

Vancouver, BC

March 07, 2012

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

THE REGISTRAR: Order. This hearing is now resumed.

THE COMMISSIONER: There are two outstanding matters that I want to deal with at the outset. The first is the application by Mr. Gratl, and he has made an application for an order that the Government of Canada deliver to the applicants, subject to the standard undertaking, the full name of a witness identified only as STW1768.

In opposing the application, the Government has advanced two arguments: one, it has said that the proposed evidence fails to meet the test of likely relevant; and the second is that the order sought would violate the privacy rights of the person in question.

I have examined the evidence, the evidentiary basis upon which Mr. Gratl has advanced his argument and I am convinced that it is a worthy argument and that the Government comply with the order sought here by -- and the order will be made on the usual undertaking. I am satisfied that the evidence that's being sought here is relevant to the questions and so there will be an order

1 accordingly.

2 The second one -- I am pleased that both Mr.
3 Ward and Mr. Crossin are here -- and I am dealing
4 now with the Shenher manuscript. Mr. Ward has
5 requested that Detective Constable Shenher's
6 manuscript be disclosed to the participants. I
7 have reviewed and read the transcript, or the
8 manuscript, and I have -- it's a lengthy one,
9 approximately 370-some-odd pages. I've compared
10 it with the transcript of her evidence here, as
11 well as my notes, and I have determined that it
12 contains no new material facts and it does not
13 assist the inquiry.

14 Primarily, her manuscript deals with her
15 opinions of the upper management of the Vancouver
16 Police at the time, her opinions of various people
17 in the, in the management structure of the
18 Vancouver Police, these are her personal opinions;
19 and as well, certain misgivings as to why,
20 misgivings about how Pickton should have been
21 caught earlier.

22 But there are parts of that manuscript that I
23 think would violate her privacy rights, and they
24 deal primarily with letters and private thoughts
25 that she has had regarding the deceased, and they

1 advance -- there is no evidence there that would
2 really advance anything, as far as the terms of
3 reference are concerned.

4 So, I'm going to allow, in the interests of
5 transparency, to disclose -- that Mr. Ward have
6 access to the document, but I think that the
7 document ought to be vetted, only those areas that
8 deal with the privacy, and that's why I want Mr.
9 Crossin here, to deal with those private thoughts
10 really that are her private thoughts and have
11 nothing to do with the investigation and have
12 nothing to do with our terms of reference. So,
13 I'm assigning you the task of doing that, and Mr.
14 Ward will have the right to, to look at the, at
15 the rest of the transcripts (sic). All right?

16 MR. WARD: Mr. Commissioner, Cameron Ward, counsel for the
17 families of 25 murdered women.

18 THE COMMISSIONER: Yes.

19 MR. WARD: I would ask that a copy of the complete document be
20 made, and if necessary, put in a sealed envelope.
21 It doesn't matter to me. But I would ask that a
22 copy of the complete document be marked as an
23 exhibit for identification purposes. Uhm, I,
24 depending on the nature of the revisions made, I
25 fully expect to receive instructions to have the

1 decision reviewed. So, I need a copy of the
2 entire document for further, further review by
3 other authority.

4 Secondly, we've got a panel of management-
5 type VPD members on the stand tomorrow, and given
6 your explanation of the contents of this statement
7 of Shenher's, and that the contents relate to the
8 conduct of management, I, I seek the document, or
9 at least those portions of it that are
10 disclosable, prior to tomorrow. I've, I've first
11 applied for this on January 31st, and in my
12 respectful submission, it's, it's essential that I
13 have evidence at hand before I cross-examine or
14 attempt to cross-examine such witnesses.

15 THE COMMISSIONER: All right. Okay, first of all, the document
16 has nothing to do with any of the people who are
17 here. They deal with former police chiefs, and
18 her private thoughts about the former police
19 chiefs. And secondly, yes, you did bring this on
20 on January 31st, but, but it was an arduous task
21 for me to read it all and then compare it to the
22 transcript and review it to make sure that I
23 wasn't missing anything.

24 The other thing is that the delay is also
25 occasioned by the fact that you have been absent

1 for periods of time, and Mr. Crossin has been
2 otherwise occupied as well. So, both of you have
3 been away and I was waiting for an opportune time
4 for both of you to have been here. I didn't want
5 to make the ruling in your absence. That's what
6 I'm saying.

7 MR. WARD: I am not going to revisit the privacy issue. You
8 have heard my arguments on that. Before I sit
9 down though, I do want to make it clear, I want --
10 I would ask please, in accordance with the usual
11 practice, that the complete, unvetted document be
12 placed in a sealed envelope to be marked with a
13 letter for identification purposes. Uhm, it is my
14 intention, I do have instructions to review the
15 decision, seek judicial review on it.

16 THE COMMISSIONER: You know --

17 MR. WARD: So, I need to do that.

18 THE COMMISSIONER: Yes.

19 MR. WARD: Thank you.

20 THE COMMISSIONER: Mr. Gratl, I want to hear from commission
21 counsel first.

22 MR. VERTLIEB: I am totally in your hands, Mr. Commissioner.
23 If Mr. Ward would like it sealed, and assuming
24 that causes the writer no problem, then I have no
25 objection to it.

1 THE COMMISSIONER: Okay.

2 MR. VERTLIEB: I just don't know about the other comments Mr.
3 Ward has made.

4 THE COMMISSIONER: All right.

5 MR. VERTLIEB: It did occur to me, listening to your view of
6 the manuscript, that we should at least have the
7 panel return tomorrow. If it turns out there is
8 something that Mr. Ward feels needs to be
9 covered --

10 THE COMMISSIONER: No, he has --

11 MR. VERTLIEB: -- at a later date --

12 THE COMMISSIONER: I have said that he has the right to look at
13 it.

14 MR. VERTLIEB: Right. But if he feels those four witnesses
15 need to come back another time, I am sure we can
16 accommodate that. They have been very cooperative
17 on scheduling.

18 THE COMMISSIONER: Well, I want to be fair to Mr. Ward, so he
19 has the right to cross-examine those people on the
20 panel from the management side of the Vancouver
21 Police Department. I don't want to foreclose that
22 at all.

23 MR. VERTLIEB: No, I understand. No.

24 THE COMMISSIONER: I just point it out to him, that there
25 didn't appear to be anything relating to the

1 people that are here. But that's -- you know, he
2 can do what he wants with it.

3 MR. VERTLIEB: No, I totally understand.

4 THE COMMISSIONER: Yes.

5 MR. VERTLIEB: But if he feels strongly it should be marked, it
6 doesn't bother me at all.

7 THE COMMISSIONER: All right.

8 MR. VERTLIEB: I am assuming Mr. Crossin would speak up if he
9 objects to that.

10 THE COMMISSIONER: Okay. All right. Mr. Crossin.

11 MR. CROSSIN: Yes, Crossin for the Vancouver Police Union.

12 I have not had an opportunity to discuss that
13 particular issue with Detective Constable Shenher,
14 but I agree with Mr. Ward that I think that that's
15 an appropriate procedure.

16 THE COMMISSIONER: Yes. Yes, okay. Anybody else have any
17 thoughts about this?

18 MR. GRATL: Not about sealing, Mr. Commissioner, but I, I tried
19 to listen carefully to your ruling and your ruling
20 leaves a couple of questions in my mind.

21 THE COMMISSIONER: Hm-hmm.

22 MR. GRATL: The first is a delineation of what areas you
23 consider to be private.

24 THE COMMISSIONER: Okay.

25 MR. GRATL: Because it wasn't entirely clear.

1 THE COMMISSIONER: Well, I want Mr. Crossin to -- Mr. Crossin
2 is about to address that. They deal primarily
3 with her own thoughts that --

4 MR. GRATL: Well, I am thinking, for example, about perhaps Ms.
5 Shenher, Detective Constable Shenher had some
6 adverse opinions, some critical opinions about one
7 or two of the women who went missing, that might
8 reflect her state of mind when she is conducting
9 an investigation into their disappearance.

10 THE COMMISSIONER: Yes.

11 MR. GRATL: So, to my mind, it's of importance to carefully
12 delineate that area of privacy that you,
13 Mr. Commissioner, consider worthy of protection,
14 to facilitate Mr. Crossin's task, --

15 THE COMMISSIONER: Okay.

16 MR. GRATL: -- and to take any sense away, to assist Mr.
17 Crossin, and shield him from any criticisms that
18 he is taking an overbroad view of his client's
19 privacy interests in editing the manuscript.

20 THE COMMISSIONER: All right.

21 MR. GRATL: The other concern I had was regarding the timeline,
22 and I am mindful of how long it took to review the
23 relevance issue.

24 THE COMMISSIONER: It didn't, I can tell you, it didn't take me
25 that long to, to do it. I just wanted -- by the

1 time I did it, and I wanted both counsel to be
2 here and --

3 MR. GRATL: No, I understand, Mr. Commissioner. I'm not
4 complaining.

5 THE COMMISSIONER: Yeah.

6 MR. GRATL: I am just saying that in the -- just looking
7 perspectively, if we could place a timeline on Mr.
8 Crossin's editing, you know, I am thinking in the
9 nature of --

10 THE COMMISSIONER: All right. Mr. Crossin.

11 MR. CROSSIN: Well, firstly, I think my learned friend's view
12 of relevance on those matters is a stretch and I
13 am going to proceed in accordance with your order.

14 What I intend to do is track down Detective
15 Constable Shenher, and as quickly as I can, abide
16 by your direction. And I can suggest this, that
17 once that task is completed, I can resubmit it to
18 you and you can determine whether it's an
19 appropriate vetting, and if you determine that is
20 so, then it will be released to Mr. Ward.

21 THE COMMISSIONER: Okay. All right. No, look, the real
22 concern I have here is, is -- the privacy issues
23 are secondary. The real issue is, is relevance.
24 I mean, if it was critical of the police or one's
25 comments, you know, I don't have any difficulty

1 with having it released, but it's the relevance
2 and repetition that's the concern I have.

3 Yes, you wanted to say something?

4 MS. HOFFMAN: Mr. Commissioner, this is with respect to your
5 first application, so.

6 THE COMMISSIONER: Okay. Well, we'll deal with it in a minute.

7 MR. WARD: I'm sorry, Mr. Commissioner, I am always -- I am
8 seeking for a pragmatic solution. The trouble is
9 that we are on a, on a tight timeline here. We
10 have deputy, at least one deputy chief coming up
11 next week. Uhm, I don't want there to be any
12 misunderstanding about my position with respect to
13 this document.

14 THE COMMISSIONER: I am acceding to your request that it be
15 sealed, filed and sealed.

16 MR. WARD: Yes, yes. But in terms of, of the issue of
17 relevance intermingled with the issue of privacy
18 that you have referred to, --

19 THE COMMISSIONER: Yes.

20 MR. WARD: -- my position on behalf of the families is that the
21 whole of the document, unabridged, must be
22 relevant in the sense that it relates to the
23 subject matter of this inquiry. It was never my
24 application to have the document entered as an
25 exhibit. Rather, I argued that it must be

1 relevant, it must be a document that would assist
2 counsel on lines of inquiry that would help expose
3 facts that were the subject of the terms of
4 reference.

5 I, I made the argument and you were not with
6 me with respect to my friend's privacy concern.
7 My argument, in a nutshell, was that there could
8 be no privacy interest in a document that was
9 intended to be published and sold commercially.

10 THE COMMISSIONER: Yes. No, I have your point on that.

11 MR. WARD: And you weren't with me on that.

12 THE COMMISSIONER: Yes.

13 MR. WARD: So, there are two practical issues here. Firstly, I
14 do seek the document right away so that I have it
15 in hand to lead me on trains of inquiry with
16 further VPD management witnesses.

17 THE COMMISSIONER: Yes, okay.

18 MR. WARD: Secondly, my clients are going to incur the expense
19 of a judicial review. We will have a judge review
20 the document in, in total, and I want there to be
21 no mistake about that. And I will be, in a sense,
22 in essence, making the same arguments, that it was
23 a) relevant; and b) that there is no privacy
24 interest. And I have always considered, since
25 learning of the existence --

1 THE COMMISSIONER: Yes.

2 MR. WARD: -- of this 320-page book manuscript, it to be --

3 THE COMMISSIONER: Okay.

4 MR. WARD: -- a very important --

5 THE COMMISSIONER: Okay. Well, I have --

6 MR. WARD: -- document.

7 THE COMMISSIONER: I've, I've heard that. I've heard that.

8 No, I understand that. But I want Mr. Crossin to
9 look at it again and we will revisit it, but I --
10 you will have the right to look at it for your
11 cross-examination of the rest of the panel. I
12 have said that.

13 MR. WARD: That's, that's all I am seeking. I am just
14 concerned about the affliction of time, because
15 time, I have been told, is of the essence here.

16 THE COMMISSIONER: Yes, okay. I understand that. Okay.

17 MR. GRATL: I wasn't sure, Mr. Commissioner, whether you had
18 agreed to a timeline for Mr. Crossin to review the
19 book. He said "as soon as possible." It might be
20 better to have a date certain so that we can know
21 where we stand.

22 THE COMMISSIONER: Well, I want to be fair here to both sides.
23 Do you have any idea of when you can contact your
24 client?

25 MR. CROSSIN: Well, I clearly can -- well, I don't know where

1 she is, but I will make efforts today to find her

2 and I will make efforts over -- as I say, it's --

3 THE COMMISSIONER: You can report back to us tomorrow?

4 MR. CROSSIN: Well, I can -- well, in what sense? Report what?

5 THE COMMISSIONER: Well, you are going to speak to her.

6 MR. CROSSIN: I am going to, I'm going to speak to her. I'm

7 going to have her and, and I undertake the task

8 that you have given us, and, and get back to you

9 as quickly as I can.

10 THE COMMISSIONER: All right.

11 MR. CROSSIN: I understand my obligation.

12 THE COMMISSIONER: Okay. All right, thank you.

13 THE REGISTRAR: Mr. Commissioner, did you want that document to

14 be marked now or --

15 THE COMMISSIONER: Yes. Yes, we can mark it now.

16 THE REGISTRAR: We can mark it now.

17 THE COMMISSIONER: Yes.

18 THE REGISTRAR: That will be marked for identification double

19 B, BB.

20 **(EXHIBIT NO. BB FOR IDENTIFICATION: Manuscript by**

21 **Lori Shenher)**

22 MS. HOFFMAN: Mr. Commissioner, Judith Hoffman for the

23 Government of Canada.

24 THE COMMISSIONER: Yes.

25 MS. HOFFMAN: With respect to your first ruling, the

1 submissions that were made to you, and I believe
2 also in writing, suggested that the proper way to
3 proceed would be to have the commissioner direct
4 that Canada voluntarily comply with the direction,
5 should you decide that they need be released --

6 THE COMMISSIONER: Yes.

7 MS. HOFFMAN: -- on the basis of inter-jurisdictional immunity
8 concerns. And I believe in your most recent
9 ruling with respect to the disclosure application,
10 you referred to inter-jurisdictional immunity
11 concerns with respect to your inability to make a
12 disclosure order. So, we would prefer, rather
13 than the record stating that there is an order
14 against Canada, that Canada will voluntarily
15 comply with a request that we disclose the sex
16 trade worker's name.

17 THE COMMISSIONER: Yes.

18 MS. HOFFMAN: Thank you.

19 THE COMMISSIONER: Mr. Dickson, do you have any --

20 MR. DICKSON: I don't have any submissions on that,
21 Mr. Commissioner, but I, I believe I am up next
22 for cross-examination --

23 THE COMMISSIONER: Oh, I see. Okay, all right.

24 MR. DICKSON: -- of Inspector Adam.

25 **DONALD JOHN ADAM, resumed:**

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

2 Q Inspector, last week, when we left off, you may
3 remember that I was taking you through information
4 that pointed to Pickton and was known to police
5 forces in 2001. Do you recall that?

6 A Yes.

7 Q And we discussed the 1997 Anderson incident, and
8 the Hiscox information in 1998, and the Ellingsen
9 information in 1999. Do you recall that?

10 A Yes.

11 Q And with respect to the Ellingsen information, we
12 discussed her denying her story when she was
13 interviewed and we discussed reasons why police
14 might not believe that denial. Do you recall
15 that?

16 A Yes.

17 Q And there were a few more items of information
18 that pointed to Pickton in 2001 that I want to
19 touch on briefly, and the first of these is that
20 both Ron Menard and Pat Casanova relayed to the
21 police statements attributed to Pickton suggesting
22 that he was very nervous about the police
23 investigating him and was nervous about DNA being
24 found on his property. Were you aware of that?

25 A I don't know if I was aware of it then.

1 Q Yes.

2 A I am certainly aware of it now.

3 Q Yes. And another piece of information that was
4 known in 2001 was that Pickton told Caldwell
5 directly that he could dispose of bodies.

6 A Uhm, I think -- you know, I would accept your,
7 your statement on that. I can't remember exactly.

8 Q And Caldwell believed that Pickton had served him
9 human flesh?

10 A You would have to take me to that. I, I've made
11 inquiries about that. The provincial health
12 officer believes that that -- any taste is much
13 more likely to be from poor handling. I don't
14 know what human flesh tastes like, but I don't
15 think that the health department felt that taste
16 was going to be the issue.

17 Q Very well --

18 A From, from rumours.

19 Q Right. And when you speak of the health
20 department, that's not an inquiry that was made
21 prior to the search of Pickton's farm, is it?

22 A No, that was, that was --

23 Q That was after?

24 A -- later when we discovered, you know, commingled
25 human flesh.

1 Q Right. And in 2001, the only information that the
2 police had on this point was just Caldwell's
3 belief that he had been served human flesh by
4 Pickton?

5 A May I see, you know, the actual document then, if
6 I am agreeing to something?

7 Q Well, let me just put it this way.

8 THE COMMISSIONER: Well, in fairness to the witness, you need
9 to put the document to him if you are cross-
10 examining him on the document.

11 MR. DICKSON: Fair enough. And I have, and I have document
12 references that I can take him to in almost every
13 respect, but I just didn't note it down on this
14 one, and it's not a crucial point and I am just
15 going to move on, Mr. Commissioner.

16 THE COMMISSIONER: All right.

17 THE WITNESS: That's -- sorry, Mr. Commissioner. Like, I'm
18 agreeing with certain things, but obviously you
19 are leaving out with Pat Casanova and Menard, that
20 they are actually refuting major pieces of the
21 information. Like, we are all aware of that, too,
22 of course.

23 MR. DICKSON:

24 Q And, and, and you're saying they are refuting
25 major pieces of information in 1999, when, when

1 Coquitlam RCMP speaks to them?

2 A Yes, they -- Pat Casanova had looked in the
3 freezers and believed there are no human body
4 parts there.

5 Q Right.

6 A Yes, and the only reason I say that, Mr.
7 Commissioner, is, is it gives a slanted view that
8 everything is rosy, when, in point of fact, lots
9 of things are falling apart around their ears.

10 Q Right.

11 A That's all.

12 Q Both Menard and, and Casanova looked into the
13 freezers and neither of them found body parts?

14 A That's right. But doesn't it also go further,
15 that that story that they had seen that, flowed
16 from Ellingsen, which is now another piece, if you
17 are making an affidavit, Mr. Commissioner, you
18 would have to point out that she's been proven, or
19 certainly -- well, you are in a tough spot because
20 of course you make an affidavit on second
21 information, which you couldn't do. But, in point
22 of fact, even on what she says, it's being refuted
23 by people you are interviewing. So, those are
24 problems, that's all.

25 Q Yes, that's right.

1 A I mean, not to get in the way.

2 Q Oh, that's right. And in an affidavit, you would
3 certainly have to note that. Definitely.

4 A Yes.

5 Q Now, another piece of information that pointed to
6 Pickton was that when Pickton was interviewed in
7 January of 2000, for his part, Corporal Connor
8 thought that he was lying through his teeth.
9 That's the phrase he used on the stand here.

10 A Lying through his teeth in regards to what?

11 Q In regards, in regards to his denial of
12 involvement with Ellingsen, with Ellingsen's
13 story, and, and, and Corporal Connor thought that
14 Pickton was highly evasive in his interview.
15 That, that was his view.

16 A Uhm, yes, that might be Corporal Connor's view.

17 Q And the last piece of information that I will just
18 suggest here supported the notion of Pickton being
19 a highly viable suspect, is that during the period
20 when the women were going missing, he was always
21 around. He was living in the area and he was
22 never in custody. Would you agree with that?

23 A I'm sorry, the fact that he's free, we are now
24 meshing that in with the fact that that makes it
25 viable?

1 Q It -- he was -- there was never a time when it
2 could not have been Pickton? That's the only
3 point I am making here.

4 A And I can agree with that, Mr. Commissioner. I
5 also feel obliged to say just that, of course, any
6 of the Priority 1s that were free are exactly in
7 that same situation.

8 Q Quite so. Now, I'm going to suggest -- I'm not
9 going to suggest to you, Inspector, that all of
10 this information, taken together, was enough on
11 which to base charges or necessarily get a search
12 warrant, uhm, but I do suggest that, taken
13 together, that the totality of the information
14 demands a serious and sustained investigation of
15 Pickton. Would you agree with that?

16 A So -- but, but I guess I need a little
17 clarification on it.

18 Q Hm-hmm.

19 A Are you talking about while it's occurring in 1999
20 that it demands that, or, or -- like, I'm sorry,
21 not to be paranoid, but, but I certainly wouldn't
22 want to get the situation where we, where we now,
23 again, flesh out Mr. Pickton in 2001, erase all of
24 the other POIs, erase our mandate, and now hold
25 him up as somebody we should have gone on, because

1 absolutely that would be inaccurate. Did it
2 require investigation in '99? Of course it did.

3 Q Yes. And going forward?

4 A Oh, yes. They, they had an investigation to do,
5 of course.

6 Q Right. Now, in respect of even -- well, let me
7 just ask you this. Detective Constable Shenher
8 identified Pickton as the first of Project
9 Amelia's top three suspects in her transfer memo
10 from November of 2000.

11 A Could you --

12 Q Certainly.

13 A I would like that document in front of me.

14 Q Yes.

15 A Because I actually don't think that's accurate.

16 Q Okay.

17 A I think, I think that what you're going to see is,
18 in the body, she very specifically says that,
19 that, from memory -- I should actually stop and
20 get the document, really.

21 MR. HIRA: That isn't accurate, Mr. Commissioner. In the exit
22 interview --

23 THE COMMISSIONER: I can't hear you. You have to get --

24 MR. HIRA: Oh, sorry. I am just used to a different courtroom
25 setting, a provincial --

1 THE COMMISSIONER: Pardon me?

2 MR. HIRA: Ravi Hira.

3 THE COMMISSIONER: Yes.

4 MR. HIRA: In her exit interview of November 2000, she says,
5 "Despite a reward and, and a tip line, we have few
6 suspects," sorry, "few leads and no suspects," or
7 words to that effect. Exhibit --

8 MR. DICKSON: Mr. Commissioner, let me stop --

9 MR. HIRA: -- 83, the tab at Exhibit 83 shows that. I don't
10 recall Pickton's name being on that document. So,
11 if he's going to ask a question and state
12 something, state it accurately.

13 THE COMMISSIONER: Okay. Thank you.

14 MR. DICKSON: Mr. Commissioner, I object very strongly to Mr.
15 Hira's statement there. There is nothing
16 objectionable about --

17 THE COMMISSIONER: You are objecting to his objection.

18 MR. DICKSON: Indeed I am.

19 THE COMMISSIONER: Yes.

20 MR. DICKSON: That was not an appropriate interjection and he's
21 not here to give evidence.

22 THE COMMISSIONER: Well --

23 MR. DICKSON: But let me take --

24 THE COMMISSIONER: Well, no, no -- he's not --

25 MR. DICKSON: -- the inspector, if I can --

1 THE COMMISSIONER: Just wait a minute now. He's not giving
2 evidence. First of all, I thought, I thought he
3 was Ms. -- I thought he was your witness.

4 MR. DICKSON: Indeed.

5 MS. WINTERINGHAM: He is.

6 THE COMMISSIONER: Okay. Why don't we, why don't we find out
7 who is in a position here to cross-examine or who
8 is making the objections here.

9 Now, I think Mr. Hira's point, if valid, is
10 well-taken, and that is that he's suggesting that
11 you're misstating the evidence, and if that's the
12 case, then, then I want to hear about that.

13 MS. WINTERINGHAM: And Mr. Commissioner, if I can address
14 this, --

15 THE COMMISSIONER: Yes.

16 MS. WINTERINGHAM: -- the witness has asked to go to a document
17 and --

18 THE COMMISSIONER: Yes.

19 MS. WINTERINGHAM: -- I believe that Mr. Dickson was about to
20 take him to the document.

21 MR. DICKSON: Indeed.

22 MS. WINTERINGHAM: And so, just so everybody knows, the
23 document that he's asking him to look at is in the
24 big binder, I believe it's Exhibit 98 or 99, at
25 tab 4.

1 THE COMMISSIONER: Yes. Okay.

2 MR. DICKSON: Yes, thank you.

3 Mr. Commissioner, I was, indeed, just about
4 to take the inspector to the document before my
5 friend interrupted my cross-examination, --

6 THE COMMISSIONER: Okay. Well --

7 MR. DICKSON: -- which is part of my frustration with Mr.
8 Hira's interruption.

9 Q So, Inspector, it's in my cerlox brief of
10 materials at tab 8 at one place you can find it.

11 A Sorry, tab A?

12 Q Eight in a cerlox-bound --

13 A Sorry, I don't have --

14 Q I believe it was put in front of you, right to the
15 left.

16 A Oh, I apologize. It's hidden under --

17 Q Yes, and if you go to page 3, --

18 A Yes.

19 Q -- it says "Potential Suspects" and it says --

20 A Sorry, not to interrupt you, but it actually
21 says -- on page 2, she starts it.

22 Q Hm-hmm.

23 A So, that would be my concern, is if we only read
24 part of that document, we're actually not getting
25 the full flavour of what she's saying. So, I

1 think if we read the first paragraph -- well,
2 actually, we probably should read "The Criminal
3 Perspective" would, would give the commissioner an
4 actual, proper full picture of exactly what Lori
5 Shenher intends and is saying.

6 Q Okay. Well, let me --

7 A Does that not seem fair?

8 Q Let me read some into the record then. She says
9 on page 2 under "The Criminal Perspective":

10 As I write this, we have very few leads on
11 any solid suspect or suspects. We have had a
12 reward poster and tip line set up for over a
13 year and neither has generated any solid
14 leads.

15 And then she goes on to say who the reward is the
16 joint responsibility of.

17 And then I, I think that sets up your point,
18 Inspector. If we go over the page --

19 A Not -- sorry to interrupt -- not actually, --

20 Q Okay.

21 A -- because, because what she then does is she
22 actually talks about the fact that, that, quite
23 properly, Project Amelia had moved into these
24 other suspect-gathering exercises.

25 So, so, you know, again, my concern is, I

1 keep, I keep sort of coming back to go on Pickton,
2 go on Pickton, as a live issue, Mr. Commissioner.
3 If, if we don't go through what is actually
4 happening, then, then we make reality of something
5 that was never real.

6 Q Yes. Well, let's turn the page and see what she
7 does say about Pickton. So, page 3, --

8 A Yes.

9 Q -- uh, "Potential Suspects." Toward the top,
10 there is a heading there, "Potential Suspects" --

11 A Yes.

12 Q -- and she says this:

13 Having said that, there are three men that
14 stand out simply because of their
15 involvement with and propensity toward
16 violence against sex trade workers in this
17 area. They are: William Robert Pickton [and
18 then two others].

19 A Yes, I read that.

20 Q Yes. And then the first, she goes on to set out a
21 brief summary of information in respect of each of
22 them. And, uhm, the document says there what it
23 says, and I will just highlight in the second
24 paragraph there, she says:

25 Extensive work on Pickton has been done by

1 the Coquitlam RCMP and the Provincial
2 Unsolved Homicide Unit. We recently became
3 aware that Pickton has been interviewed by
4 RCMP members, but we do not know the contents
5 of that interview. It is my feeling there is
6 more follow up to be done with respect to his
7 activities and his property, which was
8 recently sold.

9 A Yes.

10 Q As of November 2, 2000 he was still living
11 there.

12 And that's -- I have read that correctly, have I,
13 Inspector?

14 A Yes.

15 Q And Sergeant Connor, he was the lead investigator
16 on Pickton in 1999, as we know?

17 A Up until late August, he was.

18 Q Yes, August 20th, 1999. And, and then he came
19 back in the spring of 2001, in March, and was the
20 sergeant in charge of Major Crime in Coquitlam?

21 A I don't know those dates but --

22 Q Very well. Did you know that he was calling Wayne
23 Clary in the spring of 2001 and advocating that
24 Evenhanded investigate Pickton as a priority?

25 A I'm aware that he has said that. I'm aware that

1 Sergeant Clary has notes about that. And I don't
2 think that Mike Connor's memory will dovetail
3 entirely with Wayne Clary's notes.

