able to locate the missing  
25 Native Liaison Society documents, which I was

1 looking forward to finally reviewing.

2 I then submitted a proposal to commission  
3 counsel requesting four days of hearings to be set  
4 aside for two aboriginal interest panels. The  
5 purpose of the first panel was to provide you with  
6 evidence about the Native Liaison Society and  
7 their dysfunctional relationship with the  
8 Vancouver Police Department. I proposed four of  
9 the witnesses for this first panel: One, Freda  
10 Ens, director of the Native Liaison Society; two,  
11 Morris Bates, Victim Services worker for the  
12 Native Liaison Society; three, an aboriginal woman  
13 who lived in the Downtown Eastside and shared the  
14 lifestyle of many of the missing and murdered  
15 women during the terms of reference; and, four, a  
16 Vancouver Police Department Native Liaison  
17 officer.

18 The purpose of the second panel was to invite  
19 aboriginal people working and living in the  
20 Downtown Eastside to inform you about the present  
21 relationship between the police and aboriginal  
22 people in that neighbourhood, the current supports  
23 in place for aboriginal people in the Downtown  
24 Eastside and the overall conditions for aboriginal  
25 people residing there. I proposed that the second

1 panel consist of three people working in the  
2 Downtown Eastside: One, an aboriginal service  
3 provider who had contacted me; two, a current  
4 Vancouver Police Department officer and, three, an  
5 aboriginal sex trade worker.

6 In light of Mr. Vertlieb's comments to the  
7 press following the issuance of your directive,  
8 that panels will be a forum for generating ideas  
9 on how to protect women and save lives, I expected  
10 my proposals would be welcomed and it never  
11 occurred to me that there would be any resistance  
12 to my request. Considering that now there have  
13 been 53 days of hearings, 39 days of police  
14 testimony and with minimal evidence from the  
15 aboriginal community, I trust you can understand  
16 my reaction when I was told without any  
17 explanation that I would be allotted one day for  
18 the Native Liaison Society panel, four witnesses.  
19 And the second panel was dismissed entirely.

20 I carefully considered going back to  
21 commission counsel and asking them to revisit  
22 their decision. I also considered making a formal  
23 application to you.

24 THE COMMISSIONER: Do you want a few minutes to compose  
25 yourself?



1 MS. GERVAIS: No. Given that these hearings are largely about  
2 missing and murdered aboriginal women, I didn't  
3 think that I should have to fight to have their  
4 voices heard. I think that I should have been  
5 provided those four days without any question.

6 I was also saddened by the realization that  
7 since you issued your directive, there has been  
8 only cursory contact with the First Nations Summit  
9 with respect to the hearing portion of this  
10 commission and to my knowledge there has been no  
11 contact with other aboriginal organizations, and  
12 it would appear that nothing has changed. This  
13 week again you were scheduled to hear about the  
14 evidence about the missing women investigation  
15 from the police, and by the end of the week you  
16 will have heard 42 days of police evidence and  
17 very little evidence from the aboriginal  
18 community.

19 According to the schedule provided to me, you  
20 would not have heard from the first Aboriginal  
21 Native Liaison Society worker who was involved  
22 directly in the missing women investigation until  
23 April 2nd, which is three weeks before the close  
24 of these hearings, and only one day was allocated  
25 for their testimony.

1           The delay in calling aboriginal witnesses,  
2           the failure to provide adequate hearing time, the  
3           ongoing lack of support from the aboriginal  
4           community and the disproportionate focus on police  
5           evidence have led me to conclude that aboriginal  
6           interests have not and will not be adequately  
7           represented in these proceedings.

8           Regrettably, I find myself in a position  
9           where I feel compelled to withdraw as independent  
10          counsel for aboriginal interests. In doing so, I  
11          would like to acknowledge the courage of the  
12          aboriginal witnesses who shared their stories with  
13          me and who are prepared to share their stories  
14          with the commission.

15          As I leave this inquiry, I regret that I  
16          cannot find a way to bring the voices of the  
17          missing and murdered aboriginal women into the  
18          room. Thank you.

19   THE COMMISSIONER: All right. Thank you. Thank you, Miss  
20                    Gervais.

21          Well, I must say that I'm disappointed in  
22          your -- in your decision. I wanted you to stay to  
23          address aboriginal interests. I'd be remiss if I  
24          did not comment on the statement that you issued  
25          yesterday that to date no aboriginal witnesses

1 have been called. Grand Chief Ed John opened  
 2 here. Ernie Crey, a well known aboriginal leader,  
 3 testified for over a day. His sister Lorraine  
 4 Crey testified. Jamie Lee Hamilton, a Metis  
 5 person, testified. And there are a number of  
 6 aboriginal women who came and testified and I'm  
 7 disappointed that in your statement that you  
 8 released to the media, you said no aboriginal  
 9 people were called and I just -- I'm going to ask  
 10 for a response from commission counsel in a minute  
 11 here, but I have to say that I'm disappointed that  
 12 you wouldn't acknowledge those people as people  
 13 who represent aboriginal interests.

14 The -- your comments about the number of  
 15 police lawyers that were here, I share your  
 16 concerns as well. However, you're a lawyer and  
 17 you understand that after hearing much criticism  
 18 about the police -- and we've heard a lot of  
 19 criticism about the police and the errors that  
 20 they made -- in the interests of fairness, we have  
 21 to hear from the police to get their side of it,  
 22 to get their explanations. We cannot have an  
 23 inquiry and shut out the police. I know that's  
 24 been suggested to me, but if we're going to have  
 25 an inquiry and if we're going to move forward to

1 correct the mistakes that were made, if there were  
2 mistakes that were made, we have to have their  
3 side of it and we have to get -- we have to have  
4 in the future a relationship between the police, a  
5 good relationship, a workable relationship, a  
6 positive relationship between the police and the  
7 community, and the only way to do that is to get  
8 the police in the room.

9 You're right. There are a number of police  
10 who have testified here who said they would do  
11 things the same way as they've always done things.  
12 I have to consider that evidence, those  
13 explanations. There are other police who have  
14 come here and said they acknowledge that -- that  
15 they had a lot of misgivings about the  
16 investigations. In any event, those are all  
17 matters for argument as to what -- what we have to  
18 accept at the end of the day. But the criticism  
19 about too many police and lawyers is something  
20 that has been made and, as I said before, that I  
21 would prefer if we had fewer lawyers in the room.  
22 You could get things done quicker. However, we  
23 have a process to follow and that is that if there  
24 are criticisms of any particular group, that group  
25 needs to have an opportunity to reply to it. And

1           whether you agree to their reply is something  
2           else. I have to decide at the end of the day  
3           whether or not their explanations are valid or  
4           not, but you would be free to argue that. I want  
5           to say I want to call on commission counsel here.

6 MS. GERVAIS: Can I respond to a couple things?

7 THE COMMISSIONER: Just a minute. I have looked to you for  
8           providing aboriginal witnesses here.

9 MS. GERVAIS: And I was trying to do that.

10 THE COMMISSIONER: And you and I met about a month ago and you  
11           got some career advice from me and I said to you  
12           at that time -- I encouraged you. I thanked you  
13           for taking part in the inquiry and I told you how  
14           important your job was, and I said that if you  
15           have any duty -- any concerns, any problems to  
16           please address them to me, and yesterday was the  
17           first time I heard that you were going to  
18           withdraw. And I -- I must say, with respect, that  
19           I'm really disappointed in that you wouldn't come  
20           to me in an open forum and raise these concerns,  
21           because I can tell you that we would accommodate  
22           you. We would accommodate aboriginal interests  
23           and we encourage aboriginal people to come here  
24           and testify as to their relationship between the  
25           police and the community. So we want all of that

1 to happen. But for you not to come here to  
2 address any of those concerns is a matter of --  
3 and I say this with respect and I thank you for  
4 what you've done. I say this with respect. It's  
5 been disappointing, to say the least.

6 MS. GERVAIS: Can I make some comments with respect to your  
7 comments?

8 THE COMMISSIONER: Yes.

9 MS. GERVAIS: Yes. With respect to the press release and the  
10 comment about having no aboriginal witnesses, I do  
11 admit that, yes, there have been aboriginal  
12 witnesses here, but with respect to my role, the  
13 aboriginal witnesses, the family members are  
14 represented by Cameron Ward. Miss Hamilton,  
15 although, yes, she is an aboriginal -- she is an  
16 aboriginal witness, was put forth as a former  
17 advocate -- or pardon me -- advocate for sex trade  
18 workers in the Downtown Eastside and her role was  
19 not really around aboriginal interests -- or her  
20 purported testimony was not really focused on  
21 aboriginal interests, so --

22 THE COMMISSIONER: Well, I think she's as familiar with the  
23 Downtown Eastside and she is a Metis and I assume  
24 from that that --

25 MS. GERVAIS: That's fair. That's fair.

1 THE COMMISSIONER: And I just -- I just say again with respect  
2 that you did a disservice to the people like Ernie  
3 Crey, who has been an advocate, a highly respected  
4 advocate for aboriginal people, and to say that  
5 there were no aboriginal people called -- and he  
6 was here for a day and a half at least that I can  
7 recall.

8 MS. GERVAIS: Yes. I meant no disrespect to those witnesses.

9 THE COMMISSIONER: Well --

10 MS. GERVAIS: No disrespect to those witnesses.

11 THE COMMISSIONER: Well, let me hear from commission counsel.

12 Sorry. I didn't want to cut you off.

13 MS. GERVAIS: I would just like to comment on your comments  
14 about the police and the police lawyers and the  
15 aboriginal interests. And there's a clear  
16 imbalance and I think that needs to be recognized.  
17 And in terms of saying that you or the commission  
18 is prepared to hear from aboriginal witnesses, the  
19 response I got from commission counsel does not  
20 fall in line with that statement. One day to hear  
21 from the Native Liaison Society. And, yes, I  
22 think that things should be done transparently. I  
23 don't think I should have to go in the back room  
24 and have a conversation about it. I think that --

25 THE COMMISSIONER: I didn't ask you to come in the back room.

1 I asked you to make a submission here. You could  
 2 come here and make an application and tell me how  
 3 commission counsel wasn't being fair to you and  
 4 was not giving you the adequate time that you  
 5 needed in order to call panels and we'd be -- you  
 6 know, we'd accommodate you. I can tell you now  
 7 we'll accommodate you. And so -- but I'm going to  
 8 hear from commission counsel. I know nothing of  
 9 the conversations you had with commission counsel  
 10 and I expect that she's -- she's going to --  
 11 they'll tell me what happened here from their  
 12 perspective. I said that I didn't expect you to  
 13 come into the back room. I expected you to make a  
 14 submission in open court and tell me who you  
 15 wanted to call and --

16 MS. GERVAIS: Well, I had told commission counsel who I wanted  
 17 to call.

18 THE COMMISSIONER: You're not answering. I'm saying that as an  
 19 advocate you are -- you have the liberty and the  
 20 right to come into a courtroom, into the hearing  
 21 room and tell me whom you wish to call and I would  
 22 have listened to you. But, in any event, that's  
 23 water under the bridge now, isn't it? So it's  
 24 unfortunate because you had an opportunity to  
 25 really do something here. Yes.



MS. BROOKS: Thanks, Mr. Commissioner. Let me just start by saying -- and I'd like to say this to Ms. Gervais -- that I am deeply saddened by her withdrawal and -- and I say that personally and because she's added a lot of value to the commission. And I have to say that her withdrawal comes as a complete surprise to me. I did not know that she was unhappy. And Ms. Gervais and I have worked together since her very first appointment with the commission. We've met regularly. I was extremely enthusiastic about her appointment. And as someone who practises in the aboriginal area, I worked very closely with her right from the very beginning and, in fact, we met pretty regularly after and before all the witnesses gave evidence. We had an extremely collaborative, co-operative relationship, and this is the first time that I've heard that she had these concerns and was unhappy. And I can assure you that had I known any of these concerns, we could have dealt with them.

THE COMMISSIONER: Okay. Well, she said that you would only give her -- you would tell her she only had one day to hear her panels. What's your response to that?

MS. BROOKS: So the -- after your directive and, in fact, the day before your directive was released, Ms. Gervais and I were speaking about bringing aboriginal witnesses forward into this process. And, as you know, the process has proceeded in phases. And so we talked about what that might look like and I told her the directive -- there would be a directive coming and we should speak after that. We spoke the next day and we met that Friday, and we talked about putting together an aboriginal interests panel and I really encouraged her to be -- to take a lead role in putting that together. And I knew that she had been dealing with some of the aboriginal witnesses in the Downtown Eastside. We had a number of discussions about that and I received an e-mail from her saying -- and this all happened within a day -- proposing what she suggested; that she wanted these two panels of witnesses, and she wanted one panel that would speak to facts relating to the missing women investigation and she wanted another panel that would speak to current issues. And I responded to that e-mail on my Blackberry and said that we would hear from the panel on the factual witnesses on April 2nd and that the other panel

could be heard in the policy forums, which is the place where we're going to be hearing from witnesses that are going to speak directly to issues that relate to what things look like today. That's the way we've designed the process. It doesn't mean that that information won't be before you or those witnesses won't be heard. There's just a separate process, a parallel, an equally as important process where that information will be elicited. If Ms. Gervais wanted two or three days for her factual panel, that could have absolutely been accommodated. In fact, in the e-mail that I wrote on my Blackberry when I said April 2nd as the day was not meant to limit it to one day. We've been sort of referring to witnesses when the week starts and saying this panel will be heard on this day. But in terms of the length of time, I'm surprised that she had the reaction that she did or that she could even possibly characterize that as resistance from commission counsel or a fight. Those are very remarkable words to me and had she picked up the phone or sent me a response e-mail for clarification, I could have provided that to her immediately. And I say that because the context in which our relationship has developed

has been so extraordinarily co-operative. And, indeed, on February 20th I received an e-mail from her and this is what she said: "Hey Karey. I just wanted to say thanks for our brief chat today. It got me totally excited about the Blythe cross. His testimony just upset me more as the day proceeded. You have actually been my biggest help in this." And this is February 20th. So I mean I'm really surprised. I'm disappointed. And I can tell you that if Ms. Gervais had any concerns at all, that I've always been incredibly open to her in hearing from her and would have absolutely accommodated her. And, in fact, the reason for her appointment, as you know, was that there would be a dedicated person here to bring aboriginal perspective forward. And we've had discussions about her going into the community and locating witnesses that could give evidence. And I know that she's had lots of challenges there. And we specifically assigned somebody with that role because we recognized -- and you assigned the person because you appreciated how critical of a role that is and how it would take a designated person. And so I did feel like it was incumbent on me to respond to that. And you've addressed

1 the impartiality issues and I have to say that I  
 2 did review the list of witnesses that you've heard  
 3 from and 13 have been police witnesses and 18 have  
 4 been non-police witnesses. And in terms of the  
 5 length of time the witnesses take, that's  
 6 something that participants clearly have lots of  
 7 questions for those police witnesses. So -- so  
 8 I'm saddened by this news. I'm surprised by it.  
 9 I've never understood there to be anything but a  
 10 completely co-operative and collaborative  
 11 relationship with Ms. Gervais and I can just say  
 12 that had she responded to my e-mail, if she took  
 13 it the wrong way, which it seems like she did, I  
 14 would have welcomed a conversation with her about  
 15 that.

16 THE COMMISSIONER: Thank you. All right.

17 MR. ROBERTS: Excuse me, Mr. Commissioner. Darrell Roberts for  
 18 Marion Bryce. I'd like just a brief moment to add  
 19 a word of support to what commission counsel has  
 20 submitted to you. And I don't mean to in any way  
 21 disparage the desire of Ms. Gervais to have  
 22 appropriate witnesses and panels here as she would  
 23 desire to have. But it must not be lost on --  
 24 before this commission on this very question that  
 25 it's just as much, in my submission, in the

1 interests of aboriginal people of this province to  
 2 know what happened in the conduct of the police  
 3 investigations by which the many women who were  
 4 aboriginal in the Downtown Eastside went missing.  
 5 The issues for Ms. Gervais to address once she is  
 6 counsel before this commission are open. They  
 7 include all issues. And I cannot believe for a  
 8 minute that the aboriginal people of this province  
 9 would not want answers to that question of what  
 10 happened, and particularly in the investigation of  
 11 the crimes by which the women went missing. They  
 12 want to be part of that exercise. And so -- and  
 13 that, with the utmost respect to Ms. Robyn  
 14 Gervais, is the very first term of reference of  
 15 this inquiry and that cannot be lost in our  
 16 discussion here. And so I -- I sympathize with  
 17 her heartfelt position here today, but -- as you  
 18 know, I was one of her advisors and I have great  
 19 respect for the interests of the aboriginal people  
 20 before this commission of inquiry. We all know  
 21 the disproportionate number of them, of the  
 22 missing women who are aboriginal, but I believe  
 23 that interest on their behalf must stay with this  
 24 commission in the pursuit of answers to all of the  
 25 terms of reference. And so I very much urge Ms.

1 Robyn Gervais to reconsider her position.

2 THE COMMISSIONER: All right. Thank you very much, Mr.

3 Roberts.

4 In closing, I do want to thank you for the

5 work you've done in the inquiry, Miss Gervais.

6 I'm grateful for your attendance here. I'm

7 grateful for your commitment.

8 The issue that you raised earlier about

9 poverty and colonization, those are all very valid

10 concerns and, unfortunately, it's not -- you know,

11 the focus of our commission of inquiry, contrary

12 to the wishes of many people in the province, are

13 not to get into those issues. Our focus here is

14 on the police investigation, what happened to the

15 complaints that were made to the Vancouver Police

16 about missing women between 1997 and 2002. That,

17 succinctly put, is what our task is, and what

18 happened in the aborted prosecution of Pickton and

19 what about the regional policing and what about

20 how police investigate multiple homicides in

21 multiple policing jurisdictions.

22 So those are our four terms of reference. I

23 know it would help us all, help society as a whole

24 to deal with those issues and they need to be

25 dealt with. The disproportionate number of

1           aboriginal people in our jails, the poverty that  
2           exists in our aboriginal communities is  
3           unacceptable to any decent Canadian and those are  
4           very valid concerns. And every reasonable  
5           right-thinking Canadian knows that Canada needs to  
6           deal with those issues. We all have to in our  
7           collective consciences deal with those issues and  
8           they have to be dealt with.

9           However, I'm constrained by the terms of  
10          reference. And while it would be useful to deal  
11          with the historical injustices that the aboriginal  
12          people in Canada have suffered through, those are  
13          valid concerns and -- but, unfortunately, that's  
14          not part of our terms of reference and so we have  
15          to focus on what happened in the police  
16          investigation, how did police deal with poor  
17          people, poor women, poor aboriginal women, and  
18          what happened here. So that's what we're here  
19          for, and what recommendations could we make at the  
20          end of the day.

21          Now, I just want to say one more thing just  
22          about sincere regrets at you leaving, because I  
23          don't think it's productive at all if someone with  
24          draws from an inquiry that's going to make some  
25          recommendations. I think that by you not being at



1 the table, your voice is not being heard, although  
 2 we have, I'm told, a number of aboriginal people  
 3 who are coming forward to testify. But you lent a  
 4 very credible voice to this inquiry and I want you  
 5 to know that and I want to thank you for that.  
 6 But it doesn't do much good at the end of the day  
 7 when we make recommendations to government, make  
 8 recommendations to the police as to how we can  
 9 move forward and how we can prevent these horrific  
 10 tragedies from ever taking place in the future --  
 11 it doesn't do much good to walk out of an inquiry,  
 12 to abdicate -- and I say this with respect --  
 13 abdicate a responsibility that is incumbent upon  
 14 all of us to find a solution to these terrible  
 15 crimes, horrible crimes that took place and so  
 16 that those crimes are not repeated in the future.

17 I want to thank you again for all that you  
 18 have done. I appreciate you appearing here. I  
 19 know it's difficult for you, the decision no doubt  
 20 was, but I want to thank you for your attendance  
 21 here. Thank you.

22 MS. GERVAIS: Thank you. Can I just make a couple of comments?

23 THE COMMISSIONER: All right.

24 MS. GERVAIS: Just with respect to the terms of reference and  
 25 the police investigation, I realize that that's

1           what we're here for, but we're hearing about the  
2           missing women investigation through the police. I  
3           believe that we need to also hear about the  
4           missing women investigation from the aboriginal  
5           community.

6   THE COMMISSIONER: Well, we've heard a number of witnesses who  
7           have already told us about the difficulties they  
8           had in reporting the missing --

9   MS. GERVAIS: But not enough.

10   THE COMMISSIONER: Well, you know, you're free to call more  
11           witnesses. I've told you that. I mean call the  
12           witnesses. I'm here. That's why I'm here. Call  
13           the witnesses and I'll hear them.

14   MS. GERVAIS: And with respect to the underlying issues, one of  
15           the findings that I assume that you need to make  
16           is a finding whether there was systemic racism or  
17           not, and I don't feel that there has been even  
18           close to adequate evidence to make that finding or  
19           determine whether there was or wasn't, and I don't  
20           think that there would be enough evidence on the  
21           record to make that finding.

22   THE COMMISSIONER: Well, as an advocate for aboriginal  
23           interests, if I might be bold to suggest, that's  
24           your duty as counsel, to call that evidence, to  
25           call the evidence and to -- and you can ask me at

1           the end of the day to draw that inference, to come  
2           to that conclusion that there must have been  
3           systemic racism here, otherwise the police would  
4           not have neglected the people that they neglected.  
5           That's an argument you could make to me at the end  
6           of the day. That's your job as a lawyer. And I  
7           would have to seriously consider those arguments.

8    MS. GERVAIS: I understand that, Mr. Commissioner, but I guess  
9           my point is without outside support from the  
10          aboriginal community, without inside support from  
11          the commission, there was no way I felt I could do  
12          that adequately.

13   THE COMMISSIONER: Well, okay. Thank you. I just want one  
14          final word, and that is that you always had my  
15          support. I just want you to know that.

16   MS. GERVAIS: Thank you.

17   THE COMMISSIONER: And you still have my support and I welcome  
18          the aboriginal community to come here. And I'll  
19          say it one more time. It doesn't do anyone any  
20          good, particularly aboriginal interests, to walk  
21          away from an inquiry that has the authority and  
22          the duty, the statutory duty to conduct an  
23          investigation and to make recommendations. We  
24          don't want these mistakes to be repeated if there  
25          were mistakes. We don't want the tragedies to be

1 repeated. So we have to hear from all sides.

2 Thank you. All right. Yes.

3 **CHRIS BEACH:** Resumed

4 **DAVE DICKSON:** Resumed

5 **GARY GREER:** Resumed

6 **DOUG MCKAY-DUNN:** Resumed

7 **EXAMINATION IN CHIEF BY MS. BROOKS (Cont'd):**

8 So, Mr. Commissioner, you have the District 2  
9 panel before you, so we'll just pick up where we  
10 left off yesterday.

11 Good morning. We -- yesterday we left off  
12 talking about the working group. And, Deputy  
13 Chief Greer, I told you that I would give you an  
14 opportunity to respond to some of the criticisms  
15 that Deputy Chief Evans made, so I'd like to do  
16 that now. If you would have before you Exhibit  
17 34. That's a copy of her report. Mr. Giles,  
18 could you assist with that?

19 THE REGISTRAR: What was the --

20 MS. BROOKS: Exhibit 34, the Evans report. And if you turn to  
21 page 8-13. Are you there?

22 MR. GREER: Yes.

23 MS. BROOKS: Okay. So if we just go to the middle of the page.  
24 I'll read parts of the report and you can -- you  
25 can comment on it. So she says this:

1           Inspector Greer recognized that the  
2           responsibility of the MPU fell under the  
3           commander of Inspector Biddlecombe and he  
4           believed it was proper to allow Inspector  
5           Biddlecombe to deal with the missing women  
6           investigation. In Inspector Greer's  
7           interview he commented on his views about the  
8           missing women investigation as of September  
9           14th, 1998 when the meeting of the Missing  
10          Women Working Group was held.

11         And then she quotes from you:

12           Well, no. My remembrance of that particular  
13           meeting with Inspector Biddlecombe and stuff  
14           was that this was unreliable information;  
15           that they had previous information that they  
16           had acted upon and it turned out to be  
17           unreliable. This -- this was potentially  
18           just as unreliable, but it was being  
19           generated by activists from the Downtown  
20           Eastside and that it was going to divert  
21           resources from crimes that they actually had.  
22           At this point we don't have any crimes. We  
23           don't have anybody abducted. We don't have  
24           any bodies found. We don't have any crimes  
25           reported. We have people who are living a

1 criminal lifestyle missing, some only being  
2 reported months after being gone.

3 And she states:

4 I disagree with Inspector Greer's comments.  
5 He appears not to understand the facts and he  
6 should have. It was his community. The  
7 previous list that was unreliable was  
8 submitted by community members and I accept  
9 that almost all were accounted for. However,  
10 in this case it was his in-house expert,  
11 Constable Dickson, raising the alarm. This  
12 is significant difference that added huge  
13 credibility to the matter.

14 So I'll just stop there. And do you have anything  
15 to say about those remarks?

16 MR. GREER: Yes. Thanks. Mr. Commissioner, it would appear to  
17 me that Deputy Chief Evans is thinking that that's  
18 my quote when in fact I was paraphrasing the  
19 information that I was getting from Inspector  
20 Biddlecombe as to why he was making a decision not  
21 to support what we were trying to do in the  
22 Missing Women's Working Group and that he felt  
23 that we were being premature in putting out a  
24 press release and that we were going to do what we  
25 wanted to do, and he felt more -- because of those

1 reasons that he had enunciated and also provided  
2 to me in a September 14th report, it was his  
3 opinion as to why we shouldn't proceed until  
4 further facts were developed by the people that he  
5 had working on the investigation within Missing  
6 Persons.

7 MS. BROOKS: So, as I said, she just misunderstood?

8 MR. GREER: She would appear to have misunderstood. The  
9 comment I made there was not what I was saying.  
10 It was what Inspector Biddlecombe had given to me.

11 MS. BROOKS: And what did you think then?

12 MR. GREER: In my opinion, two things informed me. One, I did  
13 agree with Inspector Rossmo -- Detective Inspector  
14 Rossmo about us recognizing sooner rather than  
15 later that there is potentially a serial killer,  
16 that failing to do that would obviously lead to  
17 criticism, but at the same time I had to recognize  
18 that Inspector Biddlecombe was our major crime  
19 expert. He had obviously a great deal of  
20 background information on what had happened in  
21 terms of homicides and unsolved homicides, and so  
22 in one respect I had to respect his opinion. I  
23 didn't necessarily agree with some of the thoughts  
24 on the fact that where some of these women had  
25 gone missing and had maybe relocated to -- because

1           they'd gone to Calgary to work. That was kind of  
2           speculation. But I did recognize that -- based on  
3           his argument, that I would recognize that it was  
4           Missing Persons' role to lead the investigation.

5    MS. BROOKS: Okay. And I'd like to just read another passage  
6           from her report and have you respond, but it may  
7           be that you've partially already addressed her  
8           next concern. So she goes on, and this starts  
9           with the last paragraph of that page:

10           While I recognize that the responsibility for  
11           the MPU rested with Inspector Biddlecombe as  
12           the OIC of MSC, it is unfortunate that  
13           members of senior management could not  
14           discuss their concerns regarding the missing  
15           women issue in a more constructive manner  
16           instead of deferring ownership and  
17           effectively washing their hands of it.

18           And I'll just go on.

19           In my opinion, personality differences  
20           impacted on Inspector Greer's decision to  
21           remain involved with the Missing Women  
22           Working Group. I believe as District 2  
23           commander, he had ownership over the issue  
24           because the Downtown Eastside fell within his  
25           geographic command. While Inspector



1 Biddlecombe was responsible for the  
2 investigation, Inspector Greer owed it to the  
3 community he served to remain informed of the  
4 investigation.

5 And then she just concludes:

6 What occurred here is troubling. An area  
7 commander satisfied himself that a problem  
8 actually existed and when Inspector  
9 Biddlecombe challenged him for taking an  
10 interest, he should have escalated the  
11 problem rather than taking the path of least  
12 resistance and walking away. This did not  
13 assist with solving the issue and as senior  
14 manager, it was his duty to pay closer  
15 attention.

16 So what response do you have to those concerns?

17 MR. GREER: Well, I do take some offence at the -- her comments  
18 that I washed my hands and that I supposedly  
19 walked away from this investigation. I did not do  
20 anything of the sort. I remained involved in  
21 terms of providing information at community  
22 meetings. Therefore, I did speak regularly with  
23 Major Crime Section every Wednesday when we had a  
24 briefing. We had a management meeting. There was  
25 opportunity to ask what was going on. We got

1 regular reports from Lori Shenher as to what they  
2 were doing. I also kept information with Dave  
3 Dickson. I met regularly with DEYAS, with the  
4 Downtown Eastside liaison, with my Downtown Safety  
5 Office, and I did keep myself informed on what was  
6 going on up until the time that I was transferred  
7 at the beginning of January, at which time I went  
8 to another project. But I was aware of what was  
9 going on at the general investigation level, as to  
10 what was being done. And I was at that time  
11 satisfied that the progress being made by Missing  
12 Persons was within line with what our working  
13 outline had been within the Missing Persons --  
14 Missing Women's Working Group that Detective  
15 Rossmo had created, which was to identify what was  
16 happening with that list and to shore up proper  
17 information, so that's what I was satisfying  
18 myself with.

19 MS. BROOKS: And in fairness, as you say, you moved to the Jail  
20 Unification Project in January, so you were only  
21 actually inspector in charge of District 2 for  
22 another three months after the working group  
23 dissolved?