4 Q I see. And were you aware in 2001, that Sergeant
5 Connor was making those calls?

6 A That Sergeant -- well, in 2001, we had people in
7 and out of Coquitlam assessing all of the
8 suspects.

9 Q Right.

10 A So, was I aware of every call that our people were
11 making? Absolutely not, as the team commander.

12 Q You hadn't heard that in 2001?

13 A Well, in 2001, we were assessing all of the
14 suspects. Of course we would be talking to
15 various people.

16 Q Right. I am just asking about your knowledge.

17 A No, I certainly don't remember, you know,
18 individual conversations about Pickton.

19 Q Very well.

20 MS. WINTERINGHAM: Mr. Commissioner, if I can just add one
21 thing here. With respect to the document that Mr.
22 Dickson has put before the witness, I have a
23 different version of that document. And I'm not
24 sure if he's finished his questioning about the
25 document, but he's referred Sergeant Adam to tab 8

1 of his booklet, but tab 4 of the big binder, I
2 believe it's Exhibit 98, is a 12-page document,
3 not a five-page document. I'm not sure what the
4 difference is, but Sergeant Adam had started to
5 talk about a particular passage that he had
6 recalled, and I think we need to put that document
7 to him, in fairness to him.

8 THE COMMISSIONER: Okay. Well, why doesn't somebody put that
9 document to him?

10 MS. WINTERINGHAM: If we could please.

11 THE COMMISSIONER: If there are two documents, they should both
12 be before him.

13 MR. DICKSON: Oh, certainly. So, tab 4 of Exhibit 98(NR).
14 Thank you, Ms. Winteringham.

15 Q So, if you go to your big binder.

16 A Oh, okay.

17 Q Oh, I see. Sorry, I thought you had it.

18 A No, that's fine.

19 Q And it's tab 4.

20 A Tab 4 --

21 Q Yes?

22 A -- is --

23 Q And in my tab 4 there is a, first, a memorandum
24 from Sergeant Field to Gord Spencer.

25 A Yes.

1 Q And then if you go a few pages in, that seems to
2 attach Detective Constable Shenher's memo to
3 Inspector Spencer and Sergeant Field, and then
4 you'll see that the first five pages of that is
5 the memo that I have put before you.

6 A Hm-hmm. Yes.

7 Q And then on this version it continues on page 6
8 discussing avenues that were explored, police
9 avenues, medical information, other
10 recommendations, --

11 A Yes, Mr. --

12 Q -- of the investigation.

13 A Mr. Commissioner, this is actually a great
14 document. Well, it also (a) covers the SIUSS
15 problems; but (b) at the very end, she is really
16 identifying some of the difficulties in confirming
17 the missing. You know, the fact that, of course,
18 people were dying in hospitals and, and if they
19 had no next of kin, they were being disposed of,
20 and that 6,000 inquiries had to be made into that
21 to try and see if it was some of the missing. So,
22 this, this document is good with the issue of the
23 missing, as to how that confounded everyone.

24 Q Very well. So, let me just continue on my line of
25 questioning.

1 Uhm, Gary Bass and Chris Wozney, they asked
2 you specifically about what Evenhanded was doing
3 on Pickton.

4 A Yes.

5 Q Am I right about that?

6 A Yes, I think that was sometime in November or
7 something.

8 Q Yes. And you had a meeting with them and they --
9 and the tenor of their questions was, "Well, what
10 are you doing to investigate Pickton," right?

11 A No, that's actually inaccurate.

12 Q Okay.

13 A The, the meeting was about the fact that we were
14 creating a proactive team, and of course having an
15 active serial killer in the Downtown Eastside. I
16 don't remember, from memory, whether we were -- I
17 would have been briefing them on streams, briefing
18 them on the proactive team; all of those
19 initiatives.

20 And I believe their, you know, my memory is,
21 and I don't remember exactly how they did it, is,
22 is sort of, "Okay, well, what about Pickton?" And
23 my answer was, uh, that Pickton lived inside a
24 pool of, at that time, 30-plus Priority 1s, that I
25 felt this was a better way to go, because, of

1 course, there was nothing new on Pickton, like, as
2 again, as in a crime, if that makes sense.

3 Q And, and I just, I want to put this to you, that
4 given the information I've taken you through, just
5 looking back, in hindsight, from where we are now,
6 do you wish that Evenhanded had pursued an
7 investigation into Pickton prior to getting on the
8 farm?

9 A I, I would like to answer that.

10 THE COMMISSIONER: Just -- no, no, just don't answer it yet.

11 MS. WINTERINGHAM: What he wishes is not going to assist you.

12 THE COMMISSIONER: No, I --

13 MS. WINTERINGHAM: We know exactly what he wishes. We all wish
14 Pickton was caught Day 1.

15 THE COMMISSIONER: Well --

16 THE WITNESS: But I think I would like to answer that.

17 THE COMMISSIONER: No.

18 THE WITNESS: Sorry.

19 THE COMMISSIONER: I agree with you, that maybe the answer
20 isn't -- doesn't really help anybody much to say
21 that, but a number of the other witnesses have
22 expressed regret that Pickton should have been
23 caught earlier, and if he'd been caught earlier,
24 we would have saved some lives. That's really the
25 position here, is it not?

1 MR. DICKSON: Yes, and I am not, and, Mr. Commissioner, just to
2 be clear, I absolutely know that the inspector
3 would, would a hundred percent agree with that,
4 and I don't, in any way, mean to imply that you
5 are not.

6 A No.

7 Q Not, not in the slightest, no. What I am asking
8 is, in hindsight, do you wish that there was a
9 suspect-focused investigation of Pickton, and
10 perhaps other persons of interest, prior to
11 getting onto the farm?

12 A And, and that's the question I think I do need to
13 answer, Mr. Commissioner, is that if my mandate
14 had been to go on a target, like, if I had been
15 given a subject to go -- if that's what they had
16 wanted me to do, then, you know -- and I had not
17 done that, if I had then gone out and created a, a
18 global approach to a very large problem, then,
19 then that would be one thing.

20 But with the mandate that I had, for, for
21 policing to move forward, if we now move in
22 hindsight and I go, okay, I would ignore
23 everything I've been taught, I would, I would
24 throw all the lessons I know about people having
25 blind faith in a, in a target, and being wrong,

1 and that, and that now I would recommend, in the
2 future, we ignore everything that we've learned
3 and, and we simply, because, because it's
4 expedient in this case to go, "Okay, I will ignore
5 a proper assessment, I will ignore all of that,"
6 and I need my team commander to reach out into
7 that bundle, pick the right person, because of
8 course, what would you be saying to me if I had
9 picked the wrong person, if I chased the wrong
10 person? You wouldn't be very happy with me. No
11 one would.

12 So, so do I wish that my mandate was such
13 that I would have gone on Pickton? Of course I
14 do. Of course I do. It makes me sick to my
15 stomach.

16 Would I recommend that, that this commission
17 would ever say, in a file review, don't do the
18 file review, just choose who you think is best and
19 go on it, I absolutely cannot condone that. That
20 would be bad policing and bad thinking at a level
21 that would be staggering.

22 Q And, and the choice is not necessarily between
23 doing the file review and not doing the file
24 review. It can be doing the file review and
25 having parallel suspect investigations?

1 A Good. That is a very good question. Uhm, and,
2 and in point of fact, that is exactly what
3 Evenhanded did when we had our, our feet under us
4 and, and knew exactly where we were going. Excuse
5 me, I am not quite finished. That would not have
6 been possible in the early stages, because -- so,
7 Mr. Pickton was good. We have a man who, who
8 stabbed a woman through the throat with a, with a,
9 with a pencil, then goes to another woman and
10 takes and beats her unconscious with weights, ties
11 her up, just brutalizes her in the most horrible
12 way. He gets seven years and he's out in June of
13 '99. Okay. So, do I ignore him? Do I go on him?
14 Now I am running what, how many parallel
15 investigations am I running?

16 And, and if -- it is a fallacy that, anybody
17 who has done this, thinks that you are going to
18 roll out, unless you are an absolute monster of an
19 investigation like Evenhanded eventually would be,
20 that you are going to roll out multiple
21 investigations into multiple potential serial
22 killers in this situation. I don't know of an
23 investigation that's ever done that and I just
24 don't think it would be viable.

25 Plus, we had a broken computer system. So,

1 in other words, I wouldn't be able to control any
2 of that if I did. That would have spun out of
3 control and been a disaster.

4 Q Let me take you just to one passage in your
5 interview with Deputy Evans.

6 A Certainly.

7 Q And it's in the, in the loose little package of
8 pages.

9 A Yes, I see it here.

10 Q And Mr. Commissioner, you have a copy on your desk
11 I believe.

12 A I do. You gave me one.

13 Q Yes, and it's dated August 31, 2011. You can see
14 that at the top.

15 A Yes.

16 Q But it begins at page 140. And just on that first
17 page, page 140, right down at the bottom, the
18 last, the bottom question there, the deputy asks
19 you:

20 JENNIFER EVANS: I've got on August 14th,
21 Detective Scott contacts Detective
22 McKnight, and about Pickton being a
23 suspect in the 3rd of August sex assault
24 that occurs. And later on, I know we
25 all find out, because some other person

1 is charged -- I won't say his name
2 because it may be a person of interest
3 -- he gets charged.

4 And, and Inspector, I believe that's Mr. S,
5 isn't --

6 A It is, yes.

7 Q Yes.

8 A This was never Pickton.

9 Q Right. Okay. So, that's, that's the context
10 she's asking you about. And over on page 143, the
11 question at the bottom set out some more context.
12 She says this, beginning with the second sentence:

13 And the other guy was charged [again,
14 that's Mr. S] for the sex assaults but
15 he was eliminated from the missing women
16 by a polygraph.

17 A Yes.

18 Q Was there any discussion about maybe
19 getting Pickton in to do a polygraph on
20 him, to eliminate him?

21 And I will just go on a little bit. So, now
22 we are on page 144, and again, the bottom
23 question, she sort of repeats the question.

24 JENNIFER EVANS: But the question was, did
25 you ever have a discussion to say,

1 "Let's get Pickton in for a polygraph
2 and, and exclude him or confirm that
3 he's related -- in relation to the
4 missing women"?

5 And you say:

6 DON ADAM: Oh, no, if that -- no. Pickton,
7 Pickton lived inside that -- [and then
8 you pause and you say] nor did I, by the
9 way, have that discussion about POI 390
10 or any of the others.

11 Uhm, and then the deputy asks, beginning at
12 line 10 on page 145:

13 JENNIFER EVANS: But I know you eliminated
14 this person by, it says in a document,
15 "eliminated for the missing women by
16 polygraph." So, I was thinking that
17 this was obviously a new way, new way
18 you were going to eliminate. Because
19 you had originally said you weren't
20 going to eliminate them for the missing
21 women just because their DNA didn't
22 match the Agassiz. So, how were you
23 attempting to eliminate them for the
24 missing women? So, I see by this one
25 guy --

1 And then you say:

2 DON ADAM: Okay, but, but let's break him
3 down. To go out, we were going to --
4 like, I would not ordinarily --
5 ex-polygraph -- I would not ordinarily
6 go out to a cold suspect and just tip my
7 hand that I think he's a serial killer
8 and ask him to take a polygraph,
9 especially if I thought he was active.
10 Because he was going to go underground
11 and we will wait and we will lose, you
12 know, impetus and, and he will continue
13 to kill.

14 And then over the page:

15 DON ADAM: Like, that would be bad policing.
16 What would be good policing in my mind,
17 the only way you're going to get it, is,
18 is probably if you are strong enough as
19 an undercover operation against them,
20 you know, potentially wire, surveillance
21 would certainly, would build your
22 grounds.

23 And then, and then I will just close with
24 this passage at, beginning at line 9, you say:

25 DON ADAM: But never would I have just gone

1 to, to somebody, if I thought they were
2 active, and they didn't know I was
3 hunting them, and tip my hand by getting
4 a polygraph. This guy, Mr. S we will
5 call him, had been arrested. The cat
6 was out of the bag. He had been
7 interrogated. In fact, I had taken part
8 in that interrogation. And, and he was
9 in a box of either continuing on as a
10 suspect or taking a polygraph.

11 JENNIFER EVANS: Okay.

12 DON ADAM: Like, so, it's very different.
13 And thank you for listening to that.

14 A Yes.

15 Q And my, my question here is, what that exchange
16 with the deputy seems to leave out, Inspector, is
17 that Pickton had been interviewed already. He had
18 been interviewed in January of 2000. In 2001,
19 were you aware that he had been interviewed?

20 A I, I am sure I would have been. I don't remember.
21 But I can answer your question, if you want. I
22 think I understand it. I am happy to answer it.

23 Q Yes, because -- well, let me just put the
24 question. I mean, the point is --

25 THE COMMISSIONER: Wait a minute. Let him answer the question.

1 Go ahead.

2 THE WITNESS: Yes, sorry, Mr. Commissioner. The issue is two.
3 One revolves around the use of polygraph
4 generally, because you have heard it. Can we use
5 polygraph to eliminate this mass of suspects?
6 That would be -- that's been brought up as sort of
7 one tool we potentially could have used.

8 As an examiner, that would be extremely
9 dangerous, because the polygraph -- I mean, it's a
10 great tool -- it is used best under specific
11 circumstances where you have a very specific issue
12 and, and a question and answer. I won't, I won't
13 bore you with that.

14 But, but I don't think we should lose sight
15 of the fact that Gary Ridgway passed the polygraph
16 of whether he was the killer. Now, that, you make
17 those kinds of -- I don't call it a mistake, but
18 then that changes the minds of a lot of people as
19 to whether or not they're viable. Jason Gamache,
20 when he killed the young girl on the Island, he
21 passed the polygraph.

22 So, I'm aware of what we call "false
23 positives." In other words, the polygraph will
24 make mistakes. If you don't base your
25 investigation on solid investigative premises, the

1 polygraph is dangerous.

2 Now, specific to Pickton, I believe that by
3 the time this is happening, we're, we're
4 discovering that, that the serial killer is, is
5 very likely active. This was all happening in --
6 well, it starts happening for us when we -- when I
7 meet with Vancouver on Mr. S's investigation I
8 think sometime in October.

9 So, we now are coming to the belief that
10 if -- once we confirm the missings, that we have
11 to have other streams of investigation. I would
12 never, at that point, knowing that, that we would,
13 we're going to eventually have people in the
14 Downtown Eastside watching and tracking
15 everything, coordinating everything, and our other
16 streams would have gone out and start tipping off
17 suspects by, by asking them to take the polygraph.
18 I just, I just don't think it would be solid.

19 MR. DICKSON:

20 Q Right. And, and so the point that I'm putting to
21 you, of course, is that Pickton already knows he's
22 being investigated?

23 A But, but Pickton was alert to the fact that he was
24 being investigated back in, in -- well, his last
25 interview was in 2000.

1 Q Yes.

2 A January.

3 Q Certainly.

4 A So, now we're in, in October of 2001.

5 Q Right, or in the spring of 2001.

6 A Yes, sure. But, but when we tip our hand to a

7 target, you know, then ordinarily, you know, they

8 go underground. Now, and this is a different

9 situation, I mean, if he truly was your Number 1

10 target. But, but normally, you would wait until

11 he resurfaces and doesn't think he's red hot.

12 Now, again, Pickton lived in that bundle. So, you

13 know, it's a very different discussion.

14 Q Now, I want to return for a moment to your

15 original April operational plan.

16 A Yes.

17 Q And the four phases in that plan were, first, to

18 create a DNA database from historical crime

19 scenes?

20 A Well, co-existent. You know, I think, remember, I

21 have said, Mr. Commissioner, I use -- I put them

22 A, B, C, but they're co-existent.

23 Q Right.

24 A Yes. So --

25 Q So --

1 A Sorry. If you actually look at what we're doing,
2 the moment we're a task force, McKnight and Little
3 are reviewing Amelia, you know, and then, and then
4 we're figuring out how to do the provincial
5 review. So, they're happening simultaneously.

6 Q Right. And my question did not suggest that they
7 were not.

8 A Okay. Sorry, it's just --

9 Q Right. So, one --

10 A Yes.

11 Q -- of the phases is creating this DNA database
12 from historical crime scenes?

13 A Yes. But remember, when we say "historical,"
14 we're starting with the absolute newest ones.

15 Q Yes.

16 A So, they're only -- like, the term "historical"
17 might make you think you are going back x number
18 of years. No, no, no. They, they were literally
19 starting from right, like, yesterday, so to speak,
20 and working backwards.

21 Q Very well. We will scratch out "historical". So,
22 create a DNA database from crime scenes relating
23 to certain crimes?

24 A Relating to our target victim group, yes.

25 Q And a second phase is create prioritized suspect

1 lists?

2 A That's correct.

3 Q And a third phase is obtain DNA samples from the
4 suspects and compare them to the DNA databank
5 relating to the crimes?

6 A Yes. The original idea, before, before I arrived
7 on the scene, was to compare all of the -- do the
8 same thing with the suspects that we were going to
9 do, but compare them against only the Valley. And
10 then we realized, obviously, if we had other
11 killers -- I mean, I think we found 13 additional
12 murderers of sex trade workers. So, if we had
13 other killers, that was a better pool, and I think
14 I have gone through that, Mr. Commissioner.

15 Q Yes. Yes, you have. And so, let me just go back
16 to the phases. That was -- those were three of
17 them?

18 A Yes.

19 Q And the fourth phase is, when you get a DNA
20 match --

21 A Yes.

22 Q -- between the database and the suspect DNA, then
23 you would conduct an investigation on the suspect
24 to which that match related?

25 A We would, we would then try -- so, let's use a

1 concrete example. If it, if it was -- if we
2 identified the Valley killer, then great. We've
3 got, we've got him potentially for those three
4 murders. But we needed -- you need to then find
5 out, who else has he killed? Has, has he killed
6 our other victim group? And so to do that, you
7 are going to have to run an investigation that
8 gets him there. Probably UCO. Maybe wire, if he
9 was talking to somebody. So, you are going to
10 have a massive investigation to make sure that you
11 are not just taking him off for two murders when,
12 in point of fact, you know, he's guilty of many,
13 many more. That's all that is.

14 Q Very well. And so you are going to, you are going
15 to build up the database, get the suspect DNA,
16 compare, and when you get a hit, investigate that
17 suspect?

18 A That's right.

19 Q And you have testified, and, and I accept it, that
20 building up the DNA bank helped with laying
21 charges against Pickton after the search of the
22 farm. And I am not being critical of the approach
23 of building up the DNA databank, not for a second.
24 But I suggest to you that, in hindsight, the DNA
25 databank would not have added any information

1 pointing to Pickton, at least not prior to the
2 search of the farm. Do you accept that?

3 A I do, Mr. Commissioner, but I think maybe I should
4 say one other thing here. You, you asked the
5 question, it seems like a long time ago, that what
6 are you hearing that is going to help you to help
7 this situation. I don't know if you remember the
8 question, but it was, it was driven along the idea
9 that, all right, we've got ongoing predators that
10 have been preying on the Downtown Eastside. What
11 am I hearing? What, what, what is going to help
12 those people and help the police?

13 That work that we did is, is one of the
14 answers to the question you are asking. That
15 hasn't disappeared. Those murderers and, and
16 those 130 people that have abused and brutalized
17 our victim group, the victim group we are talking
18 about, eight of them being serial offenders, that
19 is like a loaded revolver held to those perps'
20 head. If they come back in and they start
21 hunting, and we get their DNA in any other way, we
22 can link that.

23 Q Right.

24 A The only, the only trouble is, Mr. Commissioner,
25 is that the Government of Canada has taken a whole

1 bunch of bullets out of that revolver because it
2 doesn't cross over seamlessly across this country.
3 That's the problem. So, our work was not -- our
4 work was of value. It was on target.

5 Q Yes, and I don't, and I don't mean to suggest for
6 a second --

7 A Well --

8 Q -- that it wasn't of value.

9 A No, no, no.

10 Q But my question, Inspector, --

11 A But to get Mr. Pickton, we got Mr. Pickton by
12 using the other streams.

13 Q Yes. And my, my question for you is, that this
14 stream, this original April operational plan, in
15 hindsight, just as it turns out, would not have
16 resulted in any information pointing to Pickton
17 that was not known already?

18 A Not, not Mr. Pickton. But just the way you asked
19 that, what about the, the person who killed the
20 women from the, from the Alley? It -- is somebody
21 whose body is disposed not important, but somebody
22 who is missing is important? Is that what we are
23 saying here?

24 Q No one suggested that for a second, Inspector.

25 A It feels that way.

1 Q Fair enough. Fair enough, you feel that way. But
2 the question was just related to Pickton.

3 A No, the DNA initiative wouldn't have, wouldn't
4 have caught Mr. Pickton, if it had stood alone.

5 Q And, and so again, let me ask, in hindsight, would
6 it have been a good idea, in the spring and summer
7 of 2001, to have run suspect investigations on top
8 suspects at the same time as building up this DNA
9 databank?

10 A It sounds good. Let me -- maybe, maybe I can
11 explain it this way, Mr. Commissioner.

12 When, when Project KARE, the Alberta serial
13 killer, when they came to us at the formative
14 stages, and this goes to lessons learned, they
15 wanted to know what our thoughts were. And we
16 told them, "Okay, you have got bodies. So you
17 know there's murders. You know. You are not in
18 that, that issue that we've had of missing and how
19 that confounded clarity. Knowing that, then our
20 first recommendation is get into the Downtown
21 Eastside and, and -- or not Downtown Eastside --
22 get, get into the target area in Edmonton and get
23 a proactive team going. Then start building. So,
24 you need to respond immediately."

25 You know, then if, if they had come up with,

1 with good suspects, you know, that they could tie,
2 absolutely, they could start flowing that off.
3 But let us not forget that that crime was solved,
4 because his sister phoned the police about the
5 fact that her brother had a body in the trunk and
6 that wasn't a good thing. So, that wasn't --
7 there was nothing magical about that.

8 Uhm, we all accept that -- Justice Campbell
9 accepts it, and that -- and, you know, we, we got
10 the break of Nathan Wells, you know, doing that
11 search and Constable, or Corporal Petrovich
12 running those IDs.

13 Q Now, I want to go back to the information that
14 pointed to Pickton in 2001, and I, in 2001, it's
15 fair to say, I think, that you did not know all of
16 that information that pointed to Pickton?

17 A I believe we did know it.

18 Q No, no, I am just asking about your own personal
19 knowledge.

20 A Uhm, I knew a lot about that. I, I knew, I
21 knew --

22 THE COMMISSIONER: Well, why don't you tell him what
23 information you are -- why don't you tell him what
24 information you are speaking of, so he can direct
25 his mind to it, so he can answer it?

1 MR. DICKSON: Oh, very well, Mr. Commissioner.

2 Q Just in your interview with Deputy Evans, you
3 said, just as a general point, you didn't know all
4 the intimate details, that was your phrase, of the
5 Pickton information, if that refreshes your
6 memory.

7 A Yes. I think, you know, Mr. Commissioner, I knew
8 enough about Pickton to absolutely know that when
9 our people said he was a Priority 1, he was a
10 Priority 1. You know, you're right. The, the
11 nuances, I no longer remember what I knew. I
12 mean, at that time, when it's fresh, I probably
13 was fairly sharp on, on a lot of stuff that I am
14 not sharp on anymore.

15 Q And Evenhanded never received the Coquitlam RCMP's
16 file on its Pickton investigation, did it?

17 A No.

18 Q And we, we have seen that Ted Vanoverbeek went to
19 Coquitlam to review its 1997 file relating to the
20 Anderson incident, but do you know if he'd
21 reviewed Coquitlam's file on the Pickton
22 investigation as a whole?

23 A I don't know if he did. I saw there that Jim
24 McKnight was phoning over about Pickton. It's in
25 the time logs. So, I don't know. I mean, I do

1 know that, factually, Evenhanded has now compared
2 them and the differences are, are very minor,
3 according to what I am told.

4 Q Okay. Well, would it have been appropriate to
5 obtain the Coquitlam RCMP's file?

6 A Well, we didn't -- we, we were working out of
7 Amelia. We were assessing, you know, Amelia
8 suspects. We were Vancouver centric in that.

9 Q But not --

10 A No --

11 THE COMMISSIONER: That's not the, that's not the question.

12 The question is, would you not have been helped by
13 having the Coquitlam file?

14 THE WITNESS: No. The answer to that is that would make no
15 difference.

16 THE COMMISSIONER: And why not?

17 THE WITNESS: Because we already --

18 THE COMMISSIONER: Didn't the, didn't the Coquitlam file do a
19 lot of work, as it was, on Pickton?

20 THE WITNESS: No, the Coquitlam -- all, all of the major work
21 was done together with VPD, and VPD had all of
22 that. They had all of that information in their
23 file. The only thing they were lacking, I
24 believe, was some of the plans that they maybe had
25 later in the fall of, of 2001.

1 MR. DICKSON:

2 Q Inspector, you are not going to suggest for a
3 second, are you, that interviewing Pickton, the
4 interview of Pickton is not a major piece of
5 information in the investigation?

6 A Sorry, let me go back. The reason we're looking
7 at Pickton, along with everyone else, is, is to
8 assess them as what they will be in the Priority
9 1s. We did not, Mr. Commissioner, drive down into
10 the other priorities either. Once we decided they
11 were a Priority 1, then we were going to collect
12 them all, do that piece of work.

13 Your, your questions drive towards Pickton as
14 a discrete suspect now, all right? If we had
15 started -- in a way, you're, you're talking about
16 would we start then driving down into everything
17 that we know about all of the other POIs. The
18 answer to that would be, no, that needed to happen
19 after we assessed all of the POIs. And now we get
20 our Priority 1s. Now, now we go.

21 Q My question is just whether it would be
22 appropriate to obtain Coquitlam's file, and, and I
23 asked you about that interview, because that is a
24 major step in the investigation that was not
25 contained in Amelia's file.

1 A You and I differ. I have read that statement
2 closely. I've analyzed it closely.

3 Q You didn't read it at the time, and no one in
4 Evenhanded read that at the time.

5 A I'm sorry, maybe we need to back up. There is
6 nothing in Pickton's interview, all right,
7 nothing, that would either, in my mind, ever make
8 you eliminate him. Like, you would never
9 eliminate him based on that interview. There
10 needed to be a proper investigation done into him.
11 So, that interview changed nothing about where
12 Pickton sat as a Priority 1.

13 Q You have read that interview since?

14 A Yes.

15 Q Not in 2001?

16 A Absolutely not in 2001.

17 Q And you have never had a discussion with anyone in
18 Evenhanded assessing that interview? Sorry, you
19 never had that in 2001?

20 A No.

21 Q To the best of your knowledge, nobody reviewed
22 that interview in 2001?

23 A I don't know. You would have to ask the members
24 that were at, that were at the detachment talking
25 to the people. I don't know.

1 Q Very well. And the point, of course, is when you
2 say that the interview wouldn't have changed
3 anything, that's in hindsight?

4 A Well, that's because we are --

5 THE COMMISSIONER: Well, of course it's in hindsight.

6 MR. DICKSON: Yes.

7 Q I mean, you didn't know this in 2001?

8 A No, I hadn't looked at the interview.

9 Q All right.

10 A So, I didn't know how it would, how it would --
11 but remember, our goal is to prioritize them. Mr.
12 Pickton, if we had prioritized him as a 2 or a 3,
13 then obviously, we've missed something. But we
14 didn't miss anything. We had him right where he
15 needed to be, right, right in that top group.

16 Q Inspector, did you know that Coquitlam's, in 2001,
17 that Coquitlam's investigation of Pickton had not
18 been completed?

19 A I can't remember what, what I knew of it back
20 then.

21 Q Did you know that in February of 2000, Coquitlam
22 had done a file review and identified
23 investigative avenues and had assigned tasks to
24 investigators, but that, aside from one of the
25 tasks, it wasn't able to complete it?

1 A Would, would I have known that then?

2 Q Yes.

3 A Well, no, because in, in January/February, I am by
4 myself trying to understand this situation.

5 Q Or at any time in 2001.

6 A Uhm, I, I don't remember. Once our, once our
7 people had been with the detachment, I'm not sure
8 what they, what they knew. I mean, they were
9 talking right to the people, so I don't know.

10 Q Did you know that, in April of 2001, Coquitlam
11 reviewed the file again and determined that it
12 remained a high priority?

13 A I, I, again, I --

14 THE COMMISSIONER: Just wait a minute. Yes?

15 MS. HOFFMAN: Mr. Commissioner, I just rise at this point to
16 raise some concerns. I believe my friend for VPD
17 is getting into areas -- sorry, I forgot to
18 indicate for the record, it's Judi Hoffman for the
19 Government of Canada -- is getting into areas that
20 don't engage VPD interests. In the interests of
21 time, I mean, he is really getting into a
22 criticism of the Coquitlam investigation, per se,
23 and I -- this will be covered by, and it has been
24 covered by other counsel already. And I just, I
25 just don't find that it's particularly helpful and

1 doesn't engage the interests of the VPD for my
2 friend to be engaging in questions that are purely
3 aimed at criticizing the Coquitlam investigation.
4 That -- those areas have already been covered.

5 THE COMMISSIONER: Well, he is entitled to ask why Evenhanded
6 didn't rely on the Coquitlam investigation. Why
7 is he -- what's wrong with that cross?

8 MS. HOFFMAN: Well, I think he's asked that, but I think now
9 he's getting into questions -- trying to elicit
10 from this witness opinions about the adequacy of
11 the Coquitlam investigation, and I don't think
12 that's appropriate.