24 MR. GREER: That's correct.

25 MS. BROOKS: Now, I'd like to address another issue and I'd

1           like contributions from all the panel members, and  
2           this is the issue of the warning. And we've heard  
3           different things through these proceedings about  
4           whether a warning should be issued and whether it  
5           would have been effective. And what I would like  
6           to do is read again from Deputy Chief Evans'  
7           report on her comments on the warning issue and  
8           then have you respond. So this is what she says  
9           at page 8-145 of her report:

10           The failure to warn the public that women  
11           were still going missing was a mistake.  
12           While I accept that the VPD did not have  
13           proof of a serial killer, they were aware  
14           that many of the women had likely met with  
15           foul play. During his interview, Inspector  
16           Greer was asked for the reason why no media  
17           release was issued regarding the possibility  
18           of a serial killer and he stated: "At this  
19           point we don't have any crimes. We don't  
20           have anybody abducted."

21           And this is the same quote I was reading earlier.

22           "We don't have any bodies found. We don't  
23           have any crimes reported. We have people who  
24           are living a criminal lifestyle, missing,  
25           some only being reported after months of

1                   being gone."

2                   She states this:

3                   In my opinion, the VPD should have gone to  
4                   the media and announced that they were  
5                   concerned. 21 women had been reported  
6                   missing since 1995.

7                   And she concludes on page 8 of 146 on this issue:

8                   I was unable to determine when the VPD  
9                   officially issued a warning about the  
10                  possibility of a serial killer operating  
11                  within the Downtown Eastside. In my opinion,  
12                  the most logical alternative to the serial  
13                  killer theory was that there were multiple  
14                  killers. Equally both are troubling. A  
15                  media release providing some measure of  
16                  warning to the residents of the Downtown  
17                  Eastside should have been approved by  
18                  Inspector Biddlecombe and would have  
19                  heightened the awareness of the residents of  
20                  the Lower Mainland.

21                  So I'd like to hear your views, each of you, on  
22                  whether a warning should have been issued. So,  
23                  Inspector Beach, let's start with you.

24       MR. BEACH: Well, in hindsight obviously it would have been a  
25                  worthwhile thing, but I'm not sure I can even

1           really comment because I'm not aware of what  
2           Biddlecombe knew at the time. I don't know what  
3           Fred knew or believed or -- I can tell you that  
4           press releases would have been done in conjunction  
5           with the office of the chief constable. They  
6           would have been maybe formulated by someone at the  
7           inspector level, perhaps the deputy level. I'm  
8           not sure. But no official press release would  
9           have been made by the police department without  
10          approval from the chief constable.

11   MS. BROOKS: Is that something that patrol could have  
12               initiated?

13   MR. BEACH: Well, certainly. I mean anybody in the police  
14               department who thought that a press release was  
15               necessary or advisable, but what I'm saying to you  
16               is that the decision to actually make a press  
17               release would have made its way through the chain  
18               of command and would have had to have been  
19               approved at the office of the chief constable.

20   THE COMMISSIONER: So does that mean that when -- when the  
21               media relations officer appears before the TV  
22               cameras, that what she says or he says -- I guess  
23               it was Anne Drennan at that time -- do they clear  
24               all that with the chief's office?

25   MR. BEACH: The process when I was a member of the department,

1 Mr. Commissioner, was this: Each morning each  
2 deputy in each of the divisions would meet with  
3 his or her officers and senior NCOs and discuss  
4 issues relevant to that particular division.  
5 Subsequent, same day, later in the morning, the  
6 deputies or their designates would gather at  
7 headquarters with the chief constable or at least  
8 participate in a teleconference. And, again,  
9 there would be a roundtable discussion of  
10 overnight issues or over-the-weekend issues as  
11 well as any longer term issues. Media liaison  
12 personnel were present at the chief's meetings.  
13 So the people who actually spoke to the media were  
14 present for the discussions with the chief  
15 constable and others and decisions would be made  
16 at that level in that forum about what was going  
17 to be said to the press. And there were  
18 operational reasons for that as well. You've  
19 heard evidence already about hold back  
20 information. So there's information in  
21 investigations that can't be released because they  
22 will jeopardize an investigation. But that's the  
23 forum. That's how -- that was the process by  
24 which any statement to the media would be made  
25 typically.

1 MS. BROOKS: Okay. So you've talked about the sort of  
2 procedural aspects, then, in which these kind of  
3 warnings get issued. And before we move on to  
4 what the warning might have looked like or whether  
5 a warning would have been effective, I'd like to  
6 hear staff sergeant's views about that on the  
7 procedural side.

8 MR. MCKAY-DUNN: Mr. Commissioner, for a number of years when I  
9 was in community relations, I was in effect the  
10 media liaison officer, and I can tell the  
11 commission -- this is before Anne Drennan and all  
12 the rest before they actually set up an office, so  
13 I have some interest in this area. It has always  
14 been my experience is that you don't manage the  
15 media. You work with the media because the media  
16 can be quite a great assistance at getting  
17 information -- accurate information out to the  
18 public and deal with those issues. But I learned  
19 very early in my assignment that you do not  
20 release information to the press without the  
21 approval of the division responsible, and  
22 especially if you're dealing with the  
23 Investigation Division. So as the media liaison  
24 function developed, and it developed under then  
25 Chief Chambers, who set up an independent office

1                   and hired -- actually, it was the gentleman that's  
2                   with TransLink now, Ken Hardie, as the media  
3                   liaison person and consultant, the messaging --  
4                   they were more interested -- Chambers was more  
5                   interested in messaging than substance, in my  
6                   view. So that was rigidly controlled, rigidly  
7                   controlled from the chief's office, and there  
8                   would be no release made without being approved by  
9                   the officer in charge of the area, his deputy and  
10                  the chief constable's office. And I know that  
11                  because I had issue with Mr. Hardie on a number of  
12                  other issues; that I wanted to get the message  
13                  out, especially when we were dealing with a  
14                  horrendous problem with Hondurans and crack  
15                  trafficking into District 2. So I just want to  
16                  share that with the commission.

17       MS. BROOKS: So that's helpful in terms of laying out what the  
18                   process is. Was any of that -- was that process  
19                   ever put in motion to your knowledge?

20       MR. BEACH: I'm sorry. What process?

21       MS. BROOKS: Well, to get a warning actually issued. Was there  
22                   ever any attempts made to do that?

23       MR. BEACH: Not in my --

24       MS. BROOKS: Inspector Greer?

25       MR. GREER: Well, certainly Kim Rossmo, when we created our



1           working group in District 2, he suggested a  
2           potential wording for a media release to talk  
3           about the potential for a serial killer and the  
4           issue of missing people.

5   MS. BROOKS: And that was tied to the working group?

6   MR. GREER: Yes. And that was a big concern for Inspector  
7           Biddlecombe at the time. He opposed that release  
8           as being premature and in his opinion would be  
9           inflammatory and would create a large amount of  
10          information that would come in, that would then  
11          require resources to investigate, which he didn't  
12          feel at the time was justified. And so he was  
13          successful in preventing that being produced.  
14          However, that didn't mean to say that the media  
15          was not already aware of what we were doing.  
16          There were a number of reports written by  
17          reporters in July and also in September quoting  
18          myself and Inspector Biddlecombe and the  
19          department -- Anne Drennan was also quoted --  
20          talking about the issue that we were aware that  
21          there was some missing people, missing women and  
22          that the department was trying to determine what  
23          was going on.

24   MS. BROOKS: And we've heard from Maggie de Vries, who's the  
25          sister of Sarah de Vries, that that wasn't enough.

1           That should have come from the police because the  
2           police have a certain amount of authority in the  
3           community and it's that kind of authority that has  
4           greater weight. And so -- so what do you say  
5           about that?

6   MR. GREER: Well, in one sense there's two ways of  
7           communicating within a community and we were  
8           already communicating within the community through  
9           DEYAS, through Dave, through WISH. We were  
10          talking to that particular community that you  
11          could argue was being the community that was being  
12          victimized. We were already communicating our  
13          concerns and asking them for our -- for help and  
14          information in relation to what was happening to  
15          people who have gone missing in the past and what  
16          has happened. So in one sense we were  
17          communicating with that particular community. The  
18          argument of whether we should have put out an  
19          actual media release, in hindsight I would agree.  
20          We probably should have put out that media  
21          release.

22   MS. BROOKS: And we appreciate that. The commission, as you  
23          know, is interested in these panels providing  
24          feedback and advice about how things could be  
25          different even if it's with the benefit of

1                   hindsight, so thanks.

2                   And, Constable Dickson, you've made some  
3                   statements about whether you believe a warning  
4                   would have been effective. Can you comment on  
5                   that, please?

6   CONSTABLE DICKSON: Well, the warnings from me started a few  
7                   years before this -- this all started. And  
8                   there's an organization that I had an excellent  
9                   relationship with, and still do, called WISH.  
10                  It's Women's Information and Safe House. They  
11                  operate out of the First United Church, which is  
12                  on the corner of Gore and Hastings. They put a  
13                  dinner on for the women every night from six until  
14                  eleven o'clock. The women could go there and have  
15                  their only meal of the day. They could have a  
16                  shower. They could get make-up and other stuff  
17                  and they could just crash if they wanted for a few  
18                  hours on the couch or the floor. I started to go  
19                  in there in 1995 and I had a great relationship  
20                  with the women. In fact, I was the only male  
21                  that's allowed in there to this day. I started  
22                  warning the women long before the missing women  
23                  thing started, Mr. Commissioner, because there was  
24                  other people out there. I mean there was a guy by  
25                  the nickname of Baby Face that was caught

1 attacking a girl that had a complete kill kit in  
2 his car. He was prepared to kill her and he went  
3 to jail for that. Another guy by the name of  
4 Casino Bob. There is numerous predators down  
5 there already. And we talked about that on a  
6 regular basis. I used to take pictures  
7 unofficially, because I wasn't allowed to do that,  
8 of some of the predators and show it to the women  
9 when I went to WISH. So the warnings,  
10 unfortunately, had no effect whatsoever. The  
11 addiction that -- what the women drove them out  
12 there, you know, time and time again, you know, so  
13 the warnings have no effect, so making it official  
14 by the police department means nothing.

15 MS. BROOKS: How do you reconcile that perspective, Constable  
16 Dickson, with the fact that the women relied on  
17 the bad date sheets and generated those bad date  
18 sheets and that we heard that women would carry  
19 them in their purses? Don't the bad date sheets  
20 serve as a warning?

21 CONSTABLE DICKSON: They do to some of the women, but many of  
22 the women because of the addiction, they would  
23 jump into a car and off they'd go. You know, like  
24 I said, there's -- besides the missing women,  
25 there's a number of women that have been murdered.

1           That's exactly what happened. So the bad date  
2           sheets were effective for some of the women  
3           because they would watch out for different  
4           vehicles. And that's all you would get usually,  
5           was a partial description of a male, partial  
6           description of a vehicle, and sometimes a partial  
7           licence plate. So they were a good tool for the  
8           police department to use and some of the women,  
9           but the majority of the women paid no attention to  
10          them.

11   MS. BROOKS: So what I hear you saying, then, is some of the  
12               women, things like bad date sheets, which can  
13               serve as a warning, are effective?

14   CONSTABLE DICKSON: Yes.

15   MS. BROOKS: And they need to have enough information in them  
16               that the women can actually identify the  
17               particular predator that's -- the potential  
18               predator?

19   CONSTABLE DICKSON: Yes. That's correct. And some of the  
20               women would come back to me and report to me that  
21               they'd seen the Baby Face guy around or Casino  
22               Bob. His name's been around for twenty-something  
23               years.

24   MS. BROOKS: Staff Sergeant McKay-Dunn, I saw you nodding. Did  
25               you have something you wanted to add to this

1 discussion?

2 MR. MCKAY-DUNN: Well, I have to say that from the beginning,  
3 early on, I agreed with Detective Inspector Rossmo  
4 that we should be releasing a press release. I  
5 have said --

6 MS. BROOKS: And why did you think that was important?

7 MR. MCKAY-DUNN: Because, as he said to me, that it got to the  
8 point where he was concerned that it was  
9 escalating based on his analysis and he felt that  
10 it was timely to release the -- to make this  
11 release. My respect for his intellect and  
12 intelligence and ability to analyse caused me to,  
13 quote, suspend my disbelief in terms of moving  
14 forward, and I think that's one of the issues  
15 here, that the disbelief that this was not  
16 happening was not suspended and to issue the  
17 release. I think it would be a proper and logical  
18 thing to do and because of the fact it did not  
19 appear -- it did not appear to my view that we  
20 were doing everything that we could be doing. I  
21 also respect the fact that organizationally there  
22 were bureaucratic roadblocks to that and it had to  
23 be handled at a higher level. In my view, it  
24 should have been handled at the investigation  
25 level by the deputy chief constable and the chief

1 constable, because that's -- that's the plateau  
2 that that decision would have had to be made given  
3 the fact that the inspector in charge of Major  
4 Crime -- and I take Gary's point -- with the best  
5 of intentions and based on his perspective thought  
6 that nothing was happening, that should have been  
7 overruled by the deputy chief and we should have  
8 acted in the interest, in a proactive way, by  
9 getting that information out even though -- even  
10 though, Mr. Commissioner, there is -- and I agree  
11 with Dave that it would not have fallen on open  
12 ears throughout the entire community, but at least  
13 it would have shown that we were doing everything  
14 we could in terms of this investigation. Thank  
15 you.

16 MS. BROOKS: Staff sergeant, just before you turn your mic off,  
17 I do want to probe one area that you raised. It's  
18 important for us to understand this. So what kind  
19 of process would be in place or how would you go  
20 about overruling Inspector Biddlecombe on that  
21 issue?

22 MR. MCKAY-DUNN: Well, that would be the responsibility of his  
23 boss, the deputy chief constable of investigation.  
24 You just say, "Sorry, Fred. We're releasing it",  
25 period, end of story. And if the chief constable

1           objected, then his job would be to go into the  
2           chief constable and saying, "You know, chief, I  
3           understand the concerns that certain investigators  
4           may have, but this is a unique case and we have to  
5           release it because we have to stop it."

6    MS. BROOKS:  So obviously not having ever worked in the police,  
7           I'm not familiar with the police culture.  I'm  
8           just learning about it.  But what would have  
9           stopped you folks as a group from going to -- to  
10          the chief of investigations and saying, "We  
11          disagree with your inspector here.  We think that  
12          this should be happening."  Would that be  
13          something that --

14   MR. MCKAY-DUNN:  The voice -- the voice -- the voice for that  
15          disagreement or the opposite points of view was in  
16          fact Detective Inspector Rossmo.  His position  
17          within the organization, given his then expertise,  
18          was the consultant or resource person that we were  
19          using -- at least District 2 was using in terms of  
20          addressing our problem, our concern that this  
21          could be happening, probably was happening, and to  
22          convince those powers -- those individuals that  
23          had the power to provide the resourcing to -- to  
24          move forward with it.  And if they're not prepared  
25          to do that, then at the very least they should be



1                   issuing a press release.

2       MS. BROOKS: Deputy Chief Greer?

3       MR. GREER: Well, it's one of those issues, Mr. Commissioner,  
4                   that knowing what I knew now and take it back  
5                   then, I would have been one of those in a position  
6                   to have gone to my Deputy Chief Blythe and to have  
7                   argued for the release of that media release, but  
8                   at the time we were satisfied that Major Crime had  
9                   made their decision as to how they wanted to  
10                  proceed with that investigation, and that from  
11                  their perspective a release was premature and  
12                  would have caused them unnecessary diversion of  
13                  the resources that they had already explained were  
14                  heavily involved in other cases. And so at the  
15                  time I deferred to Inspector Biddlecombe's  
16                  decision and his expertise. Having -- as I said,  
17                  going back in time, it probably would have been  
18                  more prudent to have argued for the release of  
19                  that press release. However, I don't necessarily  
20                  think it would have informed the community that  
21                  was being victimized very much.

22       MS. BROOKS: And you say that because you mean the media had  
23                   already been --

24       MR. GREER: The media had already informed the greater public  
25                   of the issue of missing people, missing women, had

1           already obtained quotes from myself, from  
2           Inspector Biddlecombe, from Anne Drennan about  
3           what we were doing and what we thought had  
4           happened.

5    MS. BROOKS: And I don't want to spend any more time on this  
6           topic except to ask this one last thing. Maggie  
7           de Vries stated that the other benefit of a  
8           warning being issued by the police, in addition to  
9           it having the authority that she thinks is  
10          necessary in the community, she said it also could  
11          have the effect of deterring the criminal because  
12          the criminal or the killer, in this case, then  
13          appreciates that the police are on top of this.  
14          What do you say about that, staff sergeant? Is  
15          that accurate?

16   MR. MCKAY-DUNN: One of the most essential aspects of policing,  
17          Mr. Commissioner, is prevention, prevention of  
18          crime. And I do agree that a press release issued  
19          would have had -- may have served that purpose.  
20          The -- to me my position is this: Is I put more  
21          credence and confidence in Rossmo's analysis than  
22          I did in Mr. Biddlecombe's, with respect to Mr.  
23          Biddlecombe. I thought that his view was very  
24          narrow, but it was based on his lack of resources  
25          and given the priorities that he had in terms of

1 conducting criminal investigations, serious,  
2 complicated criminal investigations in terms of  
3 homicides. I still thought that -- and believe to  
4 this day that Rossmo -- if Rossmo had been  
5 believed by the senior management earlier, actions  
6 would have been taken, and this would have been  
7 resourced, and lives would have been saved. And I  
8 think that's critically -- that's an important  
9 issue. Now, why certain senior officers didn't  
10 believe in Rossmo's analysis -- and I can only  
11 share with the commission my conversation with the  
12 late Inspector Ken Doern, who -- just so the  
13 commission knows, is a personal friend of mine and  
14 he and I worked on a number of files. He believed  
15 that it was petty jealousy in terms of his  
16 promotion. And if that's true, that saddens me.  
17 Now, there is those that disagree with that, but  
18 that's -- I can only share that with the  
19 commission. But if the suspension of disbelief  
20 had occurred, this would have been resourced and  
21 that, in my view, is a travesty. Thank you.

22 MS. BROOKS: Yes, Inspector Beach.

23 MR. BEACH: The issue of a press release, I think it's  
24 appropriate to think of it in terms of a warning  
25 to sex trade workers, absolutely, but it's an

1           entirely different matter, in my view, Mr.  
2           Commissioner, to speculate on what Pickton might  
3           have done or would have done, et cetera. And the  
4           reason I say this is we know that Pickton had a  
5           close encounter, if you like, with the police in  
6           1997. That didn't deter him. So I think it's  
7           highly speculative to suggest that a press release  
8           would have somehow warded him off from further  
9           activity.

10   MS. BROOKS: Okay. But is there any down side?

11   MR. BEACH: I'm not suggesting there's a down side. I just --  
12           I would hate for the commission to be left with  
13           the thought that had the police issued a warning,  
14           he might have stopped. Well --

15   MS. BROOKS: Maybe not?

16   MR. BEACH: Well, there was much more than a warning. There  
17           was actually police involvement with Pickton and  
18           he continued, so --

19   THE COMMISSIONER: Your point is that because he was charged in  
20           '97 and nothing happened there that nothing would  
21           have deterred Pickton in any event?

22   MR. BEACH: That's my belief. But I'm saying, with respect,  
23           it's all speculation. I'm not sure.

24   THE COMMISSIONER: All right.

25   MS. BROOKS: Yes, staff sergeant?

1 MR. MCKAY-DUNN: Just to Inspector Beach's point and to my  
2 earlier point, I believe the press release could  
3 also serve another purpose. And I speak now as a  
4 politician that makes decisions in terms of  
5 funding. A press release issued by the Vancouver  
6 Police Department at that time clearly stating  
7 that it's their belief -- considered belief based  
8 on the information provided by the expert, Dr. Kim  
9 Rossmo, Detective Inspector Kim Rossmo of  
10 international repute, that it would cause the city  
11 council to reconsider its position on funding this  
12 particular project, Mr. Commissioner. This is --  
13 that would also serve a -- shall I say a political  
14 purpose that would have at the end of the day  
15 benefitted the investigation and again have saved  
16 lives.

17 MS. BROOKS: Thank you. That's useful. So I'd like to move on  
18 now. If you could turn to Tab 33 in your brief.  
19 And we're moving into November of 1998. This is a  
20 memo that Constable Dickson wrote to Inspector  
21 Greer and Staff Sergeant McKay-Dunn and he is here  
22 again now in November expressing his concern about  
23 the growing number of missing women in the  
24 Downtown Eastside. So, Constable Dickson, could  
25 you explain the background to this memo and why

1           you're raising the alarm, if you will, again at  
2           this time?

3   CONSTABLE DICKSON: Well, I think this is the second one I put  
4           in and it's just, I guess, to follow up on the  
5           first memo that I was -- I guess I was growing  
6           more and more concerned that something had  
7           actually happened. There were so many rumours  
8           floating around at the time that the girls were  
9           missing on freighters. They were being held  
10          somewhere captive and being exploited for films.  
11          But I still had the bottom feeling that something  
12          had happened to the women and so that's -- this  
13          memo is just basically a follow-up to -- I guess  
14          to spur things along.

15   MS. BROOKS: And just to understand the sort of context in  
16           which you're writing, you participated in the  
17           working group. You were there for one of the  
18           meetings?

19   CONSTABLE DICKSON: Yes. That's correct.

20   MS. BROOKS: And then -- and then nothing got -- nothing  
21           happened as a result of that and the working  
22           group, as we know, dissolved and then a couple  
23           months later you're writing this memo saying, "I  
24           still think there's a problem. What are we doing  
25           about it?" Is that accurate?

1     CONSTABLE DICKSON: That's accurate. At the first meeting I  
2             remember I was a bit frustrated at the end of the  
3             meeting because -- I guess there was a comment  
4             from Inspector Biddlecombe that there was no crime  
5             scenes or bodies, and I think his first comment  
6             was that the women had probably just moved away  
7             and as far as he was concerned turned their lives  
8             around. And I think I responded by saying -- I  
9             think the list was 31 or 35. I said, "Possibly a  
10            couple of them would fall under that criteria",  
11            but I said, "Not thirty-something women." So the  
12            second comment when he came out with no crime  
13            scenes and no bodies, I was upset when I left that  
14            meeting and I was prepared for the second meeting  
15            with a list of crime scenes and bodies because the  
16            same comment had come up again from another  
17            inspector. And so I pulled out the second list  
18            of -- I think there was twenty-something on that  
19            list of crime scenes and bodies, girls. And  
20            Inspector Biddlecombe hotly, you know, suggested  
21            that "You can't say they're related" and I shot  
22            back at him that "You can't say they're not  
23            related." I said, "These are Vancouver women that  
24            were picked up down here and murdered and dumped  
25            in outlying areas."

1 MS. BROOKS: And so after that meeting, you're in the community  
2 and that concern that you have continues for you  
3 and enough so that you write another memo setting  
4 out some of the compelling contextual factors that  
5 you believe show that these women had been met  
6 with foul play?

7 CONSTABLE DICKSON: Yes. That's correct.

8 MS. BROOKS: And you've addressed this to Inspector Greer and  
9 Staff Sergeant McKay-Dunn. And, staff sergeant,  
10 do you recall receiving this memo and what action  
11 did you take as a result of it?

12 MR. MCKAY-DUNN: The memo actually is a distillation of Dave  
13 and my conversation back in August which caused me  
14 to move to secure the services of Detective  
15 Inspector Rossmo to look at the issue of missing  
16 women to prove statistically that beyond a  
17 reasonable doubt that something was happening and  
18 resources had to be applied. That was always my  
19 strategy from the beginning. And I had hoped that  
20 if things had moved forward as I had hoped and  
21 secured the support of senior management, they  
22 then would have secured the support of the RCMP,  
23 the officer in charge of the division, the deputy  
24 commissioner, to deal with not only our issues,  
25 but the issues that Dave has identified in terms



1 of these bodies found outside of the city of  
2 Vancouver. In fact, in around this time I had  
3 actually written a memo to Inspector Biddlecombe  
4 articulating -- or documenting Dave's concerns,  
5 Mr. Commissioner, about investigations in North  
6 Vancouver, and it would -- it would sort of  
7 surprise me. What they did is they simply sent  
8 the memo to North Vancouver without comment and I  
9 received a voice mail from one of their sergeants  
10 in North Vancouver suggesting, yeah. I got the  
11 memo and this is what we've done, et cetera. But  
12 there wasn't the -- they didn't take ownership of  
13 it. It was a serious concern expressed by Dave  
14 that had to do with bodies and murders and Dave  
15 himself telling me that these were his people,  
16 which was our people, and we should be doing  
17 something about it. So I followed the protocol,  
18 but you must understand this. Gary, myself and  
19 Dave are not -- have not been trained in homicide  
20 investigation. Inspector Beach has. In fact, he  
21 was the officer in charge of the -- of Homicide  
22 and Major Crime. So for us, my background and  
23 Gary's background is basically intelligence.  
24 We're in the business of connecting the dots. So  
25 we are -- in terms of viewing things are much more

1           proactive. Inspector -- Detective Inspector  
2           Rossmo actually was recruited by me to move into  
3           the Vancouver Integrated Intelligence Unit to do  
4           two things: First, to work on Japanese organized  
5           crime in terms of investments and, secondly, to  
6           complete his studies in geographic profiling,  
7           because I viewed it to be potentially a management  
8           tool in terms of deploying police resources in a  
9           serial murder. That's why I went to Rossmo when  
10          Dave spoke to me.

11       MS. BROOKS: And that's something that I hear from you, staff  
12                   sergeant, in your evidence repeatedly, is that you  
13                   were really concerned about how can we build a  
14                   case here? How can we lay the foundation that we  
15                   need to be able to access resources? And that's  
16                   something you were constantly mindful of; is that  
17                   right?

18       MR. MCKAY-DUNN: Yes. I had a number of conversations with Kim  
19                   Rossmo, with Ken Doern, who was in the  
20                   Investigation Division, trying to get -- trying to  
21                   deal with the inertia, you know, get some traction  
22                   to this. Gary was doing his thing and running  
23                   into brick walls, so I tried to do what I refer to  
24                   as the end around to try to sort of soften that  
25                   resistance so that we can move forward. But every

1           time I tried to do that this issue -- this anger  
2           about Rossmo's promotion by the chief constable of  
3           the day, Ray Canuel -- and I talked to Ray because  
4           Ray told me, "The reason I'm doing this" -- and I  
5           have great respect for Ray -- that's the late  
6           Canuel. He said, "I'm doing this, Doug, because  
7           this will be another tool in the investigative  
8           tool box and it's very important and that's why  
9           I'm doing it." But you know what? Others didn't  
10          see it that way and I'm saddened, really saddened;  
11          that maybe I should have been more vocal. Maybe I  
12          should have gone -- I believe I did speak with the  
13          chief -- gone outside the chain of command and  
14          just maybe even just gone to the press myself and  
15          just opened it up and took the consequences. And  
16          there would have been consequences, I can tell  
17          you. Thank you.

18   MS. BROOKS: And, Dave, what do you think about that?

19   CONSTABLE DICKSON: About what?

20   MS. BROOKS: Well, you went to the press. Why did you do that?

21   CONSTABLE DICKSON: Yes, I did.

22   MS. BROOKS: And why did you do that?

23   CONSTABLE DICKSON: I was of the firm belief that even though  
24           these gentlemen here were doing everything they  
25           could, that nothing was going to be done because

1 higher up, they just weren't moving or they  
2 weren't, I guess, giving a response to what I felt  
3 needed a larger response, so I leaked my list of  
4 missing women to the news. That's the first time  
5 I've admitted that to anybody.

6 MR. MCKAY-DUNN: I sort of suspected that.

7 MS. BROOKS: Inspector -- or Deputy Chief Greer, Deputy Chief  
8 Evans pops up again on this issue with respect to  
9 you and I think it's the last sort of concern that  
10 she has, so I'm going to read you her comments on  
11 it and ask you to respond, but it relates to this  
12 memo and what happened after. She states this at  
13 page 8-14 of her report:

14 In my opinion when Inspector Greer received  
15 Constable Dickson's memorandum on November  
16 5th, 1998, it provided Inspector Greer with a  
17 perfect opportunity to phone over or visit  
18 Inspector Biddlecombe and ask for an update.  
19 There was no evidence that this occurred.  
20 When asked if he forwarded the information to  
21 Deputy Chief Blythe, he advised he could not  
22 recall and felt if he did, then it would have  
23 been left to the deputy chiefs to discuss at  
24 their level. In spite of the meetings  
25 between members of senior management, I did

1 not see evidence that anyone from senior  
2 management or the executive were providing  
3 any direction on the missing women  
4 investigation.

5 And we've heard about that, the last remark from  
6 Staff Sergeant McKay-Dunn and Constable Dickson,  
7 but, Deputy Chief Greer, could I have your  
8 comments on her concern that you didn't phone or  
9 visit Inspector Biddlecombe and ask for an update  
10 or forward the information to Deputy Chief Blythe?

11 MR. GREER: Well, as I said, every Wednesday we had an  
12 executive meeting with all the managers present  
13 and it was a round table. It was an opportunity  
14 to talk about what you were doing within your  
15 district or section and opportunity to ask  
16 questions. And it was at those times that I was  
17 able to question Major Crime as to what they were  
18 doing with this missing persons file because I  
19 required that information when I went to the  
20 community meetings that I went to frequently  
21 because that was one of the questions that the  
22 people would ask, is where are you with this  
23 missing women's file? And at the time I was  
24 receiving, as you've seen in a number of reports  
25 here, the generalities, that they were making

1 progress, that they had identified people. They  
2 had removed people and that it was progressing.  
3 And, unfortunately, it wasn't, as it turned out,  
4 progressing quickly enough. It eventually  
5 developed into something around April or May of  
6 1999 when I believe Amelia started. It's  
7 unfortunate that that could not have started  
8 sooner and in one sense where -- if you say could  
9 I have tried to get greater influence would have  
10 been to try and move this up sooner. And  
11 potentially I may have been able to do that;  
12 however, I was transferred in January and moved to  
13 another file where I did not have access or  
14 opportunities to deal with this file any longer.  
15 But I didn't ignore this information. I  
16 understood that this was a second report from  
17 Constable Dickson restating his concerns about  
18 what was happening with missing women and that  
19 something needed to be done.