13 THE COMMISSIONER: Yes?

14 MR. HIRA: Ravi Hira. He is entitled to ask that which you
15 just said, --

16 THE COMMISSIONER: Yes.

17 MR. HIRA: -- whether or not Evenhanded had knowledge of or
18 reviewed the Coquitlam file.

19 THE COMMISSIONER: Yes.

20 MR. HIRA: His last two questions were not that. His last two
21 questions were: Did you, did you know Coquitlam
22 in February had done a file review and was unable
23 and did not go forward with all but one aspect of
24 the file review.

25 THE COMMISSIONER: So, what's wrong with that?

1 MR. HIRA: His second question, if I may, --

2 THE COMMISSIONER: Yes.

3 MR. HIRA: -- his second question was with respect to April in
4 the same way.

5 THE COMMISSIONER: Yes.

6 MR. HIRA: The point is, he can ask what Evenhanded knew.

7 THE COMMISSIONER: Yes.

8 MR. DICKSON: That's what I did.

9 MR. HIRA: The question has built into it a criticism of
10 Coquitlam, which is what I believe Ms. Hoffman is
11 addressing.

12 THE COMMISSIONER: He, he can comment on -- this -- he is an
13 experienced officer. He can comment on the
14 adequacy of the Coquitlam investigation. It, it
15 -- although, as I understand his evidence, he
16 didn't rely on it in any event, because it seems
17 to me that Evenhanded started from scratch. Is
18 that not so?

19 THE WITNESS: We did.

20 THE COMMISSIONER: Yes. So, I don't know where it all gets
21 you, but I don't, I don't think there's anything
22 wrong with, with asking why they didn't rely on
23 the prior investigation.

24 MR. HIRA: If it's asked that way, I have no objection.

25 THE COMMISSIONER: Well, that's the way he was asking it.

1 MR. HIRA: And I have no objection to any comment on the
2 investigation either.

3 THE COMMISSIONER: Okay.

4 MR. DICKSON: Thank you, Mr. Hira, once again.

5 MR. HIRA: You're welcome.

6 MR. DICKSON: That is how it was asked and that is the nature
7 of my question.

8 Q So, the last question, again, did you know that,
9 in April of 2001, Coquitlam reviewed the file and
10 determined that it remained a high priority?

11 A Our -- I can only say that our people were
12 actually in that detachment at, at right around
13 that time, talking about these issues. I don't
14 remember -- like, remember, I am not there. I'm,
15 I'm up above. That those nuances -- I was well
16 aware of Pickton. I was well aware, you know, at
17 that time, of, of the various other Priority 1s.
18 I knew my team were solid on, on what we were
19 looking for. It was their job then to collect all
20 of that information. So, myself, I can't answer
21 that question.

22 Q And had you known these points in 2001, and the
23 information pointing to Pickton, I suggest that
24 you would have at least pressed Coquitlam RCMP to
25 continue with the investigation?

1 MS. WINTERINGHAM: What points?

2 THE COMMISSIONER: Tell me what's wrong with that.

3 MS. WINTERINGHAM: What points? What, what points is he
4 referring to?

5 THE COMMISSIONER: Well, he should have a timeframe on it.

6 You're absolutely right.

7 MS. WINTERINGHAM: Absolutely.

8 THE COMMISSIONER: Yes. No, I agree with that.

9 MS. WINTERINGHAM: That's a loaded question and you need to
10 break it down.

11 THE COMMISSIONER: Well, it's not loaded. It just wasn't
12 precise.

13 MR. DICKSON: Yes. Thank you, Mr. Commissioner.

14 Q The points, for shorthand, are the two points --
15 three points that I just asked you about, which
16 perhaps got lost a bit, given the objection.

17 So, they are, Coquitlam's investigation of
18 Pickton was not concluded, that's one. Two, in
19 February of 2000, Coquitlam did a file review and
20 identified investigative avenues and assigned
21 those tasks, but only ever completed one of them.

22 A Hm-hmm.

23 Q And three, in April of 2001, it reviews the
24 Pickton file and remains a high priority.

25 Had you known those three points, and had you

1 had the information, which you certainly had some
2 of, pointing to Pickton in your mind, I suggest
3 you would have at least pressed Coquitlam RCMP to
4 continue with their investigation?

5 A Okay. I am going to change that slightly. If
6 Coquitlam had come to me, --

7 Q Hm-hmm.

8 A -- all right, because, because again, I need to be
9 very clear on this, I'm viewing this from the
10 mandate I was given by the VPD and the RCMP. So,
11 I'm, I'm looking at it as, as the proper
12 collection of all of this material, just so we are
13 clear.

14 Had, had anybody come to me with, with
15 information on a priority suspect, I would have
16 done probably one of two things. One is, I would
17 have -- well, in fact, we don't need to guess.
18 Detective Wolthers, you know, had me in front of
19 Inspector Beach, you know, in essence, saying that
20 if I didn't go on his targets right now, I would
21 be answering to an inquiry some day. So, nice.
22 Aggressive. Good for him. That works.

23 That drove me to, of course, to review that
24 very closely. Then to assess it with Wayne Clary.
25 You know what? They're great suspects. His

1 suspects are great suspects. They live in the one
2 pool. All right. So, there's that.

3 If, if somebody came and said, "Hey, we are
4 going to be doing an investigation, can you help"
5 or "do you have thoughts" or "can we -- can you
6 support us in some way," then that becomes a very
7 discrete thing, that, by my nature, I probably
8 would have engaged in. But I would have been very
9 careful, especially in the formative time, of my
10 investigation spinning out of control. You need
11 to get your feet under you before you can run out
12 and start helping too many people, because it will
13 fall apart on you, if that makes sense.

14 Q Well, let me take you again to your big binder,
15 and to tab 9. This is the November 22nd, 2000
16 e-mail from Doug Henderson to Gary Bass that I
17 think he referred you to in setting up your
18 mandate.

19 A Yes.

20 Q And you will see, if you scan it quickly, in the
21 middle of the paragraph, there is a first stage
22 that is mentioned.

23 A Yes.

24 Q And in the, and right down in the second-to-last
25 line is, is a second stage, a second part, he

1 says.

2 A Okay, just -- sorry.

3 Q Sure. Take a moment.

4 A Yes. The first part is that global look and then
5 offer suggestions. The second part --

6 Q Right. And the second part says this, just for
7 the record. It says:

8 The second part of the approach is to assess
9 that report and determine needs and put into
10 place what, if anything, is required to
11 proceed with any investigation by relevant
12 agencies.

13 A Yes.

14 Q End quote.

15 A Yes.

16 Q And I read that, and, and you having now read it,
17 in hindsight, would you agree that Evenhanded
18 could have said, and should have said to Coquitlam
19 RCMP, "And you guys need to continue with your
20 investigation of Pickton, and if you don't have
21 enough resources, I'll help you get them"?

22 A But I come back -- that, that's great, and you
23 fully then say I should have done that on every
24 other POI, agreed?

25 Q If there was an open investigation by another

1 agency, that's a possibility.

2 A Okay. Now, you are aware, of course, that (a) we
3 were in Coquitlam talking to them, yes?

4 Q I am.

5 A Good. You are aware that we had sent out a memo
6 about what we were doing? There was no, no secret
7 of what Evenhanded was doing, agreed?

8 Q Yes.

9 A No, there is no secret whatsoever. So, so,
10 because, of course, now we're focused on Pickton,
11 you know, we -- anybody who had a target obviously
12 could have contacted us. You, you want now to, to
13 say, "Okay, because, because we now know it was
14 Pickton, you should have reached out and done all
15 of these things relative to Pickton."

16 But we could have gone out on the other 30.
17 But that is not realistic. We needed to get our
18 feet under us. We needed to learn what was going
19 on. You know, it was fully understood, you
20 know -- well, let me put it another way. We had,
21 you know, six full-time people, maybe another five
22 or whatever, or six helping us. We were not going
23 to take on the division's investigations. We, we
24 had our mandate. Our mandate was supported by
25 management, that -- and everyone knew where we

1 were going. That's, that is what we had.

2 Q And, and my question here is not focused on taking
3 on the division's investigations. My question
4 here is just focused on reviewing the Pickton
5 investigation, prioritize them, noticing that
6 Coquitlam has this investigation but seems to be
7 doing nothing, or not enough, and stressing to
8 them, they need to.

9 A Okay, that's good. Has anybody here looked at the
10 other POIs?

11 THE COMMISSIONER: No. You know, you, you have to answer the
12 questions, not pose them.

13 THE WITNESS: Well --

14 MR. GRATL: I should say too, Mr. Commissioner, the names of
15 the other POIs have been redacted from the
16 material. So, it's been impossible to figure out.
17 It's one of the things that the RCMP has taken
18 great pains to conceal from the participants here,
19 the names of the other 30 POIs. So we can't go
20 back and have a look at these, --

21 THE COMMISSIONER: All right. That's a fair comment.

22 MR. GRATL: -- this Number 1 pool to see whether --

23 THE COMMISSIONER: That's a fair comment.

24 MR. GRATL: -- they're all as good a suspect as Pickton.

25 THE COMMISSIONER: Yes.

1 MR. DICKSON:

2 Q I will move to another topic, Mr. Commissioner.

3 You spoke last week to comments attributed to
4 Deputy LePard a number of times, and from what I
5 heard, you seem, you seemed a bit troubled by
6 those comments, and I just want to see if we can
7 agree a bit on what Deputy LePard has actually
8 said.

9 A Okay. Yeah.

10 Q Uhm, you have said a number of times, and I
11 entirely agree, that Deputy LePard has made it
12 very clear that he did not review Evenhanded in
13 any real depth, that he did not look at your
14 documents, and that the only person in Evenhanded
15 he interviewed was you, and that was pretty
16 informally; fair enough?

17 A Yes. Yes, absolutely.

18 Q And as I heard him in his testimony and in his
19 interview with Deputy Evans, he, he always made
20 that qualification?

21 A Uhm, I think that he was led into, by Mr.
22 Vertlieb, into passing judgement on our urgency.
23 I think that concerned me.

24 Q Yes?

25 A Because I know Deputy LePard. You know, in

1 fairness to him, he wasn't led to all of that
2 information, you know, I mean, about what
3 everything else had done. I don't think he had it
4 in front of him, the documents from August that
5 showed the massive amount of work that the City
6 had done, and us.

7 Q And the section on Evenhanded in the deputy's
8 report is about one and-a-half pages out of 400,
9 fair?

10 A Uhm, I don't know, but --

11 Q I can take you to it, if you'd like, but --

12 A No, no, no. Like, I mean, you know, when I read
13 the deputy's report, I at first wasn't overly
14 concerned but, but I, because I don't think -- I
15 didn't think he actually was targeting us, but,
16 but the press took it and they certainly targeted
17 us, you know, which is, you know, I felt was
18 unfair.

19 Q Fair enough.

20 A Yes.

21 Q But just on Deputy LePard and not on the press.
22 As I read the one and-a-half-page section on
23 Evenhanded in his report, the one criticism he is
24 making is that the investigation did not fully
25 understand and assess the information pointing to

1 Pickton, and, and we've had that conversation, and
2 I am not, I am not asking you to respond to it
3 now. But, but by my reading of his report, is
4 that's essentially the one, the one comment on
5 Evenhanded he makes. Do you agree with that?

6 A I would, I would have to relook at it.

7 Q Okay.

8 A But, but, but the issue for me, in all of that,
9 is, is, unfortunately, by the way things came
10 together, in this whole thing, is that you haven't
11 had the team commanders, inclusive of Deputy
12 Evans, us being able to really sit down and, and
13 talk these things through. That's how we solve
14 problems and, and, and issues in policing, not by
15 working in sole -- you know, in little silos and
16 having opinions about each other. That -- you
17 know, and I'm absolutely certain that if the three
18 of us sat down with some other team commanders, we
19 would soon work out these issues.

20 Q Right. And just, just on that point, it's a small
21 point. Deputy LePard did talk to you when
22 preparing his report?

23 A He talked to me about missing. My notes are, are
24 that he -- his concern was the lawsuits over,
25 over, over the work the City had done, and I was

1 trying to say to him, "Well, look, you know, the
2 work that Evenhanded has now done, the fact that
3 there was upwards of potentially 250 missing, that
4 our systems weren't working, that, that how
5 difficult it was for us, you know, shows the
6 enormity of, of what was in front of you." That's
7 what our discussion was about.

8 Q Fair enough. Now, I want to ask you one last
9 question. We have heard from you that when
10 Evenhanded began, there was a question as to
11 whether the killings had stopped.

12 A Yes.

13 Q And we have heard that Evenhanded's first
14 operational plan, the April operational plan, was
15 based on the premise that the serial killer, or
16 killers, had stopped and, and that remained until
17 it became clear that that premise was wrong, and
18 then your operational plan changed substantially.

19 A Yes, and, and I need to say something about my
20 operational plans. It could be that, if you love
21 paper, you would put in your operational plan
22 every initiative and everything you are doing, all
23 right? Our -- my operational plan, the first one,
24 obviously, I don't articulate out that we're doing
25 all of these, you know, the streams, looking for

1 the missings and what have you. I don't, I don't
2 talk about a lot of things. To me, it was
3 investigative. We're heading in this direction,
4 but, but all the while, we are -- we continue to
5 do other things.

6 Q Now, the commissioner has to make recommendations
7 for future investigations, and so I want to ask
8 you this. Where it is unclear if a serial killer
9 is active or inactive, should future
10 investigations operate on the assumption that the
11 killer is active until it becomes known otherwise?

12 A Let me think. May I think about that for one sec?

13 THE COMMISSIONER: Yes.

14 THE WITNESS: Clearly, if it's -- no, like Alberta, you know,
15 the bodies are being found, then, then you need
16 to, I believe, exactly do what they did, create
17 the proactive first and then, and then start to do
18 whatever you need to do after.

19 If it's unclear, it, it -- I think the
20 investigators would have to weigh that, because
21 you could, you could put a team in the Downtown
22 Eastside. Let's say, we'll use the Downtown
23 Eastside. So, you have started to have more
24 disappearances, say. You could put a team down
25 there. Certainly you would enhance the tracking

1 of, of, of johns. You would enhance a knowledge
2 of what's happening in the Downtown Eastside.

3 I could see where you would do it sometimes.
4 I could see other times where, where you would
5 have to say, okay, if we have X amount of
6 resources and energy, you know, how do we deploy
7 them in that real situation? It's hard in a
8 hypothetical for me to -- like, I know it's easy
9 to say. Like, I could say, "sure, great idea."
10 But, but reality sometimes gets in the way of
11 that.

12 Q Thank you for your answers.

13 Those are my questions, Mr. Commissioner.

14 THE COMMISSIONER: Thank you. Okay, Mr. Ward, you're -- maybe
15 we will take the break.

16 THE REGISTRAR: This hearing will now recess for 15 minutes.

17 **(PROCEEDINGS ADJOURNED AT 10:58 A.M.)**

18 **(PROCEEDINGS RESUMED AT 11:18 A.M.)**

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

20 MS. BROOKS: Mr. Commissioner, I thought I'd just update you on
21 the time estimates. Uhm, Mr. Ward has estimated
22 two and-a-half hours, Ms. Hoffman 30 to 45
23 minutes, Mr. Hira 30 minutes to an hour --

24 THE COMMISSIONER: Okay.

25 MS. BROOKS: -- and Ms. Winteringham may have some re-exam.

1 THE COMMISSIONER: All right. Mr. Ward.

2 MR. WARD: Thank you. Cameron Ward, counsel for the families
3 of 25 missing and murdered women.

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

5 Q Sir, I want to read you something you said in your
6 testimony on the first day you were here, February
7 15th, and for counsel's reference, it's at page 14
8 of the transcript, and then I am going to have a
9 few questions about this passage. And I
10 understand your counsel will place that in front
11 of you. I am starting with line 3 of your
12 testimony on page 14. I will just read it to you.
13 You said:

14 Pickton's first time he killed was in 1991.
15 We've identified a victim on the farm from
16 '91. But what this told me later is that he
17 was a fully functioning serial killer by '95
18 who had perfected his method of not allowing
19 the remains to be identified.

20 Do you recall giving that testimony, sir?

21 A Yes. And I take it, obviously, this has got --
22 has to have flowed about the Jane Doe skull, from
23 the way this is said?

24 Q It did.

25 A Okay, good.

1 Q If you go back to the previous day.

2 A No, no, no. I'm sorry, I just wanted to orient
3 myself.

4 Q Okay. So, given your testimony, it follows that
5 Robert William Pickton was responsible for killing
6 women from 1991 until sometime before February
7 5th, 2002. Correct?

8 A Well, and potentially, even before that, because
9 remember, I am only using that because that's the
10 first evidence we had.

11 Q All right. So, for at least 10 years, maybe 11,
12 he killed women, disposed of their bodies on his
13 property in Port Coquitlam without being stopped
14 by the police, right?

15 A Yes.

16 Q And who was the 1991 victim?

17 A I'm sorry, I don't remember.

18 Q How, how was it that you could establish that that
19 was when she was killed, '91?

20 A I believe that's when she went missing.

21 Q All right. And your investigation revealed that,
22 by 1995, more victims were killed by this man and
23 their bodies disposed of at that location,
24 correct?

25 A Yeah, I would, I would need it in front of me to

1 know which, which of our missing we identified
2 between '91 and, and '95. But -- and if you had
3 that, I readily would agree with you.

4 I mean, in my mind, clearly, we don't know
5 what his methods were in '91, but clearly from
6 Jane Doe, and then, and then from later, we know
7 that his method of, of severing the head, hands
8 and feet and, and bisecting the skull, he's, he's
9 got that perfected. That's my belief. And then
10 -- because he uses exactly the same method later,
11 in 2001.

12 Q All right. Now, just in terms of numbers, sir,
13 how many identifiable sets of human remains or DNA
14 was found on, on the premises?

15 A I believe it was either 32 or 33.

16 Q Okay. And how many unidentifiable sets of human
17 remains or DNA?

18 A Uh, sorry, unidentifiable as in, as in they're
19 unknown?

20 Q Unknown.

21 A Yeah, we don't know who they are yet?

22 Q Yes.

23 A I don't -- and I am going to -- are you
24 comfortable with my best answer, without research?

25 Q I am comfortable with your estimate, based on your

1 experience and your investigation.

2 A I don't believe there were other human remains
3 that we didn't identify, other than Jane Doe, and
4 I could be wrong on that, Mr. Ward.

5 Q All right.

6 A But I believe that we did find certainly blood on
7 jewelry in the slaughterhouse that would, would I
8 believe if we knew who they were, I believe would
9 have led to charges back, back then.

10 Q All right. Just one further question on
11 investigative findings before I move on, and that
12 is that I've seen in your handwritten log, your
13 handwritten notes, that after the search warrant
14 was, was executed on February 5th, 2002, it became
15 a priority for Project Evenhanded to find a motor
16 home that Mr. Robert William Pickton had lived in
17 previously, correct?

18 A And you are not talking about the motor home that
19 was on the property where he killed Mona Wilson?

20 Q That's correct.

21 A A different --

22 Q I am talking about a motor home as opposed to a
23 trailer, the trailer he lived in.

24 A I, I have a memory that there was a trailer that,
25 that resided somewhere and we went and found it

1 and searched it. Yes, I could -- I don't know the
2 details of that but --

3 Q All right, thank you.

4 Now, sir, just a few questions for you in the
5 nature of an overview of Project Evenhanded, just
6 so that I understand this correctly. This joint
7 force operation started in November of 2000 and
8 continues to the present time, correct?

9 A No.

10 Q All right. It started in November of 2000,
11 correct?

12 A No, it didn't.

13 Q When did it start?

14 A It started in February the 26th of 2001.

15 Q All right. Does it continue to the present day?

16 A Yes, it does.

17 Q All right. You have referred to it, the JFO known
18 as Project Evenhanded, on several occasions as
19 adopting a holistic approach, correct?

20 A Yes.

21 Q What does that mean?

22 A What it means is that my mandate, at that time,
23 was to sort out a variety of problems, uh,
24 relative to murdered and missing sex trade workers
25 that touched on the north, where there was

1 potentially murders, and touching on Vancouver
2 Island, where there was some fears of an ongoing
3 serial killer. My job was to look at all of that
4 and then, in the initial request, also see if it
5 tied in with Alberta. So, I was asked to look at
6 all of that, then come back to the RCMP with an
7 idea of how to advance all of those
8 investigations.

9 Q All right. Are you able to say how much money has
10 been expended on Project Evenhanded in total to
11 date?

12 A I couldn't tell you what that would be.

13 Q You referred in your evidence a week or so ago as,
14 as tens of millions of dollars. Was it, in fact,
15 hundreds of millions of dollars?

16 A If I were guessing?

17 Q An estimate.

18 A Uhm, I would -- and we are not counting the court
19 processes?

20 Q All right. Just give investigation.

21 A Maybe, maybe 150 million.

22 Q All right, thank you.

23 A It could be easily higher than that.

24 Q All right. You testified on your first day of
25 evidence that there were a number of monsters, as

1 you put it, out there preying on vulnerable women,
2 and you actually pinned a number on this number of
3 monsters. You said there were 374 of them and you
4 described them as "bright red balls." Do you
5 remember that evidence?

6 A Yes.

7 Q All right. In the 11 or so years since Project
8 Evenhanded started, how many of these 374 monsters
9 has Project Evenhanded been responsible for
10 securing convictions against?

11 A The -- so, the material that we developed has
12 solved the number. Us ourselves?

13 Q Yes.

14 A I would say Pickton.

15 Q One?

16 A Yes.

17 Q All right. And, of course, you secured six
18 convictions for second degree murder against
19 Robert William Pickton?

20 A Yes, we did. Yes.

21 Q A disappointing result for you personally?

22 A I think for the families, for everybody involved.

23 Q And we know that later, on appeal, those
24 convictions were raised to first degree murder
25 convictions?

1 A Oh, I didn't know that.

2 Q I see.

3 A Is that, is that true?

4 Q Well --

5 A I don't think that's true.

6 Q All right, let me --

7 THE COMMISSIONER: I don't think that's true at all. I don't
8 know, I --

9 MR. WARD:

10 Q I may have misstated the effect of, of the last
11 judgement. In any event --

12 A No --

13 MS. WINTERINGHAM: My understanding, and not to interrupt, but
14 my understanding is that's not the case, it's
15 second degree.

16 MR. WARD: All right, thank you. I stand corrected.

17 A That would have made me feel good, if they at
18 least had done that.

19 Q So, just, just to summarize your evidence.
20 Project Evenhanded, in its 11 years of operation,
21 secured six second degree murder convictions
22 against Robert William Pickton, but no other
23 convictions against any other individuals,
24 correct?

25 A I believe that's right. I mean, I could

1 double-check that, if you want.

2 Q Now, you know, sir, that eight women went missing
3 and were murdered and their bodies disposed of at
4 the Pickton brothers' Dominion Avenue property
5 while Project Evenhanded was in progress, correct?

6 A I believe that is correct.

7 Q And do you know their names, the names of those
8 victims?

9 A I don't remember them anymore.

10 Q They're not committed to your memory?

11 A They certainly were, but, but now I couldn't
12 rattle them off for you.

13 Q All right. Do you know the names of the two women
14 who were murdered while you were on your two-month
15 holiday?

16 A Uh, no, I don't.

17 Q Project Evenhanded, in fact, was conducting file
18 reviews throughout the period of time from its
19 inception until February 5th, 2002; correct?

20 A That's part of what it was doing, yes. Well,
21 sorry, it's much more than file reviews. I mean,
22 we're drawing out suspect DNA from the target
23 group, as well as bringing in suspects. That was
24 part of what we were doing.

25 Q You, you testified on your first day of evidence,

1 and this is in the transcript at page 92, February
2 15th, that you were not a review team, but you
3 told the public you were because, and I will, I
4 quote, "I deliberately wanted the public misled as
5 to what we were up to."

6 A I was concerned that if the public learned about
7 our DNA, what we were planning to do with DNA,
8 that that would alert the killer who, who could
9 then take extra methods to make sure we could
10 never accomplish our goal.

11 Q So, you deliberately lied or misled the public as
12 to what the project was doing; is that right?

13 A I deliberately did not tell the public what our
14 overall game plan was.

15 Q All right. Internally, sir, within the ranks of
16 the operation, you and your colleagues referred to
17 it as the Hooker Task Force, correct?

18 A Uh, no, I referred to it as the Hooker Task Force
19 when I first started, until I believe, I hadn't
20 realized that Deputy Unger must have told, I
21 suspect Larry Killaly, and at some point, I came
22 to realize that that was not, you know, that just
23 wasn't the proper way to refer to sex trade
24 workers.

25 Q Do you agree that Project Evenhanded, during the

1 time of its operation, prior to February 5th,
2 2002, had taken no steps towards apprehending
3 Robert William Pickton as the person responsible
4 for the women's disappearances, correct?

5 A Are you asking if we targeted him specifically?
6 Because, clearly, obtaining the DNA, identifying
7 the new missing, doing that work, obviously is, is
8 laying the groundwork for his eventual -- the
9 ability for us to charge him so quickly.

10 Q I will come back to that thought in just a moment.

11 A Okay.

12 Q It is clear, and you would agree, that Pickton was
13 stopped as a result of RCMP officer Nathan Wells
14 executing a search warrant on the property on an
15 unrelated matter, right?

16 A That's entirely inaccurate.

17 Q I'm sorry?

18 A That's entirely inaccurate.

19 Q Well, you agree that on February 5th, 2002, Nathan
20 Wells of the Coquitlam RCMP executed a search
21 warrant in relation to a complaint that Mr.
22 Pickton had unlawful firearms on his property,
23 correct?

24 A Yes, he definitely did.

25 Q All right. That Project Evenhanded played no role

1 in triggering that search, correct?

2 A Absolutely none.

3 Q Pardon me?

4 A Absolutely none. No, we played no role.

5 Q All right. Project Evenhanded was told that the
6 search would happen because of documentation
7 indicating that Pickton was a person of interest
8 with respect to the missing, correct?

9 A I think that the people in Coquitlam were well
10 aware of Evenhanded. I believe Bill Mulcahy and
11 we also have Mike Connor double-checking when he
12 first hears of it.

13 Q All right. Let me ask you about Mike Connor for a
14 minute. You and he were and are close personal
15 friends and confidantes, correct?

16 A No.

17 Q Well, didn't Mike Connor come to you after
18 Pickton's arrest and express his innermost
19 feelings to you about how affected he was by this?

20 A I don't recall -- I'm aware of the testimony. I
21 am aware of what lies under it now. Uh, I don't
22 recall, like, Mike ever saying specific words to
23 me. Everyone was upset, the fact that it, that
24 Pickton had been on the radar, so to speak. But
25 Mike is not, he's not a -- he's a person I

1 respect, I have known for years. But, but not --
2 I have never, ever been to his house. I don't
3 think I have ever even sat down and had a coffee
4 with him. I might have, but --

5 Q All right. Well, that's what I am getting at.
6 How -- what was your relationship with him and
7 when did it start?

8 A Oh, boy. Uhm, I don't remember when it started.
9 I, I would describe it as I certainly, I know
10 Mike. I know he's got a good reputation. He's a
11 nice guy. I'm not sure if we've even worked a
12 case together. I simply don't remember.

13 Q Are you able to say when you, approximately, when
14 you met him?

15 A No, I couldn't tell you that.

16 Q You said on February 15th, and it's page 88 in the
17 transcript, that "everybody wanted Pickton's DNA
18 developed." Pardon me, page 89, at the top of the
19 page.

20 A Thank you.

21 Q And just to put that in context, on the preceding
22 page, you said Mr. Pickton remained an absolute
23 Priority 1.

24 A Yes.

25 Q Do you see that?

1 A Yes, I do.

2 Q And on the next page, you testified that
3 "everybody wanted his DNA to be developed." Do
4 you see that?

5 A Yes.

6 Q Okay. Who was everybody? Are you referring to
7 the members of the Project Evenhanded team?

8 A Uh, so, Paul McCarl, the Valley wanted his DNA, I
9 believe Ruth Yurkiw wanted his DNA developed, and
10 Evenhanded wanted his DNA developed. And all --
11 and there is communications between all three of
12 us working towards that.

13 Q Okay. And the way you acquired his DNA was by
14 collecting the bandages that were available from
15 his 1997 incident involving the sex trade worker
16 Anderson, right?

17 A And when you say "you" you are meaning just "the
18 police," I take it?

19 Q Correct.

20 A Uh, yes, I believe that's what they did.

21 Q And you submitted those bandages for DNA testing
22 and got the results back in April of 2001,
23 correct?

24 A Uh, I'm not sure of the new -- and again, when you
25 say, you know, "you," I tend to think that you are

1 talking about Evenhanded.

2 Q That's right.

3 A No, I don't think -- we were involved, it -- and
4 this is just from memory, but it's all documented
5 and could be found. There was some issues
6 surrounding where that DNA would be developed and
7 where it would live once it was developed, and
8 then somehow the exhibit ended up in I believe
9 Halifax and, and it was quite a bit of work to
10 make sure it all came together.

11 Q Given the turnaround -- you agree with me that you
12 got the results back on the DNA, or got the DNA
13 testing on the bandages back by April of 2001?

14 A From memory, yes.

15 Q All right. So, obviously, the bandages with the
16 blood on them were submitted to the lab sometime
17 sooner?

18 A Oh, yes. Definitely.

19 Q Okay. So, in early 2001, sometime before April,
20 everybody, according to your evidence, working on
21 the file was concerned about getting Robert
22 William Pickton's DNA, right?

23 A Yes, for the Valley, for the Valley murders.

24 Q How many others, of the 374 bright red balls, the
25 monsters, did you and the police and Project

1 Evenhanded go to the same sort of effort in
2 retrieving DNA from?

3 A I would think probably all of them, but I can
4 check and get you the numbers. It's going to be a
5 large number.

6 Q Well, I have looked through your documents. I
7 don't see any evidence of it. Where do I find
8 that?

9 A Well, because Evenhanded, of course, continued. I
10 don't think you have got documents past 2002, do
11 you?

12 Q I am talking, sir, about early 2001, prior to
13 April.

14 A Oh, okay. So, you are, you're not -- well,
15 firstly, our 371 bright red balls come from the
16 full review of that to the current date. You are
17 aware of that? We didn't have those back in 2001.
18 Yes?

19 Q I know what you said. Do you want me to read it
20 again?

21 A Well, you can read it again, but if you are asking
22 about who were the competitors in 2001, there were
23 then 30 of them, and that number grew I believe to
24 almost 60 in and around February of 2002.

25 Q All right. Early 2001, there are 30 bright red

1 balls, monsters, suspects?

2 A Let's call it mid. I think it's August or so,
3 yes.

4 Q By April of 2001, how many of the 30, other than
5 Mr. Pickton, who we've just discussed, had you
6 taken the trouble of retrieving DNA from and
7 having it tested?

8 A Well, we were, we were going to get DNA through
9 the cast-off initiative, so we had to stop that.
10 Mr. Pickton lived, lived as a well-known suspect
11 for the Valley murders and, of course, they
12 realized they had his DNA and would not need to go
13 get cast-off. And so they did that whilst we
14 continued on prioritizing our suspects.

15 Q Let me put it to you this way, sir. By April of
16 2001, Robert William Pickton was the only one of
17 the suspects in the disappearances of the missing
18 women in respect of whom Project Evenhanded
19 retrieved DNA material from and submitted it to
20 the lab for testing, correct?

21 A No, you are not correct. The, the initiative
22 started with Paul McCarl from the Valley. Then it
23 goes to Ruth, Ruth Yurkiw, and then we get
24 involved because we want to make sure, in addition
25 to it being developed and, and analyzed as to

1 whether or not he's the killer of the Valley. So
2 that's, that's the drive, that we want to make
3 sure that it's going to live inside our pool,
4 right? Because, remember, we don't, we don't get
5 to work in a DNA pool that runs across the entire
6 country. We need to live inside Evenhanded's
7 investigative DNA bank. So, we need to make sure
8 he lives in there where, which is where we were
9 putting all the other suspects and all of his
10 crime scene DNA, to make sure that we have a
11 complete pool.

12 Q When you get a suspect's DNA tested, it leaves a
13 paper trail, right?

14 A I am sure it would, yes.

15 Q You get a lab report?

16 A Yes.

17 Q All right. So, let me put it to you again. By
18 April of 2001, the only suspect, in respect of
19 whom DNA evidence was obtained and tested was
20 Robert William Pickton, correct?

21 A No. No, you're wrong.

22 Q Show me the evidence, sir, of some other suspects'
23 DNA being tested and returned?

24 THE COMMISSIONER: Just a minute.

25 THE WITNESS: Yes, I can do that.

1 THE COMMISSIONER: Just a minute. Yes?

2 MS. HOFFMAN: Sorry, I rise. It's Judi Hoffman for the
3 Government of Canada. I have a bit of concern
4 with the premise of my friend's question, because
5 he keeps insisting that the DNA was obtained for
6 Robert Pickton. Of course that DNA was obtained
7 from the bandages, which was an exhibit --

8 THE COMMISSIONER: Well, I think he said that.

9 MS. HOFFMAN: -- in the 1997 investigation. It wasn't obtained
10 at that point. So, I think the premise of his
11 question is somewhat, uhm, askew.

12 THE COMMISSIONER: Well --

13 MS. HOFFMAN: He seems to be suggesting that they should have
14 made efforts to go and obtain DNA in a similar way
15 from other suspects, but the point is that that
16 DNA wasn't obtained at that point, in 2001. It
17 was sitting in an exhibit locker from 1997.

18 THE COMMISSIONER: It was obtained in 1997?

19 MS. HOFFMAN: Yes.

20 THE COMMISSIONER: Is that right?

21 MS. HOFFMAN: Yes, from 1997.

22 THE COMMISSIONER: Right. So, so what's wrong with the
23 question?

24 MS. HOFFMAN: Well, I just have a problem with the premise,
25 where he's suggesting that other -- that they

1 should have made efforts to go and obtain DNA from
2 other suspects. They didn't obtain Pickton's DNA
3 at that point. They already had it.

4 THE COMMISSIONER: Oh, I see. Okay.

5 MR. WARD:

6 Q Let me cut to the chase, if I may. Robert William
7 Pickton was at the top of the list of 30 suspects
8 in early 2001, wasn't he?

9 A No. But I can answer your other question. We, we
10 also worked with McCauley and, and the other POIs
11 that they had, to make sure that their DNA would
12 live inside our DNA bank. We -- the point here is
13 that we were not prepared to believe that, just
14 because you were eliminated from the Valley, which
15 was the premise they wanted us to go on,
16 Mr. Commissioner, that no, we were not going to
17 accept that. We wanted all of those people in our
18 investigative bank so that we could do a proper
19 job. So, Mr. Pickton was not the only one we were
20 worried about at that time.

21 Q Did Detective Phil Little draw up a list of
22 suspects in order of priority, to your knowledge?

23 A In, in order inside their -- like, inside Priority
24 1, that they were rank ordered?

25 Q Yes.

1 A I don't believe he did.

2 Q I am going to suggest to you that he did and he
3 put Robert William Pickton's name at the top of
4 that list. Agree?

5 A He never said that to me at all, nor would that
6 have been my understanding.

7 Q Fair enough. Now, you, sir, when you took over
8 the command of Project Evenhanded, came to it with
9 prior experience and familiarity with the Pickton
10 brothers, right?

11 A Uhm, yes, having worked in Coquitlam, yes.

12 Q And I wasn't clear just how many years you spent
13 in the Coquitlam detachment of the RCMP. Was it
14 10?

15 A Ten years, yes.

16 Q From when to when?

17 A I believe 1978 to '88.

18 Q All right. And you have described them, in
19 particular, to Deputy Chief Evans as -- "them"
20 being the Pickton brothers -- as ne'er-do-wells
21 and "sort of Deliverance, banjo-playing
22 hillbillies," right?

23 A Yeah. That's, that's not a very professional way
24 to describe them, but --

25 Q You said to Deputy Constable Evans that you would

1 characterize Willie Pickton, one of the two
2 brothers, as not being that smart, right?

3 A That was my impression at that time, yeah. Yes.

4 Q Didn't he have a nickname in Port Coquitlam, that
5 was known to you and the RCMP when you were there,
6 that reflected his mental abilities?

7 A Never heard of a nickname, or if I did, I
8 certainly don't know it now.

9 Q All right. You knew, from your familiarity with
10 the Picktons, that David was the domineering
11 brother?

12 A No, I don't, I don't know if I would have known
13 that then. I learned all of that from our
14 investigation.

15 Q All right. So, you came to know later that David
16 tended to dominate and direct his brother, right?

17 A Uh, on certain things. On other things, Willie
18 simply wouldn't listen to him.

19 Q Okay. In relation to your 10-year experience in
20 Coquitlam, you knew that the Pickton brothers were
21 associated with the Hells Angels Motorcycle Club
22 and that they threw parties that were attended by
23 sex trade workers at which drugs were used,
24 correct?

25 A No, I don't think I would have known that.

1 Q All right, let me break that down. You knew they
2 were associated to members of the Hells Angels
3 Motorcycle Club, correct?

4 A I, I don't know what I knew then. I mean, so --
5 I'm, I'm sorry, I don't, I don't remember what I
6 knew then.

7 Q You know now they were?

8 A No, I would disagree with you. Uh, I believe that
9 -- I don't think there is any connection between
10 Robert William Pickton and, and the HA or any
11 motorcycle club. I thought that there was a -- I
12 have heard of a connection that, that David
13 Pickton, you know, likes the bikers or has some
14 sort of a, a connection with them.

15 Q Well, let me, let me focus on the parties. I put
16 it to you, sir, that when you spent a decade in
17 Coquitlam and were familiar with the Pickton
18 brothers, as a result of your work there, you knew
19 that they threw parties that were attended by sex
20 trade workers and at which drugs were used.
21 Agree?

22 A No, I don't think I can agree with that.

23 Q Now, moving ahead. With your knowledge of the
24 Pickton brothers gleaned from your decade in, in
25 Coquitlam, whatever the extent of that was --

1 A Yes.

2 Q Sorry, let me, let me just start again, if I may.

3 You knew -- when you described the Pickton
4 brothers as ne'er-do-wells, you were referring to
5 your knowledge that they were engaged in unlawful
6 activities of one kind or another, right?

7 A Well, the only thing that, that stuck in my mind
8 was that, was the story of burying these auto,
9 stolen auto parts. So, that, you know, clearly
10 people that are -- if that story was true, you
11 know, burying stolen auto parts did not -- you
12 know, they're not honest people.

13 Q But they were cars, right?

14 A Uh, there might have also been truck parts, I'm
15 not sure.

16 Q But, you see, you are the police --

17 A Yes.

18 Q -- charged with the responsibility of enforcing
19 the law and maintaining public safety in your
20 jurisdiction while you are in Coquitlam, right?

21 A Yes.

22 Q And you knew the Pickton brothers were engaged in
23 unlawful activities, including auto theft or auto
24 parts theft, right?

25 A Well, I knew they had been investigated and, and

1 that that investigation I thought was complete by,
2 by Tim Sleigh. So, I mean, that's what we do.
3 We, we investigate a crime. We, we get as far as
4 we get, to charge or whatever, and then we move on
5 to the next crime or criminal.

6 Q Now, sir, you move on from Coquitlam, as you have
7 described in your evidence and as set out in your
8 resume, carry on in the RCMP.

9 A Yes, I do.

10 Q And then by February of 2001, you receive this new
11 assignment described as "Project Evenhanded".

12 A Yes.

13 Q Now, Mike Connor testified here that he had
14 considered Robert William Pickton his only suspect
15 in the case of the missing women from the Downtown
16 Eastside, and that he formed that view throughout
17 1998 and 1999. Do you understand that to be his
18 testimony?

19 A Yes.

20 Q All right. Now, you must have acquired a sense of
21 the Coquitlam Detachment's consideration of
22 Pickton as "the suspect" when you took your new
23 position on, didn't you?

24 A Well, no. It would only make sense that Coquitlam
25 would view Pickton as their Number 1 suspect,

1 probably their only suspect. I mean, he's the one
2 who lives in their area. If, if one of the other
3 POIs had lived in Maple Ridge, uhm, you know, pick
4 one, and they were aware of it, they would
5 consider that person their Number 1 suspect. I am
6 coming at it from the City, looking at everything.
7 The City, the City doesn't -- you know, they have
8 Pickton, but, but remember, there is an entire
9 year and a couple of months' worth of
10 documentation where they realize they needed to
11 reassess everyone.

12 Q When you say "the City," you are referring to the
13 City of Vancouver?

14 A I'm sorry, yes, Mr. Commissioner.

15 Q And you have early meetings with Geramy Field and
16 others from the City?

17 A Yes, I do.

18 Q Surely Geramy Field discloses to you, in early
19 2001, that she and her subordinate, Lori Shenher,
20 expended considerable effort in pursuing Robert
21 William Pickton of Port Coquitlam as a suspect in
22 the disappearances of the women --

23 A Well, --

24 Q -- back in 1998 and 1999?

25 A -- isn't the actual question that you want to ask

1 me is, was he the Number 1 suspect, which
2 absolutely was not put in that way. Uh, of course
3 they had expended energy. I was well aware that
4 Pickton had been worked. So, I was well aware
5 that the other people had been worked.

6 Q All right. Well, let's just, for a moment,
7 compare Pickton as a suspect to the others.

8 A Sure.

9 Q All right?

10 A Yes.

11 Q So, you knew, from your early involvement in
12 discussions with the Vancouver City investigators,
13 including Geramy Field, --

14 A Hm-hmm.

15 Q -- that they had information from a reliable
16 source, or pardon me, from reliable sources that
17 Robert William Pickton was probably responsible
18 for the disappearances of sex trade workers from
19 the Downtown Eastside, that he had taken them to
20 his Port Coquitlam property and disposed of their
21 bodies there, right?

22 A That I believe would be the premise of their
23 investigation.

24 Q And you were aware of that in early 2001, weren't
25 you, sir?

1 A Oh, yes, I would have been aware of that.

2 Q All right, thank you.

3 A Did you want to talk about somebody like --

4 THE COMMISSIONER: No, no, no. Let, let counsel ask the
5 question.

6 THE WITNESS: Sorry, I thought he did ask if I was going to
7 compare. I thought that's what you were asking.

8 MR. WARD:

9 Q I'm moving to that next.

10 A Oh, okay.

11 Q All right. I put it to you, sir, that by early
12 2001, as a result of your personal experience and
13 your conversations with the Vancouver City
14 investigators, you acquired knowledge that sex
15 trade workers from the Downtown Eastside of
16 Vancouver were frequenting the Pickton brothers'
17 property in Port Coquitlam and that there was
18 information that many of them had -- may have been
19 murdered and disposed of there, agree?

20 A No, that's inaccurate. His picture had been shown
21 to I believe about 130 sex trade workers and no
22 one had identified him as, as being there. I
23 don't -- your information isn't accurate.

24 Q I, I'm going to leave that for the moment and ask
25 you about some of the team members on Project

1 Evenhanded and then I will revisit this.

2 A Yes, certainly.

3 Q Lori Shenher, in fact, joined Project Evenhanded,
4 didn't she?

5 A Uh, after, after the Pickton -- after we were on
6 the farm, yes, she came and joined us for --

7 Q And what was her role then?

8 A I believe she came as just a, a support
9 investigator.

10 Q For how long?

11 A I don't remember.

12 Q All right. Inspector Chris Beach was part of the
13 Project Evenhanded team, wasn't he?

14 A No.

15 Q What was -- well, he had a role with the
16 investigation, --

17 A No, you're --

18 Q -- correct?

19 A No.

20 Q Well, explain it please.

21 A Okay, sorry. Evenhanded lives in its
22 investigation with me as its head; and then
23 outside of Evenhanded, lives the joint management
24 team, the people I report to; and then, and then
25 additionally then to their OICs. They're not part

1 of our team.

2 Q Okay. Bev Zaporozan was part of your team?

3 A Yes, she was.

4 Q And Ted Vanoverbeek was an integral part of your
5 team?

6 A Yes, he was.

7 Q And Cater, I forget his first name, was part of
8 your team?

9 A John Cater.

10 Q John Cater. Correct?

11 A Yes.

12 Q All right. Just let me deal with those three for
13 a moment.

14 Bev Zaporozan, we know from evidence before
15 this commission, attended a brainstorming session
16 at VPD headquarters on May 13th, 1999, and
17 according to Lori Shenher's testimony, Robert
18 William Pickton's identity as a prime suspect was
19 discussed at that meeting.

20 A I have no knowledge of that.

21 Q Did Bev Zaporozan indicate to you, when she joined
22 the team, her concerns about Robert William
23 Pickton's potential involvement in the
24 disappearances of the women?

25 A No, I don't believe so.

1 Q Ted Vanoverbeek joined your team when? I believe
2 it was May 2001?

3 A Uh, if, if you know the -- it would be close,
4 anyway.

5 Q I've seen some, something to that effect.

6 A Yeah, I would agree with you. Like, if it -- if
7 something hangs on it, I can, I can actually find
8 it. There is a document that gives that --

9 Q It doesn't. About May of 2001, he joins the team.
10 About a month later, he reviews the Coquitlam '97
11 file on Pickton, correct?

12 A Uh, I would have to look at the documents to go --

13 Q I don't need you to look at the documents right
14 now, but let me -- because it's not pertinent to
15 the question I want to ask you about him.

16 We have evidence before us that Ted
17 Vanoverbeek received information pointing to
18 Pickton as a suspect in the murder of a Downtown
19 Eastside sex worker when Leah Best came to him in
20 August of 1999. All right?

21 A Yes, I'm aware of that.

22 Q All right. Did Vanoverbeek discuss with you, in
23 around May of, May or June of 2001, that he had
24 prior knowledge of Pickton's identity as a suspect
25 from that prior encounter?

1 A Uh, he didn't. He wouldn't have had to. He would
2 have understood what we were doing and, and
3 undoubtedly would have known that Pickton was a
4 Priority 1.

5 Q And John Cater had, had participated in the
6 lengthy interview of Willie Pickton and Gina
7 Houston in 2000, right?

8 A Yes, that's correct.

9 Q So, here's the thing that my clients are concerned
10 about. You have got all the -- you have got these
11 team members -- Geramy Field, Ted Vanoverbeek, Bev
12 Zaporozan, John Cater -- who come to your team,
13 armed with prior knowledge that this Port
14 Coquitlam pig farmer was a prime suspect in the
15 disappearances of missing women, the very subject
16 matter that your team is taking over the
17 investigation of.

18 A Yes.

19 Q Why don't you act on it?

20 A Okay. Firstly, when, when Ted Vanoverbeek comes,
21 uh, Pickton is already Priority 1. So, he knows
22 that. He knows, he knows what good policing is.
23 He knows that we need to assess all of it. Uh,
24 ever one of these police officers that came to us
25 were very seasoned. We were having discussions

1 about how we operated.

2 So, Ted Vanoverbeek knows that. He knows
3 that we already know the information he had. So,
4 so that's, that's him.

5 When Bev Zaporozan and John Cater come, we
6 are at the stage where we now believe that the
7 killer is, is either -- we need to finish
8 confirming that they're active and/or, you know,
9 depending on when they arrive, that, that the
10 killer is active and what will we do about it.
11 So, they're fully aware now, and brought in as
12 we're moving out on those various streams. And I
13 think if you brought them here, you would come to
14 understand that our team felt that the best
15 approach were the multiple streams, because the
16 multiple streams would bring you to the killer, no
17 matter who it was. Going on a target would only
18 bring you to that -- to whether or not that target
19 was involved. So, if we had chosen somebody else
20 to go on, instead of going multiple streams, we
21 would not have got to the result we needed.

22 So, against a pool of 30 growing Priority 1s,
23 we believed that what we were doing was the right
24 approach. And I believe that was -- well, I know,
25 it was universal. We had endless discussions

1 about how to run this investigation,
2 brainstorming, et cetera, et cetera.

3 Q Sir, you're part of the Royal Canadian Mounted
4 Police, Canada's national police force, with
5 hundreds of millions of dollars potentially at
6 your disposal. Why -- what my clients want to
7 know is, why didn't you do something about Robert
8 William Pickton's status as a Priority 1 subject
9 that might have impeded his ability to kill eight
10 more women after your team was started? You could
11 have, I put it to you, put wires on his
12 associates' telephones, correct?

13 A No. You -- we did not have enough for wiretap.

14 MS. WINTERINGHAM: He's asked a question that should be
15 answered before we move to the wiretap issue.
16 There is an outstanding question that wasn't
17 answered. He's asking why --

18 THE COMMISSIONER: Yes.

19 MS. WINTERINGHAM: And so that question should be answered
20 first before we move to the next one.

21 THE COMMISSIONER: Oh, I see. You are saying that he should
22 ask if there was wiretap, and if there wasn't,
23 then why? Is that what you are saying?

24 MS. WINTERINGHAM: Well, actually, no. He had a long question
25 about his clients have a question about why they

1 didn't move on Pickton --

2 THE COMMISSIONER: Yes.

3 MS. WINTERINGHAM: -- and then Mr. Ward moved right into the

4 wiretap, for example.

5 THE COMMISSIONER: Yes.

6 MS. WINTERINGHAM: So, I think the first question should be

7 answered and then we can move -- we can break it

8 down.

9 THE COMMISSIONER: Oh, I see. So, he should have the

10 opportunity to answer the first one first?

11 MS. WINTERINGHAM: Yes.

12 THE COMMISSIONER: Okay.

13 MS. WINTERINGHAM: Thank you.

14 MR. WARD: I accept that. In my haste, I conflated two

15 questions --

16 THE COMMISSIONER: Okay.

17 MR. WARD: Let me, let me go back and start again.

18 Q Sir, I am going to rephrase the first question a

19 little bit.

20 A Sure.

21 Q You may have recognized Lillian Beaudoin sitting

22 in the front row there, do you?

23 A Yes, I do. Yes.

24 Q You know that her sister, Dianne Rock, was

25 murdered by Robert Willie Pickton --

1 A Yes.

2 Q -- in about November of 2001?

3 A Yes.

4 Q All right. Why don't you explain to her why,
5 after starting up Project Evenhanded and acquiring
6 the information about Pickton's status as a
7 suspect, in February, March, April, May of 2001,
8 you didn't take any steps to ensure that he wasn't
9 killing women like her sister. Explain it,
10 please.

11 A I will. Mr. Pickton lived as a Priority 1
12 suspect, all right? We were not in a position,
13 and the investigation could not have gone out
14 against all of our Priority 1 suspects. I just do
15 not believe that could be done. So, therefore, as
16 we, as we came to learn that the killer was
17 active, we, we decided, how could we make sure we
18 were going to catch the killer?

19 And Nathan Wells did not catch the killer.
20 All right? You, you seem to avoid wanting to deal
21 with that, but, but our streams were taking us to
22 Pickton.

23 Do I regret that we didn't get him sooner?
24 Absolutely. Absolutely. But we were not sitting
25 on our hands doing nothing. We were running out

1 an investigation that was going to bring us to the
2 killer, and it did.

3 Q You were on a two-month holiday in the summer of
4 2001; weren't you, sir?

5 A Yes, I was.

6 Q Thinking about something else entirely, weren't
7 you?

8 A No, I wasn't.

9 Q Hmm.

10 A Well, there is no need to humph.

11 Q I'm sorry.

12 A Sorry, maybe -- let's deal with that. I mean,
13 it's been very exciting, the reason I took that
14 holiday, all right? Well, a couple of reasons.
15 One, is the RCMP don't want you collecting too
16 much holidays. The second is, you may have
17 forgotten, that in addition to my regular job, my
18 regular duties, which were pretty good, I was
19 engaged in two dozen or more murder interrogations
20 that took up my time, my energy, time from my
21 family. Sorry, let me finish. All right? You
22 just looked excited there.

23 So, you know, in order to not come home to an
24 empty nest and live in a basement suite, I did
25 care about my family. All right? But I also

1 cared about this file. Now, your question is a
2 good one because I was saying to my wife a number
3 of months ago, okay, so that becomes an issue.
4 Interesting, my, my daughter said something. She
5 said, "Would you, would you like me to come and
6 tell the commission what you were like that
7 summer, that you were on the phone all of the time
8 and completely distracted." Well, I hadn't
9 actually remembered that. So, forgive me.

10 Q Are you finished?

11 A Yes, I am.

12 Q Thank you. You were an inveterate note taker of
13 all things that you were doing while on duty,
14 right?

15 A An inveterate, I don't even know what that word
16 means.

17 Q Well, maybe I -- maybe it's not even an
18 appropriate word. You -- we see you have got
19 volumes and volumes --

20 THE COMMISSIONER: He took a lot of notes.

21 MR. WARD: A lot of notes, yes. Sorry, I'm out being a lawyer
22 again, Mr. Commissioner, and I apologize.
23 Occupational hazard.

24 Q You took a lot of notes of things that were
25 happening while you were working on your files,

1 right?

2 A Uh, I took notes -- uhm, my way of note taking,
3 Mr. Commissioner, is I have learned over the years
4 that things that will put you in court to explain
5 actions, in other words, well, you know exactly
6 what I mean, I have learned that I need to make
7 very extensive notes around certain things.
8 Others, you know, I know that they're not going to
9 be that important and, and, you know, I may not
10 have been good at keeping notes on those.

11 Q Okay, I have got your notes here in a big binder.
12 There are no notes for the two-month holiday
13 period, agreed?

14 A I did not take my notebook with me on my holiday.

15 Q Thank you.

16 Now, sir, the fact of the matter is, given
17 all of your other ongoing investigations and files
18 and responsibilities, within the RCMP, this
19 project, Project Evenhanded, wasn't really a top
20 priority, was it?

21 A That, that is absolutely incorrect. Mr.
22 Commissioner, and I know you have heard this
23 before, but I think it bears saying again. The
24 moment that we started, as of the beginning, the
25 3rd of January, I believe you see us moving in all

1 sorts of directions. You see Geramy Field
2 obtaining resources, scant resources from the
3 City, you have heard how tough things were for
4 them; scant resources from the RCMP, and we are
5 all channeling forward in a drive to do this.
6 You, you know, I'm not sure if you were here, but
7 there's the reports that show the work that was
8 done through my holidays, by the way. My people
9 didn't just get out lawn chairs. So, we -- you
10 know, that work was done. It, it, it's there.
11 It's documented. It didn't do itself.

12 Q It was referred to as the Hooker Task Force?

13 A Yes. Initially, yes, it was.

14 Q And I would like you to direct your attention
15 please to a document found at Exhibit 98, tab 54.

16 A Uh, do I have that?

17 Q Perhaps if -- I thought it would be there, but
18 Mr. Commissioner -- or Mr. Registrar, Exhibit --

19 A I go to 84 on this one.

20 Q -- 98, tab 54.

21 THE REGISTRAR: You should have it there.

22 MR. WARD:

23 Q I thought it was there.

24 A Oh.

25 Q This, sir, is a memorandum or e-mail dated August

1 27th, 2001, copied to yourself from Bob Paulson.

2 Do you see that?

3 A Yes.

4 Q And you spoke, as indeed you spoke about most of
5 your colleagues, in the most glowing terms about
6 Bob Paulson, didn't you?

7 A Bob Paulson is a terrific investigator.

8 Q And he's now in command of the Royal Canadian
9 Mounted Police nationally, right?

10 A Yes, yes.

11 Q And he was involved in the missing women
12 investigations, as documented in the material,
13 right?

14 A No. He was involved in, in the Valley
15 investigation.

16 Q Let's look at how he characterized your project in
17 August of 2001. Do you see the second-to-last
18 line from the bottom of the e-mail? In reference
19 to yourself, Bob Paulson writes:

20 Don and his guys have done a lot of DNA work
21 on the hooker thing.

22 Do you see that?

23 A Yes, I do.

24 Q I suggest to you that that comment, made by a
25 senior member of the RCMP, he's now in command of

1 the force, indicates the low level of significance
2 or esteem with which this project was held in the
3 force, agree?

4 A No. Absolutely, absolutely inaccurate.
5 Absolutely, may I say, the use of the word
6 "hooker," you know, was no good. I fully accept
7 that. But the effort put in, you seem unwilling
8 to look at the effort put in. You seem
9 unwilling --

10 THE COMMISSIONER: No, don't argue with counsel.

11 THE WITNESS: Yes.

12 THE COMMISSIONER: Counsel has got the right to ask these
13 questions and you have to answer them.

14 MR. WARD:

15 Q All I am putting to you, sir, is that this is an
16 indication, I suggest, of the lack of significance
17 that the project had, because it was described as
18 "the hooker thing"?

19 A No, that's absolutely inaccurate.

20 Q All right. You know Catherine Galliford?

21 A Yes, I do.

22 Q She was a member of your team?

23 A Yes.

24 Q You are aware of her statements about the team and
25 its work?

1 A Yes, Mr. Commissioner. I'm aware that, and what I
2 am most aware of, is an article in *Maclean's* in
3 the 18th of November of 2001, where she alleges
4 that we were, and I'm encapsulizing (sic), that,
5 that we had the specific --

6 THE COMMISSIONER: Why don't you wait for the question?

7 THE WITNESS: He did ask me a question, Mr. Commissioner.

8 THE COMMISSIONER: Well, I know. He just said, were you aware
9 of her and --

10 THE WITNESS: No, he asked if I was aware of the allegations.
11 The allegations --

12 THE COMMISSIONER: Oh, I see.

13 THE WITNESS: -- are of criminal misconduct by Evenhanded.

14 THE COMMISSIONER: Okay. Why don't you let counsel specify the
15 allegations?

16 THE WITNESS: Sorry. He asked, Mr. Commissioner.

17 MR. WARD:

18 Q I, I am not sure whether Catherine Galliford is
19 coming to testify as a witness. She has -- her
20 name has appeared on this commission's witness
21 list from time to time. I want to put to you a
22 statement made by her, which I expect she would
23 confirm if she testifies, so that you have an
24 opportunity to address it. I am actually going to
25 put a couple to you, okay?