20 MS. BROOKS: When you did receive a memo like this from the  
21 in-house expert, Dave Dickson, and you go to these  
22 meetings, are there discussions about how patrol  
23 can be co-ordinating their efforts with the  
24 investigation team? And, again, this could just  
25 be me not knowing about policing, but couldn't it

1           be that the Investigative Division could request  
2           patrol go out and look for -- "Here is a list of  
3           the women that are on the list. Can you ask  
4           around" or "We think that there is a suspect" --  
5           and I'm just not sure how that might work, but was  
6           there any discussions about that and if there  
7           wasn't, should there have been?

8   MR. GREER: At the management level there's not discussions of  
9           operational deployment, but certainly those are  
10          things that do occur between sections and  
11          divisions. If somebody -- typically within the  
12          Investigation Division where you only have a  
13          limited number of investigators who require  
14          assistance in a file, they quite often came to  
15          patrol and assigned tasks, asked for cars to be  
16          looked for in a particular area or look out for a  
17          particular suspect to be identified and picked up.  
18          That was common. In this case, it didn't happen  
19          early enough.

20   MS. BROOKS: Okay. And we'll look at the patrol bulletins that  
21          were released by Detective Constable Shenher a bit  
22          later, but now I'd like to look at the steps that  
23          patrol was taking to engage the community and seek  
24          information from the community or inform the  
25          community. So could you go to Tab 34, please?

1 And this is an e-mail that is sent from Lori  
2 Shenher to -- to you, Deputy Chief Greer, on  
3 December the 8th, 1998. And in the e-mail she  
4 offers to speak to community groups to provide  
5 information about the missing women investigation  
6 to alleviate some pressure for you. What do you  
7 recall around that time about the community  
8 pressure? What's she referring to there?

9 MR. GREER: Well, what she's referring to is there were media  
10 people talking about what was going on. There  
11 were the communities again coming to me to say,  
12 "What are you doing." And I'm having to say this  
13 is what we're doing based on the information I  
14 received from the Information Division. And she  
15 was offering her resource to go and speak to these  
16 many different community meetings that we went to.  
17 And we went to a lot in the Downtown Eastside.  
18 One thing you can say about the Downtown Eastside  
19 is they are an extremely democratic community.  
20 They have lots of meetings. They encourage people  
21 to come to those meetings and to participate.  
22 They are very strict in their Robert's Rules of  
23 Order in terms of allowing everybody to speak and  
24 have their say. And in order to have credibility  
25 in the Downtown Eastside, you need to go to these



1 meetings even if the subject of the meeting is not  
2 necessarily something to do with policing. So we  
3 went to many of those meetings that were about  
4 other issues in order to maintain our credibility  
5 and so our opportunity to come and speak was  
6 important. And so I know that she was -- it was  
7 arranged for her to go and speak, but it was after  
8 I had been transferred.

9 MS. BROOKS: Okay. And that takes us to the transfer and  
10 Inspector Beach joining operations in January of  
11 1999. And so we know that Detective Constable  
12 Shenher does give a presentation at the Carnegie  
13 Centre and that occurs on February 9th, 1999. And  
14 the agenda for that meeting is set out at Tab 39,  
15 if you want to go there as a reference. Inspector  
16 Beach, you attended this meeting?

17 MR. BEACH: Yes, I did.

18 MS. BROOKS: And, as I understand it, this was the first time  
19 that you got up to speed and learned about the  
20 missing women investigation; is that the case?

21 MR. BEACH: In any sort of detail, absolutely. I'd had some  
22 discussions with Gary at his departure and  
23 certainly Doug prior, but this was the first  
24 opportunity for me to hear anything in terms of  
25 detail or depth, yes.

1 MS. BROOKS: And so when you attended the meeting, it was  
2 really the first time that you appreciated the  
3 seriousness of the issue; is that -- is that fair?

4 MR. BEACH: Sure. Okay.

5 MS. BROOKS: Well, if there was some other --

6 MR. BEACH: No.

7 MS. BROOKS: -- occasion?

8 MR. BEACH: That's true.

9 MS. BROOKS: Okay. And, staff sergeant, you were also at the  
10 meeting?

11 MR. MCKAY-DUNN: Yes. It was -- my role -- and in fairness,  
12 Chris may forget this, but Chris actually was  
13 quite actively speaking to a number of people on  
14 this issue trying to bring them up to speed. And  
15 Gary's transfer was so quick that they didn't have  
16 the overlap that would normally occur with a  
17 transfer of command. So Chris did everything he  
18 could in terms of bringing them up to speed,  
19 especially on this important file, but the meeting  
20 in question, in my opinion, was very, very  
21 important. This was the first -- and there is  
22 some significant players at this meeting. The  
23 most important, in my view, from a community --  
24 community voice perspective was Deb Mearns. She  
25 was a very knowledgeable, very influential

1 individual in the community and well respected.

2 MS. BROOKS: And what voice --

3 MR. MCKAY-DUNN: And also -- but Lori Shenher's opportunity to  
4 address the group was also important. Now, I did  
5 not know Lori prior to this and --

6 MS. BROOKS: Prior to this meeting or --

7 MR. MCKAY-DUNN: Prior to this meeting. You know, I had heard  
8 of her, but I hadn't had an opportunity to sort of  
9 watch her in action, if you want to call it. And  
10 I was impressed with the way that she handled  
11 herself and her compassion and her knowledge of  
12 the subject, because what she was trying to say to  
13 the community is please help me. Detective Rossmo  
14 said this. Communities will solve crimes and  
15 that's exactly what she was trying to do. She was  
16 trying to find the information. Now, what is  
17 really important, what really puzzled me is why  
18 Deb Mearns and John Turvey, two people that I  
19 contact frequently, and as did Gary and also  
20 Chris, didn't know anything of Pickton or didn't  
21 bring it forward, because I asked them time and  
22 time again what's out there.

23 MS. BROOKS: So sorry. I'm just getting a bit lost here.

24 MR. MCKAY-DUNN: So the meeting -- this meeting -- the  
25 objective of this meeting was to reach out to the

1                   community, ask the community itself to get  
2                   information, forward it to the Investigation  
3                   Division to assist them in what they were doing.

4   MS. BROOKS:   But Pickton wasn't being shared as a suspect?

5   MR. MCKAY-DUNN:  No, no, no.  I'm just saying -- this is an  
6                   aside.

7   MS. BROOKS:   Okay.

8   MR. MCKAY-DUNN:  You have Deb Mearns, John Turvey, these  
9                   community people that are completely tied into the  
10                  community and yet these individuals which I  
11                  consulted with on a regular basis, as did Gary and  
12                  Chris, didn't come forward or didn't have the  
13                  information in terms of Pickton.  I mean --

14   MS. BROOKS:   So sorry.  They never told you during your time in  
15                  patrol that Pickton was a bad guy; is that what  
16                  you're saying?

17   MR. MCKAY-DUNN:  That's correct.  That's correct.  And I asked.  
18                  You know, they came up with a number of theories.  
19                  But having said that, you know, the sex trade work  
20                  on the street is a very dangerous business and  
21                  there are always predators out there looking for  
22                  victims.

23   MS. BROOKS:   And do you know, had they known that Pickton was a  
24                  suspect, if they would have anything to offer  
25                  about that?  I realize they didn't provide the

1 name themselves, but did they have any information  
2 about them?

3 MR. MCKAY-DUNN: Oh, if Deb Mearns or John Turvey knew --  
4 received information from the needle exchange,  
5 from their bad date list, any of that, they would  
6 have told us. It would have been -- first I think  
7 they would have called Gary, because Gary was on  
8 their speed dial, and then I was second on the  
9 dial. I would have known and Dave would have  
10 known immediately. And then -- but that didn't  
11 happen. And the reason that didn't happen, I  
12 think, is because there was no incidents occurring  
13 in the Downtown Eastside that would draw  
14 attention; for example, a van, somebody's thrown  
15 in the van, it disappears, because that would have  
16 drawn attention. We would have been able to focus  
17 resources and that would have dealt with issues,  
18 for example, like kidnapping.

19 MS. BROOKS: And doesn't that take us back to the earlier  
20 discussion we had where the location of the  
21 strolls and the conditions of the strolls are such  
22 that there are no witnesses there and that speaks  
23 to the problem that you've identified?

24 MR. MCKAY-DUNN: Well, I mean I think that in many ways the  
25 stroll in an industrial area, which is

1           essentially -- imagine it as a desert, you know.  
2           You have better lines of sight in the desert than  
3           you do in a jungle. If you're in a highly densely  
4           populated area, it's a jungle. It's very  
5           difficult to see everything that's going on. But  
6           if you isolate them in an area that you have good  
7           sight lines, that also is positive. Now, the down  
8           side of that, you don't have that effect of eyes  
9           on the street as you would have in an urban -- a  
10          densely urban society. But there are balances.  
11          But having said that, it also facilitated the  
12          police and they did that often, the patrol units,  
13          is to go in and check out the stroll, drive  
14          through the stroll, check out your -- the johns,  
15          talk to the girls, see if anything is going on.  
16          Is there anything going on here? That happened  
17          frequently on a nightly basis.

18       MS. BROOKS: When did you learn that Pickton was a suspect?

19       MR. MCKAY-DUNN: I never did learn it. I retired in October of  
20                      2001 and it was after my retirement that -- the  
21                      first time I heard about Pickton was when --

22       MS. BROOKS: He was arrested?

23       MR. MCKAY-DUNN: Through the media.

24       MS. BROOKS: The search.

25       MR. MCKAY-DUNN: Yes.

1 MS. BROOKS: And, Constable Dickson, when did you learn that  
2 Pickton was a suspect in the missing women  
3 investigations?

4 CONSTABLE DICKSON: When I joined the review team in '99, his  
5 name was up on the wall with probably a hundred  
6 other people.

7 MS. BROOKS: Okay. And did you share that information with  
8 anyone in patrol?

9 CONSTABLE DICKSON: I think I did. I think we talked about a  
10 few guys that were probably at the top of the  
11 list. And there were probably half a dozen guys,  
12 some of the guys that already actually killed  
13 people and had gone to jail for a year for that.  
14 So he was never, certainly in my mind, the number  
15 one suspect, but we talked about a few different  
16 people.

17 MS. BROOKS: Is that something you would go to the women with  
18 and say -- and I don't know if you had any  
19 direction to actually do this or if there was any  
20 concern about it, but we know there was a photo  
21 canvass of Pickton. Did you ever speak to the  
22 women about the suspects that you were learning of  
23 in the -- when you were on Project Amelia and ask  
24 them if they knew anything about these men?

25 CONSTABLE DICKSON: I seem to remember information about a man

1 coming down with another female in the car. I  
2 remember asking about that, but I never got any  
3 response from any women saying, "Oh, yeah.  
4 There's so and so." And that's the thing that  
5 Staff Sergeant McKay-Dunn was, I think,  
6 mentioning. John Turvey was extremely well  
7 connected in the Downtown Eastside with the street  
8 people, and not only the street people, but he had  
9 an association with the Hells Angels too. They  
10 used to donate to his Christmas party. If there  
11 was something going on like that or even close to  
12 that, John Turvey would have contacted me and  
13 shared the information with me, but --

14 MS. BROOKS: Did he know about Pickton as a suspect?

15 CONSTABLE DICKSON: No, he didn't.

16 MS. BROOKS: So -- but just so I'm clear, was there ever any  
17 deliberate effort on your part, an intentional  
18 effort to engage the women on Pickton and say, "Do  
19 you know this guy"?

20 CONSTABLE DICKSON: No, there wasn't.

21 MS. BROOKS: And, Inspector -- or Deputy Chief Greer, when did  
22 you learn that Pickton was a suspect?

23 MR. GREER: When they did his farm. That's the first I had  
24 learned of him as a specific suspect. As I had  
25 said, in the past from kind of the executive



1 management level, briefings to us are at a high  
2 level in regards to resources and priorities, that  
3 sort of thing, but the particular information of  
4 investigations are kept private within the  
5 investigation, are not shared. And, frankly,  
6 that's to prevent the loose lip. You know, if I  
7 had heard a name and inadvertently leaked it to  
8 someone or said it to someone, there would be a  
9 front page. So and so is a suspect. So it is  
10 very important, and it's reflected in major case  
11 management, that those kind of particulars of  
12 investigations are kept at the investigation  
13 level. So it's not unknown that as a member of  
14 the executive that I learned of him as a specific  
15 person once the arrest was made.

16 MS. BROOKS: That doesn't concern you?

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

18 MS. BROOKS: Oh, we could take a break now.

19 THE COMMISSIONER: No, no. You didn't answer my question.

20 MS. BROOKS: You're right. I didn't. I'll probably be  
21 forty-five minutes to an hour.

22 THE COMMISSIONER: Oh. All right.

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

24 **(PROCEEDINGS ADJOURNED AT 11:03 A.M.)**

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

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

2 MS. BROOKS: So I'd like to turn now to the ways that -- again  
3 on this communication piece between the divisions  
4 the way in which patrol was engaged by the  
5 Investigation Division and whether that could have  
6 been -- things could have been different there or  
7 that communication could have been improved. And  
8 I'm again turning to Deputy Chief Evans on this  
9 point and I'll just read to you from her report.  
10 She at page 8-148 speaks about these bulletins.  
11 And she -- in referencing, actually, a bulletin  
12 that was created by Project Evenhanded, and that's  
13 at Exhibit 41C, Tab 46. And I've asked Mr. Giles  
14 to put that before you. And this is a copy of a  
15 bulletin that first I'll tell you what Deputy  
16 Chief Evans says about it and then we can read  
17 what the bulletin says. She says this about this  
18 bulletin:

19 In January of 2002 a bulletin was created and  
20 distributed to the four policing districts in  
21 Vancouver, which provided information on the  
22 Missing Women Task Force Street Crew Unit.  
23 This information bulletin provided clear  
24 direction to officers on patrol regarding the  
25 unit as well as directions on how to submit

1 street checks and reports for their  
2 attention. This was an excellent example of  
3 communicating with patrol officers and  
4 bringing attention to the Missing Women Task  
5 Force. I question why this wasn't done  
6 earlier.

7 And if we just look at the bulletin for a moment  
8 and to see what it covers off. You'll see that it  
9 describes the street crew. And, Inspector Beach,  
10 you were engaged with Project Evenhanded on  
11 developing and assigning officers for the street  
12 crew; is this right?

13 MR. BEACH: Yes.

14 MS. BROOKS: Okay. And so it states that:

15 The joint force operations has six seconded  
16 from the RCMP and six VPD members on loan and  
17 the initial stage the purpose of the street  
18 unit will be to gather and develop  
19 intelligence about sex trade workers and  
20 individuals frequenting all sex work areas.  
21 The Missing Women Task Force will also be  
22 developing new relationships with agencies  
23 and citizens in the Downtown Eastside to  
24 educate and encourage open communication with  
25 the police.

1 And then it goes on to tell patrol officers how to  
2 send -- what they should be looking for in their  
3 street check, what information the task force  
4 needs. And specifically it says:

5 In addition to the standard particulars, the  
6 following information is also useful when  
7 checking a sex trade worker: The date and  
8 time she normally works, area she will work,  
9 does she have a spotter, does she work with  
10 anyone else, name of doctor, type of drug  
11 use, does she routinely check in, live with  
12 anyone, next of kin.

13 And then -- then the information bulletin also  
14 states:

15 In addition to licence plates, any unusual  
16 characteristics of vehicles are useful.

17 And then there's a list of examples. So Deputy  
18 Chief Evans questions why something like this  
19 wasn't done earlier. This was distributed in  
20 January of 2002, which is a month before the  
21 search. Inspector Beach, can you comment on that?

22 MR. BEACH: Sure. Absolutely. So again, Mr. Commissioner,  
23 with respect to Deputy Chief Evans, the context  
24 for this memo is pretty important. This street  
25 crew, the name that was given to this group of

1 people, the street crew was formed because Don  
2 Adam and his task force had determined -- and I'm  
3 not -- like, I'm not privy to the entire process  
4 of how the determination occurred, but Don Adam  
5 came to me and said, "We're concerned that we're  
6 not dealing with a historical review here. There  
7 may still be people being killed." In other  
8 words, up until that time, things were looked at  
9 from a historical perspective. Things had  
10 occurred in the past. And that's how -- it was a  
11 research sort of issue. Don realized that it --  
12 it may be that people were still being preyed upon  
13 by the same person. Therefore, what do we do?

14 MS. BROOKS: And just to interrupt, what time period are you  
15 talking about right now?

16 MR. BEACH: Immediately before the formation of this unit. So  
17 in a timeline there's that determination or that  
18 concern or that belief or suspicion or however you  
19 want to characterize it. Don needs to create not  
20 just the historical review, which is already  
21 created, but he needs some people on the street  
22 now. And my role was essentially to -- one of the  
23 roles was to facilitate the acquisition of  
24 resources from the Vancouver Police Department for  
25 secondment to Project Evenhanded. So -- so now

1           we -- this unit gets formed. This bulletin,  
2           because this is a new unit, there is a technology  
3           for reporting that's in the police department.  
4           And so when you -- when a police officer created a  
5           report, they did something. They completed  
6           something called a general occurrence. And  
7           general occurrence reports would be routed by the  
8           submitting officer to units or areas within the  
9           organization that the officer thought should know  
10          about it. So this document was an introduction of  
11          this new unit that was going to be available to  
12          route general occurrence reports. So -- so the  
13          purpose of this document was to tell patrol people  
14          that there's a new unit here and that if you're  
15          checking sex trade workers, et cetera, please  
16          include the Street Crew Unit and the routing of  
17          general occurrence reports. And then it goes on  
18          to talk about, you know, the kind of information  
19          that the street crew would like, et cetera, et  
20          cetera, et cetera. So -- and, again, for context  
21          I think it's important to understand that the  
22          priority of this document was not to necessarily  
23          provide information to patrol units about the  
24          investigation underway per se. The primary  
25          purpose of this document was to alert patrol

1 people who would not know otherwise that when they  
2 check a sex trade worker, there's this thing now  
3 called a street crew that's attached to Project  
4 Evenhanded and this is the kind of information, so  
5 please ensure that your GO that you submit is  
6 routed to them.

7 MS. BROOKS: I understand. So -- so a couple things that you  
8 said that I want to just explore for a moment.  
9 You pointed out -- and, by the way, this is what I  
10 think that we understand in this proceeding is  
11 called the proactive team, is that right, or is  
12 that something --

13 MR. BEACH: Yes. That's another way to describe it. The idea  
14 was to have a supervisor with a number of  
15 constables on the street doing essentially nothing  
16 other than determining what sex trade workers were  
17 working and where and any customers, any johns  
18 that they could identify.

19 MS. BROOKS: And as it's described in the bulletin, it's to  
20 gather and develop intelligence about sex workers  
21 and individuals frequenting sex worker areas?

22 MR. BEACH: Absolutely. Yes.

23 MS. BROOKS: And you've pointed out that this came about once  
24 it was realized that it was no longer an  
25 historical issue?

1 MR. BEACH: Yes.

2 MS. BROOKS: And the historical issue the -- in the chronology,  
3 as I understand it, around later in 1999, Project  
4 Amelia, who's working on the missing women  
5 investigations at that time, comes to believe that  
6 the women are no longer disappearing in the  
7 particular group, but up until that time -- I  
8 think this is what Deputy Chief Evans is getting  
9 at -- why wasn't there any effort made like this  
10 to engage patrol and have them do that kind of  
11 intelligence gathering and is that something, and  
12 even in hindsight, that looking back now should  
13 have been done earlier, as Deputy Chief Evans  
14 suggests?

15 MR. BEACH: By the Investigation Division?

16 MS. BROOKS: Well, engaging patrol to go out and do that  
17 intelligence gathering. What do you think about  
18 that?

19 MR. BEACH: Well, that would be a decision made by the lead  
20 investigator. Whether it was Project Amelia or  
21 whether it was so far back that we're still  
22 dealing with basically the Missing Persons Unit or  
23 Sergeant Field, Detective Constable Shenher era,  
24 that's a decision made by a lead investigator.  
25 It's a considered decision of whether or not that



1 is going to help or hinder an investigation. It's  
2 a strategy.

3 MS. BROOKS: And when we see, Inspector Beach, when you're  
4 engaged with Project Evenhanded that there's  
5 co-ordination between you and Don Adam about  
6 getting this proactive team established and what  
7 it's going to accomplish and so I'm wondering  
8 whether any discussions occurred like that when  
9 the investigation was -- the missing women  
10 investigation, not the Pickton investigation,  
11 housed in the VPD? Were there any discussions  
12 between divisions to implement something like  
13 this?

14 MR. BEACH: Not with me, although I certainly made the  
15 resources that I could control in District 2 --  
16 control is maybe not the best word, but that I  
17 could deploy in District 2 available. And, in  
18 fact, at one point Dave Dickson was sent off on a  
19 full-time basis to assist that investigation and  
20 it caused quite a controversy, quite a stir in the  
21 Downtown Eastside by -- from Deb Mearns and  
22 others. And the Downtown Eastside community per  
23 se, Deb Mearns, et cetera, had to be reassured  
24 that Dave would not be vacant, would not be taken  
25 away on a full -time basis; in other words, could

1 still be made available, but that his expertise  
2 and his assistance was an absolute requirement.

3 MS. BROOKS: And just on that point, then, if you go to Tab 42.  
4 This is a memo dated April 9th, 1999 from you,  
5 Inspector Beach, to Staff Sergeant McKay-Dunn.  
6 And in this memo you're addressing that issue of  
7 assigning Constable Dickson to the Missing Person  
8 Unit?

9 MR. BEACH: Yes.

10 MS. BROOKS: And so that's what you're referring to now?

11 MR. BEACH: Yes. But -- so this memo -- and I'm not sure --  
12 and, in fact, I don't remember how the issue was  
13 brought to me. It may well have been Doug who  
14 came to me and said, "We have to send -- we need  
15 to send Dave Dickson off." Like, that could be --  
16 this is a form -- formalization of the agreement  
17 to do that. That's what this is so that there's a  
18 record.

19 MS. BROOKS: So, staff sergeant, could you tell us what caused  
20 you, if that is the case, to believe that  
21 Constable Dickson should be moved to the Missing  
22 Person Unit?

23 MR. MCKAY-DUNN: I thought that Constable Dickson was  
24 critically important to the investigation because  
25 he was my -- our eyes and ears on the street and

1           he had contact with the -- with the women involved  
2           in the sex trade and had their confidence -- had  
3           their confidence. And I didn't -- I thought that  
4           he would be able to assist the -- the -- in this  
5           investigation. But having said that -- and Chris  
6           knows this and Gary knows this also -- is that  
7           Dave was always down there anyway. But, you know,  
8           you reach a point --

9   MS. BROOKS: Down where?

10   MR. MCKAY-DUNN: Down speaking with the missing women. He  
11           would do that on a regular basis. The Missing  
12           Persons Unit, I should say. And he was very  
13           helpful. So he was already doing that. But in  
14           light of the meeting that Deputy Chief Constable  
15           Greer referred to where there was a bit of a  
16           disagreement, I went to Chris. I said, "You know,  
17           maybe we should formalize that." And Chris did  
18           exactly that and with the appropriate copies made  
19           available to those that would ask why Dave was  
20           down there.

21   MS. BROOKS: And do you recall what discussion you were having  
22           with the Missing Person Unit or the Investigation  
23           Division that -- that caused this -- or triggered  
24           this transfer? Did they come to you and say,  
25           "Look, we need some help here"?

1 MR. MCKAY-DUNN: Not really, no. Dave was down there all the  
2 time and Dave was always keeping me and Gary and  
3 actually Chris up to speed in terms of what was  
4 happening down there. I just felt at this point  
5 we better formalize this so that to -- formalize  
6 the process so that Dave could become more  
7 involved in that investigation rather than running  
8 into somebody saying to Dave, "Well, why are you  
9 here?" You know, we had to give him that, say,  
10 "Well, I'm here because my inspector has arranged  
11 for me to be here on secondment." That's the  
12 reason that we did it.

13 MS. BROOKS: So, Dave, take us to what happened after there's  
14 this transfer. Do you actually physically move to  
15 the Missing Person Unit and what work are you  
16 doing for the unit?

17 CONSTABLE DICKSON: I got the original memo that I was to go up  
18 to the review team and work out an understanding  
19 as to how much time I would be involved there, so  
20 I did that. I reported to Sergeant Field. And I  
21 think that only lasted a few days and then she  
22 approached me and told me that I was now  
23 permanently assigned to the review team. And I  
24 guess I had a bit of a difficulty with that. I  
25 told her I would certainly assist and devote all

1 of my time to whatever she wanted, but I still had  
2 some responsibilities to the rest of the  
3 community. You know, as I said before, my pager  
4 was still going off and sometimes it was fairly  
5 serious stuff that I had to deal with, so I tried  
6 to explain that to Sergeant Field. And she said  
7 that, "It doesn't really matter. You're here full  
8 time." And I said, "What am I supposed to tell  
9 the safety office that I was assigned to?" And  
10 she said, "Tell them you're no longer available",  
11 and that's essentially what I did. I went back  
12 and told Deb Mearns I wasn't available.

13 MS. BROOKS: And then did you physically start working out of  
14 the Missing Persons Unit office or the project  
15 room?

16 CONSTABLE DICKSON: I think I did, but it doesn't last very  
17 long. Deb Mearns and other people got organized  
18 and --

19 MS. BROOKS: We heard there was a petition and a bit of a  
20 protest. Inspector Beach, do you want to say  
21 anything?

22 MR. BEACH: What happened was, as I understand it anyway from  
23 the chief constable of the day, Chief Constable  
24 Chambers, was Deb Mearns called him and basically  
25 threatened to have a march that would conclude in

1 front of the headquarters of the police station  
2 and shut down the Downtown Eastside and what have  
3 you. I was then summoned to the chief constable's  
4 office and he was ready to basically close down or  
5 remove any affiliation with the Vancouver Police  
6 Department. And I said, "Don't do that, please."  
7 Let me go and speak with her, meet with her,  
8 explain what's going on and the importance. I'll  
9 fix this," and that's what I did.

10 MS. BROOKS: And how did you fix it?

11 MR. BEACH: I met with Deb and John Turvey and some other folks  
12 in the Downtown Eastside office. It wasn't a fun  
13 meeting, but explained the importance of Dave  
14 providing whatever assistance he could to Sergeant  
15 Field and that crew and that I didn't believe he  
16 would be required on a full-time basis. In other  
17 words, he would not be absent -- which was their  
18 real concern -- that he would not be absent from  
19 the Downtown Eastside completely. The real issue  
20 is this. And I don't say this to flatter Dave in  
21 his presence. There was only one Dave Dickson.  
22 And so it wasn't like a transfer of anybody else  
23 where the person could figure out the job in due  
24 course and be just fine. It was way more complex  
25 than that for Dave. So there was only one. So to

1                   move him on a full-time basis, he was  
2                   irreplaceable.

3       MS. BROOKS: And as a manager, what do you make of that? You  
4                   have the community that's so passionately and  
5                   enthusiastically responding to Dave being  
6                   transferred out of their community. Does that  
7                   tell you something about the need to have better  
8                   training for patrol officers or improve those  
9                   community relationships between police and the  
10                  officers that are working out of that community?

11       MR. BEACH: I'm not sure that I would characterize it like  
12                  that. Absolutely appreciated what Dave did, but  
13                  understand that what Dave did is -- and I think  
14                  continues to do it, although he's no longer a  
15                  police officer -- is a significant departure from  
16                  what the vast majority of people would expect from  
17                  a police officer in the Downtown Eastside. Dave,  
18                  to my knowledge, took very little enforcement  
19                  action per se. He was a problem solver and a  
20                  community developer and those kinds of things, but  
21                  he wasn't arresting people and putting them in  
22                  jail for drug use or this or that type of thing.  
23                  That wasn't his primary role. There were beat  
24                  officers in the Downtown Eastside who did a lot of  
25                  that, those kinds of things, so --

1 MS. BROOKS: Well, isn't it fair to say, though, that you would  
2 need a mix of those kind of officers? I think the  
3 community response to Dave's transfer just says --  
4 surely that says something about the need to have  
5 people like Dave in the community. Maybe not a  
6 whole patrol team of Daves, but doesn't it say  
7 something about that?

8 MR. BEACH: I think what it says is that the Downtown Eastside  
9 has really quite serious and complex issues,  
10 absolutely, and that it takes a long time for  
11 people to develop a real appreciation and an  
12 understanding, but I also think it says that there  
13 are very few individuals who are willing to spend  
14 their entire career in the Downtown Eastside and  
15 spend the amount of time on a daily basis in that  
16 kind of environment. And I'm not sure that if I  
17 spent a year looking for another individual that  
18 would have been able to do what -- that I would  
19 have been successful. I mean I hear what you're  
20 saying, but --

21 MS. BROOKS: Staff sergeant?

22 MR. MCKAY-DUNN: Couple things. Firstly, by way of background,  
23 this is not an unusual phenomenon. For example,  
24 in my experience in school liaison, our school  
25 liaison officers became part of the school



1 community and you would have a riot if you took  
2 one of those officers out of that school because  
3 the principal would be on you, the vice-principal,  
4 the assistant superintendent of schools and the  
5 superintendent of schools. In fact, that happened  
6 a couple of times. In District 1 when we had five  
7 community police offices, five neighbourhood  
8 patrol officers, I had to go to the advisory  
9 committee in terms of the community police office  
10 and almost ask their permission to move one of the  
11 officers, explaining why I had to move them and  
12 make sure that -- convince them that I had an  
13 adequate replacement. So that's basically what  
14 happens with community policing. Now, in District  
15 2 and to Chris's point -- and this came up  
16 basically with my interview with Deputy Chief  
17 Evans because she was asking me about the Odd  
18 Squad, Toby Hinton and those folks and why had  
19 they spent all their time in District 2. And I  
20 would argue they spent their time in District 2  
21 because of a commitment, a commitment to the  
22 community. Dave's decision to stay in District 2  
23 was a significant one, an unselfish one, because  
24 of the fact by doing so, he essentially took  
25 himself out of the promotion process. And the

1           folks in the Odd Squad, not only did they push the  
2           envelope in terms of traditional police thought --  
3           because, believe me, there are a lot of  
4           individuals in the department that weren't pleased  
5           with the Odd Squad, including the chief of the  
6           day, Mr. Chambers -- and I had to go and actually  
7           talk to the chief and explain to him that the  
8           value by putting a human face on the Downtown  
9           Eastside and these individuals, it was so  
10          important. But they make a commitment. They make  
11          a commitment to help. And it's not lip service.  
12          They take action. That's what Dave did, continues  
13          to do so. And Chris is absolutely right. In my  
14          opinion, they broke the mould when they created  
15          Dave Dickson. You do not find individuals like  
16          Dave everywhere you look. They are, quite  
17          frankly, a diamond in the rough. And I say  
18          that -- I say that without fear of contradiction,  
19          as similarly to the folks like the beat officers  
20          that Chris talks about, the Odd Squad. Those are  
21          beat officers. And if anyone's ever seen some of  
22          the films that they've produced, putting a human  
23          face on this issue, they play a significant and  
24          critical role in dealing with issues like this  
25          now -- well, then, now and in the future. Thank

1                   you.