1 A Certainly.

2 Q I expect Catherine Galliford would say, if she
3 testifies, and I quote:

4 Don Adam is a misogynist, which is probably
5 why he blew off the missing women
6 investigation.

7 THE COMMISSIONER: Don't answer that.

8 MS. WINTERINGHAM: Mr. Commissioner, --

9 THE COMMISSIONER: Yes.

10 MS. WINTERINGHAM: -- I have risen a couple of times when this
11 topic has, has come up, and the objection is
12 really twofold. First, I say, that the area that
13 Mr. Ward is going into is not relevant to the
14 terms of reference before you. The second,
15 however, objection that I make is with respect to
16 fairness to this process. And I don't know what
17 statement Mr. Ward has with respect to Ms.
18 Galliford. I know what I have received with
19 respect to what's available through Concordance,
20 and it is completely inadequate and unfair to
21 cross-examine a witness based on the statement
22 that I have received. If he has something
23 different, then I am happy to look at that and see
24 if that would be fair.

25 THE COMMISSIONER: Well, I, I haven't seen any of the

1 statement. So, so I have no way of deciding
2 whether or not your objection is, is a valid one
3 or not. Why don't you let Mr. Ward specify the
4 question first and then I can rule on it.

5 MR. WARD:

6 Q And, sir, given the exchange, I would ask that you
7 not answer until we've had an opportunity to
8 resolve this concern.

9 I'm attempting to put to you a statement that
10 I expect Ms. Galliford will say -- because it's in
11 a written statement of hers. I am referring to a
12 document described as "Statement of Corporal
13 Catherine Galliford" Concordance ID Galliford-
14 001-000052, and the statement is this:

15 Don Adam is a misogynist, which is probably
16 why he blew off the missing women
17 investigation.

18 What is your response to that expected
19 evidence from Corporal Galliford?

20 THE COMMISSIONER: Don't answer that. So, what's, what's wrong
21 with that question?

22 MS. WINTERINGHAM: I didn't object.

23 THE COMMISSIONER: Pardon me?

24 MS. WINTERINGHAM: I did not object. I just sat there and --

25 THE COMMISSIONER: Oh, I see. Okay, go ahead and ask it.

1 MR. WARD:

2 Q Sir, what is your response to what I anticipate
3 will be that evidence from Ms. Galliford in the
4 event she testifies?

5 A My evidence is that I do not, in any way, believe
6 that I am a misogynist at all, in any shape or
7 form. However, I'm aware of that, that she has
8 said that. The -- I would say, call and talk to
9 the people that I've worked with and, and see if
10 they agree with it, and I think you would find a
11 very different, different story if you actually
12 checked with the people on our task force.

13 Q I want to put to you another part of the
14 anticipated evidence of Corporal Galliford on
15 another factual issue.

16 A Yes.

17 Q Okay? And I will introduce the issue first.

18 You have testified, if I understand your
19 evidence correctly, that you weren't in possession
20 of Coquitlam's 1999 Pickton investigation file; is
21 that right?

22 A I was in possession of Vancouver's investigative
23 file, which, which I am told mirrors it in all of
24 the, you know, relevant facts. So, I knew, I knew
25 about Pickton. I knew about what, what I needed

1 to know to make the decisions on Pickton.

2 Q All right. I'm going to read to you, uhm, from
3 the same document, and I'll provide the
4 references, a statement of Corporal Catherine
5 Galliford, Concordance ID Galliford-001-000047,
6 page 50 of the document. Galliford says this, and
7 I quote:

8 All of a sudden, we are launching this
9 massive search warrant in 2002 but he --
10 And she's referring to you, Don Adam.

11 A Yes.

12 Q -- but he had all of the information he
13 needed in 1999 and he did nothing. So, it's
14 2002 and, all of a sudden, he's pulling in --
15 like, we're all on standby in the briefing
16 room, waiting. He took exactly the same
17 information he had in '99 and used it for a
18 new search warrant in 2002. And I said to
19 him, "Don, why are we doing this now?" And
20 he said, deadpan, "We have new evidence."
21 And I said, "No, we don't." I was in all the
22 briefings. We had no new evidence. So, I
23 said, "Don, we have no evidence. We have no
24 new evidence." And he said, "Cate, what
25 makes you think we have no new evidence?" I

1 hate it when people talk to me like that.

2 And I said, "I read the file." And he said,

3 and his face automatically changed and he

4 became very still, and he said, "What file?"

5 And I said, "The Coquitlam file," and he

6 walked away from me. He just walked away.

7 Do you recall an exchange with Cate

8 Galliford, a member of your team, at the time you

9 were preparing the search warrant in 2002 in that

10 effect?

11 A That, that never happened, at all, by the way.

12 But Corporal Galliford's version of that is

13 actually much more articulate in the *Maclean's*

14 article where she, she advises that she read a

15 1999 Coquitlam file in October the 6th when she

16 was coming to the task force, and that it

17 contained, not only the general information, but

18 the very specific information about the, the

19 inhalers and the ID, the asthma inhaler, and then

20 that, that, that we've suppressed that information

21 and, and then just redid it.

22 If that were true, what the corporal said,

23 then, then the words that convicted Pickton would

24 fall. That is untrue. She has, she has made that

25 story up, or, or misremembered it. She tells it

1 differently, you know, the two things I've seen.
2 That is untrue that we have -- that would mean
3 that we had inhalers, somehow Coquitlam had them,
4 in '99. That, that -- if that's believed, I know
5 that I've heard you say about conspiracy, if you
6 believe we suppressed evidence, and Pickton has
7 been convicted inappropriately, then, then that
8 really needs to be talked through.

9 Q Sir, thank you for that. So, in short, your
10 response to the passage I read is that the
11 exchange described by Corporal Galliford between
12 yourself and her in 2002 did not occur?

13 A No. But it goes beyond that. It, it goes to the
14 fact that, firstly, she said that she read this
15 material in a 1999 file; that, that when she came
16 to us, she did not come to us until December the
17 10th. So, she wasn't even there. And then, and
18 then she's alleging that we purged it. Those are,
19 those are pretty significant accusations.

20 Q Sir, sir, all I was asking you about was the
21 passage I read to you. I wasn't asking you about
22 a *Maclean's* article. I wasn't asking you about
23 conspiracies. I was asking you about the passage
24 and I believe I have your answer. Your evidence
25 is that the exchange she described in the passage

1 I read to you did not occur?

2 A It absolutely did not occur.

3 THE COMMISSIONER: Yes?

4 MS. WINTERINGHAM: And he's allowed to answer it fully. So, he
5 doesn't have to say "yes" or "no." He wanted to
6 explain and did explain why that statement wasn't
7 relevant, so -- or wasn't correct. And so Mr.
8 Ward can't cut him off. If he wants to provide an
9 explanation, he gets to do that.

10 THE COMMISSIONER: Yes. No, I appreciate he can't cut him off
11 and he is entitled to give a full answer, but he
12 has a tendency to wander all over the place, and
13 he does that. And Mr. Ward's question was fairly
14 straightforward, and so he has to answer it. But
15 I have your point, --

16 MS. WINTERINGHAM: Thank you.

17 THE COMMISSIONER: -- that, that, in fairness, you have to let
18 the witness answer fully, if there's a qualifying
19 part of the answer. Okay.

20 In any event, we'll, we will adjourn here,
21 Mr. Ward.

22 MR. WARD: Thank you.

23 THE REGISTRAR: This hearing is now adjourned until 1:45.

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

25 **(PROCEEDINGS RESUMED AT 1:50 P.M.)**

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

2 THE COMMISSIONER: Mr. Ward.

3 MR. WARD: Thank you.

4 Q Sir, before I forget, I understand that my friend,
5 Mr. Gratl, representing Downtown Eastside
6 interests, had asked you, at the conclusion of his
7 questioning of you, whether you could look into
8 the question of whether Project Evenhanded took
9 any steps during its term of operation to warn sex
10 trade workers on the Downtown Eastside about a
11 possible serial killer?

12 A Yes, and I did.

13 Q And what was -- what did you find?

14 A Uhm, I brought a whole -- may I --

15 Q (Nod)

16 A This is the vetted, should be, but these, these
17 are all -- you can -- I can show them to you.
18 They're all --

19 Q I see you have produced a slim file folder to your
20 counsel?

21 A Yes.

22 Q And --

23 THE COMMISSIONER: Why don't, if I might offer a suggestion,
24 why don't you give it to Mr. Gratl and then,
25 afterwards, if you need to ask questions based on

1 that, I will give you the time to do that.

2 MR. WARD: Thank you.

3 THE COMMISSIONER: All right?

4 MR. WARD: Thank you. It was, indeed, his question but I
5 thought his time might have been -- might have
6 elapsed.

7 Q On another point, sir, if I understood Detective
8 Constable Shenher's evidence correctly while she
9 was here, uhm, she testified that she turned her
10 own files, her investigative files over to Project
11 Evenhanded, and then, subsequently, made several
12 written requests to have them returned to her. Do
13 you know anything about that?

14 A I, I know -- like, obviously that wasn't me, but I
15 do believe I have an answer and know something
16 about that.

17 Q Yes?

18 A Uhm, she apparently, if I understand this right,
19 did give some material to, to Detective McKnight
20 that, that came over to Evenhanded, that, that
21 that material was the log notes, which we, which
22 you have, is my understanding. That what I
23 understand from Staff Sergeant Clary is that, uh,
24 Lori Shenher would make notes in, in her log
25 notes, a daily log which you have, but she also

1 would write material in, inside the 1,300 tips and
2 tasks, and that, that everything she gave
3 Evenhanded, they have gone through it over and
4 over and that she has it back. Like, that
5 Evenhanded's position is she's not missing
6 anything. But, but a lot will live inside those
7 tips and tasks, Mr. Commissioner. That's what I
8 am told.

9 Q All right. You mentioned Wayne Clary. I have
10 seen a document, I think authored by yourself, in
11 reference to Wayne Clary in which you expressed
12 concern that he was dealing with the media
13 inappropriately and you called him "leaky"; is
14 that right?

15 A I don't think I would -- I may have, as a joke,
16 referred to Wayne Clary as "leaky" but, but I was
17 not expressing concerns about him. I believe that
18 Grant Learned and the, and the "E" Division media
19 team did not like the fact that Wayne Clary, and I
20 believe also sometimes Jim McKnight, were saying
21 things to the press. But I was not concerned
22 about it.

23 Q All right. Thank you.

24 Sir, you recall speaking with Deputy Chief
25 Doug LePard about your experiences with the

1 investigation and then subsequently seeing a
2 transcript of your discussion, or a typewritten
3 version of it?

4 A There is a typewritten version that I believe the
5 Department of Justice showed me while I was
6 preparing for this. I believe that's how I came
7 to see that.

8 Q All right. Well, I want to ask you a question,
9 and I also asked Deputy Chief LePard this, and I
10 need to ask you this. In his note, notes of an
11 interview he had with you at VPD-001-012827, page
12 16 of the record of it, this appears, and this is,
13 this is a statement attributed to you, okay?

14 A Oh, so --

15 Q I am going to read you something that he's written
16 down, typed down, as a result of his interview of
17 you.

18 A Yes.

19 Q And this is you now speaking to LePard.

20 I would hear that certain managers, like
21 Unger, I was told, would say they were just a
22 bunch of fucking hookers.

23 A I absolutely do not adopt that, as a, as a quote
24 from me.

25 Q You didn't tell Deputy Chief LePard that?

1 A I absolutely do not believe I told that. Deputy
2 Unger was, was a great support of ours. I have
3 absolutely nothing harsh to say or, or any
4 criticism of Deputy Unger.

5 Q You went on in the next document, and I will just
6 read the next sentence:

7 But I found most people in the VPD were not
8 judgmental like that.

9 A I absolutely do not adopt those statements.

10 Q So, you didn't tell Doug LePard that Deputy Chief
11 Unger had an attitude issue?

12 A Deputy LePard, or sorry, Deputy Unger not only
13 didn't have an attitude issue, but he was the one
14 who actually made it a point to, to, through my
15 bosses, let me know that, that my language was
16 inappropriate.

17 Q All right. Thank you.

18 Sir, do you have your handwritten notes with
19 you?

20 A Yes, I do.

21 Q Okay. I'm going to ask you a few questions about
22 those, and I shouldn't have much more,
23 Mr. Commissioner.

24 A Do you want me to get them out?

25 Q Yes, please.

1 A Okay.

2 Q I just, firstly, want to clarify an issue of, of
3 timing with respect to the actual search of the
4 Pickton premises. So, if I could get you please
5 to look up your note for January 30th, 2002.
6 January 30th, 2002.

7 A Yes, sorry.

8 Q It will be helpful to have it in front of you.

9 A Yes. Oh, sorry.

10 Q And for counsel's purposes, this is, I am going to
11 direct the witness to RCMP-058-000701.

12 A Sorry, I'm just finding it here.

13 Q I've got it, it will be the fourth page of your
14 entry for '02/01/30th, Wednesday.

15 A Yes, I found it. Yes.

16 Q So, fourth page along, this appears to be your
17 notes saying:

18 Wayne searching Pickton's residence. We will
19 assist today.

20 At the top of page 4. Do I have that right?

21 A Sorry.

22 Q January 30th.

23 A Yeah. No, no, no. Two, three, four, five -- no,
24 in my -- they must have misfiled that. That would
25 have to be the 4th of February. I can show you my

1 notebook if you would like to look at it. We are
2 dealing with Ridgway and other things right here.

3 Q In my copy, it's the fourth page, fourth page of
4 the entry for January 30th, 2002.

5 A Do you want to come and look at my original
6 notebook? I suspect what's happened is there's
7 been a, a filing glitch there.

8 Q If I may?

9 A Yeah, certainly.

10 THE COMMISSIONER: Do you, do you want time to look at this,
11 Mr. Ward?

12 MR. WARD: No, thank you. It's, it's --

13 THE WITNESS: Yeah, no, it's not -- it was the 4th I think of
14 February. Do you want me to find the form? Would
15 that help?

16 MR. WARD:

17 Q It certainly appears in the original, but the
18 original matches my copy. And that on the 30th of
19 January, you wrote that Wayne told you:

20 Searching Pickton's residence. We will
21 assist today.

22 A Let me, let me see if I can find that on the form,
23 and maybe then you could compare.

24 Q Well, there's a, there's a quicker way to, to do
25 this perhaps.

1 A Oh, okay.

2 Q And I think Deputy Chief Evans asked you about
3 this. But do you know what triggered the date of
4 the search, any event that triggered it?

5 A Like, what caused the first search, the weapons
6 search?

7 Q Yes.

8 A Well, I believe it was, Nathan Wells obtained
9 information from a confidential source that there
10 were weapons there.

11 Q Well, the reason I am asking you these questions
12 are that, you know that on the 28th day of
13 January, 2002, Coquitlam RCMP, Delta Police,
14 together executed a massive search of the Hells
15 Angels Coquitlam clubhouse, right?

16 A No, I didn't know that.

17 Q Well, John Daly telephoned you and asked you
18 whether that search was related to the Pickton
19 property search. Do you remember that?

20 A He, he asked me when? And why would he be phoning
21 me?

22 Q February 11th, 2002. Can you check your note
23 please?

24 A Certainly.

25 Q 1452 in the afternoon.

1 A Oh, no, sorry, let me just get the right notebook
2 here. Uh, sorry, now, what date was it again?
3 Q February 11th, --
4 A Okay.
5 Q -- 2002 --
6 A Okay. Oh, just a sec.
7 Q -- at 1452.
8 A Just a sec. I'm just trying to grab a day here.
9 Okay. So, the 11th. So, I'm within a day now.
10 Good. So, now I have 1452?
11 Q Yes.
12 A Okay. I'm just working my way there.
13 Q Top of the page.
14 A Oh, sorry, yes.
15 Q Got it?
16 A "Getting women for Willie." That's -- is that how
17 the top of the page starts? I see nothing about a
18 phone call. This is all, this is all material --
19 I can show it to you.
20 Q I will show you my copy to make it easier.
21 A Well --
22 Q It's RCMP-061-000872.
23 A Should I come over there or? I don't know where
24 that is. Where -- that's not here. Do you have
25 the John Cater block? Oh, there we go. That,

1 that's that page. Okay. May I? So, okay. Okay.

2 You, you're missing a page here.

3 Q Have you -- sir, I am working with what I have
4 been given.

5 A Okay.

6 Q I am showing you a photocopy, and it appears to be
7 a note in your handwriting of a telephone call
8 from John Daly. Do you have that?

9 A I'm just -- yes, I found it.

10 Q Thank you.

11 A Yes.

12 Q Can you confirm that the note indicates that John
13 Daly telephoned you to ask you whether the Hells
14 Angels search was connected to the search of the
15 Pickton brothers' property?

16 A Well, my note says:

17 1452. John Daly - original search linked to
18 HA search in Delta. He is making inquiries.
19 That's what I have got. But it's not linked to
20 any of those things. But I don't know if I talked
21 to him. I've just got that note.

22 Q And you know that the John Daly in question is the
23 Global television reporter?

24 A Yes. I know John Daly.

25 Q And are you -- is it your evidence that you don't

1 recall that there was what the *Vancouver Sun*
2 described as this:

3 Acting on a sweeping set of search
4 warrants and backed up by an RCMP Emergency
5 Response Team from Coquitlam, Delta Police
6 raided the Hells Angels clubhouse in
7 Coquitlam and four homes on January 28th.

8 A Oh, no, I have no memory of that whatsoever.

9 Q And is it your evidence that there was no
10 connection between the January 28th police raid on
11 the Coquitlam Hells Angels clubhouse and the
12 subsequent search of the Pickton brothers'
13 property?

14 A Absolutely, there -- to the best of my knowledge,
15 there is absolutely no connection.

16 Q Okay, thank you. Your notes reveal, I suggest --
17 and I will show you entries, but perhaps you can
18 remember this -- that you were informed that Dave
19 Pickton, Willie Pickton's brother, picked up women
20 on occasion who were never seen again, right?

21 A Uh, I absolutely don't remember that.

22 Q All right.

23 A If you could find that for me.

24 Q I will. It's RCMP-061-000976. It appears to be
25 an entry for February 15th, 2002.

1 A Do you have a time? The only reason, I changed
2 notebooks there.

3 Q No. It's, at the top of the page says "Moe
4 Tremblay."

5 A Okay. Sorry, I am just working -- these are all
6 notes for one day, so I am just trying to get a
7 date. Yes. Now, so I've got about 20 pages of
8 notes so far for this day, the 15th. Correct?

9 Q And I am asking you about an entry describing what
10 appears to be Moe Tremblay and a Sherry Irving,
11 and then there's a description of Dave Pickton's
12 activities in connection with wanting two girls
13 and one of them not being seen again.

14 A Okay, I will --

15 Q I just, I just want to know if this refreshes your
16 memory on the point.

17 A I need to find it. Let me -- sorry, I'll find it.
18 Now, I have found a piece of information here that
19 is not quite what you said but, but you may be
20 interested in.

21 Q I'm referencing a couple of pages of notes that,
22 that address Dave Pickton's activities in November
23 of '97.

24 A Oh.

25 Q And then on the next page, Halloween, October

1 31st, '97, where he's out looking for girls, picks
2 up two, apparently, according to your note, and
3 one isn't seen again.

4 A Okay.

5 Q Can you just --

6 A And this is Moe Tremblay giving me this
7 information.

8 Q Moe Tremblay. Talked to Burnaby source.

9 Knew Sherry Irving. Went on double date.

10 That's how it starts. If the pages were
11 numbered, I could give you a page number, but I am
12 giving you what I have got. I can show it to you.

13 A Well, I am not finding that, but I am finding:

14 Source - well, STW '97, fall, she and Irving
15 went double date with Willie and Dave.

16 Assigned to Moe.

17 So, I am finding the assignment. I just -- I
18 will find the other. So, it's a source
19 information and we need to see if there is any
20 truth to it. So, now I'll look for -- probably
21 that evening, Moe Tremblay would have come back
22 having done that assignment. So, I will try and
23 find that.

24 Q Sir, just going from your memory --

25 A I have no memory of that.

1 Q Let me finish my question please.

2 A Yes.

3 Q Going from your memory, you recall that your
4 teammates on Project Evenhanded had a division of
5 opinion in the weeks after February 5th, 2002,
6 about the extent of David Pickton's involvement in
7 the disappearances of the women, right?

8 A A divided opinion? We were working on, on him as
9 a co-target. Of course, we wanted to find out if
10 he was in league with, with Willie.

11 Q And of course he was, wasn't he?

12 A No, he wasn't.

13 Q Well, you've got notes to the effect he picked up
14 women --

15 A That, that --

16 Q -- who weren't seen again.

17 A So far, what flows from this is, is that is source
18 information. We received source information on
19 phenomenal things, Mr. Commissioner. Phenomenal
20 things. We spent masses of, of time and effort
21 and money only to find out that they were just
22 talk, that they were not accurate.

23 Q Willie Pickton didn't kill these women all by
24 himself, did he? There were others involved?

25 A Not through our investigation we ever found any

1 others involved.

2 Q Dinah Taylor? Gina Houston?

3 A Uh, yes, good point. Our investigation showed
4 that, that he had used certain women to help bring
5 him -- well, I don't think we can say Dinah Taylor
6 brought him victims but -- or sorry, Gina Houston,
7 but definitely Dinah Taylor brought him victims.
8 We could never get past *mens rea*. We could never
9 show that she knew what was happening.

10 Q Dave Pickton, domineering older brother, according
11 to your notes, picked up women. The notes seem to
12 say "not seen again." Why wasn't he charged?

13 A That would be evidence.

14 Q I'm sorry?

15 A Evidence. Evidence. It's what you need to charge
16 someone. You don't need a source who says some
17 wild thing. You need evidence.

18 Q He owned the property on which the remains were
19 found, didn't he?

20 A And that would make him guilty of murder?

21 Q He owned the property on which the remains were
22 found, didn't he?

23 A Uh, in joint --

24 THE COMMISSIONER: I think, I think he's, he's answered that.

25 It's a bit -- we are getting into a bit of an

1 argument here.

2 MR. WARD: All right.

3 THE COMMISSIONER: But I think his answer is that he felt that
4 there wasn't the evidence to, to charge or to
5 convict the brother.

6 MR. WARD:

7 Q Thank you. Earlier I was asking about the
8 comparative viability of suspects and, and I went
9 off on a different path. Now, I want to come back
10 to that for a moment.

11 Sir, Robert William Pickton must have been
12 always the most solid, best suspect in the
13 disappearances of the women by virtue of the fact
14 that Project Evenhanded did not obtain convictions
15 of anyone else in respect of any of the other
16 unsolved cases; is that fair?

17 A Well, no. Robert William Pickton ended up as we,
18 when we completed our investigation, that, that
19 was tied to 33, and I believe, you know, was
20 responsible for more. You know, at that time, all
21 right, with what was known then, Robert William
22 Pickton was a great suspect. So were others.

23 Q Many other disappearances remain unsolved and
24 under investigation by Project Evenhanded to this
25 day, correct?

1 A Yes.

2 Q But nobody else has been convicted of any
3 murders --

4 A No.

5 Q -- in respect of those, --

6 A No.

7 Q -- correct?

8 A The, the Alley person died before we could get
9 enough to charge him for --

10 Q Sir -- Mr. Registrar, could the witness please be
11 shown Exhibit 111?

12 THE REGISTRAR: 111.

13 MR. WARD:

14 Q I just have a few questions about this and then
15 I'll sit down. This is, sir, what I understand to
16 be your lengthy op-ed piece for the *Vancouver Sun*
17 that was published in November of 2010 --

18 A Yes.

19 Q -- entitled "Top Robert Pickton cop in his own
20 words."

21 A Yes.

22 Q You are familiar with that?

23 A I am familiar with this document.

24 Q And as I understood your testimony earlier in this
25 hearing, you said there were many mistakes, or

1 errors in it; is that right?

2 A No, I don't believe I said that.

3 Q All right. I want to ask you about some passages
4 that start on page 10 of 25.

5 A Now, mine is not numbered.

6 THE COMMISSIONER: And mine isn't either, so.

7 MR. WARD: My copy is. I am working from Concordance Number
8 RCMP-058-000027.

9 THE COMMISSIONER: Why don't you, why don't you tell us what
10 the top paragraph says and that might -- I can
11 make my way there.

12 MR. WARD: It's a series of numbered paragraphs, thank you,
13 Mr. Commissioner, a series of numbered paragraphs.
14 There is a subheading "WHAT TO DO" in caps.

15 THE COMMISSIONER: "WHAT TO DO"?

16 MR. WARD: "WHAT TO DO."

17 THE COMMISSIONER: Okay, I don't have any numbered --

18 THE WITNESS: I think it's on the previous page to -- it would
19 be on page 9, as we count it out.

20 MR. WARD: Is your document numbered in the lower right corner?

21 THE WITNESS: No.

22 MR. WARD: Oh.

23 THE COMMISSIONER: Oh, "WHAT TO DO," I have that.

24 MR. WARD: "WHAT TO DO"?

25 THE WITNESS: Yes, I have --

1 THE COMMISSIONER: There are numbered paragraphs after that.

2 MR. WARD: Numbered paragraphs after that.

3 THE COMMISSIONER: All right.

4 MR. WARD:

5 Q So that -- and then, if we could go to the second
6 set of numbers, you will see that the numbered
7 paragraphs go to 8?

8 A Yes.

9 Q Then there is a question or a sentence:
10 Why did we choose to do these things?

11 A Yes.

12 Q And then a couple more paragraphs, and this is
13 where I want to start. The sentence or the line
14 begins:

15 Even though it is out of chronological
16 order --

17 Do you have that?

18 A Yes. Yes, I do.

19 Q Okay. And you say in this document that you
20 prepared for publication:

21 -- I will try to answer the question I
22 believe most people have of the Task Force.
23 Why not immediately make Pickton the first
24 suspect targeted?

25 Do you see that?

1 A Yes, I do.

2 Q Okay. And then in a series of numbered points,
3 you, you purport to answer that question. You
4 pose the question and then you answer it.

5 A Yes.

6 Q All right. First one, you say, I am not going to
7 read the whole thing, but the last sentence is:

8 To have fully targeted Pickton at that time
9 (or any of the top suspects) could not have
10 been done in conjunction with a proper file
11 review.

12 My question for you is, why not? Why
13 couldn't you, for instance, conduct surveillance
14 or put an undercover operative on Pickton or any
15 other prime suspect?

16 A The -- my -- what I'm pointing out there is that I
17 already knew that, say, we are not saying his
18 name, but the -- how to describe if we are not
19 saying his name -- there was the prime suspect in
20 the Valley killings who had taken a victim right
21 to the very location. So, they worked on him for
22 a year. It took a year of effort to eliminate
23 that POI.

24 So, to have gone out on multiple POIs would
25 have meant that you were trying to run out

1 multiple teams all at once. That, I did not
2 believe that, that you could do it, and I
3 certainly couldn't have done it.

4 Q Why not?

5 A Because you would need to be controlling multiple
6 investigations all flowing out, all right? So,
7 let's say that, that a fairly complex homicide.
8 So, you are going to run out surveillance, that
9 that's not going to get you where you really need
10 to be. So, now you are going to want to run out
11 an undercover operation. That undercover
12 operation, in almost all cases, needs to be
13 supported with wire. So, if you -- and let's say
14 you could get wire. So now you have got a wire
15 team running. You've got an undercover operation
16 going. You have got surveillance going. And, and
17 then obviously the, the attendant tip.

18 So, you've probably got 20, 30 investigators
19 working on that. Now -- and then you're going to
20 have multiples of that. So, you are going to be
21 running -- say, you were running on five. So,
22 you've got 150 investigators working five primary
23 suspects. I don't know that our country has ever
24 done anything like that. Uhm, I don't know if you
25 could control it. I certainly would never have

1 been able to control something like that.

2 Q It's the RCMP. You have got resources. You have
3 got personnel and money, right?

4 A The RCMP is a large organization. Uhm, certainly,
5 I suppose, they could run five. I don't know how
6 you would -- you would have to, you would have to
7 put a commander in charge of each one,
8 Mr. Commissioner. Then you would have to have
9 them all flowing back. You, you really are now
10 moving into an entire branch. That is not -- that
11 is nothing like I've ever heard of or ever been
12 involved in.

13 Q I suggest that the thrust of your first six points
14 here that I have referred you to, why not target
15 Pickton, your response is, in summary form, the
16 reason you didn't target him was because you were
17 conducting what you describe as a, as a
18 painstaking file review first, right?

19 A Well, I think we should look at them. We've
20 talked about one. Should we go to the next one?

21 Q Number two.

22 A Okay.

23 Q That's where I drew that phrase from. You say:

24 The entire purpose of a new task force was to
25 look at what caused these investigations to

1 stall [and so on]. This can only be done by
2 painstakingly reviewing each piece of work.

3 I anticipated this would take several months.

4 Do you see that?

5 A Yes, yes.

6 Q So, February of 2001, your approach was to
7 painstakingly review files, work that had already
8 been done. That was your focus.

9 A And sorry, I didn't catch the date.

10 Q February of 2001 onwards.

11 A Yes. Yes, we wanted to, we wanted to collect
12 that, yes.

13 Q All right.

14 A And of course, remember, we're, we're also
15 reviewing the suspects, to prioritize them, so
16 that you can keep moving out on them.