2       CONSTABLE DICKSON: I guess I just wanted to defend the police  
3                   department and give you a bit of background. This  
4                   move was not the first time. Years earlier before  
5                   I was a community liaison officer, I was in the  
6                   Native Liaison Squad. I became very, you know,  
7                   ingrained in the native community. The inspector  
8                   in charge of that, for reasons I won't bother  
9                   going into, tried to transfer me out of the Native  
10                  Liaison Squad. At that time it was just when they  
11                  were going around the community around the city  
12                  talking about community policing. An inspector --  
13                  not the gentleman here, but inspector and a staff  
14                  sergeant were tasked in going and talking to the  
15                  community. Now, the Downtown Eastside  
16                  Neighbourhood Safety Office was not just the  
17                  office. It was comprised of eight of the largest,  
18                  probably the most political organizations in  
19                  Vancouver. They're very powerful. So it wasn't  
20                  just Deb Mearns in the safety office. The  
21                  inspector and the staff sergeant that went to the  
22                  Ray-Cam Community Centre to talk about community  
23                  policing, you know, basically threw a bomb into  
24                  the community. One of the principals from one of  
25                  the schools stood up and said, "If you're here to

1 talk about community policing, we'd like to talk  
2 about Dave Dickson's transfer." The two of them  
3 folded their arms, leaned back in their chairs and  
4 said, "We're not here to talk about Dave Dickson."  
5 They might as well have thrown a little stink bomb  
6 in the community because it exploded overnight  
7 with the schools and people getting onboard and  
8 within a week the chief had to step in and nix my  
9 transfer and said that they would not leave me in  
10 the Native Liaison, but they would take -- or  
11 sorry -- take me out of the Native Liaison, but  
12 leave me in the community. So my position was  
13 cemented a long time before this incident  
14 happened.

15 MS. BROOKS: Deputy Chief Greer, did you want to speak to the  
16 role of patrol in the community as well?

17 MR. GREER: Well, Mr. Commissioner, again, this forms part of a  
18 commitment to community policing where officers  
19 are assigned to offices -- or to assignments where  
20 they have the opportunity to get to know the  
21 community, to involve themselves in the community,  
22 not to be reactionary, not have to go to cold  
23 calls, and that they can create those kind of  
24 relationships, and so we did that with school  
25 liaison very effectively over the years and with

1 all the different community offices that we  
2 eventually established throughout the city. And  
3 so it is in terms of training and in terms of  
4 police culture a change. You do need to convince,  
5 especially the young officers who first arrive and  
6 are ready to go out on the road and arrest  
7 offenders, et cetera, to get them to calm down and  
8 understand that the larger policing picture is  
9 involvement with community. It is engaging in the  
10 community for crime prevention. And, as we've  
11 talked about, that by developing sources within  
12 the community, you can improve your ability to  
13 solve crimes. Having said that, we live in a  
14 unionized environment, so the department in terms  
15 of encouraging people to accept roles in the  
16 community, they do so within a union contract.  
17 Dave definitely worked outside the union contract.  
18 I mean instead of when you talk a 40-hour work  
19 week with overtime built in, when you take  
20 overtime, I know that Dave did way more than 40  
21 hours every week, did way more overtime than could  
22 ever be compensated by the department. So yes, we  
23 encouraged our members to become very involved  
24 with community and to develop those contacts, but  
25 you still have to respect that there is a working

1 relationship with an employee and what you can  
2 legitimately expect from them.

3 MS. BROOKS: I'd like now just to turn to one other initiative  
4 that I'd like to hear your views on whether it was  
5 pursued and if not, why not and then I'd like to  
6 ask you about your advice to this commission for  
7 recommendations. So if you could turn to Tab 52,  
8 please. This is a memo dated May 19th, 1999 from  
9 Jerry Wickstead. And, Inspector Beach, you'll see  
10 that you are addressed -- it's addressed to you  
11 and others. Who is Jerry Wickstead?

12 MR. BEACH: Sorry?

13 MS. BROOKS: Who --

14 MR. BEACH: Jerry Wickstead's a constable in District 2 at the  
15 time.

16 MS. BROOKS: Can you turn your mic on, please?

17 MR. BEACH: Sorry. I'm sorry. Jerry Wickstead was a constable  
18 working in District 2 at the time.

19 MS. BROOKS: And so this is what Jerry writes:

20 What do you think of the idea of having a  
21 police sex trade forum with a group  
22 brainstorming atmosphere in an attempt to  
23 gather new information about the  
24 disappearance of the Downtown Eastside women?  
25 I realize that some of the investigators have

1           already spoken to the women on a one on one  
2           and perhaps in an informal group situation.  
3           I've spoken to some of them myself and their  
4           lives are so filled with physical and mental  
5           abuse that they may not release information  
6           until they are asked the right questions or  
7           in the right mood. There are several reasons  
8           why a group discussion with police could be  
9           rewarding.

10          And then there's a list.

11           This could be another avenue to open up  
12           communication lines between police and sex  
13           trade workers. Perhaps if we gathered them  
14           in a large group and they openly share their  
15           own theories of why these women disappeared,  
16           they may all have a similar experience or  
17           similar suspect in mind that they haven't  
18           told the police earlier. New information  
19           could be gathered. This would show the  
20           general public and various Downtown Eastside  
21           agencies that we are open to new ways of  
22           communicating with the public, community  
23           policing. Perhaps we could include key  
24           members of WISH, Jamie Lee Hamilton of  
25           Grandma's House, et cetera as long as the

1 females would be comfortable talking with  
2 them in front of -- talking with the police  
3 in front of them. They might feel more  
4 comfortable to talk about the disappearance  
5 in a supportive group atmosphere. We might  
6 receive information from women we haven't  
7 talked to yet and we could also warn them  
8 about going on foreign freighters and give  
9 them other safety information. We could also  
10 give them an opportunity to speak one on one  
11 with an investigator if they requested it.  
12 The best location to have this information  
13 forum is at the First United Church at Gore  
14 and Hastings where these women go to eat a  
15 meal every night. Both Detective Inspector  
16 Kim Rossmo and Detective Constable Shenher  
17 think this might be a successful way of  
18 brainstorming the sex workers for new  
19 information. What do you think of the idea?

20 So this sounds like an excellent idea. Was it  
21 pursued?

22 MR. BEACH: I don't really remember how I received this other  
23 than it would have been in written form at some  
24 point. I recollect sitting with Jerry in my  
25 office in District 2 and encouraging him to pursue



1           it with Sergeant Field and Detective Constable  
2           Shenher. Jerry's role at the time, Mr.  
3           Commissioner, was as a community officer. He was  
4           working in Strathcona, I believe, the Strathcona  
5           community policing office. But that's my  
6           recollection of this memo, is sitting with Jerry  
7           and encouraging him to absolutely follow this up  
8           and --

9    MS. BROOKS: So one of the things that Jerry points out is that  
10           there's been perhaps informal group situations or  
11           one-on-one basis, but nothing structured in the  
12           way that's proposed here with sex trade workers  
13           directly. We learned about the presentation that  
14           Constable Shenher gave at the Carnegie Centre and  
15           when she gave evidence here, she said that that  
16           was the only presentation that she gave to the  
17           community. Why wasn't there more attempts to  
18           actually sit down with the sex workers themselves  
19           and engage with them directly and is that  
20           something that, looking back now, you think could  
21           or should have been done? Constable Dickson?

22    CONSTABLE DICKSON: Well, there were more attempts. I  
23           mentioned before the WISH organization where all  
24           the women went for dinner. I took Detective  
25           Inspector Kim Rossmo there. I took Lori Shenher

1           there. When the task force was taken over by the  
2           RCMP, I took a lot of their officers into WISH to  
3           introduce them to get their foot in the door  
4           because if any officers come down here asking  
5           questions, the women don't know them. They just  
6           won't talk to them. So I took some of the  
7           officers into the group at WISH where they feel  
8           very comfortable and talked to a lot of the women  
9           themselves. So that was being done.

10   MS. BROOKS: And I think that that's reflected in this -- in  
11           here when Jerry mentions the -- the informal group  
12           situations, but to your knowledge was there ever  
13           anything structured as it's proposed here and  
14           would that have been a good idea?

15   CONSTABLE DICKSON: I don't think there was anything  
16           structured. My feeling is it was already being  
17           done.

18   MS. BROOKS: So you don't think it would have added any more  
19           value to have something like this?

20   CONSTABLE DICKSON: I don't believe so, no.

21   MS. BROOKS: And, staff sergeant, what do you think?

22   MR. MCKAY-DUNN: Well, I wasn't actually copied on this memo,  
23           which I find sort of strange. I don't -- I see  
24           there's an acting staff sergeant, so maybe I was  
25           away that month. I don't know. But it all

1 depends on your audience of how you're going to  
2 deal with it. I mean in the normal world -- and  
3 when I say, like, in District 1, we would have had  
4 a formal meeting as described here. And the  
5 Downtown Eastside you're dealing with a different  
6 reality. So if Dave believes -- and I put a lot  
7 of faith and credence in Dave's position on  
8 this -- that that was being done, the information  
9 was being obtained, it would have been provided to  
10 those responsible, then I could agree with him.  
11 You know, I read something like this and I said,  
12 yes. This is -- this is good stuff. How do you  
13 implement it? How do you get everybody to the  
14 table when you're already doing that? And these  
15 folks that they want into that forum, you know,  
16 they don't have a lot of time on their hands.  
17 They're out there on the street trying to survive  
18 so that they could pay their rent and get a  
19 reasonable meal and look after those basic  
20 necessities of life. And that's what they are,  
21 because, as it's been described in this commission  
22 hearing, is that they're in survival mode. So I  
23 don't know whether -- I don't know what the  
24 outcome would be. I mean --

25 MS. BROOKS: And I guess the question is whether any efforts

1                   were made at all to pursue something like that.

2                   Inspector Beach?

3       MR. BEACH: Well, part of my discussion with Jerry was around  
4                   the format, if you like, of the memo itself.  
5                   Asking me whether I think something is a good idea  
6                   as a district commander is not the way business is  
7                   conducted in a police department and certainly  
8                   wasn't at that point. So my advice to Jerry was,  
9                   it sounds like a really good idea, but, of course,  
10                  there are all kinds of considerations. And you've  
11                  heard some that Doug has just mentioned. So what  
12                  I said to him was, "Go to the principals, and that  
13                  included Shenher and Rossmo if they're in  
14                  agreement with you, but make sure you touch base  
15                  with Field because she was involved in -- as  
16                  Shenher's supervisor. So -- and if it can be  
17                  done, then by all means do it." But asking me if  
18                  I think it's a good idea, if I say yes, what  
19                  happens then?

20       MS. BROOKS: Well, can you -- do you have any ability to  
21                   mobilize something like that?

22       MR. BEACH: Yes, but that's --

23       MS. BROOKS: I don't know. I'm just asking.

24       MR. BEACH: Okay. So -- so I suppose if I had ordered it so,  
25                   people would have had to have complied, at least

1            appeared to have complied because of my rank, but  
2            the idea is if -- if a subordinate has an idea and  
3            wants to do something, I'm all ears. But  
4            subordinates -- constables don't typically order  
5            up. They don't make recommendations for the  
6            inspector to do this or that or the next thing.  
7            Like, Jerry's idea I think was a really good one,  
8            but it's his responsibility to put the idea  
9            together, to formulate a plan, tell me what's  
10          going to occur and all those kinds of things.  
11          That's a good idea. Great. So that was my advice  
12          to him, was, "Yes. I think this is a good idea,  
13          sure, but you mobilize the people and make sure  
14          that you include Geramy Field before you do this."

15    MS. BROOKS: Well, you've raised some really interesting points  
16          for this commission because one of the issues that  
17          we're learning about is the extent to which -- and  
18          you've used the word subordinates -- were being  
19          listened to and were being heard because there  
20          seemed to be some disconnects with people like  
21          Constable Dickson, for example, who suspected foul  
22          play quite early on, from Detective Constable  
23          Shenher, who wanted to move to a suspect-based  
24          investigation early on and -- because she had the  
25          belief that the cases were related, which is an

1 expression that she used in her August, 1998 memo.  
2 And so to what extent is that a cultural issue for  
3 the department that impacted the missing women  
4 investigations; that is, that people like  
5 Constable Dickson, Lori Shenher or even Jerry  
6 Wickstead weren't being heard?

7 MR. BEACH: I'm not sure that I can answer that directly.  
8 There's a distinction though. This memo from  
9 Wickstead is nothing like what Dave Dickson  
10 produced. Dave Dickson actually produced  
11 something that could be measured, something that  
12 had sort of an introduction and a recommendation  
13 for some action. What Wickstead is -- was saying  
14 here is I think it would be a good idea if  
15 whatever. Okay. So -- so is that a call to  
16 action for me or is it a call to action for --  
17 like -- and so --

18 MS. BROOKS: So there's nothing in this that triggers any  
19 action on anyone's part? That's your concern?

20 MR. BEACH: That's my -- well, the last sentence is --

21 MS. BROOKS: What do you think?

22 MR. BEACH: -- what do you think of this idea? So if I had  
23 written back to him I think it's a great idea and  
24 put my signature there, what -- what in the world  
25 changes?

1 MS. BROOKS: So what should -- what should Jerry have done?

2 MR. BEACH: Exactly what I told him. He should have gone to  
3 Field to ensure, right, met with Shenher and  
4 Rossmo and whomever else.

5 MS. BROOKS: Which it sounds like he did that.

6 MR. BEACH: Well, he got --

7 MS. BROOKS: He says that in the second-last paragraph.

8 MR. BEACH: And then set it up. Organize it. Do it.

9 MS. BROOKS: So he should have engaged Field, is what it comes  
10 down to?

11 MR. BEACH: And then done it and made the arrangements, right,  
12 as opposed to asking me what I think of the idea.  
13 I mean does it matter what I think of the idea?

14 MS. BROOKS: Well, that depends on what ability you have to  
15 make something happen. If you think it's a great  
16 idea and you're going to run with it, then it  
17 would matter.

18 MR. BEACH: No, but this is his initiative. He thinks that  
19 this is an important thing to do and so I support  
20 that, but I'm not going to organize the meeting  
21 for him is my point. That's his responsibility.  
22 That's what we engage community policing officers  
23 to do, was to be proactive in the community,  
24 because they knew what meetings they needed to go  
25 to. They knew who the important players in the

1           various communities were and whose opinion they  
2           needed to obtain, et cetera. That's precisely why  
3           we're sitting here today applauding Dave Dickson,  
4           because Dave didn't have to be -- Dave wouldn't  
5           have sent me a report saying I'm thinking of going  
6           to a meeting on Tuesday, what do you think,  
7           because I would have called him in and said,  
8           "Dave, this is your role. If you think it's  
9           important to go to the meeting, then by all means  
10          please go."

11   MS. BROOKS: So this is moving now into recommendations. And I  
12               want to bring back something -- taking Inspector  
13               Beach's remarks to something I heard expressed by  
14               Staff Sergeant McKay-Dunn earlier today. And I  
15               I'm not going to be able to paraphrase this  
16               perfectly, but you talked about -- you talked  
17               about the situation being serious. You talked  
18               about there being murders and you talked about  
19               brick walls. What did you -- can you just explain  
20               for us -- you talked about inertia. What did you  
21               mean by those things?

22   MR. MCKAY-DUNN: It was again -- Mr. Commissioner, we're  
23               looking at 1998 through the 2012 lens. I'll  
24               preface my remarks by saying that. At the time  
25               there was a significant change occurring within



1           the police department -- within policing  
2           generally, because at the time, unfortunately,  
3           police departments didn't talk to each other  
4           really. In fact, the RCMP detachments didn't talk  
5           to each other. So there are all these silos. The  
6           information was kept in the back pocket, as it  
7           were, as opposed to being shared properly. And  
8           people were concerned -- and we've heard that  
9           earlier -- that if I tell you this information,  
10          you're going to release it to the press and I  
11          don't want to do that because it's going to  
12          compromise what I'm trying to do. So the brick  
13          wall is this. The first statement is this: If  
14          there's no body, there's no file. If I had no  
15          body, it didn't happen. It's the old story. If  
16          the tree crashes in the forest and you didn't hear  
17          it, does it mean it fell or it didn't fall? So  
18          there is this disbelief that anything other than  
19          actual physical evidence at the scene is -- the  
20          disbelief is that there could be any other crime  
21          except those crimes that are actually reported,  
22          perhaps some crimes. But in terms of this brick  
23          wall, you then insert a radically different  
24          approach to investigation, and I'm referring to  
25          Dr. Kim Rossmo, using a statistical analysis,

1 looking at the numbers of the evidence. In fact,  
2 it was Dave Dickson's report from the 28th of  
3 August I provided to Rossmo that he conducted his  
4 initial analysis on because he needs the data.  
5 And to take that and say, you know what? I know  
6 we don't have a body and there's -- we have  
7 nothing else but based on this information that  
8 the impossible now has been eliminated and our  
9 worst fears could probably be true and then use  
10 that to resource it. That was the issue at play  
11 at the time. Now, the 1998 traditional police  
12 response would be, no. We don't do that. We only  
13 respond to an actual physical event, and hence  
14 your road block, because to assume and suspend  
15 your disbelief and take on the Rossmo point of  
16 view would mean to resource it, and that would  
17 mean taking resources from other investigations  
18 that you deemed, based on the 1998 approach to  
19 policing, more important in terms of setting your  
20 priorities. That was the issue. I personally  
21 believed -- I put a lot of credibility into  
22 Rossmo's opinion. I went to him in the first  
23 place. I saw him in action when he was in the  
24 Intelligence Unit and others did not. And so when  
25 Gary -- this is what he was doing. Quite frankly,

1 I don't know whether he would admit that, but from  
2 what I could see, he was running into roadblocks.

3 MS. BROOKS: So I'd like to ask the panel now a question. I'd  
4 like to hear all of your views on this. Do you  
5 believe that there was any disregard for these  
6 women in a police sort of cultural sense?

7 MR. MCKAY-DUNN: I believe that much work had to be done and it  
8 was being done by Dave Dickson and the Odd Squad  
9 by putting the human face on these victims that  
10 were -- that society was not -- it had disappeared  
11 into this black void of the Downtown Eastside and  
12 society didn't want to know them, about them.  
13 Social planning was doing their thing. But in  
14 terms of the Planning Department of the Vancouver  
15 Police Department, they just wanted to contain  
16 it -- not the Vancouver Police Department, the  
17 City of Vancouver. They just wanted to contain it  
18 in one area. They wanted to keep it out of the  
19 residential areas.

20 MS. BROOKS: You talked about society and planning. What about  
21 the police?

22 MR. MCKAY-DUNN: The police department -- the police  
23 department, the actual individuals working on the  
24 beat that had established relationships with these  
25 individuals considered themselves -- considered

1           these individuals, and the Odd Squad being leaders  
2           in this, to be human beings like anybody else, but  
3           they were very difficult to work with because of  
4           their severe, severe drug addiction.

5   MS. BROOKS: Dave, was there any disregard for these particular  
6           women by the department?

7   CONSTABLE DICKSON: I wouldn't say by the department. I mean  
8           there's a ton of incredible police officers out  
9           there that are very dedicated to what they do, but  
10          unfortunately for the police department, there are  
11          some officers out there that were performing in a  
12          manner that was unbecoming of a police officer, I  
13          guess. So, yes, there are some people,  
14          unfortunately, that do not treat the women very  
15          well.

16   MS. BROOKS: And, deputy chief, what's your response?

17   MR. GREER: Well, I think, Mr. Commissioner, the issue is what  
18          delayed the addition of resources to this missing  
19          women's issue? What seemed to delay that?  
20          Because that seems to be the problem. We start  
21          with a list from Dave Dickson, which I take, which  
22          we eventually realize that Major Crime and Missing  
23          Persons assert their -- their role in continuing  
24          that investigation. It takes until May of '99  
25          that we get Amelia and then it takes a period of

1           time after that until we get to Evenhanded. And  
2           so the argument can be why did it take so long for  
3           the investigators to come to further conclusions  
4           as to what was happening. And as far as I'm  
5           concerned and the people that I know that were  
6           involved in the investigations, the issues were  
7           about their ability to gain information, to  
8           determine where people were missing. I mean there  
9           were a number of things that were -- determined  
10          that, you know, not a common DNA bank to try and  
11          deal with missing persons. There was no common  
12          missing person list throughout the province. So  
13          there was a number of issues that became  
14          identified by the initial investigators that  
15          slowed the progress of this investigation. But I  
16          do not believe that it in any way was slowed or  
17          not conducted because there was some belief of a  
18          disrespect for the status of these people. In my  
19          opinion, I never saw that and it was never what  
20          formed the problems of making this delay. I mean  
21          when you talk about recommendations, the  
22          recommendations are we should have been able to do  
23          things quicker. Things should have occurred more  
24          -- more timely.

25   MS. BROOKS: How could that have happened?

1 MR. GREER: Well, in terms of if -- now as we develop programs.  
2 We need a common DNA base. We needed a common  
3 reporting base, which has occurred.

4 MS. BROOKS: Well, what about an acknowledgment of how serious  
5 the issue was?

6 MR. GREER: Well, again, it takes time to identify exactly  
7 what's happened and it did take too long. It  
8 should have occurred quicker than by the time we  
9 did Amelia, but that that was what resources we  
10 had and what investigators were able to determine,  
11 and there were roadblocks for them in terms of how  
12 they could track down who was missing and who  
13 actually was not in the community because they  
14 could have had some foul play or that they have  
15 moved away or that they -- something had happened.  
16 And that was one of the problems as -- for  
17 management of the department where you assign  
18 resources, is how do you assign resources. You do  
19 so by people providing to you sufficient evidence  
20 about something that says, right. You now get the  
21 priority over this person. And an example was  
22 here this morning at this inquiry where a  
23 particular representative decided that their  
24 resources -- they were not receiving the resources  
25 they thought they should get and obviously

1           somebody had to make a decision about who gets  
2           what. And then the question is how do you argue  
3           for that? Should you have listened to a  
4           particular argument or another argument? And so  
5           in hindsight, yes. We should have listened  
6           sooner. We should have listened sooner and maybe  
7           we could have accomplished something. I mean I  
8           was unaware at the time there are two issues here.  
9           One is our Missing Persons Working Group that have  
10          moved on into Amelia and Evenhanded and were  
11          looking at all the reports of people missing and  
12          how we should have done that sooner. We should  
13          have done it quicker. What processes should be in  
14          place for us to allow that to happen. The other  
15          side was the actual investigation of a suspect.  
16          That was conducted properly by an investigation  
17          group that for some reason was unsuccessful at the  
18          end of two years. And, unfortunately, Pickton was  
19          able then to proceed for another two years  
20          committing his crimes. So in terms of looking at  
21          this case, there are two sides to it: One, how do  
22          we improve our response to people who are reported  
23          missing? And definitely I know the department has  
24          changed a lot of policies and procedures to do  
25          that. I believe the Province has put money and

1           time into creating a proper provincial database.  
2           I'm not sure how much progress has been made on a  
3           common DNA base that would assist in identifying  
4           missing persons. So that's the one side. The  
5           other side that -- where we're not that involved  
6           with is the conduct of investigations and how did  
7           the investigation go off the rails. How did it  
8           not complete a case in 2000? I don't know.

9    MS. BROOKS: Inspector Beach, what could have -- what could  
10           have been done differently? And in answering that  
11           question, I'd also like you to comment on the  
12           original question of whether you believe the  
13           department disregarded these women because of a  
14           particular profile they had.

15   MR. BEACH: I'll deal with that first because -- no, I don't.  
16           I think that an assertion like that is frankly  
17           absurd. And Dave has referred to this, Mr.  
18           Commissioner. There may be individual officers --  
19           I don't know -- who have biases or what have you  
20           and like people with green hair or brown shoes or  
21           don't or I don't know, whatever, but in terms of  
22           systemic response or an organizational response,  
23           no. I don't buy that for a minute. What should  
24           the Vancouver Police Department have done or what  
25           have you? I think the term reactive and



1 proactive, those two terms have been thrown around  
2 here, and that's my belief, is that pre Pickton,  
3 if I can use that term, a lot of police  
4 departments, including the Vancouver Police  
5 Department, would have -- you could characterize  
6 them in terms of major case investigations could  
7 be classified as reactive and, therefore, show me  
8 the body and then the investigation begins, et  
9 cetera, et cetera. So it's reacting as opposed to  
10 what happened here with Dave Dickson's report,  
11 with Rossmo's involvement, with all of these  
12 things was in a sense proactive. It was saying we  
13 don't have the typical situation of a body or what  
14 have you, but we have other evidence that makes us  
15 think that something could be possible. We should  
16 do an investigation. And I think the Vancouver  
17 Police Department didn't react well to that. I  
18 don't think that could ever be the case.  
19 Personally, I don't think that will ever be the  
20 case again. That's of no solace, I'm sure, to the  
21 families, but I believe that's what occurred.

22 MS. BROOKS: And, staff sergeant, what do you -- what do you  
23 have to offer to this discussion?

24 MR. MCKAY-DUNN: I -- I have to disagree. Some of my  
25 colleagues -- and I share this -- my opinion with

1           the commission. I do believe there were elements  
2           within the organization at the time that  
3           considered the missing women, those individuals  
4           involved into the sex trade to be what Nietzsche  
5           referred to as the *Übermensch* or the second level,  
6           second-tier individuals. That did not have an  
7           impact in terms of the police response to the  
8           issues, but if we're going to invest significant  
9           resources, that may have been an issue. I'm not  
10          suggesting it was. I wasn't in the room when the  
11          decisions were made, but I can only tell the  
12          commission this, and I said the same thing to  
13          Deputy Chief Evans: I heard over and over again,  
14          "Oh, they're just prostitutes and they're probably  
15          travelling or doing something else and they're  
16          transients, so really all these concerns is just a  
17          bunch of" -- well, beat ups is basically what I  
18          was told. I heard this over and over again, not  
19          from Gary, certainly not from Dave, not from  
20          Chris, but I heard this when I -- because there  
21          are some managers that will write memos. I  
22          believe by management by walking around. You go  
23          talk to people. You try to get them -- get them,  
24          as I say, on side so that proper decisions are  
25          made. And sometimes these decisions or this

1 influence can occur in a hallway or over a cup of  
2 coffee. But that's what I heard. "Why should we  
3 spend the money on this when we've got other  
4 things to do? After all, they're probably just on  
5 a trip or they're gone to Calgary" or whatever and  
6 I kept saying, "No. I don't believe that. I  
7 think there is something going on here." I used  
8 to do the same thing with the media. I explained  
9 to the media that the individual that's lying in a  
10 heap in the corner on the street is somebody's  
11 husband or son and we've got to be more interested  
12 in -- when I used to say, you know -- and I was  
13 quite vocal about this when -- in talking with the  
14 press when I was on the job and certainly off the  
15 job since 2001, I said, you know, we're concerned  
16 about our salmon and we're concerned about our  
17 forests and we spend a lot of time protecting the  
18 salmon, protecting the forests, protecting our  
19 environment, but we spend almost no time in  
20 recovering what's the most invaluable resource  
21 that we have, and that's the human being. And  
22 that to my -- in my way of saying is a mortal sin  
23 of this society. I can't say it any stronger than  
24 that. And in 1998 it wasn't just the police that  
25 held that view by some of them, but the general

1 community, even then members of the media. Anyone  
2 that's worked in the Downtown Eastside -- and I  
3 refer to Toby Hinton and others and Dave -- did  
4 not share that view because they dealt with them  
5 on a daily basis. You know, this was not the  
6 financial district of Vancouver. This was not  
7 Shaughnessy. This was not Fraserview. This was  
8 not any of those areas. This was probably the  
9 hardest place to police in North America and it  
10 was very, very difficult. And some of our  
11 officers got burnt out. Some of our officers were  
12 off on extended leave. Some officers had to  
13 actually be transferred because they'd been down  
14 there too long. Only the very few could stay  
15 there, and they did so -- and I've mentioned this,  
16 Mr. Commissioner. I think this is very  
17 important -- because they make a total commitment  
18 to do something. I used to tell officers -- young  
19 officers -- they would come in and see me and they  
20 would talk about their career in the police  
21 department, how do you get satisfaction. I said,  
22 "Well, it's not the people you arrest." The  
23 metaphor I use, "That's only 1 of 52 cards in your  
24 deck. You have to use everything else in order to  
25 achieve your objective." I said, "If you realize

1           this one point, you get true satisfaction of being  
2           a police officer. If you can say at the end of  
3           your career that you have been a catalyst for  
4           positive social change, then you have been a  
5           success. And I really don't care how many people  
6           you've arrested and put in jail, but if you can  
7           actually work with the community and affect  
8           positive change as a catalyst, you've done your  
9           job because at the end of the day, it's the  
10          community that will drive it." And that is  
11          something, unfortunately, Mr. Commissioner, it's  
12          still prevalent. I know in talking with members  
13          of the RCMP that still don't think -- see it that  
14          way, they say, for example, "We're not social  
15          workers." I would argue that police officers --  
16          Dave's shown this, Toby has shown this and Gary  
17          certainly -- that they are social workers, because  
18          we believe the social issues that cause crime have  
19          to be addressed and hence my point once again, Mr.  
20          Commissioner, detox, rehab, treatment. It's a  
21          simple answer, a very expensive one. Now it's  
22          time for us to put our money where our mouth is.  
23          Thank you.