17 Q All right. Did you ever prioritize them -- 1, 2,
18 3, 4 -- rank them that way?

19 A No, we, we ranked them inside the priority system.
20 So, that if they met certain criteria, they went
21 into that pool.

22 Q And in a pool, they weren't ranked, or in your
23 Priority 1 pool, they weren't sub-ranked 1, 2, 3,
24 4, 5?

25 A They, they, they would have been, and they were.

1 What ended up happening, of course, is that once
2 we had the Alley DNA, once we got that hit, we
3 will call it, and we knew we had another serial
4 killer, then what we decided we would do is, and
5 of course remembering that we've got the
6 proactive, we've got all those other streams, we
7 decided we would go on our two known serial
8 killers and we would prioritize the suspects
9 inside there, and that they would be the first job
10 we did. And of course it was that work that led
11 us to the Alley killer. So, so we were successful
12 in identifying a serial killer, but as has been
13 said here, Pickton of course wasn't tied to those
14 bodies.

15 Q All right. Let me take you right to number 7.
16 This is the one I want to focus on. Others might
17 have questions for you about the other points
18 here, but point number 7, you have written:

19 When everything in the Amelia files was known
20 about Pickton, there was nothing which would
21 have caused us to go out on him earlier as a
22 target.

23 Do you see that?

24 A Yes, I do.

25 Q All right. When did your team know everything in

1 the Amelia files?

2 A Well, I believe Pickton, the date that, that Phil
3 Little assessed Pickton was quite early. Uh, you
4 know, so it was learning what's in the Amelia
5 file. There was always the problem that, that
6 SIUSS was broken. And we couldn't mesh those two
7 obviously, Mr. Commissioner. But, but I think
8 fairly quickly we knew that Pickton was a Priority
9 1.

10 Q All right. And of course you went on to -- you,
11 the police -- went on to submit the bandages for
12 DNA analysis and so forth?

13 A That, that was out -- you know, that was working
14 towards the Valley.

15 Q Yes?

16 A But we had an interest, as I've said, that we
17 needed to make sure that those, their top suspects
18 had been eliminated from the Valley, because we
19 were not accepting the Valley as our serial
20 killer, you know, for sure. We needed to be
21 careful. So, we brought those into our
22 investigative databanks so that they would be
23 available to us downstream.

24 Q Okay. Now, you've said just now, you knew the
25 contents of the Amelia files, the VPD

1 investigative files, early on in the course of
2 your work on Project Evenhanded, correct?

3 A Yes, Phil Little looked at them. So, Jim McKnight
4 was also involved in that.

5 Q So, within weeks of February 2001?

6 A I would have to -- we would have to find the
7 documents. I mean, I shouldn't be guessing at
8 that.

9 Q But early on? You said "early on".

10 A Yeah, I think within a, maybe a couple of months
11 for sure I guess.

12 Q Okay. You say:

13 There was nothing which would have caused us
14 to go out on him earlier as a target.
15 That's what you have written here.

16 A Nothing that's in those files, yes.

17 Q And that's what I want to ask you about now. In
18 the Amelia files, there was information, easily
19 verifiable, that Pickton had attacked a Downtown
20 Eastside sex trade worker in March of 1997, had
21 been charged with attempted murder, forceable
22 confinement, assault and assault with a weapon.

23 A Yes, yes.

24 Q Right? In the Amelia file, there was information
25 that four separate, unrelated informants had

1 indicated that he was probably the person
2 responsible for the murder of Sarah de Vries, the
3 disappearances of other women. In the Amelia
4 files, there was evidence that a woman, Lynn
5 Ellingsen, had reported seeing Pickton skinning a
6 woman hanging in the barn, right? All of those
7 things were in there?

8 A Yes. Mr. Commissioner, I am not going to break
9 those down.

10 Q But they're all there?

11 A Yes. All with, all tied in with hearsay and, and
12 all the problems that came with it. We -- but --
13 go ahead.

14 Q So, all that's in there and at your disposal and
15 available to you early on?

16 A Yes.

17 Q We know now, as you have written elsewhere in the
18 same document, that in the year that you conducted
19 your work, eight women died at the hands of
20 Pickton?

21 A Yes.

22 Q Are you saying, under oath, are you going to
23 confirm under oath this sentence, there was
24 nothing in those Amelia files that would have
25 caused you, the RCMP, to go out earlier on Pickton

1 as a target of an investigation?

2 A What I'm going to say is that Pickton was a
3 priority in our file -- you know, again,
4 Mr. Commissioner, I don't want to wander. There's
5 a man in our file who had already been acquitted
6 of killing two women and, and frequenting the sex
7 trade workers. Not, not attack them. They're
8 dead. He's acquitted and he's, he's out and he's
9 active. If -- should I have dropped everything
10 and gone on that? Should I have dropped and gone
11 on everything on the next one?

12 That -- you know, my -- trust me, it makes me
13 sick that we didn't just -- weren't able to just
14 go and get Pickton. But, but I also tell you
15 that, as an investigation, that's how we needed to
16 conduct it. And that's how the next one will need
17 to be conducted, because it won't know the answer
18 in real time.

19 Q Sir, I suggest it's not a question of dropping
20 everything. It's a question of drawing on the
21 RCMP's ample resources and ensuring that these
22 potential killers that you have identified as
23 Priority 1 suspects don't kill again. Fair?

24 A Uh, it's not quite that simple, because of course,
25 at the time, we, we don't know that he's still

1 active. All right? So, so each situation is
2 going to call for a different response.

3 I mean, I listened to your question and I am
4 not, I am not hostile to it. I'm trying to
5 picture in my mind, legitimately, how would you
6 run out an investigation against a growing list --
7 I do not believe that, jointly, the RCMP and the
8 VPD, I do not believe you could do it. I do not
9 believe you could just start unfolding POIs and
10 start fully working them and, and still do
11 policing in this province.

12 I am talking, you know, so now we have 30 of
13 these things going, and, and the number keeps
14 growing. Like, all of those resources, I know how
15 hard it was for the City to free up -- they're
16 freeing up resources. That means that there are
17 murders occurring that they're not getting to in
18 the same way they would ordinarily. So, in the
19 end, there is what you can do and there's what you
20 can't do.

21 Q You have testified that now we know that Robert
22 William Pickton was responsible for many deaths
23 from 1991, --

24 A Yes.

25 Q -- and possibly earlier, to 2002.

1 A Yes.

2 Q He was identified as a possible suspect, person of
3 interest, certainly in 1998 and 1999 by both
4 Vancouver and Coquitlam RCMP?

5 A Yes, he was.

6 Q He had attempted to murder a Downtown Eastside sex
7 trade worker the year before, in 1997?

8 A Yes.

9 Q And in that entire time span, to the best of your
10 knowledge, no undercover operation was performed
11 with respect to him?

12 A Yes, I believe that's accurate.

13 Q Given your knowledge, as lead investigator in
14 Project Evenhanded, that this man took people in
15 routinely and gave them shelter, it would have
16 been relatively easy to introduce an undercover
17 operative to him, correct?

18 A Now, in hindsight?

19 Q Given what you know about him and his lifestyle.

20 A No, but, but we are now, we are now looking back
21 on his life and, and realizing where opportunity
22 today, now, because we know of it now.

23 Q I am not asking you to look back with hindsight.
24 You worked in the RCMP Coquitlam Detachment for 10
25 years and knew the family, the Pickton brothers,

1 their property --

2 A No, no.

3 Q -- and something about their lifestyle, didn't
4 you?

5 A I did not know the family, uh, nor their lifestyle
6 other than as, as police gossip over coffee.

7 Q Banjo-playing, Deliverance-type hillbillies, car
8 thieves, right?

9 A Ne'er-do-wells I think I said, --

10 Q Ne'er-do-wells.

11 A -- which may be unfair, but generally, yes. And
12 there's -- they wouldn't be the only people who
13 ever committed a crime in Coquitlam or Port
14 Coquitlam.

15 Q They were notorious in the Coquitlam community for
16 their links with the Hells Angels and their wild
17 parties at Piggy's Palace involving drugs and sex
18 trade workers, weren't they?

19 A No, I have no -- I can't speak to that.

20 Q You can't speak to that?

21 A I know of Piggy's Palace, that it was some sort of
22 a club that people I guess went to, but --

23 Q Did you go?

24 A No, I didn't go.

25 Q What RCMP colleagues of yours, to your knowledge,

1 went there?

2 A None.

3 Q None?

4 A No, I don't think it would be a place that the
5 police would go.

6 Q All right. To your knowledge, was Piggy's Palace
7 and the Pickton brothers' gatherings the subject
8 of law enforcement monitoring activity prior to
9 February 2002?

10 A I have no idea. I don't know.

11 Q Who, in the RCMP, would be able to answer that
12 question, to your knowledge?

13 A Wouldn't those live in, in RCMP Coquitlam in their
14 file system? They would know what files were
15 connected to the Piggy's Palace, what complaints,
16 what investigations.

17 Q So, the OIC in charge of Coquitlam would be a good
18 place to start, according to you?

19 A If you needed to get those documents, that's where
20 I would go.

21 Q Thank you. Those are my questions.

22 THE COMMISSIONER: All right, thank you.

23 MS. HOFFMAN: I just need a few minutes to set up. Thanks.

24 THE COMMISSIONER: All right.

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

1 Q Inspector Adam, I would like to begin with your
2 time, I understand that from December of 1997 to
3 November of 2000, you were a member of the Langley
4 Detachment, and at that time, you headed both the
5 Serious Crime Section and the Street Enforcement
6 Unit, correct?

7 A Yes, variously, yes.

8 Q Okay. And based on that experience, would you
9 have been familiar at the time with the RCMP
10 policies regarding missing persons?

11 A Probably not, no.

12 Q Uhm, you understand that there would have been at
13 least two levels of policy that would have dealt
14 with that? You would have had divisional policies
15 and national policies regarding missing persons?

16 A Yes.

17 Q I would like to put before you a policy of --
18 which I have just handed to Mr. Registrar. It
19 should have "Operational Assistance" at the top?
20 There's two --

21 A Yes.

22 Q Thank you.

23 A Yes.

24 Q And this one has "E"-1036 at the bottom.

25 A Yes, I have it.

1 Q And I am advised that that is the, that is the "E"
2 Division policy with respect to missing persons.

3 A Yes, that would -- yes, that would make sense.

4 Q Now that you have seen the document, does that
5 refresh your memory at all about the policy?

6 A Uhm, I don't remember, you know, I don't remember
7 what the policy was or, you know, I can't remember
8 it.

9 Q Are you able to say if the Langley Detachment had
10 a -- I presume -- or are you able to tell us how
11 the Langley Detachment would have dealt with
12 missing persons complaints?

13 A Uhm, from, from memory, --

14 Q Yes, from memory.

15 A -- they would, they would come in. Remembering
16 that missing persons can sometimes be the elderly
17 wandering away or what have you. They would get
18 assigned to a member that -- and then they would
19 ordinarily, you know, what I am thinking of, is
20 ordinarily they would go and talk to either, I
21 guess either on the phone or in person, do the
22 reporting and get some details. And then if it,
23 if it was warranted, they would be put on the
24 system, and then any follow-up would be done as
25 per individual cases.

1 Q And if I can just refer you to the second, it
2 says:

3 2. Missing Persons

4 a. 2. [It says] Missing person
5 complaints will be investigated
6 promptly, particularly those of missing
7 children.

8 A I'm sorry, this is the --

9 Q In the "E" Division policy.

10 A Oh.

11 Q Number 2, "Missing Persons" and then point number
12 2 under the heading "General"?

13 A Yes. Yes, I see it.

14 Q Does that accord with your recollection of what
15 the policy was at the time?

16 A Oh, yes. They would, they would come in, they
17 would be assigned and a member would work them and
18 then -- yeah.

19 MS. HOFFMAN: Mr. Registrar, I would like to enter that as the
20 next exhibit.

21 THE REGISTRAR: Yes, that will be Exhibit 118. Now, that's the
22 first policy one? I want to be clear which one is
23 which.

24 MS. HOFFMAN: It has on the bottom right-hand corner "E"-1036.

25 THE REGISTRAR: 1036. That will be Exhibit 118.

1 MS. HOFFMAN: Thank you, Mr. Registrar.

2 (EXHIBIT NO. 118: Two-page excerpt from RCMP
3 Operational Manual - Document Number "E"-1036)

4 MS. HOFFMAN:

5 Q Now, Inspector Adam, I would like to move on to
6 some areas that I would like to clarify from your
7 previous testimony.

8 On February the 15th, you gave some evidence
9 about some of the persons of interest that Project
10 Evenhanded reviewed in the course of its
11 investigation, and you referred to one POI in
12 particular, who had driven a sex trade worker from
13 the Downtown Eastside towards North Vancouver, and
14 that while driving over the Second Narrows Bridge,
15 the woman was either pushed or jumped out of the
16 car and then the POI drove over her. Do you
17 recall that testimony?

18 A Yes.

19 Q You then spoke to the fact --

20 THE COMMISSIONER: Just a minute. Yes.

21 MR. GRATL: I just rise to object to questions regarding other
22 persons of interest. It's just simply
23 inappropriate for the RCMP to redact and conceal
24 the names of persons of interest and not disclose
25 the persons of interest file, and then, in a

1 self-serving way, ask questions of this witness
2 about information that's been redacted from, and
3 concealed from other participants.

4 THE COMMISSIONER: Well, I don't, I don't think it's unfair and
5 I think we've heard a considerable amount of
6 evidence about other persons of interest, and the
7 fact that their names have been redacted doesn't
8 mean, in and of itself, it's inadmissible, so.

9 MR. GRATL: Part of the problem I have with this line of
10 questioning, Mr. Commissioner, is the other
11 participants here, and myself in particular, are
12 not in a position to second-guess this evidence.
13 I just simply don't know if these other persons of
14 interest were threats to people other than sex
15 workers in the Downtown Eastside. Uhm, I just
16 don't know anything about this, whether they were
17 threats in North Vancouver, or whether they were
18 operative in Prince George or whether they were --
19 I mean, I just don't know anything about them.
20 And it just seems unfair for the RCMP to rely on
21 evidence --

22 THE COMMISSIONER: Well, if it makes you feel any better, I
23 don't know what the purpose of any of this, in any
24 event, is, and it's soft cross-examination of
25 course.

1 MR. GRATL: Yes.

2 THE COMMISSIONER: So, tell me what the purpose of it is.

3 MR. GRATL: It doesn't assist --

4 MS. HOFFMAN: I merely wanted to clarify --

5 THE COMMISSIONER: Now that you are throwing softballs at him.

6 MS. HOFFMAN: I merely, I mean --

7 THE COMMISSIONER: I know he's not strictly your witness.

8 MS. HOFFMAN: It's not a point that is critical for me to make,

9 but I just wanted his evidence that he gave to

10 you, Mr. Commissioner, previously to be clear.

11 And just in going through the transcript, I just

12 thought there was a lack of clarity with respect

13 to this matter, and I wanted to clarify.

14 THE COMMISSIONER: All right, go ahead.

15 I don't think you are unduly prejudiced by

16 virtue of the fact that you don't know their

17 names. I, I appreciate what you're saying though.

18 Go ahead.

19 MS. HOFFMAN: I could comment on that as well, but I will

20 refrain from that.

21 Q You indicated in your evidence that that POI was

22 not even rated, and then you went on to talk about

23 it wasn't because of a lack of effort on, on

24 behalf of Lori Shenher. It just wasn't clear to

25 me what you meant by "not even rated".

1 A Sorry, I --

2 THE COMMISSIONER: Not being what?

3 MS. HOFFMAN: Not being rated. He said that this POI was not
4 even rated.

5 A I do understand the question.

6 What Project Amelia had been able to do is,
7 and quite, absolutely properly, they had gone
8 through their masses of their information and
9 found what they felt were the best ones, which
10 would be the ones they knew the most about. With
11 the constraints that they had and the numbers of
12 people that lived in there, it, it was not going
13 to be possible for them to drill down and learn
14 more or even to take really a lot of time with all
15 of those people. There was just too many of them.

16 So, so, they -- what my point was, is that
17 person didn't end up in, in the list of 13 they
18 gave. And I only wanted to make a point that,
19 clearly, if, if they had looked at those and had
20 the ability to look at them the way we did, you
21 know, we found 63, if that makes sense. So,
22 there, there was just lots of, lots of bad people
23 in their files.

24 Q You had been asked many questions about the
25 strategy of Evenhanded and the work that

1 Evenhanded did, and I wanted to ask you a question
2 about the command structure of Evenhanded, because
3 you were only one of three people in that command
4 structure.

5 A Yes.

6 Q Can you just briefly describe who the two other
7 people in the command structure were and what
8 their role would have been with respect to
9 developing the strategy for Evenhanded?

10 A Certainly. So, the command triangle is myself, as
11 the team commander; Sergeant Jim McKnight from the
12 City, as our primary investigator, again, I've
13 said, but a very seasoned person; and then Wayne
14 Clary, again, very, you know, very seasoned, as
15 the file coordinator. Ordinarily, those three
16 people will set the direction of the file. The
17 speed, flow and direction are controlled out of
18 there. Uh, that is how we did things.

19 We also were, were a very close team as far
20 as listening to each other and input. And, you
21 know, so, so we, initially, when I was by myself,
22 I am talking advice and input from a lot of
23 different sources. I have covered that with you.

24 Then, obviously, as we move into a more
25 formalized command structure, uh, we need to make

1 sure that the three of us are seeing things the
2 same way and that we're setting the, the quality
3 of work and the pace and everything. So, it's
4 sort of shared by the three of you, of us I
5 suppose.

6 Q And so the operational plan that you put into
7 place, would that have had the input of Jim
8 McKnight as the lead investigator?

9 A Oh, yes.

10 Q Now, this morning, my friend, Mr. Ward, asked you
11 some questions about the work that Evenhanded did
12 in respect of locating suspect DNA, and asked if
13 there were any documents which pointed to the work
14 that would have been done in and around May, or
15 sorry, April of 2001, and I just wanted to draw
16 your attention to one document to see if that is a
17 document that may assist in that. And it happens
18 to be in my friend, Mr. Dickson's, cerloxed brief,
19 which I don't think is marked, but I would ask Mr.
20 Registrar to find that and put that in front of
21 you.

22 A Is this the one with the 13 tabs?

23 Q Yes. And if you could turn to tab 11 please.

24 A "Initial Ranking Only," starting with that?

25 Q Yes. And I've just realized that the cover page

1 of this document isn't included in the package,
2 and I have just had Mr. Registrar hand that to
3 you. And you can see the cover page of this
4 document identifies it as being notes of Detective
5 Phil Little?

6 A Yes. His name is on it, yes.

7 Q So, if you could turn to the second page in the
8 cerlox brief, are you familiar with this document?
9 Have you seen it before?

10 A Uh, I don't think so.

11 Q Okay. Uh, it indicates on the top right-hand
12 corner "June 2001" it looks like?

13 A Yes, I see that.

14 Q And then there are a list of POIs and it has "DNA
15 Negative" on the left-hand side?

16 A Yes, I do see that.

17 Q Sorry, on the right-hand, and "Discard Not
18 Collected" on the left-hand side?

19 A That's correct.

20 Q Does this document at all assist in the inquiries
21 that, or the question that Mr. Ward put to you
22 this morning, with respect to what Evenhanded was
23 doing to collect DNA from other suspects, aside
24 from Mr. Pickton?

25 A Yes, there's, it appears that there is five of the

1 POIs where, where the DNA has been negative for,
2 for the Valley. Those would remain of interest to
3 us, obviously.

4 Q And what -- how would you describe -- or explain
5 the column on the left-hand side?

6 A It seems to say, "Discard Not Collected" and I'm
7 not sure what that means.

8 Q Okay. Thank you. I'm finished with that
9 document.

10 Now, Mr. Ward has asked you also about the
11 number of convictions secured by Project
12 Evenhanded, and I'm wondering, did the work of
13 Evenhanded assist in securing the convictions of
14 any persons of interest for sexual assaults
15 against sex trade workers, that you are aware of?

16 A I believe it did, but -- and that documentation
17 could be obtained for the commission, if you
18 needed it.

19 Q In your evidence on February 16th, you testified
20 about the Gary Ridgway arrest, and you testified
21 that Gary Ridgway was identified through DNA that
22 had sat there for 18 years. Do you recall that
23 evidence?

24 A Uh, yes. That's my understanding of that
25 situation.

1 Q And you, you also said that if it had not been for
2 the evolution of DNA, they never would have caught
3 Gary Ridgway. Do you recall that evidence?

4 A Yes.

5 Q And I am just wondering if you could explain this
6 a bit further, and in so doing, comment on what,
7 if any, parallels existed between the Ridgway
8 operation and the operational plan that you put in
9 place for Evenhanded, particularly with respect to
10 the importance of identifying suspect DNA?

11 A Well, and I need to be very careful here. I mean,
12 you know, I know, I used to know quite a bit about
13 the Ridgway situation, you know, back when we were
14 talking, and I have detailed notes that I took
15 that, I'm sorry, I haven't referred to or
16 refreshed myself from.

17 But they, they had the, they had, you know,
18 bodies. So they, they had an advantage, I
19 suppose, over us, insofar as they, they had a
20 clear point where they knew there were killings.
21 And then, and then -- but at that time, no DNA.

22 So, then they, they did this, I am going to
23 say the same thing, you have to go out and figure
24 out who would be the persons of interest that you
25 are -- that you need to look at. And, and as they

1 did that, they, they collected a variety of
2 people.

3 Where they were -- where they had another
4 advantage is that Gary Ridgway was, was connected
5 through, through prolific use of the sex trade
6 workers, he was connected to a number of their, of
7 their deceased. So, so they, they kept coming
8 back with that direct connection between the
9 victim and Ridgway. And, and even to the extent
10 that they polygraphed him, and then, of course,
11 when he passed the polygraph, you know, they kind
12 of ended up in no person's land, and then, and
13 then eventually the DNA evolved and they got the
14 DNA.

15 Q So, when you said the DNA had sat there for 18
16 years, you mean in the police file?

17 A Well, you know, and I need to be very careful
18 whether they -- they, they obtained DNA from three
19 bodies. I don't know if they developed that right
20 away. But, but in any event, my understanding
21 from, you know, going back, from what they told
22 me, Mr. Commissioner, is that, uh, they were able
23 to -- the advances in DNA allowed them to, to make
24 that connection. I think that would be very
25 similar with us. The advances in DNA gave us new,

1 new suspect DNA that, that had sat on files,
2 undevelopable until we -- our systems got up.

3 Q So, what did that tell you about the importance of
4 going back to old files to look for DNA?

5 A Oh, I think it, it would -- it was a critical part
6 of what we needed to do, you know, at that time,
7 where we were.

8 MS. HOFFMAN: Okay, I would like to go to Exhibit M, Mr.
9 Registrar.

10 THE REGISTRAR: There is four volumes.

11 MS. HOFFMAN: The first volume. I think Exhibit M is just M.

12 Q If you could turn to tab 8.

13 A Yes.

14 Q This is a document which is entitled "Project
15 Evenhanded File Review Process Summary"?

16 A Yes.

17 Q Are you familiar at all with this document?

18 A Uhm, I don't, I don't recognize it right off.

19 Q Okay. You can see that it indicates your mandate
20 in the last third of that document.

21 A Yes.

22 Q Broken down into four phases. I understand --

23 A Yes. Sorry.

24 Q Sorry. I understand that this document was
25 created for the purposes of this inquiry, to

1 assist the commission in understanding the file
2 review process, and it was prepared by members of
3 Project Evenhanded.

4 A Yes.

5 Q I would just like to turn to the last page, page
6 6, just to give some, some numbers and some
7 results to the, the DNA initiative that Project
8 Evenhanded give -- or did. It says:

9 Hundreds of files were reviewed for DNA
10 potential. This would result in crime scene
11 DNA profiles being developed in 246 cases.
12 Approximately 20 percent of these would lead
13 to the identification of offenders which
14 would, in turn, further unsolved homicide
15 cases, assaults on sex trade workers and some
16 serial offender cases.

17 A Yes. I know that, I know crimes inclusive of
18 murder were solved by our work. I just don't,
19 don't remember the details at all anymore.

20 Q Thank you. And if you could turn to tab 10 in the
21 same binder.

22 A Yes.

23 Q Uhm, this is a PowerPoint presentation on the
24 Project Evenhanded Missing Women Task Force
25 entitled "File Management"?

1 A Yes.

2 Q Were you involved in the preparation of this
3 PowerPoint presentation?

4 A Yes, I was.

5 Q And what was the purpose of preparing this
6 PowerPoint presentation?

7 A The understanding of what and why we did in
8 Evenhanded is complex and, and our, our problems
9 are complex, and we just felt that this might be
10 one way to be able to explain it all.

11 Q And was it -- who was it presented to?

12 A Uhm, initially, DoJ, and then it was presented to
13 Deputy Chief Evans, and then the commission
14 counsel.

15 Q And do you recall if that was in the summer of
16 2011? Is that --

17 A Yes. Yes, it would have been.

18 Q Moving on to another topic. You have testified
19 about your desire to have someone on your team who
20 had knowledge of the Project Amelia investigation
21 and the Valley files and the disappointment that
22 you had when that didn't occur. Do you recall
23 that?

24 A Yes.

25 Q You have also spoken several times in your

1 evidence about Constable Dickson and his
2 experience in the Downtown Eastside, correct?

3 A Yes.

4 Q What would your response have been had VPD offered
5 to assign Constable Dickson to Project Evenhanded?

6 A Well, we would have taken him. But in fairness,
7 Jim McKnight was working with him. You know,
8 Constable Dickson was, whilst, again, not assigned
9 to us, you know, like, I believe he was very much,
10 you know, helping us with that file from, you
11 know, from a distance, as were other VPD officers.

12 Q Thank you. I would like to move now to, uhm,
13 responding to some of the evidence that we have
14 heard from some of the family members who have
15 come to the commission to give, to give evidence.
16 And you have already spoken about the steps that
17 you took as team commander to keep the family
18 members informed of your investigation.

19 A Yes.

20 Q And we have heard some evidence from family
21 members that they were told not to speak to the
22 press at one of the family meetings, and I just
23 want to direct you to a document which addresses
24 this point, if I might.

25 A Certainly.

1 Q If we could go to Exhibit 99 please, Mr.
2 Registrar. Now, I don't believe the pages in this
3 are numbered, but if you could go to the date
4 October 14th, 2001, and I would say it's about
5 halfway through the binder.

6 THE COMMISSIONER: Go ahead.

7 MS. HOFFMAN: Sorry, I am just waiting for him to find it.

8 A Oh, sorry. Sorry, 2 of 8, I'm, I'm there, yes.

9 Q Okay. So, the second paragraph under that heading
10 should be, "Opening remarks were made by Don
11 Adam," do you have that?

12 A Yes, yes.

13 Q He addressed issues regarding videotaping the
14 meeting. He was opposed to it because he did
15 not want to have the videotape going to the
16 media, did not want the killer knowing what
17 is being done with the investigation.

18 Uhm, and it goes on to say that a relative
19 wanted to give the videotape to *the fifth estate*
20 and the vote was taken to decide whether or not
21 the meeting should be videotaped, and the vote was
22 overwhelmingly opposed to it, and the meeting was
23 not knowingly videotaped. Is that an accurate, an
24 accurate description of what occurred at that
25 meeting?

1 A Yes. Uh, I believe that Val Hughes wanted to
2 video everything and, and my position was that I
3 wanted to share as much with the families as I
4 could, but there would be things that I would
5 share with them that I certainly would never go
6 out and share with, with the media, because the
7 killer, we're alerting the killer to what we're up
8 to.

9 Q And I would like to go now to Exhibit 98. Mr.
10 Registrar, 98?

11 THE REGISTRAR: 98? I think you have it.

12 THE WITNESS: Okay, sorry. This one?

13 THE COMMISSIONER: What tab?

14 MS. HOFFMAN:

15 Q Turn to tab 62 please, and I am going to the last
16 page of that document, second-last paragraph.

17 A Last page, yes.

18 Q Uhm, it says:

19 The final discussion revolved around the
20 press. Don Adam requested that the families
21 discuss any of their views with the press if
22 they so desired, but asked them not to
23 discuss any specifics on the direction of the
24 investigation or plans which could tip off
25 the killers.

1 Is that an accurate description of, of what
2 happened at that meeting on -- and I forgot to
3 point out that this is another synopsis of that
4 same meeting on October 14th, 2001.

5 A Yes. Mr. Commissioner, to put that in some
6 context, the families were, were very disgruntled
7 with, with what the police had been doing, and,
8 and I would say, some of them, very distrustful
9 that, that we intended to do a thorough
10 investigation. So, you know, they, they believed
11 that the press was their ally, quite rightly.

12 And my position was I -- I know what Mr. Crey
13 said, you know, and I guess all I can say there
14 is, you know, he feels I said one thing, you know.
15 I, I knew that I couldn't order Ernie Crey not to
16 talk to the press. I don't -- I can't do that.

17 My, my thing was -- or my thing -- what I
18 wanted to stress to them is that, you know, speak
19 to the press as much as you need to, but, but
20 certain things, if we share with you about how
21 we're going to do our investigation, please don't
22 share them, because I am not going to go out and
23 share with the press everything I want to do.