24       MS. BROOKS: Constable Dickson, I'll give you the last word.  
25          How can missing women investigations by the

1 department be improved?

2 CONSTABLE DICKSON: Well, I guess just more contact with the --  
3 you know, the women on the streets. They have to  
4 have more people out there that have been in the  
5 area, I think, for a while. And it's something --  
6 we talked about, you know, that the trust thing is  
7 a huge thing on the part of the women. I mean if  
8 you have one officer -- one of the big things for  
9 me anyway was getting the women to gain my trust.  
10 If you have one officer out there doing stupid  
11 stuff, you know, he'll destroy the work of a  
12 hundred officers, unfortunately, because that's  
13 what the media reports on. But, you know, more  
14 dedicated people. I mean they just got a new  
15 officer down there which I'm really -- I know her  
16 and she's incredible. So people like, you know,  
17 Alison Gailus. She's just become the new  
18 community officer down there and she's just a  
19 terrific person and a terrific police officer,  
20 people like that, but she's one and, like I say,  
21 they need many more down there. And I think they  
22 need -- it's not about training. I think the  
23 officers that are down there, a lot of them are  
24 terrific officers, but there's still that element  
25 of people that treat the women differently. And

1 not just the women, you know, treat the guys  
2 differently too. So I think that's -- and I'm not  
3 sure how you rectify that. I think that better  
4 supervision from the sergeants and higher ups.  
5 It's not just the sergeants, you know, right from  
6 the top, I think.

7 MS. BROOKS: Well, thank you, all the panel members. Those are  
8 my questions for the panel, Mr. Commissioner.  
9 We've only received one time estimate so far and  
10 that's from the DOJ for one hour.

11 MR. HIRA: Just a moment. You received my time estimate too.

12 MS. BROOKS: Oh, true. Sorry. So we have -- that's true. So  
13 Mr. Roberts also provided a time estimate of 45  
14 minutes and I'm sorry, Mr. Hira.

15 MR. HIRA: It was half an hour.

16 MS. BROOKS: Thirty minutes. So what I'd like to do, though,  
17 is meet with all counsel again like we did for the  
18 other panel. So I would like to ask all counsel  
19 to meet with me at one-thirty in the counsel room  
20 and then we'll come back after the lunch break.

21 THE COMMISSIONER: All right. So what's --

22 MS. BROOKS: Well, I'll canvass with counsel at that time.

23 THE COMMISSIONER: This panel will be back tomorrow?

24 MS. BROOKS: No. Don Adam is giving evidence tomorrow.

25 THE COMMISSIONER: So when's the cross-examination going to

1 continue?

2 MS. BROOKS: My understanding is that the panel is available on  
3 Thursday.

4 THE COMMISSIONER: Okay. All right. Because you've been a day  
5 and a half now and obviously the lawyers need --

6 MS. BROOKS: Of course, there was applications as well, but  
7 yes.

8 THE COMMISSIONER: Well, I know, but I need a better estimate  
9 of time from you. Okay. All right.

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

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

12 **(PROCEEDINGS RESUMED AT 1:45 P.M.)**

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

14 MS. BROOKS: Mr. Commissioner, I'll just advise you of the time  
15 estimates that I've collected. Mr. Roberts will  
16 be forty-five minutes, the DOJ an hour, Mr. Gratl  
17 six and a half hours, Mr. Ward two hours and Mr.  
18 Hira thirty minutes. Those are the estimates I  
19 received this afternoon. And due to -- to  
20 accommodate some of the scheduling issues that  
21 some counsel have, Mr. Roberts will go first  
22 followed by the DOJ.

23 THE COMMISSIONER: All right. Thank you. Yes, Mr. Woodall.

24 MR. WOODALL: I will be asking some questions possibly. I  
25 didn't give a time estimate because at the moment



1 I don't intend to ask any questions, but issues  
2 may arise through other counsel.

3 THE COMMISSIONER: Okay. Thank you. Mr. Roberts.

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

5 Mr. Commissioner, Darrell Roberts for Marion  
6 Bryce. Mr. Commissioner, to see that I don't  
7 overstray or stray over my time, I ask the  
8 registrar to inform me when forty-five minutes is  
9 up and I will sit down no matter where I am.

10 Second, before I proceed, Mr. Commissioner, I  
11 think it's worth your noting that one of the  
12 unfortunate consequences of the withdrawal of Ms.  
13 Gervais is you've lost a very fine counsel, I  
14 believe, in Bryan Baynham, QC, who was the only  
15 other person appearing in this room on a pro bono  
16 basis that I know of and was her advisor, and so  
17 I'm very regretful to lose his assistance on this  
18 inquiry.

19 Gentlemen, I act for Marion Bryce, who lost a  
20 daughter -- her name is Patricia Johnson -- to  
21 Pickton. She was last seen in the Downtown  
22 Eastside, I'm told on the evidence, in January or  
23 February of 2001. Obviously my client is most  
24 keen to know why it took so long to find -- catch  
25 Pickton and, in particular, why it took so long,

1           it appears, to do something about it in 1998 and  
2           1999, particularly those two years because there  
3           was source information -- which you may not have  
4           known about, but there was source information  
5           which might have been marshalled into an  
6           investigation if it had proceeded from Vancouver.  
7           So I say all of that so that you know where my  
8           focus is. But let's first -- I want to do my  
9           thank yous to begin with. All of you are now  
10          retired gentlemen. Mr. Chris Beach, you were  
11          formerly an inspector?

12   MR. BEACH: Yes, I was.

13   MR. ROBERTS: That was your top rank before you retired?

14   MR. BEACH: Yes.

15   MR. ROBERTS: All right. And you -- just a couple of questions  
16               there. I understand you indeed have Homicide  
17               training?

18   MR. BEACH: Well, I was never a detective. I was never a  
19               Homicide investigator, per se. I was transferred  
20               in as the inspector in charge of Major Crime  
21               Section, subsequently took major case management,  
22               which is how an investigation -- significant  
23               investigation should be conducted and various  
24               components, various players, but I was never a  
25               Homicide detective per se.

1 MR. ROBERTS: I see. Did I misunderstand your evidence, then,  
2 this morning or sometime that in the last couple  
3 years of your duty with the Vancouver Police, you  
4 were in charge of the Homicide Squad?

5 MR. BEACH: I was in charge of Major Crime Section, which in  
6 those days was comprised of two Homicide squads  
7 and including a Missing Persons Unit, of Robbery,  
8 Assault and Forensic Identification Section.

9 MR. ROBERTS: All right. I'm right on it then. So you'd  
10 actually succeeded Mr. Biddlecombe?

11 MR. BEACH: No. There was a gap between Biddlecombe leaving.  
12 There was at least one acting boss and that was --

13 MR. ROBERTS: In between?

14 MR. BEACH: Yes. The fellow that I replaced was Al Boyd. He  
15 was an acting inspector.

16 MR. ROBERTS: Right. And, by the way, before I forget, I'm  
17 going to ask questions of you gentlemen  
18 individually, but if anyone wants to chime in  
19 after someone's answered, I won't mind that, so  
20 don't be afraid to add your views if you think you  
21 have something to add. But in order to be in  
22 charge of Major Crimes and so on, that puts you  
23 over in the Investigation Division?

24 MR. BEACH: Yes.

25 MR. ROBERTS: I see. Mr. Greer, your last position -- I'll say

1                   Mr. Greer. You're now retired. I think nine  
2                   years you said?

3   MR. GREER: That's correct.

4   MR. ROBERTS: And you were the latter -- your last position was  
5                   deputy chief constable in the Operations Division?

6   MR. GREER: That's correct.

7   MR. ROBERTS: And, Mr. Dickson, you're also retired. Your last  
8                   rank was?

9   CONSTABLE DICKSON: I was a lowly constable.

10   MR. ROBERTS: Oh, that's not so lowly. Anyway, I hear you did  
11                  much good work in the Vancouver Police Department.

12   CONSTABLE DICKSON: Thank you.

13   MR. ROBERTS: And, Mr. McKay-Dunn, your last rank?

14   MR. MCKAY-DUNN: I was a while so employed inspector. In fact,  
15                  I was Deputy Chief Greer's administrative officer  
16                  when I left.

17   MR. ROBERTS: All right. Well, I thank you all for coming  
18                  here. And I understand some of you have been  
19                  waiting for a long time to testify. Mr. Greer, I  
20                  want to start with you because you said something  
21                  the other day that caught my attention. And you  
22                  said -- correct me if I've got this wrong --  
23                  police are simply paid to do what is every  
24                  citizen's duty, the prevention of crime. Do you  
25                  remember saying that?

1 MR. GREER: Yes. I was quoting -- maybe not as accurate as I  
2 could have, but I was quoting my recollection of  
3 what Sir Robert Peel said in his writings when he  
4 created the London Metropolitan Police.

5 MR. ROBERTS: Well, it's very good of you to do so and one can  
6 agree with that observation, but there is a major  
7 difference when it is a police officer though,  
8 right, and that is you take an oath of office to  
9 prevent crime. That's part of the oath, isn't it?

10 MR. GREER: That's correct.

11 MR. ROBERTS: And in the prevention of crime, it involves also  
12 the investigation of crime to perhaps prevent a  
13 continuation of the same crime, especially where  
14 you have the potential of a serial killer?

15 MR. GREER: I agree.

16 MR. ROBERTS: All right. And that's an oath of office every  
17 police officer takes?

18 MR. GREER: That's correct.

19 MR. ROBERTS: And, actually, that identifies a major difference  
20 because it is the duty of the police to  
21 investigate crime?

22 MR. GREER: Yes.

23 MR. ROBERTS: The Supreme Court of Canada said that a number of  
24 times and I'm sure you're aware of that. It is  
25 not the duty of a citizen to investigate crime.

1           In fact, it's most advisable that they not. They  
2           might bring harm upon themselves?

3   MR. GREER: That's correct. And that's why I emphasized for  
4           the duty of a citizen is the prevention of crime  
5           and maintenance of public order. So I'm not  
6           suggesting -- and quite often we recommend against  
7           people taking investigative actions against  
8           people; that they should report that to the  
9           police, who have the resources to look into the  
10          investigation.

11   MR. ROBERTS: But the whole idea of the involvement of the  
12          citizens, of the citizenry in prevention of crime  
13          underscores the value of Crimestoppers tips, for  
14          example, right?

15   MR. GREER: Correct. Crimestoppers, Neighbourhood Watch, a  
16          number of programs that the different departments  
17          have run.

18   MR. ROBERTS: And the tip which might lead to information -- we  
19          often use the term a source who has information --  
20          that's a highly valuable product for policing,  
21          isn't it?

22   MR. GREER: Quite often, yes.

23   MR. ROBERTS: And to be protected?

24   MR. GREER: As a source, yes. And that's why Crimestoppers  
25          guarantees anonymity.

1 MR. ROBERTS: Right. And that anonymity can be guaranteed  
2 because of the law that provides it with informant  
3 privilege?

4 MR. GREER: Yes.

5 MR. ROBERTS: All right. When you were deputy chief constable,  
6 Mr. Greer, you attended before the Vancouver  
7 Police Board on one or more occasions with respect  
8 to the reward that was authorized by the Vancouver  
9 Police Board, the \$100,000 reward?

10 MR. GREER: Yes, I did.

11 MR. ROBERTS: And I wonder if you would put before the panel,  
12 please, Mr. Registrar -- Exhibit 113 is the  
13 material I filed the other day. Could you turn,  
14 Mr. Greer, please, to Tab 2 of this exhibit?  
15 You'll see it's minutes of the Vancouver Police  
16 Board?

17 MR. GREER: Yes.

18 MR. ROBERTS: And you're in attendance present. That's the  
19 left side column?

20 MR. GREER: That's correct.

21 MR. ROBERTS: And, Mr. Chris Beach, you're in attendance in the  
22 top of the right side column?

23 MR. BEACH: Yes, I am.

24 MR. ROBERTS: And there's a resolution here passed by the  
25 board. It's paragraph 3(5), which reads:

1 Missing women reward renewal. Sergeant  
2 Geramy Field is reporting that the Vancouver  
3 Department was seeking a one-year extension  
4 of the missing women reward, thus extending  
5 the reward to May 1, 2001. She noted that  
6 the investigation was far more complex than  
7 originally envisioned. Though the reward --  
8 through the reward poster they did receive --  
9 I take that made to the Vancouver Police  
10 Department.

11 -- tips and they hope the renewal will result  
12 in further tips. Four women have been  
13 located and they hope to locate more. The  
14 mayor commented that the police board  
15 contributed to the reward was \$30,000 and the  
16 balance of \$70,000 came from the Ministry of  
17 the Attorney General. He said that the  
18 Ministry of the Attorney General had advised  
19 it supported an extension of the reward.

20 And when you were at that meeting, gentlemen --  
21 this is addressed to Mr. Greer and to Mr. Beach.  
22 Could you turn back to Tab 2, please? Do you have  
23 that in front of you, Mr. Greer?

24 MR. GREER: I do.

25 MR. ROBERTS: And you can read that the reward was for \$100,000



1           for information leading to the arrest and  
2           conviction of the person or persons responsible  
3           for the unlawful confinement, kidnapping or murder  
4           of any or all of the listed women. And then if  
5           you drop your eyes down a couple lines, you see  
6           that's repeated again with respect to the crimes.  
7           And then at the bottom paragraph it's repeated  
8           again:

9                     Any persons having information regarding the  
10                    unlawful confinement and kidnapping or murder  
11                    of any of the missing women listed in this  
12                    poster are requested.

13           You attended, I believe, Mr. Greer, three times  
14           with respect to this. Would you go to Tab 3 of  
15           the binder? Yes. There is Deputy Chief Gary  
16           Greer. And you'll see that and yourself again,  
17           Mr. Beach, are in attendance at Tab 3 for --

18   MR. BEACH: Sorry. Tab 3 has already been discussed.

19   MR. ROBERTS: Sorry. You're quite right. I'm wrong. Tab 5.  
20                     Present is Chief Constable Terry Blythe, Deputy  
21                    Chief Gary Greer, Inspector Chris Beach. So  
22                    you're both present on that occasion. And the  
23                    reward -- a \$100,000 reward is renewed and the  
24                    language of the crimes that are to be  
25                    investigated, right?

1 MR. BEACH: Yes.

2 MR. GREER: Yes.

3 MR. ROBERTS: Chief Constable -- former Chief Constable Terry  
4 Blythe has testified here that in his view those  
5 were the crimes for Vancouver to investigate with  
6 respect to the missing women as authorized by the  
7 Vancouver Police Board. Do you agree?

8 MR. GREER: Yes. Well, I believe in the case where we have the  
9 missing women, that in order to place criminal  
10 offences on the poster to say what we're going to  
11 provide a reward for, the obvious criminal  
12 offences that we would be looking at for people  
13 who are missing and potentially under foul play  
14 would be homicide, kidnapping and unlawful  
15 confinement and that's why you don't have breaking  
16 and entering or assault or theft.

17 MR. ROBERTS: I understand that.

18 MR. GREER: So that's why those three significant offences were  
19 placed on that reward, I believe.

20 MR. ROBERTS: Well, did you have a hand in the -- the language  
21 was developed over the course of three months.  
22 Did you have a hand in that at all --

23 MR. GREER: No.

24 MR. ROBERTS: -- Mr. Greer?

25 MR. GREER: No, I didn't.

1 MR. ROBERTS: Mr. Beach?

2 MR. BEACH: No, I didn't.

3 MR. ROBERTS: Earlier in your evidence you used the word  
4 yesterday, I think it was, kidnap and then you  
5 used the word abduct, Mr. Greer. You used them  
6 almost interchangeably. You understand they are  
7 the take -- they mean the same thing?

8 MR. GREER: Yes. I listened to your presentation yesterday and  
9 I understand -- I understand the issues of  
10 kidnapping and abduction, yes.

11 MR. ROBERTS: I appreciate you're respecting my presentation  
12 yesterday. But you always understood that to  
13 be -- to be such?

14 MR. GREER: Yes.

15 MR. ROBERTS: Thank you. And did you pay attention to the  
16 evidence that got called in the Pickton trial?

17 MR. GREER: No, I did not.

18 MR. ROBERTS: Have you paid attention to the evidence called at  
19 this inquiry?

20 MR. GREER: Some of it I have, yes.

21 MR. ROBERTS: How about the evidence that was called from Mr.  
22 LePard in re-examination where there was evidence  
23 from the Pickton trial read out about the MO?  
24 That means in police terms a modus operandi?

25 MR. GREER: No. I did not listen to Deputy Chief LePard's

1 evidence.

2 MR. ROBERTS: Well, let me just summarize it. That Pickton had  
3 a modus operandi of going down to the Vancouver  
4 East Side, among other places, and offering things  
5 like heroin or cocaine or the drug of choice to  
6 the women or extra money in order to get them into  
7 his confinement and then take them to his property  
8 where he would -- his preferred method during sex  
9 was strangle them. Wasn't it always -- I'll just  
10 stop there. You heard of my reading out of the  
11 passage from the *Metcalf* case, Mr. Greer?

12 MR. GREER: Yes.

13 MR. ROBERTS: Did you know the *Metcalf* case?

14 MR. GREER: No, I did not.

15 MR. ROBERTS: The phrase from former Chief Justice Nemetz that  
16 we're not only looking at giving candy to children  
17 as a method of abducting people, there can be  
18 other methods as well. Do you remember that?

19 MR. GREER: Yes.

20 MR. ROBERTS: In this particular case, that evidence that was  
21 read out that I've just summarized, that would be  
22 like candy to the women, right, to get them into  
23 the car?

24 MR. GREER: Yes.

25 MR. ROBERTS: In your use of those words before, abduct,

1           kidnap, wasn't it always your suspicion that the  
2           women were disappearing off the streets of  
3           Downtown Eastside, at least some of them, by  
4           offerings of such things as drugs or extra money  
5           or just money for sex, which they were desperate  
6           to have to feed their drug habit and then some or  
7           more would disappear and that the crime of  
8           kidnapping was always a crime for Vancouver to  
9           investigate?

10       MR. GREER: Well, unfortunately, we could believe -- we can  
11           believe anything in terms of an investigation to  
12           come up with a reasonable belief as to how a crime  
13           is being committed and how we should proceed with  
14           it. At the time we were still trying to establish  
15           why people were going missing, so I don't believe  
16           at the time anybody started kidnapping  
17           investigations. They were still doing missing  
18           persons investigations to establish what was going  
19           on and then subsequently when the victims were  
20           found on Pickton's farm, I would think you would  
21           work back. I mean you could argue that you could  
22           work back then from the scene of the homicide to  
23           where the crime eventually started, which would  
24           have potentially been the Downtown Eastside.

25       MR. ROBERTS: Of course, you could always do that when you work

1                   back, but go back to the beginning. I take it you  
2                   left it to the Investigative Division to deal with  
3                   any source information that came in?

4   MR. GREER:   That's correct.

5   MR. ROBERTS:  And if source information comes in that suggests  
6                   that there are items of women's clothing and  
7                   various other items out at Pickton's farm and you  
8                   have missing women, and the source says that he  
9                   has information that it's whoever it might be,  
10                  that -- and an investigator starts to work with  
11                  that source, you no longer have a missing women  
12                  search. You have a criminal investigation, don't  
13                  you?

14   MR. GREER:  Well, I mean all I can comment on is from the  
15                  information that I've read in Deputy Chief  
16                  LePard's report and from some of the evidence that  
17                  I've heard here and reports that I've read. And  
18                  yes. That would be a question for me, would be  
19                  who -- the people who were involved in the  
20                  investigation, why did they make the decisions  
21                  they did in relation to the tips that they  
22                  received and how much weight they put on those  
23                  tips. I mean just because you get a tip doesn't  
24                  mean it's true. I mean --

25   MR. ROBERTS:  Well, of course, not.

1 MR. GREER: I mean there are things that you have to do to  
2 verify information, to say okay. Yes. We think  
3 this is reliable. We're going to move on it. And  
4 I agree. At some point down the road you could  
5 say we have enough to conduct an investigation,  
6 but that would be the question for those  
7 investigative officers and their supervisors.

8 MR. ROBERTS: I take it this much is true: That as deputy  
9 chief constable, you expected that if there was  
10 any information available that the investigative  
11 branch would deal with it appropriately and  
12 competently?

13 MR. GREER: Yes.

14 MR. ROBERTS: And the reference to unlawful confinement, you  
15 understand that to be simply the first step of a  
16 kidnapping, the second step being transportation?

17 MR. GREER: Yes.

18 MR. ROBERTS: I mean kidnapping is the taking of one person --  
19 a person from one place to another. That's all  
20 there is for the crime of kidnapping, right?

21 MR. GREER: Yes.

22 MR. ROBERTS: And, of course, you always understood that if  
23 there is death caused during kidnapping, that is  
24 part of the crime that goes with kidnapping? That  
25 is, death cause versus kidnapping is first-degree

1 murder, right, by statute?

2 MR. GREER: Yes.

3 CONSTABLE DICKSON: Could I chime in here? You said we could  
4 jump in.

5 MR. ROBERTS: Pardon me?

6 CONSTABLE DICKSON: Could I join in now?

7 MR. ROBERTS: Of course, Mr. Dickson.

8 CONSTABLE DICKSON: You mentioned but you forgot one part with  
9 that last statement about the kidnapping. It has  
10 to be against their will. I don't think there was  
11 any of the women that left this city against their  
12 will. That's one of the problems with your theory  
13 about the unlawful confinement.

14 MR. ROBERTS: Is it your understanding, then, that kidnapping  
15 cannot be achieved by fraud? Is that your  
16 evidence?

17 CONSTABLE DICKSON: That's possible too, but for that you have  
18 to have an intent by Willie Pickton. I don't  
19 think we will ever know in my lifetime when Willie  
20 Pickton ever formed that intent to kill the women  
21 because I can give you names of many, many women  
22 that were out there and say he's a great guy,  
23 including one young girl who Willie took to the  
24 island for her dad's funeral and paid the whole  
25 shot. There's a lot of women that are out there



1           many, many times Willie never touched them. He  
2           gave them money. He was a great guy. So that's  
3           one of the problems with your theory about the  
4           unlawful confinement. We will never know when he  
5           formed the intent and who he decided to kill,  
6           unfortunately.

7   MR. ROBERTS: Do you have any understanding that the intent for  
8           kidnapping is simply a legal presumption; that you  
9           don't have to determine when he formed the intent?

10   CONSTABLE DICKSON: If I sent a report across from the police  
11           station to the Crown counsel across the street  
12           asking for a charge approval, it wouldn't happen.  
13           That's the reality.

14   MR. ROBERTS: All right. And did you ever look into whether  
15           kidnapping by fraud -- force or fraud is simply a  
16           legal presumption for the intention? That is to  
17           say -- let me back up. If it's by force, if  
18           someone grabs another, the intention and the act  
19           of grabbing come together in that one act, do they  
20           not?

21   CONSTABLE DICKSON: You know, the difficulty -- the reality is  
22           that Crown counsel across the street would never  
23           approve a charge like that. I'm sorry. I deal  
24           with the reality that, you know, the 20 years I  
25           was in service, we sent many reports over. Many

1                   came back no charge in something a lot stronger  
2                   than what you're suggesting.

3   MR. ROBERTS:   So you're saying the problem is with Crown  
4                   counsel, not with the police?

5   CONSTABLE DICKSON:  The problem is with thinking that something  
6                   like that would fly and it just wouldn't.  I'm  
7                   sorry.

8   MR. ROBERTS:  But police also investigate the appearance of  
9                   crime even if you have some doubt about what  
10                  someone's intention is.  You cannot sit back and  
11                  not investigate because of that doubt, can you?  
12                  Is that your evidence?

13   CONSTABLE DICKSON:  No.  That's true.  We have to investigate.

14   MR. ROBERTS:  And if somebody is -- all of these women were  
15                  engaged in the sex trade by talking to johns  
16                  through car windows, were they not, Mr. Dickson?

17   CONSTABLE DICKSON:  Yes.  That's how it starts.

18   MR. ROBERTS:  All right.  And if a deal was made, they then get  
19                  into the car and go off somewhere, right?

20   CONSTABLE DICKSON:  Right.

21   MR. ROBERTS:  And if they don't come back within a reasonable  
22                  period of time -- and you became a bit of an  
23                  expert on that, but when there was a reasonable  
24                  time -- period of time you'd expect to see them.  
25                  Remember that in your report?

1     CONSTABLE DICKSON:  Yes.

2     MR. ROBERTS:  Then don't you have a suspected kidnapping?

3     CONSTABLE DICKSON:  I'm not sure what I would have at that  
4                   time.  I would be concerned that --

5     MR. ROBERTS:  You don't expect that they agreed to be attacked  
6                   in the bargain and that's why they got in the car?

7     CONSTABLE DICKSON:  No, but I wouldn't have any evidence of  
8                   them getting attacked.  I would be concerned that  
9                   they didn't show up.  But we're talking about  
10                  evidence of somebody being attacked or injured  
11                  here.

12    MR. ROBERTS:  Mr. Dickson, think that through.

13    CONSTABLE DICKSON:  I did.

14    MR. ROBERTS:  Foul play is when people don't show up.  Foul  
15                  play is a euphemism for murder, is it not?

16    CONSTABLE DICKSON:  No, it's not.  The original list of  
17                  thirty-one which we just showed here, we found  
18                  four.  Two of the women were still alive back  
19                  east.  One of the women actually said, "If you  
20                  tell my family where I am, I'll sue you."  The  
21                  other two women we found had passed away from, I  
22                  think, health concerns, overdoses.  They were  
23                  never identified because of the lack of the DNA.  
24                  So there's four examples right there for you.  
25                  These were gone for years, these two women, but

1                   they were still alive back east.

2   MR. ROBERTS:   Mr. Greer, isn't foul play a euphemism for  
3                   homicide?

4   MR. GREER:    It can be, yes.

5   MR. ROBERTS:   Isn't that why missing women is attached to the  
6                   Homicide Unit?

7   MR. GREER:    Yes.

8   MR. ROBERTS:   And you don't expect any woman got into the car  
9                   because she said the john said, "Come with me,  
10                  dearie. I'm going to kill you." They got into  
11                  the car on a sex bargain. If they don't show up  
12                  in a period of time when you expect them to show  
13                  up, please tell me, Mr. Dickson, why you would not  
14                  suspect that there was a kidnapping.

15   CONSTABLE DICKSON: I didn't say I wouldn't have suspected that  
16                   there was a kidnapping, but you have to look at  
17                   every one differently. Every circumstance is  
18                   different.

19   MR. ROBERTS:   But if you suspect it's a kidnapping, doesn't  
20                   that trigger your duty to investigate?

21   CONSTABLE DICKSON: We do investigate to the best of our  
22                   ability, but you have to have evidence to  
23                   investigate that, to continue to investigate it.

24   MR. ROBERTS:   I just suggested to you you did. You had  
25                   circumstantial evidence that they disappeared via

1 a kidnapping?

2 CONSTABLE DICKSON: There was no evidence of that.

3 MR. ROBERTS: Because there's no body; is that what you're  
4 saying?

5 CONSTABLE DICKSON: No. I didn't say that.

6 MR. GREER: I would suggest that the issue here is that the  
7 missing people that we were investigating were  
8 missing and then you have to start trying to  
9 decide what were the circumstances of them going  
10 missing, and for most of our reports, the reports  
11 are that the people were active in the sex trade  
12 in the Downtown Eastside, but attached to that  
13 report was nothing saying they were standing on a  
14 particular street corner and they got into a  
15 particular car and they drove away with a  
16 particular person. So in our investigation of the  
17 missing persons, that was part of trying to  
18 establish what were the circumstances of these  
19 people going missing. And so you have Constable  
20 Dickson's evidence that some of these people went  
21 missing on purpose. They fled the scene. They  
22 went to live in a different jurisdiction. And so  
23 that was our main problem at the beginning of  
24 this, was to establish why they were missing. And  
25 I agree. If we could establish that they were

1                   missing because they got into a car, drove away  
2                   and never came back and we had somebody saying  
3                   they saw that, yeah. That would spark a far more  
4                   rigorous investigation.

5   MR. ROBERTS: For kidnapping?

6   MR. GREER: For kidnapping, for assault, for whatever that we  
7                   would find out from this person, and ultimately  
8                   for murder if that was the result of it.

9   MR. ROBERTS: All right. Let me just switch tack for a moment.  
10                  I take it it's your evidence, Mr. Greer, that the  
11                  investigation of the crimes that were on that  
12                  reward, which were authorized by the police board  
13                  for purposes of the reward, it's your evidence  
14                  that that investigation was left up to the  
15                  Investigation Unit in Division 2?

16   MR. GREER: The Investigation Division within the Investigation  
17                  Section, yes.

18   MR. ROBERTS: Division 1?

19   MR. GREER: Homicide -- the Homicide and the Missing Persons  
20                  Section.

21   MR. ROBERTS: All right. And that would be for purposes of the  
22                  evidence we've heard from Constable Shenher to  
23                  Field to Brock Giles to Biddlecombe to Deputy  
24                  Chief McGuinness?

25   MR. GREER: Yes.

1 MR. ROBERTS: That's your evidence too, Mr. Beach?

2 MR. BEACH: Yes. What you're describing is Major --

3 MR. ROBERTS: Pardon me?

4 MR. BEACH: What you're describing is Major Crime Section, the  
5 chain of command in the Investigation Division,  
6 yes.

7 MR. ROBERTS: All right. And what's the year you had the top  
8 position underneath the deputy chief in Major  
9 Crimes for that line of command?

10 MR. BEACH: 2001, I think.

11 MR. ROBERTS: All right. I have to ask you this question --  
12 sorry -- Mr. Greer. What did you do -- what did  
13 you do as deputy chief to see that the crimes that  
14 were Vancouver's to investigate on that reward,  
15 what did you do to see that they were actively  
16 investigated?

17 MR. GREER: Well, as a member of the executive, we were  
18 routinely advised of the course of the  
19 investigation and what -- what further resources  
20 were required, and so as part of an executive, I  
21 was one of the people that -- you know, we would  
22 agree what resource is required, what additional  
23 resources were required, and that was my role. I  
24 did not have a supervisory role or a role in terms  
25 of questioning what particular investigators were

1           doing. I received the reports from the  
2           Investigation Division and from the investigation  
3           deputy chief, who reported to the executive about  
4           what was going on and then made decisions as to  
5           what resources had to be added.

6   MR. ROBERTS: Well, you -- if you heard some of my evidence I  
7           referred to in my application yesterday, so I take  
8           it you heard me read out the evidence of Constable  
9           Shenher, did you, Mr. Greer?

10   MR. GREER: Yes, I did. Yes.

11   MR. ROBERTS: That she didn't know the law of kidnapping,  
12           didn't know that crime, did not have it in mind  
13           when she was doing an investigation with a source,  
14           Mr. Hiscox, did not have it in mind when she was  
15           discussing a possible search warrant. She did not  
16           have it in mind at all. So my question to you is  
17           that's the person on the street doing the  
18           investigations in that Investigative Division  
19           underneath Sergeant Field. Did you know that at  
20           the time in 1998, that that was her limited  
21           knowledge when she started investigating  
22           Vancouver's crime?

23   MR. GREER: Well, at the time she was not investigating crimes.  
24           She was investigating the missing persons list in  
25           an attempt to identify what actually was happening



1                   with the people on that list and it only came  
2                   subsequently to my attention through the inquiry,  
3                   Mr. Commissioner, about the investigative issues  
4                   that she then came across, which was the tips and  
5                   her relationship with Connor. And I can only say  
6                   that this becomes an issue of supervision then, is  
7                   she works with a sergeant and with other  
8                   detectives and that they would have not been  
9                   informed or had formed the -- formed another  
10                  belief of what was going. I can't explain why. I  
11                  don't know why they didn't do that.

12   MR. ROBERTS: I said the short answer to my question, though,  
13                  is you didn't know that was her limited knowledge?

14   MR. GREER: No.

15   MR. ROBERTS: Mr. Beach, you likewise?

16   MR. BEACH: No. I had no idea.

17   MR. ROBERTS: Mr. Dickson, did you know that that was the  
18                  limited knowledge and ability of Constable  
19                  Shenher?

20   CONSTABLE DICKSON: No, I didn't.

21   MR. ROBERTS: Mr. McKay-Dunn?

22   MR. MCKAY-DUNN: No, I did not. I did not. In fact, the first  
23                  time I met her was at the meeting at Carnegie.

24   MR. ROBERTS: All right. Now, from your knowledge at the time  
25                  when you're in the force, even though you were in

1                   this Operations Unit, what other investigator of  
2                   the Vancouver Police Department was working on or  
3                   specifically assigned to investigating the crime  
4                   of kidnapping by which the women went missing  
5                   in -- at any time?

6   MR. GREER: Well, I think the short answer is at the time we  
7                   did not recognize that there was a crime of  
8                   kidnapping occurring. We were still looking at  
9                   the issues of missing women and why they were  
10                  going missing. And there were detectives  
11                  eventually added such as Detective Lepine and his  
12                  partner to the case to determine --

13   MR. ROBERTS: Chernoff.

14   MR. GREER: Thank you. Detective Chernoff. As to what was  
15                  happening and what they were going to investigate.

16   MR. ROBERTS: Can I stop you? I don't want to interrupt  
17                  unduly, but you've mentioned Lepine and Chernoff,  
18                  but do you know that they were not assigned to  
19                  investigate the crime of kidnapping in Vancouver?  
20                  They were assigned to assist in the interrogation  
21                  that people out in -- that the RCMP wanted to  
22                  interrogate. Did you not know that?

23   MR. HERN: Sorry, but that's --

24   THE COMMISSIONER: Don't answer.

25   MR. HERN: That's not an accurate description of Lepine and

1 Chernoff's role. They were added to the Missing  
2 Women Review Team as full functioning members of  
3 that team. They were Homicide detectives, so I  
4 take issue with that.

5 THE COMMISSIONER: I think that might be accurate, Mr. Roberts.

6 MR. ROBERTS: I'll rephrase that question. You're probably  
7 right, Mr. Hern.

8 Do you know what their assignment was,  
9 Chernoff and Lepine?

10 MR. GREER: I believe they were part of the Missing Women's  
11 Task Force that was created.

12 MR. ROBERTS: I see. What crimes were they investigating?

13 MR. GREER: Again, I believe it was to determine what was  
14 happening with the missing persons list, where  
15 these women were and if there were substantive  
16 offences occurring.

17 MR. ROBERTS: So in answer to my first -- my overall question  
18 what investigators were assigned by the Vancouver  
19 Police Department, either in your unit, your  
20 division or in the other division, to specifically  
21 investigate the crime of kidnapping as authorized  
22 by the police board, what can you tell me?

23 MR. GREER: Well, I don't believe anybody was assigned for the  
24 specific case of kidnapping. The reward that you  
25 refer to lists those substantive offences, so that

1           we would look for a citizen to provide information  
2           in relation to those substantive offences and had  
3           we received that information, then an  
4           investigation would have been conducted into the  
5           information they provided on those substantive  
6           offences. If they phoned in and said, "Oh, I  
7           think I know a guy that does break-ins and he  
8           broke into one of those women's apartments", I  
9           don't think that that would have met the criteria  
10          for the reward.

11   MR. ROBERTS: What qualified officer was assigned to have a  
12                look at the witness statement from Anderson? What  
13                qualified -- three examples. Anderson. What  
14                qualified officer was asked to look at the  
15                information that came from Mr. Hiscox? What  
16                qualified officer was asked to look at the  
17                information from Caldwell? Can any of you answer  
18                that question?

19   CONSTABLE DICKSON: I can. Are you suggesting Miss Anderson  
20                went out there, you know, by fraud?

21   MR. ROBERTS: Did you have a look at her witness statement?

22   CONSTABLE DICKSON: I spoke to her a number of times about  
23                this. I knew her before this happened and I spoke  
24                to her many times since this happened. So are you  
25                suggesting --

1 MR. ROBERTS: Of course, I am. She went out there on a sex  
2 trade bargain of a hundred dollars for what was  
3 described in the evidence as a blow job.

4 CONSTABLE DICKSON: Is that fraud though?

5 MR. ROBERTS: Why is it that -- she wouldn't have said come  
6 with me because I'm going to kill you, sweetheart?

7 CONSTABLE DICKSON: She went out there willing to do a sex act.  
8 She knows that.

9 MR. ROBERTS: Well, then you don't have the right understanding  
10 of the crime perhaps.

11 CONSTABLE DICKSON: I'm telling you this is her conversation.

12 THE COMMISSIONER: Mr. Roberts, arguing with the witness isn't  
13 going to get us anywhere.

14 MR. ROBERTS: You're right. I am. But I take it you -- can  
15 you explain to me how kidnapping by fraud is  
16 achieved, Mr. Dickson?

17 CONSTABLE DICKSON: She went out there on her own accord.

18 MR. ROBERTS: No, no. My question. Can you explain in your  
19 understanding of how kidnapping by fraud is  
20 committed?

21 CONSTABLE DICKSON: If he picked her up with the intent to kill  
22 her and offered her money or drugs to get out  
23 there, yes, that would be fraud.

24 MR. ROBERTS: How do you prove that he had that intention?

25 CONSTABLE DICKSON: I can't and neither can you.

1 MR. ROBERTS: Yes, I can by the legal presumption that if he  
2 then attacks her, which is not within the bargain,  
3 then the legal presumption applies.

4 CONSTABLE DICKSON: Actually, it went sideways when she decided  
5 to leave and that's when the fight started.  
6 Everything was fine until that point.

7 MR. ROBERTS: This much is true: When the bargain is made as  
8 she gets in the car, he has confinement of her,  
9 does he not?

10 CONSTABLE DICKSON: No. She could have left at any time. I'm  
11 not sure where you're --

12 MR. ROBERTS: When he's driving the car, he can -- she can  
13 leave at any time?

14 CONSTABLE DICKSON: If she'd have asked him to stop, he might  
15 have stopped. We'll never know.

16 MR. ROBERTS: Where's my time, Mr. Registrar?

17 THE REGISTRAR: You have to ask counsel. I don't have the  
18 numbers.

19 MS. BROOKS: His estimate was 45 minutes.

20 MR. ROBERTS: Well, let me just ask you a couple more questions  
21 about the leadership in the overall police force.  
22 I'm wondering, Mr. Greer. Your training is all on  
23 the operations side. I forget the term you used,  
24 but it's not only patrol, but it's an information  
25 or -- I haven't got the language for it. Can you

1 help me out?

2 MR. GREER: My basic experience and training within the  
3 department was in operations, in administration,  
4 and then within the investigative side of things,  
5 I worked in intelligence and then I also worked in  
6 organized crime.

7 MR. ROBERTS: That's the word, intelligence. All right. But  
8 that's all in the operations side?

9 MR. GREER: That's correct.

10 MR. ROBERTS: The chief of police at that time, Terry Blythe,  
11 also came up through that division with a heavy  
12 concentration on patrol, as I understand it?

13 MR. GREER: He was the operations deputy chief before assuming  
14 the chief's rank.

15 MR. ROBERTS: Yes. Operations. And so too was Deputy Chief  
16 McGuinness over the head of the Investigative  
17 Division at that time. He was basically an  
18 operations trained person, was he not?

19 MR. GREER: He did come from operations, but I can't speak to  
20 what his entire career was and where he may have  
21 served previously.

22 MR. ROBERTS: My question is -- just wondering. You had three  
23 top people at the time in 1999 from operations,  
24 the chief of police, the head of each of the two  
25 divisions; am I right?

1 MR. GREER: Well, there were three divisions and at the time  
2 that this --

3 MR. ROBERTS: The other was administrations?

4 MR. GREER: Yes. And that's where I was in 1999 through 2000.

5 I was the deputy chief of administration and John  
6 Unger was the deputy chief of operations, and  
7 Brian McGuinness was the deputy chief of  
8 investigations.

9 MR. ROBERTS: But with the head -- the heads of these two  
10 divisions, both being from operations, Division 1  
11 and Division 2, and the chief of police being from  
12 operations, is there anything to that as to the  
13 lack of -- as to the possible lack of focus on  
14 investigation of the crimes in Vancouver by which  
15 the women went missing, not having a homicide  
16 investigative person heading either of those  
17 divisions or as chief of police?

18 MR. GREER: No. I think we would be informed by our management  
19 as to what their resources requirements were, what  
20 the priorities they were working on, and the  
21 decision then influenced what the executive did.  
22 And at the time, in my memory we did not get the  
23 kind of information that would have allowed us to  
24 have provided greater priority to the missing  
25 persons investigation beyond what we did and as it



1 progressed.

2 MR. ROBERTS: But the real answer to that is your evidence lies  
3 with the questions to be put to the people from  
4 the Investigative Division?

5 MR. GREER: In terms of some of your issues around who  
6 understood the law and who made decisions as to  
7 why they took particular investigative roles --

8 MR. ROBERTS: Yes.

9 MR. GREER: -- you're right.

10 MR. ROBERTS: Those are my questions, sir.

11 THE COMMISSIONER: All right. Thank you, Mr. Roberts.

12 MR. VERTLIEB: Miss Fox, who was counsel for the First Nations  
13 Summit, had indicated earlier that her client  
14 wished to make a statement. I'm not sure if Miss  
15 Fox is here.

16 THE COMMISSIONER: Okay.

17 MR. VERTLIEB: I don't see her. So I just wanted to tell you  
18 that she wanted to make -- apparently her client  
19 wished to make a statement for 15 minutes. I'm  
20 sorry. She's not here.

21 THE REGISTRAR: I understood that was going to be after the  
22 break, Mr. Vertlieb.

23 MR. VERTLIEB: I just wanted to inform you, commissioner.

24 THE COMMISSIONER: Yes.

25 **CROSS-EXAMINATION BY MR. MAJAWA:**

1                   Yes, Mr. Commissioner. Andrew Majawa for the  
2                   Government of Canada and the RCMP.

3                   Good afternoon, gentlemen. Bear with me.  
4                   This is a little bit new territory,  
5                   cross-examining four individuals at the same time,  
6                   but it is a friendly cross. I'll do my best. I  
7                   just ask that you respond to the questions that  
8                   I'm asking. I have a limited amount of time. So  
9                   people can chime in if they would like, but  
10                  perhaps we can try and stay focused on the  
11                  questions that I'm asking in order for me to get  
12                  through the questions in my allotted time. So the  
13                  first questions are going to be directed towards  
14                  yourself, Constable Dickson. We've heard a lot of  
15                  evidence from you that your approach to working  
16                  with the sex trade workers in the Downtown  
17                  Eastside was to treat them with respect, and by  
18                  all accounts it sounds like you have done that and  
19                  you felt that you had gained their trust; is that  
20                  right?

21       CONSTABLE DICKSON: Yes.

22       MR. MAJAWA: And is it fair to say that while you were working  
23                  in the Downtown Eastside, which is, of course, for  
24                  most of your career, but in the mid-nineties in  
25                  particular, that you felt you had a good handle on

1                   what was going on in the sex trade and the strolls  
2                   down there?

3   CONSTABLE DICKSON: I believe so.

4   MR. MAJAWA: And you had a working knowledge, I would assume,  
5                   of some of the regular johns so that you would  
6                   perhaps recognize some of them when they were down  
7                   there?

8   CONSTABLE DICKSON: I believe so, yes.

9   MR. MAJAWA: And I would suggest that you would have considered  
10                  that as part of your job as well?

11   CONSTABLE DICKSON: Yes.

12   MR. MAJAWA: And am I correct in understanding that in your  
13                  time at the Downtown Eastside, you never saw  
14                  Pickton or at least don't have any recollection of  
15                  seeing Pickton?

16   CONSTABLE DICKSON: No. I have no recollection of seeing him  
17                  or hearing about him.

18   MR. MAJAWA: And I assume after his arrest, you became quite  
19                  familiar with his -- with his photograph?

20   CONSTABLE DICKSON: Yes.

21   MR. MAJAWA: And, in fact, prior to that -- and I'll get to  
22                  that -- before you actually took a photograph, I  
23                  believe, with Constable Shenher and showed it  
24                  around, but just for a moment focusing on after  
25                  his arrest, I assume that after his arrest, you

1                   searched your memory and tried to recall whether  
2                   or not you had seen him on the Downtown Eastside?

3   CONSTABLE DICKSON: I did. It puzzled me -- when I heard that  
4                   he had been down there that often, it puzzled me  
5                   that I had never seen him.

6   MR. MAJAWA: And moving back a little bit, again, you said that  
7                   in your view most or many, or perhaps you could  
8                   characterize it for me, of the sex trade workers  
9                   trusted you enough to give you information. Would  
10                  you say that's fair?

11   CONSTABLE DICKSON: Many of them did. There was still a lot  
12                  that were skeptical.

13   MR. MAJAWA: And is it true that -- or is it fair to say that  
14                  on a number of occasions sex trade workers or  
15                  community members would volunteer information to  
16                  you about bad dates or potentially johns who they  
17                  had a bad experience with?

18   CONSTABLE DICKSON: Yes.

19   MR. MAJAWA: And to go so far as to johns or clients that they  
20                  had been assaulted by or attacked by in some  
21                  manner, they would tell you about those?

22   CONSTABLE DICKSON: Yes.

23   MR. MAJAWA: And in the summer of '98, once you became aware of  
24                  the problem of the missing women on the Downtown  
25                  Eastside, were you putting out your feelers, for

1           lack of a better word, to try and gather  
2           information from the sex trade workers as to what  
3           they thought was going on?

4   CONSTABLE DICKSON: I wasn't. I was working with the three  
5           main organizations that work with the women: The  
6           WISH, PACE and PEERS. You know, they have a lot  
7           of contact with other women that I didn't see  
8           necessarily out on the street. So besides talking  
9           to the women on the street, I was also working  
10          with them.

11   MR. MAJAWA: So both you were talking to the community groups  
12           and the women on the street about what was  
13           potentially going on or --

14   CONSTABLE DICKSON: Yes.

15   MR. MAJAWA: And during the course of those inquiries, those  
16           discussions with either the groups or the  
17           individuals, were you hearing rumours about what  
18           was potentially going on? Do people have various  
19           theories as to who was responsible?

20   CONSTABLE DICKSON: Yes. There was theories about the  
21           freighters. There was theories about the girls  
22           being held somewhere and being used in snuff  
23           films. There was theories about organs being  
24           taken and sold on the black market, the women  
25           being killed for that. So there was a number of

1 theories. The one theory I never heard is about a  
2 pig farm.

3 MR. MAJAWA: That was my next question. There was no theory  
4 that you ever heard that was about Pickton or a  
5 pig farm?

6 CONSTABLE DICKSON: A pig farm, I would have remembered that  
7 come up and it didn't and I can explain why.

8 MR. MAJAWA: Go ahead.

9 CONSTABLE DICKSON: A lot of the women -- and this, of course,  
10 after he got arrested, this came more to light.  
11 Many of the women had been out there many, many  
12 times and one girl, you know, confided in me about  
13 being out there probably a hundred times. She  
14 said she would page Willie. He would come down  
15 and pick her up. He would take her out there.  
16 The whole weekend was filled with drugs and booze  
17 and whatever she wanted and then he would drop her  
18 off back downtown and give her \$200 each time that  
19 she called him. Now, she said he never touched  
20 her. So -- and you have to really understand  
21 addiction to understand the reasons behind that.  
22 If you're a sex trade worker and you're standing  
23 out there -- and these are -- there was women on  
24 the farm, I think, too that had an idea of what  
25 was going on there, but one girl in particular was

1           getting no less than a thousand dollars a week  
2           from Willie Pickton. Now, if you're a sex trade  
3           worker and you have to stand out on the streets  
4           and sell your body, if you can find a way to make  
5           money so you don't have to do that, you know,  
6           that's the bottom line and that's the unfortunate  
7           sort of truth. A lot of the women, I think, had  
8           an idea of what was going on out there, but  
9           ignored it.

10   MR. MAJAWA: And that was going to be another question, is  
11           there were, granted, a number of women who were  
12           not mistreated in -- or assaulted by Mr. Pickton,  
13           but was it your belief that a number of women had  
14           suspicions about Mr. Pickton, but didn't share  
15           those because of their addictions and because of  
16           what he would provide?

17   CONSTABLE DICKSON: Yes. That's my belief. And then probably  
18           there's a bit of fear involved too because there  
19           was always rumours, you know, about him being  
20           associated to the Hells Angels. So there's a bit  
21           of that, I think, too.

22   MR. MAJAWA: And, in fact, you've mentioned that someone had  
23           confided in you that they had been to the Pickton  
24           farm a hundred times or so. And my understanding  
25           is after Mr. Pickton was arrested, you went down

1 to -- I believe it might have been WISH and there  
2 was a news program on about Pickton being  
3 arrested, about the pig farm, and you had some  
4 discussions with the sex trade workers that were  
5 there. A number of them told you that, "I know  
6 him. He's down here a lot and I've been there  
7 quite a few times"?

8 CONSTABLE DICKSON: That actually rings a bell. I remember  
9 watching the TV, I think.

10 MR. MAJAWA: And perhaps -- I don't have a document that's  
11 created by -- by you, but if -- I've handed up a  
12 book of documents to the registrar. And perhaps  
13 before we go further, we can have it marked as the  
14 next exhibit NR.

15 THE REGISTRAR: Exhibit number 117 NR.

16 (**EXHIBIT 117 NR:** Binder of documents)

17 MR. MAJAWA:

18 Q And in Exhibit 117 at Tab 2, this is a report you  
19 may not recognize. My understanding is it was  
20 created, actually, by a Project Evenhanded team  
21 member, but it's reporting on a conversation that  
22 Detective Jim McKnight, who I understand you would  
23 have known?

24 CONSTABLE DICKSON: Yes.

25 MR. MAJAWA: He was a member of Project Evenhanded by -- after



1                   2001?

2   CONSTABLE DICKSON:   Yes.

3   MR. MAJAWA:   And he's reporting on a conversation that he had  
4                   with you about this -- this interaction with a  
5                   group of approximately 15 sex trade workers who  
6                   are watching the news on television, which is what  
7                   you had just mentioned?

8   CONSTABLE DICKSON:   That does ring a bell.

9   MR. MAJAWA:   And there were a number of sex trade workers here  
10                  who had identified that they knew Pickton, one who  
11                  had been out there 40 times and then perhaps  
12                  another one who had been out there a hundred  
13                  times.   That's ringing a bell?

14   CONSTABLE DICKSON:   That does ring a bell.

15   MR. MAJAWA:   Now, after the -- you recently joined the Project  
16                  Amelia in 1999.   At that point you became aware of  
17                  Pickton as a suspect, though, from Lori Shenher;  
18                  is that right?

19   CONSTABLE DICKSON:   Yes.   I can't remember what time his -- or  
20                  what date his name went up on the wall.

21   MR. MAJAWA:   But sometime around when you had joined Amelia in  
22                  1999, April, May, 1999, you would have become  
23                  aware that Pickton was a person of interest?

24   CONSTABLE DICKSON:   That's right.   One of the detectives was  
25                  tasked with pulling all the old reports on attacks

1           against anybody, sex trade worker or not, and  
2           that's where I think the name came from, along  
3           with several others. And we were also getting new  
4           reports of other guys that came to light that were  
5           every bit as good a suspect at that time.

6   MR. MAJAWA: And I'm going to ask you some questions about the  
7           amount of persons of interest that were involved.  
8           I'll get to that in a little bit. But with  
9           respect to Pickton, I'm just wondering -- and I  
10          believe you testified to this earlier, but I'm  
11          not -- my note isn't clear. Did you -- once you  
12          knew Pickton was a suspect, did you use that name  
13          when you were talking to people in the community,  
14          either sex trade workers or community group  
15          workers, and mention that particular name as to  
16          whether or not they thought that he could be  
17          responsible for what was going on?

18   CONSTABLE DICKSON: I didn't mention the name, no. I don't  
19          recall mentioning the name. I just remember  
20          asking around about a man in a vehicle with  
21          another girl in the car, because I think we had  
22          information that that was happening.

23   MR. MAJAWA: I just -- why wouldn't you use his name? Is there  
24          a reason for that?

25   CONSTABLE DICKSON: A lot of girls wouldn't have names. They

1                   wouldn't remember names.

2   MR. MAJAWA:   And I assume as well -- I understand you were  
3                   given some tasks by Sergeant Field and by Lori  
4                   Shenher to follow up on various missing women  
5                   reports; is that right?

6   CONSTABLE DICKSON:   Yes.   That's right.

7   MR. MAJAWA:   And as part of your follow-up, I assume that some  
8                   of the questions you would ask the acquaintances  
9                   of the person who was missing is:   "Who did you  
10                  see them with last?   Have you seen them with so  
11                  and so"; is that right?

12   CONSTABLE DICKSON:   Yes.

13   MR. MAJAWA:   And, again, no one mentioned anybody by either the  
14                  name of Pickton or described somebody like  
15                  Pickton?

16   CONSTABLE DICKSON:   No.   I don't recall any of it.

17   MR. MAJAWA:   And there has been some testimony from this panel  
18                  about the bad date sheets that were created by  
19                  DEYAS.   You're familiar with those?

20   CONSTABLE DICKSON:   Yes, I am.   Yes.   I worked really closely  
21                  with DEYAS.

22   MR. MAJAWA:   And so my understanding is that DEYAS would  
23                  compile these sheets with information from the  
24                  community members and the sex trade workers and  
25                  then distribute them to various other community

1 organizations so that they could be distributed to  
2 the sex trade workers on the Downtown Eastside?

3 CONSTABLE DICKSON: Yes. That's right. And they were tasked  
4 and then Judy McGuire, who was with DEYAS at the  
5 time, if I remember right, went back 10 years on  
6 the bad date sheets looking for any mention of a  
7 farm vehicle, any farm, and there was nothing.

8 MR. MAJAWA: And that was the question I was going to ask you,  
9 is, first of all, did you ever review the bad date  
10 sheets with a view to identifying a suspect for  
11 the missing women at all?

12 CONSTABLE DICKSON: I didn't, no, but we had Judy McGuire. We  
13 requested her to do that and she did.

14 MR. MAJAWA: And can you maybe just tell the commissioner who  
15 Judy McGuire is?

16 CONSTABLE DICKSON: Judy McGuire was -- she was an employee of  
17 DEYAS at the time, I think the general manager,  
18 you know, under John Turvey, and she was --  
19 basically looked after the bad date sheets and the  
20 computer part of DEYAS.

21 MR. MAJAWA: And are you aware that Project Evenhanded after  
22 Mr. Pickton was arrested -- are you aware that  
23 Project Evenhanded had an investigative member  
24 obtain all of the bad date sheets for the nineties  
25 from DEYAS, review them, and was unable to locate

1           any kind of reference to Pickton or a similar -- a  
2           person that would match his description?

3   CONSTABLE DICKSON: No. I wasn't aware Evenhanded had done  
4           that, Mr. Commissioner.

5   MR. MAJAWA: Would that surprise you, to learn that he was not  
6           present on any of those -- of those bad date  
7           sheets?

8   CONSTABLE DICKSON: Not at all. I think I testified about  
9           another case earlier. You know, they don't  
10          report -- he wasn't a bad date, which sounds  
11          obscene because I mean he killed people, but the  
12          women that made it back downtown, they got money  
13          from him. He didn't fit the profile, I guess, of  
14          a bad date, as crazy as that sounds.

15   MR. MAJAWA: It doesn't. And, in fact, that leads to my next  
16          question, which is something that was going on in  
17          October of 2001 where -- and maybe I'll take you  
18          to the document. It will be just easier. In the  
19          same exhibit there in Exhibit 117 at Tab 3 -- and  
20          I believe this is a -- part of Lori Shenher's log.  
21          I'm not sure. Halfway down the page there there's  
22          a mention of your name. I think it's misspelled  
23          there, but do you see that?

24   CONSTABLE DICKSON: Yes.

25   MR. MAJAWA: And it says:

1 Dave Dickson, he was connected with the sex  
2 trade workers through attending WISH dinners.  
3 He hears our complaints and bad tricks, et  
4 cetera. Four members of SOS --

5 And SOS, that's the Sexual Offence Squad?

6 CONSTABLE DICKSON: Yes. That's right.

7 MR. MAJAWA:

8 -- attended at least -- attended the last one  
9 to start to collect info on good dates.

10 What would the purpose be of collecting  
11 information on good dates as an investigative  
12 strategy for determining the whereabouts of the  
13 missing women?

14 CONSTABLE DICKSON: I'm not sure what -- what value that would  
15 have.

16 MR. MAJAWA: Would it potentially -- well, would it potentially  
17 be -- you just mentioned that some of the women  
18 would not have considered Mr. Pickton a bad date,  
19 as crazy as it may sound.

20 CONSTABLE DICKSON: That's certainly a possibility, yes.

21 MR. MAJAWA: And he perhaps could have been considered a good  
22 date to some because of the fact that he would  
23 give them money, drugs, and sometimes not -- not  
24 require sex for -- in exchange?

25 CONSTABLE DICKSON: No. That's right. There could be the

1                   logic behind it.

2   MR. MAJAWA:   And, again, as far as you're aware, the Sexual  
3                   Offence Squad or yourself from looking at good  
4                   dates never heard about Mr. Pickton either?

5   CONSTABLE DICKSON:   No.   That's correct.

6   MR. MAJAWA:   And then I mentioned this earlier, but at some  
7                   point -- and I believe it was in February, 1999 --  
8                   you and Lori Shenher went to WISH with a  
9                   photograph of Mr. Pickton and showed it around.  
10                  Do you recall that?

11   CONSTABLE DICKSON:   I don't recall -- I recall going there with  
12                   Lori Shenher, but I don't recall showing the  
13                   photograph around of Mr. Pickton.

14   MR. MAJAWA:   Okay.   Well, let's just turn --

15   CONSTABLE DICKSON:   I'm not saying I didn't do it, but I don't  
16                   recall it.

17   MR. MAJAWA:   No problem.   Perhaps this will refresh your memory  
18                   a little bit.   If you turn to Tab 5 in Exhibit  
19                   117.   And this is -- this is from Lori Shenher's  
20                   log, her annotated timeline.   And the first page  
21                   here it talks about -- the entry at 98.11.04 --  
22                   no.   I'm sorry.   This will be incorrect.   An entry  
23                   of -- pardon me -- 99.02.10, February 10th, 1999.  
24                   There's a reference there to strategy meeting and  
25                   an agreement to blitz the Downtown Eastside with

1                   this photo. That's near the bottom of the page.

2                   Do you see that?

3   CONSTABLE DICKSON: Yes.

4   MR. MAJAWA: And then just below that there's a reference on  
5                   the 17th that Coquitlam RCMP is unable to assist  
6                   with the blitz. And we've heard evidence from  
7                   Corporal Connor that they were tied up with a  
8                   triple homicide at the time. And then if you turn  
9                   over to the next page, on the 24th there's a  
10                  reference there that:

11                   Corporal Connor phoned Detective Constable  
12                   Shenher to discuss the possibility of doing  
13                   checks this weekend. She advised that she  
14                   and several others, including Dave Dickson,  
15                   interviewed approximately 80 Downtown  
16                   Eastside prostitutes and none knew Pickton.  
17                   She followed those inquiries with a meeting  
18                   with another 50 girls with the same negative  
19                   result.