24 Q Thank you, Inspector Adam. One more question
25 about the family, and perhaps then we can take the

1 afternoon break.

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

3 MS. HOFFMAN: I am going to be at least another 20 minutes.

4 THE COMMISSIONER: Okay. Well, we'll take the break then.

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

6 **(PROCEEDINGS ADJOURNED AT 3:06 P.M.)**

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

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

9 MS. HOFFMAN:

10 Q Inspector Adam, on the subject of the evidence
11 that we got from the family members, we heard from
12 Donalee Sebastian, a family member of Elsie
13 Sebastian, that her family was told by police that
14 they could not hold a memorial service for their
15 mother. Are you able to comment on that?

16 A I, I don't know the circumstances of that. I
17 don't, I just don't think that they, they would
18 say that. I don't know how they would have any
19 authorization to say that.

20 Q Did you, yourself, attend any memorial services?

21 A Uh, I attended one for Sereena Abotsway.

22 Q And finally we heard some evidence from Ms.
23 Sebastian that Evenhanded lost familial DNA
24 samples that were taken in 2001, and that
25 Evenhanded had to take samples again from the

1 family some four or five years later. Are you
2 able to comment at all on that evidence?

3 A I do know about that. That, what had ended up
4 happening is there was -- our exhibits were being
5 stored in Surrey Detachment, we didn't have an
6 exhibit locker, and, and it became a continuity
7 issue. So, rather than risk anything for the
8 trial, we simply redid everything.

9 Q So, when you say it was a continuity issue, were
10 the exhibits lost or --

11 A Oh, no. No, no, sorry. The -- you know, perhaps
12 they got moved or, you know, the chain, not lost,
13 but just the chain of exactly who touched it when
14 and exactly how it was moved has to be extremely
15 precise, and, and if they didn't have any faith in
16 it, we simply always just redid everything.

17 Q So, that, the DNA, the familial DNA was available
18 to Evenhanded for testing and comparison
19 throughout?

20 A Uh, I don't have that kind of knowledge but -- I
21 would have to research that more, but I would
22 assume, yes.

23 Sorry, we, we had many, many DNA samples,
24 Mr. Commissioner, even from the BC Cancer Agency,
25 where we couldn't prove chain of continuity. So,

1 we couldn't -- we didn't have the nurse who took,
2 say, the PAP smear from, from the victim. So, we
3 would -- we ended up redoing all, all sorts of
4 material in order to make sure we were locked down
5 for trial.

6 Q Thank you. Moving on to another topic, the
7 interrogation of Lynn Ellingsen after the Pickton
8 arrest. There's been considerable examination in
9 this inquiry as to how the police dealt with her
10 in 1999, and I take it you are aware that she
11 dealt with the police in '99 and she denied the
12 information that was provided by Caldwell, that
13 she had witnessed Robert Pickton slaughtering a
14 woman in his barn. You are familiar with that?

15 A Yes, I am.

16 Q And did you direct that Ms. Ellingsen be arrested
17 in the aftermath of February 5th, 2002?

18 A Yes, I did.

19 Q And that was on the 10th of February?

20 A From memory, yeah. It was shortly thereafter.

21 Q And was she interrogated on that date?

22 A Yes, she was.

23 Q And are you able to tell the commissioner how
24 effective those interrogations were?

25 A They couldn't, they couldn't move her. And as we

1 started to get towards, you know, we could only
2 hold her for 24, of course, 24 hours, uh, then
3 they, I believe that perhaps Jim McKnight, but one
4 of the -- Jim McKnight, I'm sorry -- Jim Hunter
5 would have been in charge of that, and decided
6 that we would try and offer her immunity or, or do
7 something to get, to get her talking. She simply
8 was too tough to break in the interrogation.

9 Q And we, we know that eventually she did recant her
10 denials, and are you aware of the efforts that it
11 took in order for that to take place?

12 A Oh, yes. We, we ended up with Baltej Dhillon, who
13 is an interview team member, is just very, very
14 good with people. And he ended up befriending her
15 and then, and then slowly working through where
16 she would give the information up.

17 Q Are you able to say when that occurred in relation
18 to when Mr. Pickton was actually arrested and put
19 in -- and arrested on the murder charges?

20 A I'm sorry, I don't remember that anymore. I would
21 have to, I would have to research it.

22 Q Do you know if Pickton being in custody had
23 anything to do with Ms. Ellingsen's cooperation?

24 A Oh, yes, sorry, that does remind me. Yes, that
25 was one of the factors.

1 Q In what way?

2 A Oh, that, that she felt safe from him.

3 Q Okay, Mr. Commissioner, I am moving into an area.

4 I want to ask this witness some questions about
5 the interview that was conducted by Constables
6 Yurkiw and Cater of Robert Pickton in January of
7 2000. And on the basis that this witness, unlike
8 other witnesses that have come forward and
9 commented on that interview, actually has
10 extensive experience and expertise in the field of
11 interrogation. And that was -- I can take you
12 through some of that, but he has already given
13 evidence about the work that he did to establish
14 the interview team within the RCMP and the
15 extensive work he has done --

16 THE COMMISSIONER: Okay. So, what's the purpose of this?

17 MS. HOFFMAN: Well, the purpose --

18 THE COMMISSIONER: There is nobody here to object to it anyway,
19 but --

20 MR. HIRA: I would like to hear this evidence. It is of
21 relevance from my perspective.

22 THE COMMISSIONER: Sorry?

23 MR. HIRA: I would like to hear this evidence. It is of
24 relevance from my perspective.

25 THE COMMISSIONER: All right.

1 MS. HOFFMAN: If it gives you any comfort, I provided my
2 friends with notice that I intended to do this
3 about two weeks ago and I sent a will-say --

4 THE COMMISSIONER: All right.

5 MS. HOFFMAN: -- and I have received no objections to it.

6 Q So, just to recap a little bit your experience.
7 What experience did you have at the time, in 1999,
8 in terms of conducting interviews and
9 interrogations?

10 A In 1999, uhm, I had probably 18 years, 17 or 18
11 years in, in plainclothes investigations. I had
12 been trained in advanced interrogation through "E"
13 Division. Then I had been at polygraph school
14 where, where you're trained in interrogation. I
15 have been through Reid's, the Reid's course, the
16 Reid's advanced course. I have been trained in,
17 in West Palm Beach on interrogation, voice stress
18 analyzers. I have lectured through, throughout BC
19 at polygraph school on interrogation. I knew a
20 fair amount.

21 Q Okay. And, and you continue to lecture and teach
22 interrogation techniques up to the present time?

23 A Yes, I do.

24 Q Now, with respect to Robert Pickton, you, you were
25 directly involved in the interrogations of Robert

1 Pickton which took place after February 5th, 2002?

2 A That's correct.

3 Q And how long did you spend either interrogating
4 Mr. Pickton or observing him being, being
5 interrogated by others?

6 A Uhm, probably 11 hours or something, on, on that
7 occasion.

8 Q And were there subsequent occasions?

9 A Yes. Mr. Pickton liked Bill Fordy and myself, and
10 we kept meeting him in prison for a period of
11 time, to try and see if we could move him to, to
12 giving us all of the information, uh, on the
13 families -- the murders.

14 Q And if you can, and this might be a hard question
15 to answer briefly, but how would you describe your
16 understanding of Mr. Pickton as an interrogation
17 subject, as a result of that experience?

18 A He, he's very difficult to interview. Uhm, he's
19 -- he will withdraw and hide behind being a simple
20 person. Uhm, he, he will -- would go into
21 patterns of, of repeating little sayings and what
22 have you. So, he avoids issues, and, and he's
23 able to also ignore an entire mountain of evidence
24 and, and, and he'll focus on one small piece and
25 pretend that's all you have. And, and it's very

1 difficult to get him to, to come to grips with,
2 with evidence.

3 Q Now, you have recently also read the transcript of
4 the interview, correct?

5 A Of my interview with --

6 Q No, sorry, of -- sorry. You recently read the
7 transcript of the January 2000 interview of Robert
8 Pickton?

9 A Yes, back a number of months ago.

10 Q And you have viewed the video as well?

11 A Yes, I found the transcript didn't really give me
12 the flavour of what was going on in that room.

13 Q And did you notice any discrepancy between the
14 video and the transcript?

15 A Uhm, the, the transcript ended before the video,
16 and so I just continued on with, with the, with
17 the video.

18 Q Uh, Mr. Commissioner, I might just pause here to
19 note that it has been discovered in the course of
20 the inquiry that the transcript was not complete,
21 and we have actually had the missing -- there are
22 missing 20 minutes that appear on the video, but
23 do not appear on the transcript.

24 THE COMMISSIONER: Which transcript are you talking about?

25 MS. HOFFMAN: This is the transcript of the January 2000

1 interview that was conducted by constables --

2 THE COMMISSIONER: How does that help here?

3 MS. HOFFMAN: Well, just for the record, I just wanted to note
4 that, that it's -- there was a discrepancy, a
5 discrepancy between the transcript and the --

6 THE COMMISSIONER: Oh, I see. All right.

7 MS. HOFFMAN:

8 Q Now, we've heard some witnesses draw a distinction
9 between interviews and interrogations, and in your
10 view, what is the difference between the two?

11 A Uhm, an interview is where, where you are seeking
12 to, to gain information from a person who is
13 either cooperative, or at least feigning
14 cooperation. An interrogation is where you either
15 have decided or need to use the interrogation to
16 decide that they have committed a crime or are
17 deliberately obstructing you, and you need to get
18 past that barrier by taking on a, often a
19 monologue and, and, and moving forward in a very
20 direct way, against resistance.

21 Q And when the objective is to obtain a confession,
22 which of those two would you use?

23 A Uhm, I might use interviewing until, until I,
24 until the resistance becomes open, because it's
25 always good to collect lies, if a person is

1 willing to lie to you. Once the resistance
2 becomes open, then, then I would move to
3 interrogation.

4 Q Uhm, I take it then that there would be many
5 different objectives that could be pursued with
6 respect to an interview by the police. Are you
7 able to just describe generally what some of those
8 objectives would be?

9 A Certainly. If -- well, one of them, the obvious
10 one is to, to gather quality information from a
11 willing person. Uhm, if, if a person is -- there
12 is an old saying in policing. A good lie is, you
13 know, is as good as the truth. If you can show
14 someone is lying, that, that becomes valuable to
15 you. Uh, also, sometimes if a person will -- is
16 dodging the main issue, sees the threat in a
17 certain situation, but they don't see the threat
18 in giving you other information that you could
19 build your case on. So, there is many ways that
20 you are going to work that to -- the ultimate goal
21 was to gather information that assists your
22 investigation.

23 Q Okay. With respect to the difference between
24 interview and interrogation, how would you
25 describe the January 2000 interview that was

1 conducted of Robert Pickton?

2 A Oh, it's, it's an interview.

3 Q Uhm, I would just like to ask you a few questions
4 about your knowledge of the circumstances under
5 which the interview was conducted. Uhm, again,
6 you understand that, at that time, they had the
7 information from Ross, Ross Caldwell, correct?

8 A Yes.

9 Q And at that point, they had interviewed Ms.
10 Ellingsen, who denied the information from
11 Caldwell?

12 A That's right.

13 Q And they also had the unsubstantiated information
14 from Mr. Hiscox?

15 A Yes.

16 Q Did you -- what do you understand about the
17 circumstances under which the interview was
18 arranged?

19 A Well, my understanding is that they, they either
20 didn't feel they had grounds or didn't want to use
21 up their arrest, because, because you can't just
22 keep rearresting somebody, you know, to interview
23 them, or on your RPGs, reasonable probable
24 grounds. So, they, my understanding is they
25 intended to get him to voluntarily come in and

1 then, and then interview him to advance their
2 case.

3 Q When a subject is not under arrest, how does that
4 impact your ability to control the information, or
5 to control the interview?

6 A Well, you, you don't get to control it when
7 they're not under arrest. They obviously -- they
8 get to choose, a) will they come into the office;
9 or will they force you to do the interview
10 somewhere else. And, and at any time, of course,
11 they're free to get up and leave, and, and unless
12 you then would arrest them, you, you cannot stop
13 that.

14 Q Uhm, so, once you worked your way through the
15 transcript and the video, what was your -- what
16 were your impressions of the interview?

17 A Uh, initially, I was quite concerned because it
18 seemed that -- well, firstly, that within -- well,
19 Gina Houston was there and present, although I
20 understand it was conditional on the interview.
21 So, once I understood that, then that, that makes
22 sense. I mean, you would not want to still get
23 information -- if that's the parameters under
24 which he would be interviewed, you're somewhat
25 stuck with that.

1 Once it got going, I felt that they -- well,
2 Ruth Yurkiw, she really went to the main issue
3 very, very quickly, without bonding, without,
4 without a, sort of an assessment of Mr. Pickton.
5 That, that, that wouldn't normally be a very good
6 thing to do.

7 Uhm, what I did come to realize, however, is
8 that my initial sort of concerns, Mr.
9 Commissioner, is they simply didn't quit. They
10 just kept coming back over and over and over and
11 over again, and I've got, like, 22 pages of notes
12 with my opinions and thoughts and what have you.
13 But when I was finished, it isn't -- it certainly
14 is not the way we would teach to do an interview.

15 Uh, and it wouldn't be a good interview if
16 your goal was to detect a deception, because they
17 didn't, they didn't use BOQ, behavioural
18 observation questions, and, and there was no
19 structure to it. But, but they gained a lot of
20 very important information from it.

21 So, in the end, if it had been me, I would
22 go, okay, well, there's, there's some good came
23 out of this. Clearly, there would be some
24 coaching that needs to be done with the officers.

25 Q And what, can you just elaborate on what important

1 information you say they obtained?

2 A Uhm, sorry, I will just have to quickly go through
3 it. So, uhm, before page 17, they, they confront
4 her on a sex trade worker. There's a denial.
5 Ruth addresses the denial. And during that, and
6 this probably would be where Mike Connor -- there
7 is lots of physical response by Pickton, which is
8 him bleeding off stress. So that she puts good
9 pressure on him there.

10 Then on page 19, Houston, Gina Houston tries
11 to interrupt. John Cater shuts her down. Uhm,
12 then I've got "good developmental questions after
13 that." Uhm, then Pickton goes into a long
14 explanation. I believe that's going to be about
15 the Anderson attack. So, he gives a good -- she
16 gives a long, you know, a long explanation, which
17 is valuable. Unfortunately, in the middle of
18 that, then Ruth Yurkiw interrupts him with a
19 question about the knife, and I just got, "that's
20 not a good time to interrupt, when somebody is
21 free flowing."

22 Q Was the -- sorry, just on --

23 A Sorry.

24 Q -- the point of Gina Houston, was her presence in
25 the interview entirely detrimental, in your view?

1 A It was detrimental more in the beginning.
2 Actually, what ends up happening, is as they move
3 into it and, and they start to get about the pig
4 business and all sorts of good stuff, as they get
5 into it, you see Pickton starts to disengage, and,
6 and Houston actually starts to, to force him to
7 answer, and supply answers. So, her presence
8 actually, at points, is of benefit. Because you
9 could see that, that she's giving answers and
10 assisting with detail that, that is of value to
11 the investigators. Again, it, it's, it is sure
12 not your classic way of doing things, but just
13 their sheer persistence gave them lots of
14 information.

15 Q Based on your review of the interview, was it
16 apparent whether or not Constables Cater and
17 Yurkiw had planned the interview?

18 A Uhm, I had a lot of concerns initially when I,
19 when I started, but they seemed to get to the
20 points. And I also saw that, that Ruth Yurkiw
21 stepped out a number of times, and then I could
22 tell by the way, when she came back in, that she
23 had been outside getting some coaching. I don't
24 know who from. But she clearly came in then with
25 directed questions. So, you know, there was stuff

1 going on there.

2 Q Uhm, based on your own experience as an expert
3 interrogator, as well as your experience with Mr.
4 Pickton as an interrogation subject, and what you
5 understood about the circumstances under which
6 this interview took place, are you able to comment
7 on the likelihood that Constables Yurkiw and Cater
8 could have obtained a confession from --

9 A Oh, no. Mr. Pickton fully knew what they knew. I
10 believe that Mr. Menard had betrayed the, betrayed
11 the trust of the police, you know. So, we know
12 that Pickton knew. And, and, of course, I also --
13 we had wire on Mr. Pickton, you know, after the
14 6th of February.

15 I saw him developing strategies where there
16 was some media leaks of, of the inhaler and that.
17 And through the wire, we watched him work. The
18 moment he knew a piece of information, he starts
19 to, to work at how he would cover that off. And,
20 and he was good. He was good at how he was going
21 to cover his behind.

22 Q Uhm, can there ever be a point to asking someone
23 in an interview whether a search of their property
24 can be carried out, even if there is no intent to
25 carry it out?

1 A That, that would be a good behavioural observation
2 question, to see their -- how they react to that.
3 That, that's sort of like asking somebody, "Would
4 you take a polygraph," you know, to get back
5 "yes." If they say "no," well, you're kind of
6 gauging where they're coming from.

7 Q And sorry, what is the purpose of a behavioural
8 observation question?

9 A That, that is simply to ask, to ask questions that
10 get in behind, into their thinking. So, you, you
11 can see sometimes how they feel about a certain
12 subject or, or what they're thinking about. So,
13 that question could be given just to see how
14 spontaneous is he, how committed is he to allowing
15 you to do that, and then you get a sense of his
16 confidence or not confidence, et cetera.

17 Q Uhm, I just want to now ask you about some of the
18 criticisms that are contained in the LePard report
19 regarding this interview, and I believe we have
20 covered some of them but -- and I can take you to
21 them if necessary, but I will just perhaps read
22 them out and see if you recall these, from
23 reviewing them in the LePard report. This is
24 Exhibit 1, page 307. He states:

25 There was no indication that Pickton was

1 provided with a section 10 Charter rights,
2 the standard police warning and a "secondary
3 warning" ...

4 Uhm --

5 A Sorry, that -- I'm -- I was doing two things at
6 once. I will just put this away. Sorry, that he
7 wasn't given a Charter?

8 Q There is no indication that Pickton was
9 provided with his section 10 Charter rights,
10 the standard police warning and the
11 "secondary warning" ...

12 That was a criticism that he sets out in his
13 report. Can you comment on that?

14 A Well, yeah. Yes. Uhm, his section -- his Charter
15 rights would not apply. He was non-custodial.
16 So, you gain nothing, legally, by giving a person
17 their Charter rights if they're, if they're not
18 under arrest or detention. Mr. Pickton would,
19 would not reasonably have, have deemed himself, I
20 don't think a court would accept that he was
21 detained. So, therefore, you know, that doesn't
22 apply.

23 But, but Deputy LePard is a hundred percent
24 right. There needed to be a police warning there.
25 There should have been. And that would have been

1 a problem, I believe, if you tried to enter this
2 report later.

3 Q Uhm, he also indicates that Pickton's friend, Gina
4 Houston, should not have been allowed to be
5 present for the interview. What is your response
6 to that?

7 A Yes. I mean, I believe that, if my memory of the
8 evidence is that Deputy LePard recognized that,
9 that perhaps more effort to get her out of the
10 room. I mean, you know, if, if it's a condition
11 of the interview, then, then you have to accept
12 that. I believe that the deputy was feeling, you
13 know, you should have worked to try and get her
14 out of there, come up with a ruse or something.
15 That's my understanding of that.

16 Q But what's your comment on his opinion, that it
17 should not -- she should not have been allowed to
18 have been present for the interview?

19 A I don't, I don't believe they had that much
20 control, to be able to say that. I would not have
21 sacrificed getting her out of the room for not
22 getting the interview. Like, I would have traded
23 her for the interview.

24 Q Uhm, now, finally, DC LePard states that a pure
25 version statement should have been requested from

1 Pickton. Perhaps, first, you can just tell us
2 what your understanding of a pure version
3 statement is, and then comment on his suggestion
4 that that should have been requested.

5 A Well, a pure version is, is, is the classic way to
6 do, to do something, uh, and that would be you,
7 you ask an open-ended question and then allow the
8 person to then respond, to their heart's content,
9 to you, uh, and not interrupt them. And then you,
10 you get to see what they're giving you, where
11 they're, where they're avoiding issues. There is
12 a lot -- a lot can be done with a pure version
13 statement.

14 Q And given your experience with Robert Pickton, how
15 effective would asking for a pure version
16 statement from Pickton have, have been?

17 A Well, I, I believe that they already knew what
18 Pickton's response to the Anderson information was
19 going to be. I believe they already knew that he
20 was saying that it was guarded or something. So,
21 that, that pure version, I don't know. That would
22 be purely speculative.

23 We saw that he was willing to give a pure
24 version, his version of the, of the Anderson
25 assault, but, but I don't think he -- he doesn't

1 give a true version of it. He gives his own
2 self-serving version of that. And that would be,
3 by the way, consistent of what I know of Mr.
4 Pickton, that he's willing to talk about things
5 that aren't a threat to him.

6 Q Thank you. I am just going to consult with my
7 colleague.

8 THE COMMISSIONER: All right.

9 MS. HOFFMAN: Thank you, Inspector, those are my questions.

10 THE COMMISSIONER: Thank you. We are not going to get
11 finished, are we?

12 MS. WINTERINGHAM: Mr. Commissioner, I understand that Mr. Hira
13 may be 30 minutes. I have about five minutes in
14 re-examination. I -- this has --

15 THE COMMISSIONER: You know what? I don't trust any of the
16 estimates.

17 MS. WINTERINGHAM: Well, I have been consistent with my
18 estimates and I am always under.

19 THE COMMISSIONER: I am being a little cynical.

20 MR. HIRA: I have always been lower.

21 THE COMMISSIONER: Pardon me?

22 MR. HIRA: I have always been lower than my estimates.

23 THE COMMISSIONER: Okay.

24 MS. WINTERINGHAM: As I said last time, Sergeant Adam does have
25 another commitment out of the province. He is

1 needed. I know you have a panel set up. I am in
2 your hands, but I would be grateful if we could
3 try to finish his evidence this afternoon.

4 THE COMMISSIONER: Okay. All right. Ms. Winteringham.

5 MS. WINTERINGHAM: Thank you.

6 THE COMMISSIONER: All right, let's go.

7 **CROSS-EXAMINATION BY MR. HIRA:**

8 Q Sergeant, my -- sorry, retired Inspector, Staff
9 Sergeant, Sergeant, whatever you prefer, my name
10 is Ravi Hira. I appear for retired Assistant
11 Commissioner Earl Moulton who, at the relevant
12 time, was an inspector in Coquitlam.

13 As you like to have matters in front of you,
14 I have excerpts of your interviews of Evans, with
15 Evans and Williams, that may or may not be of
16 assistance in refreshing your memory.

17 A Yes, thank you. I would like that.

18 Q In terms of softball questions, you are just going
19 to get leading questions.

20 A Thanks.

21 Q Now then, first, you, of course, received the
22 Vancouver investigational file and reviewed it,
23 correct?

24 A Sorry, Project Amelia?

25 Q That is correct.

1 A Yes. Well, I didn't review it. It was reviewed
2 by my team. Sorry.

3 Q Sorry, I beg your pardon. First, you started off,
4 and I am going to just deal with this quickly and
5 chronologically. As you started off your review
6 leading to the February 26th, 1999, sorry, 2001
7 start of Project Evenhanded, you were proceeding
8 under the assumption that there were none -- no
9 more missing since January 1999, correct?

10 A Initially, yes.

11 Q Thank you. Next, and you may wish to turn to tab
12 1 of the Evans' interview of you conducted on
13 August 31, 2011, in the cerlox binder that I have
14 given to you, pages 25 and 26.

15 A Yes.

16 Q Evans, starting at line 22, starts from the
17 proposition that the Vancouver, the impression
18 that the Vancouver investigation was not stalled.

19 -- they were doing -- making inquiries,
20 tracking down persons of interest, speaking
21 to different people.

22 Do you see that, sir?

23 A Yes, I do.

24 Q And you -- do you agree with that proposition?

25 A No, she was wrong there.

1 Q So, your position, as stated in your answer, given
2 at page 26, starting at line 4, is that the
3 Vancouver investigation was stalled, correct?

4 A Yes. They, they had -- well, Amelia had really
5 broken up at that point, and I believe Geramy was
6 the only person on it.

7 Q Thank you. Let's go to another point. The
8 Vancouver file, as you received it, you have gone
9 through the problems with SIUSS and things of that
10 nature. You will agree with me that the file was
11 disorganized and a bit of a mess?

12 A Well, there was a, a misunderstanding by Deputy
13 Chief Evans that we got the file. We, we didn't
14 get the file. The file was at the City. And
15 then, and then as they went through the binders,
16 we eventually brought material out to ourselves.
17 It was, yes, it was, it was a difficult situation.

18 Q Now, you will also agree with me that no one from
19 Vancouver came to you and said, "We need to work
20 on Pickton first. He is the suspect we should
21 target"?

22 A No, absolutely not.

23 Q Thank you. And in fact, in the October 24, 2001
24 meeting that you had with -- which was attended by
25 both Shenher and Field, neither of them mentioned

1 Pickton, correct?

2 A No, they didn't.

3 Q Now, the only person, the only investigators from
4 Vancouver that wanted you to target a particular
5 suspect were Fell and Wolthers, correct?

6 A Only, only Detective Wolthers. Fell -- it was
7 Detective Wolthers who, who was pushing his
8 suspects.

9 Q And to the extent that Inspector Beach, their
10 superior, called you in and wanted you to launch a
11 targeted investigation against that suspect?

12 A Uh, Detective Wolthers wanted that. Uhm,
13 Inspector Beach simply wanted me to be, to really
14 look this through and to give my, my thoughts, to
15 see where, where it would rank.

16 Q And you refused to launch a targeted investigation
17 and said, "I will have to live with it and answer
18 to an inquiry, if necessary"?

19 A Well, I took it back and reviewed it, then
20 discussed it, and there was nothing about those
21 suspects that would cause us to either go out on
22 them immediately or, or, or push them ahead of
23 anybody else in the investigative process.

24 Q Now, you will agree with me that one of the
25 initial weaknesses of the Evenhanded approach was

1 that it viewed the Valley murders, and the DNA
2 from the Valley murders, as the starting point, in
3 other words, linking the Valley murders to the
4 missing?

5 A Uhm, we -- that was what we were -- people
6 believed we were going to do, that we were going
7 to be assigned to do. There was -- and there was
8 some discord when we refused to do that. But
9 Evenhanded never, never did accept that, once we
10 had been up that mountain.

11 Q Okay. Let's talk about the Coquitlam
12 investigation. During July and August 1999, there
13 were -- there was a big push in that
14 investigation. Would you agree with that
15 characterization?

16 A Yes, that's my understanding, is they were, they
17 were trying to bring that together.

18 Q And you have -- you're a very experienced file
19 coordinator, commander, investigator. You are
20 able to provide opinions regarding investigations,
21 correct?

22 A Yes, I have. Yes.

23 Q Now, the Coquitlam investigation involved
24 interviews of Caldwell, multiple interviews,
25 correct?

1 A Yes.

2 Q Multiple interviews of Ellingsen, correct?

3 A Of, of Ellingsen?

4 Q Yes.

5 A Yes. I thought there was two, I believe.

6 Q Of Menard, correct?

7 A I can think of the one with Menard. There may be

8 more.

9 Q Thank you. An interview with Yelds, correct?

10 A Yes.

11 Q An interview with Best, correct?

12 A Uh, yes.

13 Q And an interview with Mr. Casanova, correct?

14 A Yes, that's correct.

15 Q It involved many days of 24-hour surveillance,

16 correct?

17 A Yes, I understand, yes, it did.

18 Q It involved enlisting something called Special

19 "I", correct?

20 A Was that in regard to a video? I'm not sure. I

21 don't remember a Special "I" being involved.

22 Q Fair enough. Let's keep Special "I" out of it, if

23 you don't remember that.

24 A Yeah, I'm sorry, I don't recall that.

25 Q It also involved going to Crown counsel to

1 determine whether a search warrant was available?

2 A Yes, speaking to Regional, yes.

3 Q And it considered whether or not an undercover
4 operation was available?

5 A Yes.

6 Q And with -- and for an undercover operation, you
7 need a reliable agent to introduce the undercover
8 operative to the person that's to be worked, to
9 gain information, correct?

10 A That's ideal. Otherwise, you would have to go
11 cold and, and usually that takes a lot longer and
12 is a lot iffier.

13 Q And there was no reliable agent, was there, sir?

14 A No, not that I saw.

15 Q And in terms of going cold, to go cold, you had to
16 know where a, where a person frequents. You have
17 got to know the bars they go to, the social
18 activities that they're involved in, correct?

19 A Yes. There is a lot of work that -- yes.

20 Q And there was no ability to go cold here on Mr.
21 Pickton or Ms. Ellingsen, correct?

22 MR. DICKSON: Mr. Commissioner, I'm sorry to interrupt my
23 friend in his cross-examination. I just rise to
24 note an irony, which is that Mr. Hira stood up and
25 objected during my cross-examination of the

1 inspector when I was asking him what he knew about
2 the Coquitlam investigation, if you recall that.
3 Mr. Hira's objection, as I heard it, was that I
4 ought not to be asking the inspector about
5 opinions about the Coquitlam investigation. And
6 that's not what I was doing. But I note here that
7 that appears to be the line Mr. Hira himself is
8 travelling down.

9 THE COMMISSIONER: Yes.

10 MR. DICKSON: Thank you.

11 THE COMMISSIONER: All right. Quite frankly, I didn't
12 understand the first objection, so.

13 MR. HIRA: So, if I was overruled, can I continue?

14 THE COMMISSIONER: Carry on.

15 MR. HIRA: Thank you. Now I've lost my train of thought. I
16 hope it doesn't take me too long to get it back.

17 Q So, sir, at the end of August, you will agree with
18 me, based on your experience, all that could have
19 been done, save for further -- an interview of
20 Pickton, had been done; correct?

21 A No. You had unresolved issues that needed to be
22 resolved. My, my belief would be that, that any
23 -- you are not getting to a quick answer,
24 Mr. Commissioner. Now, this is, you are digging
25 in and you are going to have to figure this out.

1 And, and I believe probably an undercover
2 operation was going to be needed to sort it out,
3 would be what I would believe.

4 Q In due course, but you need to develop the proper
5 agent to get that underway?

6 A Well, well, you need to sit down with the UCO team
7 and, and you need to strategize as a team. But --
8 it's not quick but, but there's things to be done.

9 Q And an interview of Pickton is part of the process
10 to get that done, correct?

11 A You -- it would not be contingent on -- a UCO
12 would not be contingent on talking to Mr. Pickton.
13 I believe potentially going to a wire to support
14 the UCO, which is, which is very important, try
15 and get yourself to where you could potentially
16 get a Part VI, then that, that definitely would
17 become one of the necessity issues, that have you
18 exhausted standard police investigative
19 techniques.

20 Q But the problem here, sir, is, be it a wire or a
21 search warrant, you need to articulate a charge,
22 correct?

23 A Yes, you would.

24 Q And what charge could you articulate?

25 A I want to say suspicion of murder, but I would

1 have to sit down with Crown and work that through.

2 I, I can't answer that.

3 Q Well, they'd actually done that on August 4th.

4 You were aware of that?

5 A Uh, sorry, I was aware that they had -- was it,

6 was it an actual wiretap they were looking for?

7 Q Yes.

8 A But I --

9 Q Or a search warrant.

10 A Okay. But I thought the issue, to me, the issue
11 is not so much the offence. The issue is that you
12 are light on grounds. There is no recency.

13 There's, there's nothing that's going to support a
14 warrant that I, in my knowledge and experience of
15 getting a warrant. I didn't realize that, that
16 they were also saying there is no offence.

17 Q Well, you have heard the evidence of Sergeant
18 Connor, that he was having difficulty articulating
19 a charge. Would you agree with that?

20 A I didn't hear it, and I actually hadn't thought it
21 through. I would have to really sit down and
22 think about that.

23 Q All right. And the Coquitlam file was an
24 investigation not into a murder, but whether or
25 not a murder had occurred; would you agree with

1 me?

2 A Sorry, let me think about that for a second. So,
3 setting aside all the problems with the
4 information, if the information was solid, then
5 you would have the investigation of a, of a Jane
6 Doe homicide.

7 Q Correct.

8 A But the problem to me then is, okay, I have got
9 the Jane Doe homicide. I am going to be a little
10 light on the parameters of when it occurred, but,
11 but you could work around that, I believe. The
12 biggest issue is, is, is, is going to be that
13 Ellingsen isn't cooperating and you don't have
14 that piece. So, you need, you need to deal with
15 that. I think you can get around the others.

16 Q Okay.

17 A Is just my, my belief.

18 Q But my question to you is, the Coquitlam
19 investigation was an investigation into whether or
20 not a murder had occurred. They were trying to
21 determine whether the information from Ellingsen
22 was correct or not.

23 A Yes.

24 Q Thank you. And Henley actually came and talked to
25 you about the Coquitlam investigation, correct?

1 A Yes, he did.

2 Q He basically said that he didn't believe that
3 Pickton was a reasonable suspect, did he not?

4 A He didn't have faith in Pickton as a suspect.

5 Q Thank you. And, in essence, he viewed Caldwell as
6 a bad source and a poor agent. He didn't believe
7 Caldwell, did he, sir?

8 A I don't think we talked about Caldwell.

9 Q Fair enough. Now, I direct you to tab 5 in the
10 binder, if I may.

11 A Yes.

12 Q Evans suggested to you that, by virtue of
13 Anderson, that it was sufficient, in those
14 circumstances, that with what you had with
15 Anderson, combined with Hiscox and Caldwell, that
16 it, that it was sufficient to make Pickton a
17 Priority Number 1. Do you recall that?

18 A Uhm, yes. I see.

19 Q Do you see that at line 10 at page 99, correct?

20 A Yes, I do. And my response is, yes, for them, it
21 would at that exact moment.

22 Q And did that make him a Priority Number 1 in your
23 mind?

24 A When -- now, when we come back to, to that piece
25 of information that's now a year and, and some

1 old? No. He's, he's, he's a Priority 1 suspect
2 but, but so are the others.

3 Q Thank you.

4 Now, I am going to ask you whether you agree
5 with this proposition, and I'm, you will find what
6 I'm reading at tab 8 of the binder. It's from
7 your interview with Williams on September 19,
8 2002.

9 A Yes.

10 Q Starting at the, near the bottom, three-quarters
11 of the way down:

12 I might say that investigational even with
13 the benefit of hindsight and having reviewed
14 the file [sorry] having reviewed the, the
15 investigations into PICKTON in '97 and '99
16 there's still nothing that I saw prior to
17 that point of, of our finding the ID there
18 that would have caused me to change my
19 operational plan, that I had seen the, the
20 city fail by chasing after various suspects
21 to no avail ...

22 Do you continue to hold that view?

23 A That a new investigation coming in, --

24 Q Yes.

25 A -- all right, that doesn't know the answer, --

1 Q Yes.

2 A -- and knows that, that, and has been told that,
3 that high-priority suspects have been pursued, and
4 has been told that you need -- you know, that
5 there's a body of, a year-long body of material
6 saying that you need to do a full review, that's
7 what needed to be done. And, you know, that's
8 what needed to be done. That's what you would
9 have to do next time.

10 Q So, you don't disagree with what you have said at
11 that time?

12 A No, I don't.

13 Q Now, let's deal with Ellingsen. You have told Ms.
14 Hoffman that she was arrested, correct?

15 A Yes.

16 Q You didn't get any information by arresting her,
17 correct?

18 A No.

19 Q You then had her befriended by Officer Dhillon,
20 correct?

21 A Yes.

22 Q And eventually she turned around and provided
23 information, correct?

24 A Yes.

25 Q Did she ever, throughout any of the courses of the

1 dealings that your team had with her, ever talk
2 about seeing yellow human flesh or fat?

3 A No, not with us, she didn't, or in court.

4 Q I'm sorry?

5 A Or in court. She never testified to that.

6 Q Thank you. Now, Deputy Chief Constable LePard has
7 suggested that Pickton should have been arrested
8 around August of -- during August of 1999. Do you
9 agree with that view?

10 A Well, I certainly would have felt I had RPGs. I,
11 I would have been comfortable to arrest him. You
12 now have a 24-hour window that you can interrogate
13 him in. That's what that gives you.

14 Q Okay. What about after August 1999? Did you have
15 any grounds to arrest him then?

16 A So, you're saying once everything kind of falls
17 apart on you?

18 Q Yes.

19 A You are going to be in a very tough position.
20 There's going to be a lot of thinking about that.

21 Q Now, dealing with the Evans report. She has
22 suggested that the senior management of the RCMP
23 showed a lack of ownership in the missing women
24 problem. Is that anything that you encountered in
25 the course of dealing with Evenhanded?

1 A No, not at all.

2 Q So, looking at this, not with the perspective of
3 20/20 hindsight, but in the seat of the commander,
4 were there any earlier breaks in this entire
5 episode that were missed, in your view?

6 A I don't -- there was nothing that Pickton did
7 that, that would have precipitated us going on
8 him. Obviously, where we did see breaks, like
9 with Mr. S, you know, we pursued those.

10 Q When you talk about Mr. S, that's somebody other
11 than Pickton?

12 A Oh, yes.

13 Q Thank you.

14 A Yes, absolutely.

15 Q Those are my questions.

16 THE COMMISSIONER: All right. Thank you, Mr. Hira.

17 MR. HIRA: And under, well under the estimate.

18 THE COMMISSIONER: You will get a gold star for that. You will
19 be recognized in another lifetime, I'm sure.

20 MR. HIRA: I was hoping to get recognized in the report with a
21 gold star.

22 THE COMMISSIONER: Thank you.

23 **RE-EXAMINATION BY MS. WINTERINGHAM:**

24 Q Sergeant Adam, you were asked questions by Mr.
25 Vertlieb about your failure to interview Ms.

1 Anderson. Can you please comment on the viability
2 of taking an investigative step of re-interviewing
3 Ms. Anderson before February 5, 2002?

4 A I struggle with that question simply because it
5 always presupposes that you are, that you are
6 going to be working Mr. Pickton, which, which was
7 not called for, on what we had at that time.

8 So, then, then you ask yourself, well, then
9 all of the victims of all of our primary POIs
10 would need to be interviewed. But, but we're
11 accepting that they were attacked. We're
12 accepting that that occurred. So, you saw, like,
13 if we doubted it, maybe we would do it, because
14 maybe we are falsely identifying somebody as a POI
15 that really shouldn't be. But that was never our
16 situation. We fully accepted that he had done
17 that attack.

18 Q So you're saying that there was no purpose to
19 conducting a re-interview of Ms. Anderson?

20 A Not at that time. Later there would be, yes.

21 Q After February 5, --

22 A Yes, of course.

23 Q -- 2002. My learned friend, Mr. Dickson, took you
24 through all of the information that was known
25 about Mr. Pickton, and you at one point said, "It

1 does not advance policing if you only look at
2 Pickton." What do you mean by that?

3 A Well, what I mean by that is that, is that, right
4 now, we of course want to know what happened with
5 Robert William Pickton, but, but at the time we're
6 doing this, we have sensible and clear direction
7 on, on what is believed needs to be done and it
8 made sense. It made sense to, to, to go back, for
9 all of the reasons we've gone on and on about,
10 Mr. Commissioner, to, to reassess everything. And
11 you are supposed to be skeptical when you do that.
12 You don't just go and adopt anybody's pet theory.
13 And, and that is how we have to do police work.

14 And my thing is, if we change that because we
15 have this set of circumstances, I don't know where
16 it would lead you next time, because I don't, I
17 just don't think you could run out parallel
18 investigations on, on 20, 30 suspects. I just
19 don't believe you could do it. Every case is
20 going to be different and -- but -- so they're all
21 going to take the investigators where they need to
22 go.

23 But, but doing a proper file review, you, you
24 do not short-circuit that, uh, and start going
25 off, because the material you haven't gone through

1 yet with a, with a fine-toothed comb could be
2 where, where the, where the real truth is.

3 Q And when you say the next time, you are referring
4 to the next serial killer?

5 A Well, the, the next complex investigation that,
6 that is difficult. We, we need to have, we need
7 to have a belief in, in, in systems, not, not
8 hunches.

9 Q You were cross-examined by Mr. Vertlieb about a
10 meeting that took place with Detective Scott on
11 October the 10th, 2001. And Mr. Giles, if Exhibit
12 99 please could be put before Sergeant Adam.

13 THE REGISTRAR: I think he has it.

14 MS. WINTERINGHAM:

15 Q And I am going to ask that you turn to the October
16 10th, 2001 entry.

17 THE REGISTRAR: You have it.

18 THE WITNESS: Thank you.

19 MS. WINTERINGHAM:

20 Q And you know in the examination by Mr. Vertlieb
21 there was reference to a heading of "Investigation
22 into the Pickton brothers"?

23 A Yes, I remember that.

24 Q And that the date of the creation of that report
25 by Detective Scott was February 8th, 2002?

1 A Yes.

2 Q But I want to take you to your entry of the actual
3 October 10th, 2001 meeting.

4 A Uh, yes, I've got, I've got it here. Do you want
5 me just to read it or --

6 Q If you can just set out the reason -- you see the
7 paragraph where it says, "The reason for the
8 meeting"?

9 A Yes.

10 Q Can you please review that, read that out?

11 A Uh, so, so, the VPD are investigating the
12 forceable confinement, sexual assault, and that's
13 that Mr. S. And the reason for this meeting is
14 that Detective Scott has a tip line operating on
15 this high-profile case and there have been a
16 number of STWs who have come forward with what he
17 calls "survivor stories".

18 So, they're giving information that can be of
19 value to us in our global search, and, and
20 they're, they're sharing. We're sharing back and
21 forth, to make sure that we've got that
22 information.

23 Q Anything about the Pickton brothers?

24 A Ah, no. No.

25 Q You can put that away.

1 Now, Mr. Gratl asked you some questions with
2 respect to LePard's evidence about the ease with
3 which he was able to use SIUSS for his Home
4 Invasion Task Force. Can you comment on that
5 please?

6 A Uhm, I mean, they're both inside the same
7 department, uh, and, and I am assuming that the
8 training of the database administrators --
9 administrators would be somewhat similar. The
10 only -- and I can only hypothesize here. Uh, it
11 could be that where the problem arose in Amelia
12 is, of course, we're not just trying to run a file
13 with, with SIUSS. We're, we're, we're needing all
14 of those links to be made, and we're, and we're
15 also trying to input masses of information from
16 the past.

17 And, and I can assure you, Mr. Commissioner,
18 that even today, at this -- as we sit here, new
19 files run into problems with E&R. That is not a
20 solved problem. It is very difficult for, for a
21 police department to input backed-up data, and in
22 no way do I reflect that on, on, on the City.
23 It's just the actual numbers of people and the
24 expertise you need is quite phenomenal.

25 Q Mr. Ward asked you some questions about whether

1 the work of Project Evenhanded had led to
2 convictions of any of the 374 Priority 1 suspects
3 that ultimately ended up in the pool of Project
4 Evenhanded. I am going to ask you this question.
5 Did the work of Project Evenhanded lead to the
6 identification of any of those 374 individuals?

7 A Well, certainly it led to the identification and
8 then the investigation of, of the Alley killer.
9 So, that bundle of four to six. And I don't
10 remember, you know, what else we --

11 Q What about the high-profile arrest made last week
12 with respect to the sexual assault offender in
13 Vancouver?

14 A Oh, whether or not that was our DNA work that
15 precipitated that?

16 Q Yes.

17 A I asked, I asked Evenhanded about that, and I'm
18 sorry, I don't have, I don't know the answer to
19 that.

20 Q Do you know whether or not that was Paul Verral's
21 work from Project Amelia files?

22 THE COMMISSIONER: Why, why is that relevant?

23 MS. WINTERINGHAM: Because he was asked whether or not there
24 had been any convictions, and in my respectful
25 submission, the fact that Project Evenhanded's

1 work had identified perpetrators is just as, as
2 significant as whether there had been a
3 conviction.

4 THE COMMISSIONER: Well, I know. That's, that's recent, isn't
5 it?

6 MS. WINTERINGHAM: That is recent, but the suggestion from Mr.
7 Ward was convictions, and I am simply saying,
8 identification for police is important. What we,
9 as lawyers, do with that information down the road
10 is sort of on us. But that -- he's answered the
11 question so I can move on.

12 THE COMMISSIONER: All right.

13 MS. WINTERINGHAM:

14 Q You were asked by Mr. Ward about the impact of
15 misogyny on the missing women investigation.
16 Comment on that please.

17 A There, there is absolutely no misogyny with
18 Project Evenhanded. In fact, I would go a step
19 further and say that, if you intended to level
20 that charge against me, you would have to ask why
21 I would deliberately create one of the most
22 extensive efforts that our province has ever seen,
23 pulling all of those victims, to, to do all of
24 that work, if I didn't care. And, and if I didn't
25 care, why would Evenhanded have rolled out the

1 most extensive investigation this country has ever
2 seen, going to the extent of going back and
3 exhuming parents to make sure we would get DNA to
4 make those matches, to make sure we left no one
5 behind.

6 Even today, the work of Evenhanded, they are
7 still getting DNA hits, because we will not let it
8 die. That is not the hallmark of misogyny and/or
9 not caring as a, as a police force or a society.
10 We are paying for this.

11 Q Last question for you, Sergeant Adam. You were
12 asked about Project Evenhanded's holistic approach
13 and, and your mandate. Now, you had to explain
14 your mandate to Olivia Olajide. Can you describe
15 that?

16 A What, sorry, what my mandate was or --

17 Q What you were doing with Project Evenhanded with
18 respect to her daughter.

19 A Oh, I'm sorry, yes. Uhm, when, when we were
20 moving, when we knew the, the killer was active,
21 we had a family meeting, and I had wanted, not
22 just the missing families to be included with us,
23 I wanted the, the murdered women, sex trade
24 workers, I felt they were just as important.

25 She asked me, was I going to be focusing on

1 her daughter's, Tracy's murder, and I had to tell
2 her, "No, I couldn't do that. I needed to focus
3 on, on the missings right now and that, and that
4 we -- she was going to have to wait." I just had
5 to do it. I had to make that -- that's what I had
6 to do.

7 Q Those are all of my questions.

8 And thank you, Mr. Commissioner, for letting
9 us sit past 4:00.

10 **EXAMINATION BY THE COMMISSIONER:**

11 Q Inspector Adam, you have said that, in your
12 opinion, Evenhanded had superb officers,
13 top-caliber officers?

14 A I believe we had, yes, very good police officers.

15 Q Yes. So, if, if that's the case, why were so --
16 why did so, so many women get killed, even after
17 Pickton was said to be a suspect?

18 A Pickton was investigated, all right, by, jointly
19 by the City and Coquitlam.

20 Q Right.

21 A All right? When that, when that, when they felt
22 -- this has nothing to do with us yet -- when they
23 felt that had gone to wherever it got to in late
24 August, September, then, then Vancouver -- of
25 '99 -- Vancouver stepped back and said, "Okay, we

1 need to look at all of our suspects." And, and it
2 was, it was as they moved towards looking at all
3 of the suspects, they also then believed that,
4 that the killer was the, was the Valley. That was
5 the investigative belief.

6 And then when they asked me to come in, asked
7 the RCMP to come in, they asked us to look at
8 everything. And they -- so, Pickton lived there,
9 but, but Project Amelia had, had decided
10 investigationally, they needed to go back to, to
11 the drawing board. They simply didn't have the
12 resources to go back to the drawing board, so they
13 brought in the RCMP, brought in me, to go back to
14 the drawing board. So, that's why Pickton was
15 not --

16 Q But, but you knew, from all of the evidence that
17 was given to you, that in 1999, Pickton was a
18 suspect, a prime suspect?

19 A Yes, I did.

20 Q Right.

21 A I, I also knew --

22 Q And yet women were killed after that.

23 A Well, Mr. Commissioner, having somebody who has
24 been a prime suspect, and then being told that,
25 that the investigation -- that's, remember, that's

1 a year and however many months --

2 Q Yes.

3 A -- all right, that the investigation that is
4 asking me to move forward --

5 Q Yes.

6 A -- has moved past him -- he's, he's out there with
7 Coquitlam right now in their minds, all right?
8 Coquitlam owns him. They have come back and said,
9 "We want all of this done." It's not just
10 Pickton. The, the fact is, they wanted us to look
11 at all the murders and give them, give them a
12 proper look.

13 Q So, so you're telling us that, based on the advice
14 and the urgings of the Vancouver Police
15 Department, you backed off and --

16 A No.

17 Q -- looked at all of the suspects?

18 A No, I was never brought in to work Mr. Pickton.

19 Q I know that.

20 A Okay.

21 Q I know that. But you were privy to the material
22 regarding Pickton.

23 A I was well aware that Pickton --

24 Q Right.

25 A -- was a good suspect.

1 Q Yes.

2 A But --

3 Q That's, that's my point.

4 A But I'm -- okay.

5 Q Yes.

6 A But I am also aware that there are lots of other

7 good suspects and that they're telling me, we need

8 to review all of them.

9 Q All right.

10 A Mr. Commissioner, that's what we have to do. You

11 can't get around that. We don't, we don't get to

12 just pick somebody in hindsight.

13 Q In your view, had there been one police force in

14 the Lower Mainland, would that have facilitated

15 the arrest of Pickton and thereby saved lives?

16 A So then we are talking about driving out that one

17 investigation in '99?

18 Q Well, no. We are talking about you not having to

19 coordinate any efforts with Vancouver, and there

20 being one regional police force, would that have

21 assisted a speedier capture of Pickton, and

22 thereby, saved lives?

23 A So, the reason I'm thinking this through, is there

24 is the issue of, of, of Pickton as a suspect and

25 whether everything was done on him by one or more

1 police forces, that that would have directly led
2 to stopping him.

3 Q All right.

4 A There is that issue. Even if you had one police
5 force, --

6 Q Yes.

7 A -- if they decided that that was not sufficient,
8 that they needed to, to do this review, then, then
9 you would have -- they would not just
10 automatically go over there either, even if it was
11 inside the RCMP. If, if we're all one police
12 department and we've decided that, okay, we're,
13 we're going to continue to work that person, but,
14 but that's insufficient for what we want to
15 accomplish, then you would be working -- you might
16 be working in parallel with them.

17 Q I see, all right. All right.

18 A Does that, does that help at all?

19 Q I understand. Thank you. All right.

20 MR. GRATL: I am mindful of the lateness of the hour, but you
21 might recall, Mr. Commissioner, that this witness
22 referred to a new package of documents that he had
23 retrieved --

24 THE COMMISSIONER: Yes.

25 MR. GRATL: -- in reference to a question of whether any

1 warnings were put out. Uhm, as it turns out, he
2 provided a document that looks like a seven-page,
3 or a 15-page document entitled "Eperspective"
4 which set out a number of notes. And I, because
5 Sergeant Field will be asked questions about some
6 of those notes, I am wondering if it's appropriate
7 to have Inspector Adam speak to those issues. In
8 particular, there is a warning that goes out.
9 Sergeant Field speaks to the -- to her knowledge
10 of a serial --

11 THE COMMISSIONER: So, you want to ask him more questions?

12 MR. GRATL: Yes.

13 THE COMMISSIONER: How many?

14 MR. GRATL: About, about two minutes' worth of questions.

15 THE COMMISSIONER: All right, go ahead.

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

17 Q Inspector Adam, the notes that you referred to
18 talk about Sergeant Field making statements to the
19 media about four more missing women at the end of
20 April of 2001?

21 A Isn't, isn't there a news article about that?

22 Q Yes, that's right. April 30th, 2001.

23 A Uhm, you know --

24 Q Is that what you were thinking of in terms of the
25 warning?

1 A No, no, no. It's all through, it's all through
2 those media articles that, that they're saying
3 that there is, you know, a serial killer. Wayne
4 Clary is saying that we believe these women are
5 dead. That, sorry, that I thought was what your
6 question for me was.

7 Q Wasn't, wasn't Sergeant Field prohibited by
8 yourself and Grant Learned from making any
9 statements to the media after she revealed in
10 April, late April of 2001, that there were four
11 more new missing women?

12 A Oh, absolutely not.

13 Q No, you are denying that?

14 A Well, I am not denying it. Sergeant Field was
15 never part of our project. I, I have never --
16 what Sergeant Field said I thought was perfectly
17 good. I thought what Wayne Clary said was
18 perfectly good. The people who weren't happy, or
19 person, would be, you know, "E" Division media,
20 because they, they wanted to control what we were
21 saying.

22 Q Didn't you write an article to -- didn't you write
23 an e-mail, April 30th, 2001, to Grant Learned
24 saying that:

25 The *Sun* article is not the low key approach I

1 envisioned. My primary concern is twofold.

2 1) This is going to require a methodical
3 approach that is going to take time, no one
4 should delude themselves about this.

5 A May I, may I see it?

6 Q And:

7 2) If we telegraph what we are up to, we will
8 only make it harder to catch the killer.

9 A Sorry, can, can I see it? Thank you.

10 So, this is -- Mr. Commissioner, I don't want
11 to take up your time. You could read it yourself.
12 So, this is, Grant Learned has sent me an e-mail
13 saying that their hand, their hand, media, Ann
14 Drennan and, and himself, and then I believe Scott
15 Driemel is coming, their hand has been forced by
16 this article.

17 ... and while I understand they we may not be
18 ready to go just yet [to inform the public]
19 we should have some of the above-noted
20 background information at our disposal ...

21 So, they want, they want details about the
22 task force, uh, exactly what are we, where are we
23 in the development process, what is left to do,
24 what have we done already, when do we think it
25 will go up and be up and running, the cause of any

1 delays we anticipate, the challenges that the task
2 force will be encountering, how much this is going
3 to cost, who is paying, what is the mandate
4 envisioned and who is participating, and what
5 special police services will be tapped into and
6 where will they work out of. It's a cross-section
7 of the type of questions.

8 I am responding saying, you know, wait a
9 second. You know, we are getting our feet under
10 us. You know, let's just, let's just slow down.
11 And that I am going -- I want, I want it to be in
12 everyone's mind that it's going to be a methodical
13 approach, that it's going to take time and that we
14 should not -- what I, what I worry about is people
15 thinking we are going to solve it in 10 minutes,
16 and that if we telegraph what we are up to, we
17 make it harder to catch the killer.

18 Q Yes. So, the idea was, because this was in
19 response to a news article saying that there might
20 be a serial killer?

21 A No, no, no.

22 Q What you are saying is, don't publicize that there
23 might be a serial killer?

24 A No, Mr. Gratl.

25 Q Okay. Well, that's your answer.

1 A Well --

2 Q Now, you have also provided this document here
3 which is labeled "Eperspective".

4 A Thank you.

5 Q That document and about a dozen newspaper,
6 newspaper clippings that did not have Concordance
7 document numbers on them. Do you have your own
8 files?

9 THE COMMISSIONER: Yes?

10 MS. WINTERINGHAM: Mr. Commissioner, he was sent away last week
11 to do a homework assignment by Mr. Gratl.

12 THE COMMISSIONER: Yes.

13 MS. WINTERINGHAM: That's what he's done. He's produced his
14 work product --

15 THE COMMISSIONER: Yes.

16 MS. WINTERINGHAM: -- in response to Mr. Gratl's assignment.
17 These are newspaper articles.

18 THE COMMISSIONER: Yes.

19 MS. WINTERINGHAM: Surely, that isn't something that commission
20 counsel is responsible for organizing for
21 disclosure.

22 MR. GRATL: This witness --

23 THE COMMISSIONER: Okay, you know what --

24 MR. GRATL: This witness has --

25 THE COMMISSIONER: Sorry?

1 MR. GRATL: Mr. Commissioner, if this witness has documents in
2 his possession, he was under subpoena to provide
3 them to commission counsel.

4 THE COMMISSIONER: Well, they're newspaper articles.

5 MR. GRATL: They're relevant documents, and there may be more.

6 THE COMMISSIONER: Well --

7 THE WITNESS: I don't, Mr. Commissioner --

8 MR. GRATL: There may be e-mails --

9 THE WITNESS: Sorry.

10 MR. GRATL: There may be e-mails this witness has kept. Some
11 of the documents he produced are e-mails from --
12 that appear to be printed off Wayne Clary's
13 computer, and if some of these e-mails were
14 printed, rather than purged, we should at least
15 have access to them.

16 THE WITNESS: I can answer you, Mr. Commissioner, if you want.

17 THE COMMISSIONER: Yes.

18 THE WITNESS: I asked Evenhanded what, what my assignment was
19 from you, and they gave me this package.

20 MR. GRATL:

21 Q What, what is Eperspective?

22 A I have no idea what Eperspective is.

23 Q You have never heard of that before?

24 A No, I don't, I don't know what it is.

25 Q And who, who at Evenhanded did you ask?

1 A Oh, Margaret Kingsbury.

2 Q Okay. So, you asked her for any documents that
3 would --

4 A Well, I told her what you had asked me --

5 Q Yes?

6 A -- to get.

7 Q Yes?

8 A I had no way of getting it. So, I asked
9 Evenhanded. I end up with, with the documents --

10 Q And she --

11 A -- and I bring --

12 Q She produced this document marked "Eperspective"?

13 A Well, somebody from Evenhanded must have, yes.

14 Q And she e-mailed that to you?

15 A No, no, didn't e-mail it to me. It came in that
16 yellow folder.

17 Q All right. And where -- how did that come to you?

18 A Oh, Margaret Kingsbury and I are friends. We have
19 coffee.

20 Q Okay. And she's still working on this file?

21 A Of course she is.

22 Q Thank you.

23 THE COMMISSIONER: All right, thank you.

24 All right, I want to thank you sincerely for
25 coming here and, and testifying for the length of

time that you were here. Your evidence is obviously important to the, to the inquiry. I want to thank you sincerely.

THE WITNESS: Thank you, sir.

(WITNESS EXCUSED)

THE COMMISSIONER: All right, we will adjourn.

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

(PROCEEDINGS ADJOURNED AT 4:37 P.M.)

I hereby certify the foregoing
to be a true and accurate
transcription of the proceedings
herein to the best of my skill
and ability.

Gabriele Heise, RPR
Official Reporter, BCSRA No. 399
Realtime Certified Reporter
United Reporting Service Ltd.

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