20                  Would you have shown the photo at that point or  
21                  were you just making inquiries at that point?

22   CONSTABLE DICKSON: I think we were just making inquiries.

23   MR. MAJAWA: In any event, through those inquiries or when the  
24                  photos were shown around, there was no -- again,  
25                  no recollection, no mention of him as being



1                   someone who might be responsible?

2   CONSTABLE DICKSON: That's right.

3   MR. MAJAWA: So just to summarize where we're at at this point,  
4                   Mr. Pickton hasn't been identified as a bad date.  
5                   He hasn't been identified as a good date either.  
6                   He hasn't been recognized or you aren't aware of  
7                   him as being someone on the Downtown Eastside.  
8                   He's not identified by any of the sex trade  
9                   workers as a last person seen with any of the sex  
10                  trade workers before they had gone missing. And  
11                  later we find out that after Pickton's arrest that  
12                  a number of people did actually know who he was,  
13                  knew of him and perhaps, as you think, may have  
14                  had suspicions that he was a bad person and doing  
15                  things that were responsible for the missing  
16                  women. I would just suggest to you that -- that  
17                  you would agree that this situation, all -- this  
18                  constellation of facts, that presents a very  
19                  formidable investigative challenge for the people  
20                  that are trying to determine who was responsible  
21                  for this?

22   CONSTABLE DICKSON: Oh, no. I agree a hundred percent. It's  
23                  extremely difficult, you know, not just in this  
24                  investigation, but I mentioned another one  
25                  earlier, I think, you know, the Baker trial 10

1           years ago. This was a guy that was caught and  
2           when the search warrant turned up a video in his  
3           trunk of 35 women that this man tortured, the  
4           video camera went back to 1997. This guy had been  
5           doing this for seven or eight years and was never  
6           checked by police. And he's taken the girls to  
7           just a very close location, down at the foot of  
8           Main Street in the park, but he never came to  
9           light. And the girls when they testified in  
10          court, they said he wasn't a bad date because he  
11          paid. So how do you -- like, it's very difficult  
12          when you don't have anybody coming forward with  
13          information about Willie Pickton, and they didn't  
14          until after when he got caught, and maybe then  
15          they finally felt it was okay to talk about it,  
16          and many of them did.

17       MR. MAJAWA: Is there anything that you can suggest for this  
18                   commission as to what either the police or liaison  
19                   officer or communities on the Downtown Eastside,  
20                   community groups, could do to change that  
21                   situation so that sex trade workers would share  
22                   that kind of information or do you think that  
23                   there is nothing that differently could be done in  
24                   the situation the way it currently is with drug  
25                   addiction?

1     CONSTABLE DICKSON: Well, I think for sure there's a lot better  
2                 system now in place. Well, you know, the housing  
3                 was a huge thing back then. Many of the girls,  
4                 you know, didn't have housing. They just lived in  
5                 the street. So they went missing. Nobody really  
6                 noticed. Now there's a lot more housing down  
7                 there, so if the girls went missing, I'm hoping  
8                 that they would be noticed sooner. And we've  
9                 tried different things over the years. We wanted  
10                to do DNA with the women so if they went missing,  
11                but there was a few organizations that complained  
12                about that -- you know, about your infringement of  
13                the rights. But I think -- it's a bit better now,  
14                but I think we have to have a better way of  
15                tracking the girls if they don't show up within a  
16                few days of their regular haunts. That has to be  
17                worked on. And address the addiction issues. You  
18                can build all the hotels you want and clean them  
19                up all you want, but as long as the girls are  
20                addicted -- and not just the girls. I mean  
21                there's a lot of transgendered and males out there  
22                too. You know, there was a transgendered male  
23                that went missing at the farm. So it's not just  
24                the women down there. But the addiction issues  
25                have to be addressed.

1 MR. MAJAWA: I'd like to move to a different area and, not to  
2 leave the rest of you out, engage the rest of you  
3 now a little bit.

4 MR. GRATL: Mr. Commissioner, Jason Gratl. Chief Douglas White  
5 is now in the gallery.

6 THE COMMISSIONER: Yes.

7 MR. GRATL: I don't know if now is a good time to hear from  
8 him.

9 THE COMMISSIONER: Well, let's do it during the -- I don't want  
10 to interrupt his cross-examination, so --

11 MR. GRATL: I understand.

12 THE COMMISSIONER: -- we can do it during the break, which is  
13 15 minutes from now.

14 MR. MAJAWA: Now, this is directed to the entire panel, perhaps  
15 to Inspector Beach and Deputy Chief Greer and  
16 Inspector McKay-Dunn. Sorry. You did finish as  
17 an inspector; is that right?

18 MR. MCKAY-DUNN: While so employed, yes.

19 MR. MAJAWA: I assume that you would all agree that community  
20 knowledge and trust that we've been discussing  
21 with Constable Dickson was key to investigating  
22 the missing women in the Downtown Eastside that --  
23 to be successful? That was a key factor?

24 MR. BEACH: Yes. Absolutely.

25 MR. MAJAWA: And as we've heard, Constable Dickson was likely

1                   probably the most plugged in member of the police  
2                   force in that community. I don't think anyone  
3                   would disagree with that?

4   MR. GREER: Yes.

5   MR. MAJAWA: Now, was it Inspector Beach or was it Deputy Chief  
6                   Greer that assigned -- I think it was Deputy Chief  
7                   Greer that assigned Constable Dickson to the MPU  
8                   in 1999, is that right, or was it Inspector Beach?

9   MR. BEACH: I did.

10   MR. MAJAWA: And we heard about why that ended up not working  
11                   out.

12   MR. BEACH: It actually worked out. It just took some  
13                   negotiations.

14   MR. MAJAWA: So maybe then so I understand fully, he was  
15                   assigned full time. That was a problem. Was it  
16                   then he was then part time? Is that how it  
17                   worked?

18   MR. BEACH: Okay. That's, I guess -- sure. You can  
19                   characterize it like that. He was assigned to  
20                   assist, which was then interpreted to mean that he  
21                   would be vacating the Downtown Eastside, and then  
22                   it was explained that that wasn't necessarily the  
23                   case at all; that he'd be available for both  
24                   scenarios, so --

25   MR. MAJAWA: Were you satisfied with the level of involvement

1           that Constable Dickson was going to be able to  
2           provide after these negotiations took place or  
3           would you have preferred it to have been the  
4           original plan of 100 percent?

5   MR. BEACH: Dave was a senior, experienced member. Geramy  
6           Field, who was the supervisor, senior, experienced  
7           member. If either were dissatisfied with the  
8           amount of time that he was involved, they would  
9           have made that known and we would have gone from  
10          there. So in the absence of being told otherwise,  
11          yes. I was satisfied.

12   MR. MAJAWA: How about the rest of you? Inspector McKay-Dunn,  
13           were you satisfied?

14   MR. MCKAY-DUNN: Well, as a staff sergeant in District 2 under  
15           Inspector Beach and closely -- working closely  
16           with Dave, Dave always kept me up to speed as to  
17           what was going on with the project. Let's call it  
18           project for now. But he wore maybe five or six  
19           different hats and he was much in demand,  
20           certainly from two very influential members of the  
21           community, John Turvey and Deb Mearns, who felt  
22           that they wanted Dave to work very closely with  
23           them in terms of dealing with the Downtown  
24           Eastside issues. So Inspector Beach had to  
25           negotiate that. But at the same time Dave,

1           because he was only working an 80-hour week --  
2           that's what he said at the beginning of  
3           evidence -- made sure that he was kept up to speed  
4           with the project and he made sure that he left his  
5           pager on 24/7.

6   MR. MAJAWA: Thank you. Now, was there other consideration  
7           given to Constable Dickson becoming involved in  
8           the missing women investigation as it evolved into  
9           Project Evenhanded; for example, having him,  
10          Constable Dickson, assigned to Project Evenhanded?  
11          First of all, Constable Dickson, would you have  
12          been interested or did you request at all to  
13          become a member of Project Evenhanded?

14   CONSTABLE DICKSON: No. I didn't request. I offered my  
15          assistance, for sure, in whatever form that took.

16   MR. MAJAWA: And I'll get to whatever assistance you provided  
17          in a bit, but was it ever considered to --  
18          considering that the importance of having somebody  
19          who had knowledge of the Downtown Eastside and  
20          plug into the community, was it ever considered or  
21          was the experience from before going to rule that  
22          out from happening from when he tried to be taken  
23          out of the Downtown Eastside?

24   MR. BEACH: I would say that's partially true. Dave was being  
25          contacted by Evenhanded members for information

1 and, you know, being given what I referred to as  
2 tasks. So things would be tasked out, maybe not  
3 to Dave specifically, but that would be the task,  
4 is check with him or have him do something, et  
5 cetera. So essentially he was working with  
6 Evenhanded without him having been assigned there.  
7 So it was never my intention to send him to  
8 Evenhanded officially and recreate the same kinds  
9 of issues in the Downtown Eastside with other  
10 service providers.

11 MR. MAJAWA: And I understand that you had -- you knew  
12 Inspector Adam or Don Adam -- I think he was a  
13 staff sergeant at the time; is that right?

14 MR. BEACH: Absolutely. Of course, yes.

15 MR. MAJAWA: And you wouldn't be surprised to learn that he  
16 would have welcomed -- he did, in fact, welcome  
17 the assistance of Dave Dickson as he provided it,  
18 but he would have also welcomed him as a team  
19 member?

20 MR. BEACH: So the relationship with Don Adam and I was that  
21 Larry Killaly, who was a superintendent in the  
22 RCMP, commanded Major Crime Section for the RCMP  
23 in "E" Division British Columbia. But Don Adam  
24 reported to Larry Killaly, but also in respect  
25 reported to me as the -- so Larry and I would be



1           briefed from time to time by Don and resource  
2           requests that Evenhanded through Don Adam made for  
3           Vancouver Police Department resources were made to  
4           me. So Don, to my recollection, never asked for  
5           Dave specifically, but never did without Dave  
6           either, if that makes sense.

7   MR. MAJAWA: No. I think it does. And I'm not suggesting that  
8           he made a request, but just wanted to see if you  
9           would have been -- if it would surprise you to  
10          learn that he would have welcomed him if he had  
11          been available to join the team?

12   MR. BEACH: I'm not surprised by that.

13   MR. MAJAWA: Now, just to expand on --

14   MR. MCKAY-DUNN: Excuse me. Can I just break in for a moment?

15   MR. MAJAWA: Yes. Sure.

16   MR. MCKAY-DUNN: I think it's clear for the commission to know  
17          whatever information Dave developed and he shared  
18          with me or with Chris, the first thing I would  
19          tell him to do is document it. And we would  
20          ensure that information was provided to everyone  
21          involved, so -- because we recognized how  
22          valuable -- invaluable, I would argue, Dave was to  
23          any -- any investigation of these types, so we  
24          wanted to make sure that they had all the  
25          information. In other words, we didn't hold

1                   anything back. Everything was provided that we  
2                   had.

3       MR. MAJAWA: Just before we wrap up for the break here, I'll  
4                   just finish this line about your involvement  
5                   with -- with Project Evenhanded and the assistance  
6                   that you provided. My understanding is that  
7                   shortly after Project Evenhanded began, Jim  
8                   McKnight, who you mentioned, a VPD officer,  
9                   correct?

10       CONSTABLE DICKSON: Correct.

11       MR. MAJAWA: Who was the primary investigator for Project  
12                   Evenhanded under the MCM, Major Case Management  
13                   Model, you understand that?

14       CONSTABLE DICKSON: No. I wasn't aware what level he was out  
15                   there. There was a whole bunch of our officers  
16                   out there. I wasn't sure what their specific role  
17                   was.

18       MR. MAJAWA: In any event, he contacted you sometime in April,  
19                   is my understanding, and said, "We'd like to keep  
20                   up meetings with you. We'd like to have regular  
21                   meetings and get your information." Does that  
22                   sound familiar?

23       CONSTABLE DICKSON: No, it doesn't.

24       MR. MAJAWA: And if you turn to Tab 4. This may refresh your  
25                   memory. It's not your note, but it may refresh

1           your memory a little bit. Tab 4 of Exhibit 117.  
2           This is -- these are Detective McKnight's notes  
3           and the second entry there under April the 4th,  
4           2001 says:

5                 I met briefly with Constable Dickson.  
6           Provides your number.

7                 Hopefully we will be meeting on a weekly  
8                 basis once the move has occurred.  
9           I understand the move to be the move of Evenhanded  
10          to its permanent position.

11                Agreed that he should give a briefing on his  
12                function and knowledge of the facts to date  
13                in the near future.

14          Does that ring a bell at all?

15   CONSTABLE DICKSON: No, it doesn't. He does use the word  
16                      hopefully.

17   MR. MAJAWA: Yes, he does. But you wouldn't disagree, though,  
18                      that you did have regular meetings or at least  
19                      interactions, conversations with Evenhanded team  
20                      members as time went on?

21   CONSTABLE DICKSON: I had regular contact. I think one of my  
22                      roles was to find witnesses in the Downtown  
23                      Eastside and get them out there to be interviewed,  
24                      which I did. And then another function was to  
25                      introduce some of their investigators into the

1                   Downtown Eastside, which I did.

2       CONSTABLE DICKSON: And I think you had told Deputy Chief Evans  
3                   during your interview with her that sometimes --  
4                   you had weekly contact with Evenhanded  
5                   investigators and sometimes two to three times per  
6                   week. Does that sound familiar as to what you  
7                   told Deputy Chief Evans?

8       CONSTABLE DICKSON: I think that's probably, you know,  
9                   accurate.

10      MR. MAJAWA: And in addition to those regular frequent -- maybe  
11                   I guess I'll call them informal contacts -- you  
12                   were also part of a number of more formal meetings  
13                   in 2001, the fall of 2001. Do you recall that?

14      CONSTABLE DICKSON: Meetings with who? Sorry.

15      MR. MAJAWA: With Evenhanded members and other members of the  
16                   former Project Amelia.

17      CONSTABLE DICKSON: I don't recall any informal meetings with  
18                   Evenhanded out in Surrey.

19      MR. MAJAWA: Okay. Well, perhaps -- it's actually in the  
20                   exhibit introduced by commission counsel, which is  
21                   Exhibit 114.

22      THE COMMISSIONER: I think I'll stop you there for the  
23                   afternoon.

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

25                   **(PROCEEDINGS ADJOURNED AT 3:02 P.M.)**

1                   **(PROCEEDINGS RESUMED AT 3:15 P.M.)**

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

3       MS. BROOKS:   Mr. Commissioner, Grand Chief Edward John is here  
4                   from the First Nations Summit.   He'd like to  
5                   address you.

6       THE COMMISSIONER:   Okay.   I'll hear it.   Yes.

7       MR. JOHN:   Thank you.   My name is Edward John.   I am an elected  
8                   executive member of the First Nations Summit and  
9                   my colleague --

10      THE COMMISSIONER:   Thank you.

11      KWULASULTUN:   My name's Kwulasultun, chief of the Snuneymuxw  
12                   First Nation and a member of the First Nations  
13                   Summit Task Group along with Chief Ed John.

14      THE COMMISSIONER:   Thank you.   Please have a seat.

15      MR. JOHN:   Thank you, Mr. Commissioner, and to members of  
16                   counsel and families, missing and murdered women.  
17                   My name is Edward John, as I said, elected member  
18                   of the First Nations executive.   We're here for a  
19                   couple of reasons.   We do have a letter that we  
20                   will table with you.   Maybe I can read this  
21                   into -- into the record.

22                   Your commission appointed Robyn Gervais, who  
23                   is here as independent legal counsel for  
24                   aboriginal interests.   We had no role or any say  
25                   in this matter.   She has now withdrawn as

1 independent legal counsel. We find it extremely  
2 disturbing that she has taken -- she has had to  
3 take this drastic step.

4 I have been briefed by my colleague who was  
5 here this morning as well as our legal counsel and  
6 Grand Chief Stewart Phillip and in my own  
7 discussions with Robyn Gervais come to the  
8 conclusion she is a young Metis lawyer, woman,  
9 aboriginal lawyer in an inquiry looking into  
10 missing and murdered women, many of whom are  
11 aboriginal in this province. And we're concerned  
12 about the manner in which it was dealt with, the  
13 dressing down that she received this morning. I  
14 think it's not becoming of a commission to -- to  
15 treat a young aboriginal lawyer in such a way.

16 Now, there's some comments that she may have  
17 been pressured to quit. Certainly absolutely no  
18 pressure from any perspective that I've seen or  
19 heard. We met with her last week at her request  
20 and we made it very clear to her that she was  
21 appointed independently to act as an independent  
22 counsel and we respected her -- her position. We  
23 didn't appoint her. She is not our legal counsel  
24 and we're not her clients and advised her that  
25 whatever decision she made, that was her choice.

1           So having said that, this -- this is a bit of --  
2           this turn of events is not to us very  
3           satisfactory.

4           The First Nations Summit applied for standing  
5           and was granted limited participant status.  
6           Despite the fact that government failed to  
7           complete the -- failed completely to provide any  
8           financial to -- resources to our and all other  
9           First Nations/Aboriginal organizations, we did  
10          what we could to participate.

11          Now, if you believe the *Vancouver Sun*, this  
12          commission of inquiry, I think, at times runs  
13          somewhere in the neighbourhood of \$80,000 a day,  
14          and I think maybe one or two individuals who are  
15          retained by their own organization or family who  
16          is connection to the missing and murdered women.

17          This is not satisfactory. These were  
18          political decisions taken by the government and  
19          for us not a very satisfactory state to begin  
20          with.

21          On October 12th, 2011, on behalf of the First  
22          Nations Summit we submitted a comprehensive  
23          statement to your inquiry, which we will table  
24          with this letter again. We want to reiterate our  
25          full support for the families of all those women

1           who are missing and murdered. They need to see  
2           that justice is not only seen to be done, but that  
3           it is done and that the many questions that they  
4           have are answered fully. The voices of these  
5           families and that of our communities must be  
6           respected and heard.

7           And I want to give my -- certainly my  
8           commendations to Cameron Ward, who has been  
9           retained by and to represent many of the families,  
10          many of whom are aboriginal, that many of the  
11          families who have loved ones that are missing and  
12          murdered.

13          We come to the conclusion, given all these  
14          developments, together with the conduct of the  
15          inquiry, including statements to Robyn Gervais  
16          today, those voices are not being respected or  
17          heard. This, in our view, continues to reflect  
18          what we said in our statement. There is a  
19          systemic pattern of discrimination. We feel the  
20          inquiry -- we feel the inquiry will not be able to  
21          fulfil a critical part of its mandate.

22          We were advised that this mandate was to look  
23          into the conduct of police into the missing and  
24          murdered women inquiry and the work that they have  
25          to do with respect to that and that the mandate is



1           limited. And we are concerned also that the terms  
2           of reference of the inquiry is narrow already, but  
3           the concern we have is that their interpretation  
4           of the terms of reference are narrow as well and  
5           the application of the terms of reference in this  
6           inquiry further narrows the -- what we had hoped  
7           would be an inquiry into also the families and  
8           then the systemic approach of the state, if you  
9           wish, to aboriginal peoples in this province.

10           We feel that one of the significant part of  
11           the mandate was to -- to look at what gave rise to  
12           where these women found themselves and we feel  
13           that given the narrow terms of reference and given  
14           the application of those terms of reference in  
15           this inquiry, that mandate will fail in one  
16           critical part.

17           We've said at the outset that our continued  
18           participation has always been subject to review by  
19           our executive and by our chiefs. Unfortunately,  
20           the fears expressed by our chiefs and leaders at  
21           the outset of this process have been confirmed.  
22           Many of our chiefs said we should not participate  
23           in that process. It's flawed from the beginning,  
24           mandate's too short. It's not doing what it needs  
25           to be done. And that's -- that's what the chiefs

1           were talking about. Despite that, they said we  
2           need for you to make sure that the commission  
3           understands our concerns.

4           Given the withdrawal of and the reasons  
5           provided by the independent legal counsel Robyn  
6           Gervais today and the withdrawal of all First  
7           Nations and aboriginal organizations earlier in  
8           the process, we feel we cannot continue to  
9           participate and effective today we withdraw from  
10          participation in this inquiry. We will seek  
11          alternative ways for the voices of the families of  
12          the missing and murdered women and our communities  
13          to be heard and respected.

14          We expect that the report will -- when it's  
15          completed, we will examine it, we will judge it,  
16          and we will see whether or not in fact in any way  
17          whatsoever this commission has listened to what  
18          we've had to say.

19          We have heard tremendous amount in the role  
20          of the police forces in this inquiry. We've seen  
21          a great degree of support from the state in  
22          ensuring that the respected police forces have the  
23          necessary, adequate financial resources to -- to  
24          ensure that the interests of those involved are  
25          protected, but when it comes to First Nations and

1           aboriginal peoples, we don't see that with the  
2           exception of the role of Cameron Ward in  
3           representing the families. First Nations and  
4           aboriginal peoples in this province really have  
5           absolutely no -- have had really no way to put  
6           significant input into this process and it's --  
7           and it's with regret that we must tell you today  
8           that we are withdrawing our involvement in this  
9           process as well.

10           Thank you for the opportunity to say these  
11           few words and to share our views.

12       THE COMMISSIONER: Thank you, grand chief. I've -- thank you,  
13           grand chief. Thank you for coming. I've long  
14           respected you for not only your position, but for  
15           what you've done over the many years in the  
16           furtherance of not only aboriginal issues but the  
17           issues that affect all of us as Canadians.

18           I want to, with respect, disagree with you.  
19           I -- at no time did I dress down Miss Gervais. I  
20           merely corrected some of the misstatements that  
21           were made inadvertently, I'm sure, in the  
22           statement that she made yesterday that no  
23           aboriginal witnesses have been called. In fact,  
24           there have been many aboriginal witnesses have  
25           been called. We will call more. And we did -- I

1           might add that we did a tour of the north where we  
2           went into aboriginal communities along Highway 16  
3           and we went into places like Gitanyow and Hazelton  
4           and Prince Rupert. So we heard the voices of  
5           aboriginal communities and we want to continue to  
6           hear from them.

7           And I can tell you that it's my commitment  
8           to -- not only to you, but the province, to the  
9           community at large that we're sympathetic to the  
10          concerns of aboriginal people. I've done a lot of  
11          work in my professional life with aboriginal  
12          people. In another lifetime I defended aboriginal  
13          people, the Cowichan Valley, where I grew up, to  
14          Williams Lake, Quesnel, Prince George, and I  
15          performed a lot of legal aid services and going  
16          into those communities. And I've continually  
17          stated over the years, and again this morning,  
18          about the concerns that all right-thinking  
19          Canadians should have, a disproportionate number  
20          of aboriginal people who are incarcerated in our  
21          country, and I think that's a national tragedy,  
22          and I've said that. I think that one of the ways  
23          this commission of inquiry can assist that is to  
24          look at some of the causes of what took place and  
25          what happened during this investigation. It's

1           regrettable that the aboriginal communities, many  
2           of them are not going to participate. I respect  
3           your decision, but I'm not going to end it. And  
4           as I've said at the outset, I respect you and for  
5           what you stand for and what you're doing. Thank  
6           you for coming.

7   MR. JOHN: Thank you, Mr. Commissioner.

8   MR. DELBIGIO: Mr. Commissioner, DelBigio for McGuinness. May  
9           I just speak briefly?

10   THE COMMISSIONER: Yes.

11   MR. DELBIGIO: Counsel can choose to withdraw as they see fit,  
12           groups can choose to withdraw for reasons that  
13           they see fit, but it is unusual that a commission  
14           or a court, for the integrity of a commissioner or  
15           court would be called into question. It is  
16           unfortunate when the integrity or when this  
17           commission is required to defend its integrity and  
18           it is -- I submit that that should not be  
19           required. That should not take place. If groups  
20           or counsel choose to withdraw, that's fine, but to  
21           publicly call into question the integrity of a  
22           commission is a very, very different kind of a  
23           step. And it is unfortunate when the commission  
24           or a court is called upon to defend its own  
25           integrity. This is something that I believe that

1                   counsel should do on behalf of the court or a  
2                   commission and I'm doing that.

3       THE COMMISSIONER: Okay. I'm grateful for that. Thank you.

4                   Mr. Majawa. I might add that I thanked Miss  
5                   Gervais for the service that she provided and I  
6                   respect her for what she has done during her time  
7                   that she was here. All right. Thank you.

8       MR. DELBIGIO: I understand that. And my remarks are not  
9                   intended to criticize or attack anybody.

10      THE COMMISSIONER: No. I know that.

11      MR. DELBIGIO: It's just that there is certain ways in -- there  
12                   are ways in which remarks might be interpreted,  
13                   either by people in this room or by the media or  
14                   by people who are reading media reports, and for  
15                   that reason I have arisen.

16      THE COMMISSIONER: Thank you.

17      **CROSS-EXAMINATION BY MR. MAJAWA (Cont'd):**

18                   Thank you. It's Andrew Majawa again for the  
19                   Government of Canada.

20                   So to pick up where we left off, Constable  
21                   Dickson, I was asking you questions about your  
22                   involvement with Evenhanded and the meetings that  
23                   you -- that you may have attended. So to refresh  
24                   your memory, perhaps we'll go to Tab 81 of Exhibit  
25                   114, which is the binder that commission counsel

1 introduced yesterday. Do you have that, sir?

2 CONSTABLE DICKSON: I think so.

3 MR. MAJAWA: These are, for your information, daily reports  
4 prepared by members of Project Evenhanded to  
5 detail the happenings of the investigation and of  
6 meetings and activities and tasks. And this first  
7 one on the first page there is dated September the  
8 5th, 2001 and it references a meeting that took  
9 place at ten o'clock that day. And the purpose of  
10 the meeting is described as being to update all  
11 interested parties as to the progression or status  
12 of the investigation, and it lists the police that  
13 are present and yourself, Jim McKnight, Dan  
14 Dickhout, Paul Verral, Phil Little, Brian Oger and  
15 Trish Keen from the VPD and then a number of other  
16 RCMP members, including Don Adam and Wayne Clary  
17 are there. Did you see that?

18 CONSTABLE DICKSON: I did.

19 MR. MAJAWA: And also discussed at this meeting, at the last  
20 paragraph there's mention there that it was also  
21 discussed and agreed that we're going to have  
22 police departments in BC make this project aware  
23 of any additional missing women that met the  
24 criteria. And then the last sentence -- or the  
25 penultimate sentence:

1                   At this present time there is no certainty  
2                   that all the missing prostitutes are known to  
3                   this investigation. Dave Dickson feels that  
4                   between himself and others who have extensive  
5                   experience and knowledge of the Downtown  
6                   Eastside will be able to peruse the list of  
7                   missing females and identify any that are not  
8                   included.

9                   After having re-read that, do you recall being  
10                  present at that meeting?

11       CONSTABLE DICKSON: I don't recall being present at the  
12                  meeting, but it looks like I was.

13       MR. MAJAWA: And do you recall, though, offering your  
14                  assistance to help identify whether or not the  
15                  list of missing women was complete using your  
16                  experience and your expertise?

17       CONSTABLE DICKSON: I think I remember that.

18       MR. MAJAWA: And then on October the 24th, if you turn the  
19                  page, near the bottom there, there's another  
20                  meeting referenced and it's referenced as taking  
21                  place at the Surrey satellite office of the -- of  
22                  the Evenhanded project, and it's with members of  
23                  Project Evenhanded and the former Project Amelia.  
24                  I'm not going to go through everyone that is  
25                  there, but the purpose of the meeting is listed as



1           establishing connection between the members of the  
2           project and the former project, to answer  
3           questions that respective groups might have and to  
4           voice any concerns about the project. And you're  
5           listed as being present along with Dan Dickhout,  
6           Jim McKnight, Phil Little, Lori Shenher, Don Adam,  
7           Geramy Field. If you turn the page over to the  
8           top of the page is where you're referenced as  
9           being present. And there's considerable  
10          discussion, it appears, as to the status of the  
11          investigation, the phases, where they're at with  
12          phase 1. First of all, are you familiar -- you  
13          recall the phases of the Evenhanded investigation,  
14          the four-phased approach?

15   CONSTABLE DICKSON: No, I don't.

16   MR. MAJAWA: All right. Maybe if I just briefly outline the  
17               four phases, it might refresh your memory a bit.  
18               There was the first stage was -- phase was to  
19               build up crime scene DNA databanks, and the second  
20               phase was to review and prioritize suspects, and  
21               the third phase obtaining DNA from suspects, and  
22               then the fourth phase was to -- once obtaining a  
23               DNA hit to then confirm or eliminate that person.  
24               Does that sound familiar to you?

25   CONSTABLE DICKSON: It doesn't. I think what happened, Mr.

1 Commissioner, is when the -- I'm assuming this is  
2 when it first started.

3 MR. MAJAWA: No. This is in the fall of 2001. It first  
4 started in early 2001.

5 CONSTABLE DICKSON: Okay. Because I think when it first got  
6 going -- I think I attended a couple of meetings,  
7 but I think as it got going, I think that  
8 dwindled.

9 MR. MAJAWA: So -- well, before -- I'll get back to that, but  
10 maybe Inspector Beach recalls. Do you recall that  
11 four-phased approach since you just said earlier  
12 that Don Adam was responsible for reporting to you  
13 in some way?

14 MR. BEACH: No. This is prior to my assignment, I think, isn't  
15 it?

16 MR. MAJAWA: In October of 2001? Did you not go over to Major  
17 Crime in the fall of 2001?

18 MR. BEACH: No. November, 2001. Sorry. This is just prior to  
19 my --

20 MR. MAJAWA: All right. But, in any event, do you recall the  
21 approach --

22 MR. BEACH: Well, I knew --

23 MR. MAJAWA: -- that Evenhanded was taking?

24 MR. BEACH: -- roughly. I didn't -- this is the first time  
25 I've heard of the four phases or whatever, but I

1                   understood sort of history lesson once I was  
2                   there, that that was the process they were  
3                   undertaking there.

4   MR. MAJAWA:   Well, in any event, this meeting, Constable  
5                   Dickson, is -- I take it you don't recall  
6                   attending this meeting in October of 2001?

7   CONSTABLE DICKSON:  I don't.

8   MR. MAJAWA:   You don't -- the fact that you're listed there,  
9                   you don't have any reason to believe that that's  
10                  incorrect.  You just don't recollect it?

11   CONSTABLE DICKSON:  No.  That's right.

12   MR. MAJAWA:   So at this meeting a number of things are  
13                   discussed, including where they're at with phase 1  
14                   and phase 2 and, as stated at the beginning, there  
15                   was a -- a desire to determine whether or not  
16                   there was any questions or concerns with the  
17                   approach being taken by Project Evenhanded.  And I  
18                   take it that you didn't have any concerns with the  
19                   approach that Evenhanded was taking to the  
20                   investigation.  There's nothing listed in this  
21                   document to that effect?

22   CONSTABLE DICKSON:  No.  At that time I don't recall any  
23                   concerns I had about the four phases.

24   MR. MAJAWA:   And I guess -- well, if you're not going to -- if  
25                   you don't recall the meeting, you may not recall

1           this, but one of the things at the end was that --  
2           at the end of this meeting note on page -- it's  
3           listed as page 43 of 75, if you look at the bottom  
4           right corner. The last sentence of the -- of the  
5           first entry there, so that will be the fourth  
6           paragraph, it says:

7                     The meeting concluded, but the VPD members  
8                     had a subsequent meeting with Adam regarding  
9                     the City's current procedures and what must  
10                    be done for the safety of the sex trade  
11                    workers currently on the street.

12           Do you recall having a discussion with Don Adam  
13           about that? Maybe to put it in context, this is  
14           around the time when they're determining whether  
15           or not -- or they've just determined that it  
16           appears that sex trade workers are still going  
17           missing and that perhaps the approach will change?

18   CONSTABLE DICKSON: No. I don't recall a meeting or Don Adam  
19           saying that.

20   MR. MAJAWA: And I assume, then, that you wouldn't recall or  
21           know if there was any offers of assistance from  
22           District 2 to assist with ensuring the safety of  
23           sex trade workers currently on the street as it  
24           was mentioned there?

25   CONSTABLE DICKSON: No. I wouldn't be aware of any offers from

1 District 2.

2 MR. MAJAWA: And I assume any -- none of the other panel  
3 members would be aware of that as well? I'm  
4 seeing head shaking and no answers.

5 MR. BEACH: Sorry. No. And so the date that you mentioned  
6 here of this meeting -- sorry. I'm just going  
7 backwards. So October 24th, 2001 I would have  
8 been the District 2 commander at that time and I  
9 don't recall being approached by Don Adam or  
10 anyone else about that particular issue.

11 MR. MAJAWA: And, conversely, there was no offers the other  
12 way, for more assistance from District 2 to  
13 assist. I understand that Major -- that it was  
14 Major Crime Section who was taking care of this  
15 from the VPD point of view, but that's correct?

16 MR. BEACH: That's right.

17 MR. MAJAWA: Now, nowhere in these summaries -- and I take it  
18 that, Inspector Beach, once you became responsible  
19 for the Major Crime Section, you said you had a  
20 historical understanding of what the approach was  
21 for Project Evenhanded. I don't see anywhere  
22 where there was any kind of a comment or objection  
23 raised as to the approach being taken. I take it  
24 that you agreed with the approach that Project  
25 Evenhanded was taking; is that fair to say?

1 MR. BEACH: Yes. I was briefed not extensively early on, but  
2 briefed sort of generally, and from time to time I  
3 would ask clarifying questions of Don Adam or Jim  
4 McKnight or Wayne Clary, et cetera in the course  
5 of discussions, but, again, for context, Don Adam  
6 was given responsibility to be the team commander,  
7 and there's a fine line between asking questions  
8 and clarifying issues, et cetera and overtaking an  
9 investigation as somebody that he was reporting  
10 to, and it was never my intent to do that, so --

11 MR. MAJAWA: And I'm not suggesting that your intent would be  
12 to take over an investigation, but you  
13 certainly -- if you had disagreed with the  
14 approach that was being taken, you would have made  
15 your opinion known?

16 MR. BEACH: Yes. We would have discussed it and come to some  
17 kind of agreement, absolutely. You bet.

18 MR. MAJAWA: So now we're going to turn to a brief point here  
19 for Deputy Chief Greer to pick up on something  
20 that you said yesterday. You had said at one  
21 point, I believe -- and this is from my notes, so  
22 correct me if I'm wrong, but that you were not  
23 surprised that the Hiscox informant information  
24 was not shared with other sections of the VPD.  
25 You said that that was because there was often

1           information within an investigation that remains  
2           confidential for good reason?

3   MR. GREER: That's correct, commissioner. There's always a  
4           need to know within an investigation and it's  
5           important that you keep informant information,  
6           those types of things within -- within that  
7           investigative unit so it's not leaked out to your  
8           potential suspect.

9   MR. MAJAWA: And keeping informants within that investigative  
10           team, that's important, is what you've alluded to.  
11           And there's been suggestions during the course of  
12           the inquiry that perhaps Coquitlam or Corporal  
13           Connor, in particular, should have taken over the  
14           handling of Hiscox, but based on what you said,  
15           it's not surprising that the handling of Hiscox  
16           remained with the person Lori Shenher, who handled  
17           him from the beginning; is that the case?

18   MR. GREER: Well, again, within an investigation investigators  
19           must make the decisions on what they think they  
20           need to do within that investigation. So in terms  
21           of Lori Shenher retaining Hiscox as a source, that  
22           must have made -- must have been a decision within  
23           their working relationship. I'm sure that -- and  
24           I have been involved in other cases where one  
25           person believes that they could work better with a

1                   source and so the source is handed off. I don't  
2                   know what the circumstances were here that led  
3                   them to decide to leave Lori as the handler.

4   MR. MAJAWA: But it's not surprising to you?

5   MR. GREER: It's not surprising.

6   MR. MAJAWA: It would be consistent with normal police practice  
7                   to do that?

8   MR. MCKAY-DUNN: Excuse me, Mr. Commissioner. Sir, I was with  
9                   the Vancouver Integrated Intelligence Unit for a  
10                  number of years as a staff sergeant and the  
11                  inspector in charge on a temporary basis. Well,  
12                  it was actually for an extended period. And I can  
13                  tell you working -- that was the unit that worked  
14                  very closely with the RCMP, and it was not  
15                  uncommon for us, for VPD and the RCMP, to share a  
16                  source. So in terms of your question, although  
17                  I'm not involved with it directly, it would not be  
18                  uncommon for that source to be shared with the  
19                  RCMP.

20   MR. MAJAWA: And nor would it be uncommon to -- well, first of  
21                  all, the source was shared with the RCMP in the  
22                  sense that Corporal Connor did get access to the  
23                  source. I'm not sure if you're aware of that.  
24                  Were you aware of that?

25   MR. MCKAY-DUNN: No. Not really.



1 MR. MAJAWA: So the source was shared, but in terms of what I  
2 was putting to Deputy Chief Greer, it's not  
3 surprising, though, that the responsibility for  
4 the source remained with the VPD officer?

5 MR. MCKAY-DUNN: Sometimes sources can be co-managed, and  
6 certainly in CLEU.

7 MR. MAJAWA: But it's not surprising that it would remain with  
8 one?

9 MR. MCKAY-DUNN: Well, it wouldn't have been my choice.

10 MR. MAJAWA: So, actually, Inspector McKay-Dunn, I wanted to  
11 turn to something that you had raised yesterday  
12 with respect to a memo that Constable Dickson  
13 wrote about a homicide in North Vancouver with  
14 some concerns about what may or may not have been  
15 done.

16 MR. MCKAY-DUNN: No. I wrote the memo.

17 MR. MAJAWA: I believe that Constable -- and we can take you  
18 there, but Constable Dickson wrote a memo to you  
19 and then you wrote a memo to North Van; is that  
20 right?

21 MR. MCKAY-DUNN: No. Actually, that -- his comment to me about  
22 North Vancouver was verbal in the first instance  
23 and that ended up with me writing the memo to the  
24 RCMP, and that would have been --

25 MR. MAJAWA: Perhaps we'll -- I can turn to it. And before we

1 go further with this, I just want to note -- and  
2 I've made my friends aware of this and commission  
3 counsel aware -- that there are some -- some  
4 information in these documents that should have  
5 been redacted as this is an ongoing investigation,  
6 so I would like you to take particular care to try  
7 not to reveal any of the details of what this is,  
8 but it is involving -- I can say that the name is  
9 the Mary Lidguerre homicide, but please take care  
10 to not reveal any information that -- the  
11 information that should have been redacted will  
12 be redacted before the documents become public.  
13 If you turn to Tab 36 of Exhibit 114. And that's  
14 a memo, I believe, from Constable Dickson at the  
15 bottom there?

16 MR. MCKAY-DUNN: This is a Constable Dickson memo, but I had  
17 also put a memo in. I don't see it here.

18 MR. MAJAWA: If you turn to Tab 37, maybe you'll see the one  
19 that you wrote.

20 MR. MCKAY-DUNN: Yes. That was -- yes. Okay. January --  
21 January 23rd.

22 MR. MAJAWA: That's right. January 23rd, 1999. And so the  
23 concern that you have was that -- or that  
24 Constable Dickson raised to you that you passed on  
25 to Inspector Biddlecombe was that some remains had

1           been found on Mount Seymour. I can say that. And  
2           that there was concern that they weren't properly  
3           dealt with by the RCMP. Is that a fair summary of  
4           what their concerns were?

5   MR. MCKAY-DUNN: That was Constable Dickson's concerns. They  
6           weren't necessarily my concerns, but I felt it  
7           important to share that with the Major Crime Squad  
8           because of their -- as I said before, I'm not a  
9           trained homicide investigator. That's where the  
10          expertise lies. And it was their choice to  
11          forward it to the RCMP in North Vancouver and I  
12          received a voice mail sometime later with a  
13          message simply -- and I called them and I was --  
14          it's clear to me at that point in our conversation  
15          that they had done everything that they could on  
16          the file.

17   MR. MAJAWA: And that's what I wanted to understand, is if you  
18           were satisfied -- I believe you spoke with now  
19           Inspector Kennedy, I believe, is who you spoke  
20           with?

21   MR. MCKAY-DUNN: I talked to Superintendent Kennedy.

22   MR. MAJAWA: Sorry. Now Superintendent Kennedy, then Inspector  
23           Kennedy, is who I believe you spoke with?

24   MR. MCKAY-DUNN: Well, I believe he was a sergeant at the time,  
25           but it certainly was the same person. Chris

1 Kennedy I'm referring to.

2 MR. MAJAWA: And after your conversation with him, you felt  
3 satisfied that the North Van RCMP had done what  
4 they were supposed to be doing?

5 MR. MCKAY-DUNN: Yes. I was satisfied. But, you see, but my  
6 point is it's not me to be satisfied because I  
7 don't have the homicide expertise. I would have  
8 hoped that somebody from the Major Crime Squad  
9 could have followed up and based on their  
10 expertise, they would have that conversation with  
11 their opposite number and then reach a -- become  
12 satisfied that what was done was adequate. Now,  
13 from -- based on my opinion, it may not be as  
14 valuable as a trained homicide sergeant or  
15 inspector.

16 MR. MAJAWA: Were any of the other panel members aware -- I  
17 don't believe any of you were involved in this,  
18 so --

19 MR. BEACH: I wasn't, no.

20 MR. MAJAWA: And I'm getting a head shake from Deputy Chief  
21 Greer as well. I take that as a no.

22 CONSTABLE DICKSON: Am I not allowed to say? I think you want  
23 to know where this information came from?

24 MR. MAJAWA: Well, I can -- why don't I summarize and you can  
25 tell me if I'm right, so that way we won't worry

1                   about having anything revealed that shouldn't be.  
2                   My understanding is that Freda Ens and Michelle  
3                   Robinson, who were VPD native liaison officers --  
4                   is that right?

5   CONSTABLE DICKSON: Yes. That's correct.

6   MR. MAJAWA: They had found some remains somewhere on Mount  
7                   Seymour and had then returned to them -- with them  
8                   to their offices at 312 Main Street; is that  
9                   right?

10   CONSTABLE DICKSON: Yes. That's right.

11   MR. MAJAWA: And your concern was that -- that they hadn't been  
12                   dealt with by the RCMP. This was in July, I  
13                   believe, in 1998. They hadn't been dealt with by  
14                   the RCMP for some time?

15   CONSTABLE DICKSON: Well, that was their concerns.

16   MR. MAJAWA: That was their concern. And I understand that  
17                   Inspector McKay-Dunn spoke with Superintendent  
18                   Kennedy and was satisfied for that's worth, but I  
19                   suppose I can ask this to both you and Inspector  
20                   McKay-Dunn. Are you aware that at the time that  
21                   those remains were found that the forensic lab did  
22                   not have the capability of analysing the remains  
23                   in a way that would have yielded investigative  
24                   value?

25   MR. MCKAY-DUNN: Well, I think I've mentioned before, and I'll

1           say that again, is that we're looking at 1998  
2           through a 2012 lens. I think this is very  
3           important for us to remember.

4   MR. MAJAWA: That's correct.

5   MR. MCKAY-DUNN: And to be fair, quite frankly, to all  
6           concerned, including the RCMP, DNA was in its  
7           infancy and investigative techniques were being  
8           developed and honed, so the situation was -- at --  
9           well, it was -- quite frankly, it was in flux and  
10          it was in the process of significant change at  
11          that time.

12   MR. MAJAWA: That's correct and that's a good point, because at  
13          the time -- and this may be information to you,  
14          but at the time the lab was not capable of  
15          analysing them. Later it became, in 1999, capable  
16          of analysing them. They were analysed. Were you  
17          aware of that, Constable Dickson?

18   CONSTABLE DICKSON: I think I was made aware a little while ago  
19          and I was told the results. I don't know if I'm  
20          allowed to say them or if it matters.

21   MR. MAJAWA: I don't think it does matter. And, also, I  
22          suppose the other investigative step that was  
23          taken, and I'm not sure if you're aware of with  
24          respect to this issue was that the area where Miss  
25          Ens and Miss Robinson found the remains was then

1                   thoroughly searched by the RCMP once the snow had  
2                   melted in the spring and no other remains were  
3                   found. Were you aware of that?

4   MR. MCKAY-DUNN: I was aware of that. I believe Sergeant -- or  
5                   now Superintendent Kennedy mentioned that. It's  
6                   familiar to me.

7   MR. MAJAWA: Now, from the testimony that you've given earlier,  
8                   Constable Dickson, and for the rest of you as  
9                   well, I take it that you won't disagree with me  
10                  that there are many, many violent men who prey on  
11                  these vulnerable women in the Downtown Eastside?  
12                  Everyone agrees? It looks like everyone is  
13                  nodding.

14   CONSTABLE DICKSON: Yes.

15   MR. BEACH: Yes.

16   MR. GREER: Yes.

17   MR. MAJAWA: And, Constable Dickson, you testified to this  
18                  earlier. That when you first went over to Amelia  
19                  in '99, there was a number of suspects, perhaps a  
20                  hundred suspects, at least a number that -- I'm  
21                  not sure what number you use, but a number in the  
22                  tens, I think you used, of really, really good  
23                  suspects for the disappearances of the missing  
24                  women; is that fair to say?

25   CONSTABLE DICKSON: That's fair to say. The Downtown Eastside,

1           unfortunately, because of the issues is a  
2           veritable hunting ground, I guess, for lack of a  
3           better term, for predators. We had the kiddie  
4           stroll. We were actually famous on the Internet  
5           for the kiddie stroll. We had people come from  
6           around the globe to visit our kiddie stroll.

7   MR. MAJAWA: And I know for you who's been down there, I don't  
8           think it comes as any surprise, and for all of you  
9           who have worked in that area, I don't think it  
10          comes as a surprise, but would you agree that the  
11          average person would be shocked by the sheer  
12          number of violent men who are willing to prey on  
13          these women and the types of violence that they  
14          are perpetrating on these women; is that fair to  
15          say?

16   CONSTABLE DICKSON: That's fair to say

17   MR. GREER: Absolutely.

18   MR. MAJAWA: And would it be fair to say that even experienced  
19          serious crime investigators who may not have  
20          experience in the Downtown Eastside, they too  
21          would be shocked with the amount of violence that  
22          is perpetrated upon these women, the amount of  
23          predators down there?

24   MR. GREER: Yes.

25   MR. MCKAY-DUNN: It was shocking to me at the time. It would



1 still be shocking to me even now given the  
2 depravity and what these women go through.

3 MR. MAJAWA: So I just want to, then, summarize a little bit of  
4 what -- from earlier -- some earlier questions and  
5 this: But by January of 2001 when Evenhanded  
6 first begins the joint forces operation with the  
7 VPD and the RCMP, there's hundreds of --  
8 potentially hundreds of men who are responsible  
9 for the disappearances of these missing women; is  
10 that fair?

11 CONSTABLE DICKSON: I don't know if there's hundreds, but we  
12 certainly had a wall full of names and some of  
13 them had actually done time for murder already.

14 MR. MAJAWA: And we've already covered the ground of the fact  
15 that no one was volunteering Pickton's name as a  
16 suspect or as a bad date or anything like that,  
17 and I would suggest to you that it's fair to say  
18 that this type of situation, not only is it a very  
19 difficult investigative situation, a very  
20 challenging one, but it's one that would only have  
21 the potential of being solved by a well planned,  
22 methodological approach that casts a wide net that  
23 would perhaps catch these individuals; would you  
24 agree with that?

25 MR. GREER: I would agree that for most investigations you have

1           to take a methodical, well planned approach to  
2           solve it, and from time to time you get lucky and  
3           something breaks earlier than that. In this case,  
4           it took way too long for -- to get the break.

5   MR. MCKAY-DUNN: Excuse me. Just on that point and just  
6           following it up with Deputy Chief Greer, that's  
7           one of the reasons why this whole case management  
8           training programs were initiated. Inspector Beach  
9           has been on it. At the time I believe we only had  
10          Inspector McClellan. Was that right? Inspector  
11          McClellan was the only one that had been trained  
12          up on behaviour case management?

13   MR. BEACH: I don't know. I'm not sure.

14   MR. MCKAY-DUNN: But I'm saying essentially that expertise did  
15          remain with the RCMP. They were the leaders in  
16          that field.

17   MR. MAJAWA: The field of major case management?

18   MR. MCKAY-DUNN: Yes. And I believe it was an RCMP -- was it  
19          an RCMP course? I don't know.

20   MR. MAJAWA: I believe the course was given by the police  
21          college.

22   MR. BEACH: Yes. The Canadian Police College essentially was  
23          the -- I think offered the major case management  
24          course in the first instance. That's not where I  
25          took it, but it was delivered in conjunction with

1 the Canadian Police College, for sure. And I  
2 think there were a number of other initiatives  
3 along with that in terms of accreditation and  
4 those kinds of things. So certainly Canadian  
5 Police College was the driving force.

6 MR. MAJAWA: Now, I -- my final area -- and I only have a  
7 couple of moments left. I will be brief -- is  
8 I've noticed in the documents -- and I'm not going  
9 to take you there for the sake of time, but there  
10 were a number of intense projects that went on in  
11 the Downtown Eastside in the 1997-1999 period, and  
12 I'll briefly mention them. One of them, I think  
13 one of you alluded to yesterday, was in 1997 where  
14 there was an eight-week sort of blitz for the  
15 Downtown Eastside -- in the Downtown Eastside to  
16 displace the sex trade work. Do you recall that?

17 MR. GREER: Yes. That's when an initiative -- when I was the  
18 inspector in District 2, we took a number of our  
19 community officers plus some of our bike people  
20 and we put together an enforcement action in  
21 response to just persistent and overwhelming  
22 complaints of the sex trade workers impacting the  
23 Strathcona community, the Downtown Eastside,  
24 Grandview-Woodlands and the business -- pardon  
25 me -- the businesses and the residents, and so

1 part of our effort there was to see if we could  
2 have an impact to reduce the negative consequences  
3 of a sex trade on those communities, and so for  
4 approximately eight to nine weeks our officers did  
5 that, attempted to trick johns to keep the johns  
6 away, to deal with the sex trade workers who were  
7 being persistent and hanging around the Strathcona  
8 School, and also then to just be in the area,  
9 which, as we have already been told before, just  
10 by police presence the sex trade workers will  
11 leave because we stop the business. That lasted  
12 for that period of time. I received a report back  
13 from Sergeant McKellar, who was the sergeant in  
14 charge of that. He provided his opinion that it  
15 was in effect a waste of time. They had arrested  
16 26 juvenile prostitutes and had taken them to the  
17 ministry because they had been apprehended in such  
18 a dangerous area doing this dangerous kind of  
19 work, and they were released from the ministry  
20 within moments of being brought in there and our  
21 officers returning and in many cases returning to  
22 the area and finding these people back. And in  
23 the case of dealing with suppressing the sex  
24 trade, it was, well, as soon as we've left, the  
25 sex trade returned. So it was a reality that we

1                   did not have the resources to keep up that level  
2                   of enforcement and so we did not attempt that type  
3                   of action again.

4   MR. MAJAWA:   And then there's another project in 1999.  I think  
5                   it began in -- and, Inspector Beach, you may be  
6                   able to comment on this.  It was called the DEEP  
7                   project, the Downtown Eastside Extraordinary  
8                   Policing Plan.  Do you recall that?

9   MR. BEACH:    Yes, I do.

10  MR. MAJAWA:   And my understanding of that, just briefly, was it  
11                  was a plan to decrease the incidence of visible  
12                  criminal activities and street disorder in the  
13                  Downtown Eastside, amongst other things, and there  
14                  was a fair bit of money put into it and some extra  
15                  officers as well, some new recruits; is that  
16                  right?

17  MR. BEACH:    Yes.  Well, there were very few really recruits,  
18                  but you're right.  There was additional funding  
19                  committed by government and those -- that funding  
20                  was to pay for increased police resources in the  
21                  Downtown Eastside.

22  MR. MAJAWA:   And these are District 2 resources, I assume?

23  MR. BEACH:    Yes.

24  MR. MAJAWA:   And by -- by June -- so as this was beginning --  
25                  my understanding is this was beginning in April,

1                   1999, the DEEP project. Does that ring a bell to  
2                   you?

3   MR. BEACH: Yes, it does.

4   MR. MAJAWA: And by then -- or shortly thereafter anyway, we  
5                   know that Lori Shenher has identified Pickton as a  
6                   potential suspect. Coquitlam was trying -- was  
7                   hoping to find ways of locating whether or not --  
8                   determining whether or not Pickton is on the  
9                   stroll, not having much luck with that. Was there  
10                  any thought given to engaging a team like part of  
11                  the DEEP team or another team such as the earlier  
12                  1997 team to -- perhaps a Strike Force team to  
13                  blitz with surveillance to determine whether or  
14                  not Pickton was coming down there?

15   MR. BEACH: I have no idea. You just said that Shenher had  
16                  identified Pickton and Connor was doing things in  
17                  Coquitlam. I didn't know that. Shenher was in  
18                  the Investigation Division. I didn't know where  
19                  her investigation -- I didn't -- wasn't aware of  
20                  details of, you know, those kinds of  
21                  investigations with names attached, et cetera.

22   MR. MAJAWA: So have you been informed by the Investigative  
23                  Division of the VPD that there were particular  
24                  suspects that they were trying to link to the  
25                  Downtown Eastside?

1 MR. BEACH: No.

2 MR. MAJAWA: But if you had been informed, would that have been  
3 a potential avenue that District 2 could have  
4 gotten involved with by -- by utilizing its  
5 expertise of surveillance and knowledge of the  
6 Downtown Eastside to perhaps try and make that  
7 kind of a link?

8 MR. BEACH: Well, when you say "expertise with surveillance",  
9 again, in terms of the kind of surveillance you're  
10 talking about, I think, would not be in the  
11 Downtown Eastside per se. It would come from  
12 Strike Force, which is part of the Investigation  
13 Division. And, in fact, even they -- and I say  
14 this because I was a member of Strike Force for  
15 years. It's very difficult to do surveillance in  
16 the Downtown Eastside, very difficult because the  
17 people you find there know one another. So if  
18 you're not familiar to them, it's difficult to do  
19 it. I'm not sure if I've answered that question  
20 or not, but I wasn't aware of -- excuse me. I  
21 wasn't aware of the name Pickton until I received  
22 a phone call following the execution of the search  
23 warrant in Coquitlam.

24 MR. MAJAWA: Fair enough. If I could just have one moment. I  
25 believe I am done. I just need to check my notes

1                   for one moment, Mr. Commissioner.

2   THE COMMISSIONER: All right.

3   MR. MAJAWA: Mr. Commissioner, my friend Darrell Roberts has  
4                   one question that I can either pose for him on his  
5                   behalf or perhaps he could stand up and pose that  
6                   one question.

7   THE COMMISSIONER: Well, I'm sure he can do it himself.

8   MR. MAJAWA: Thank you. Those are my questions. Thank you  
9                   very much.

10   MR. VERTLIEB: Mr. Commissioner, because we're at the end of  
11                   the day and we had scheduled Mr. Adam tomorrow, I  
12                   think that should go ahead out of fairness to him  
13                   and his counsel Miss Winteringham. These  
14                   gentlemen have agreed to come back Thursday, which  
15                   is good of them to do, so we have that day and the  
16                   only thing I would suggest is the three lawyers  
17                   who are left, which is, of course, Mr. Ward, Mr.  
18                   Gratl and Mr. Hira, and perhaps they could amongst  
19                   themselves sort out some time allotment for that  
20                   one day of evidence. We have another panel  
21                   scheduled to start the following Monday.

22   THE COMMISSIONER: All right.

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

24   THE COMMISSIONER: Mr. Roberts.

25   **CROSS-EXAMINATION BY MR. ROBERTS (Cont'd):**



1                   One question. Mr. Dickson, when you came  
2                   here yesterday before you heard my address in the  
3                   morning, was it your understanding that kidnapping  
4                   was performed by or committed by force?

5   CONSTABLE DICKSON: No. Not always, no. No. There are  
6                   different forms. I know you can lure somebody  
7                   under false pretences.

8   MR. ROBERTS: So you knew that it could also be performed by  
9                   fraud?

10   CONSTABLE DICKSON: Yes.

11   MR. ROBERTS: As a general term for pretext con, false  
12                   pretences, and so on?

13   CONSTABLE DICKSON: Yes.

14   MR. ROBERTS: All right. Thank you.

15   THE COMMISSIONER: Thank you.

16   MR. GRATL: Mr. Commissioner, Jason Gratl for Downtown Eastside  
17                   interests.

18   THE COMMISSIONER: Yes.

19   MR. GRATL: I don't know how long Mr. Ward will be in  
20                   cross-examination of Mr. Adam, but I ask that  
21                   these four witnesses, or at least some of them, be  
22                   available in case Mr. Ward finishes early so that  
23                   we're not left in the position that we have been  
24                   on previous occasions without a witness.

25   MR. VERTLIEB: That's a good idea. Mr. Ward, how long do you

1 think you will be? It's a good idea, Mr. Gratl.

2 Mr. Ward's the only one remaining with Mr. Adam.

3 MR. HIRA: I still have to go.

4 MR. VERTLIEB: Oh, I'm sorry, Mr. Hira. I'm sorry. Anyway,

5 Mr. Ward, how long will you be?

6 MR. HIRA: I'm sitting at the back of the bus.

7 THE COMMISSIONER: Well, you're sitting back there and we've

8 actually forgotten about you, Mr. Hira.

9 MR. HIRA: I would like to have permission to leave if only my  
10 friend would help me.

11 THE COMMISSIONER: Mr. Ward.

12 MR. WARD: I expect to need at least the morning.

13 THE COMMISSIONER: Okay.

14 MR. HERN: Mr. Commissioner, we've also got our response to Mr.

15 Roberts' application that we wanted to take 15

16 minutes of your time, so maybe that can get tacked

17 on to tomorrow.

18 THE COMMISSIONER: Mr. Roberts' application?

19 MR. HERN: Correct. The one you heard for an hour and a half

20 yesterday to recall Deputy Chief LePard and other

21 relief. We wanted to reply to that.

22 THE COMMISSIONER: Oh, I see. All right.

23 MR. HERN: So we wanted 15 minutes of your time for that.

24 MR. ROBERTS: Excuse me. I think the word reply is mine.

25 Yours is a response. It was my application and I

1                   have a couple of minutes reply to the submission  
2                   I've seen posted by my friend.

3   THE COMMISSIONER: Okay. All right. Okay. I don't know if  
4                   that helps.

5   MR. VERTLIEB: It was a very good idea. I think it does help.  
6                   I'll see if we can have these gentlemen lined up  
7                   to come back tomorrow afternoon. It's sounding  
8                   like we could because any decision on Mr. Roberts'  
9                   discussion yesterday doesn't have to be done when  
10                  we have four people who we can resolve.

11   MR. MAJAWA: Sorry. Just to interrupt. Andrew Majawa from the  
12                  Government of Canada. The DOJ, the Government of  
13                  Canada, also still needs to cross-examine Mr. Adam  
14                  as well, so it's not just Mr. Ward and Mr. Hira.

15   MR. VERTLIEB: Just leave it with me. Thank you.

16   THE COMMISSIONER: All right. Thank you.

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

19

20                               (PROCEEDINGS ADJOURNED AT 4:08 P.M.)

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2 a true and accurate transcript of the  
3 proceedings transcribed herein to the  
4 best of my skill and ability.

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