

Vancouver, BC

March 8, 2012

(PROCEEDINGS RECONVENED AT 9:40 A.M.)

THE REGISTRAR: Order. The hearing is now resumed.

MS. BUCKLEY: Good morning, Mr. Commissioner. Melina Buckley, as you know policy counsel to the inquiry. I'm here this morning because Ms. Brooks is unable to attend, but --

THE COMMISSIONER: Nobody can hear you.

MS. BUCKLEY: I'll start over again. Sorry about that. Melina Buckley, I am policy counsel to the inquiry standing in this morning for Ms. Brooks who is unable to attend, but will be at the hearing this afternoon.

THE COMMISSIONER: Thank you.

MS. BUCKLEY: It's my understanding that Mr. Gratl is next on the list for cross-examination, but that Mr. Roberts would like to address you for two minutes on a procedural issue.

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

MR. ROBERTS: Thank you, Ms. Buckley. Mr. Commissioner, Darryl Roberts on behalf of Marion Bryce. I have a request, a procedural request, Mr. Commissioner, that I believe is reasonable. There is a -- as you know, the application I made on Monday hasn't

1 been replied to by counsel for the Vancouver
2 Police Department, and I have a reply. I would
3 prefer not to deal with that today.

4 THE COMMISSIONER: Okay.

5 MR. ROBERTS: I don't wish to make the reply frankly, and I
6 don't want to say more about that right now. I
7 have asked my learned friend Mr. Dickson, and I've
8 sent up to voicemail a message to Mr. Vertlieb.
9 I'd like to have a meeting with commission counsel
10 and Mr. Hern and address some matters which I
11 think will be beneficial for this commission
12 before that application is addressed further.

13 THE COMMISSIONER: All right.

14 MR. ROBERTS: And they're not available today, sir. I can't
15 find Mr. Vertlieb, I understand he's at a meeting
16 somewhere, and I understand Mr. Hern is in
17 Victoria. So I would like to put that whole
18 matter over until Monday, if that's satisfactory
19 with you. And I just want to say my whole
20 endeavour before this commission of inquiry has
21 been to try and make it work. As you may know I
22 spoke yesterday morning on the CBC Radio, and I
23 tried to do so in support of this commission of
24 inquiry.

25 THE COMMISSIONER: All right.

1 MR. ROBERTS: It is a matter of record now that I -- however
2 much respect I have for the sincerity of Ms. Robyn
3 Gervais, I do not agree with her withdrawal from
4 this commission of inquiry for the reasons stated.
5 I believe she ought to have stayed and addressed
6 the issues that are on the table, but be that as
7 it may --

8 MR. GRATL: Just -- I'm just objecting --

9 MR. ROBERTS: Excuse me, let me finish.

10 MR. GRATL: -- to Mr. Roberts --

11 THE COMMISSIONER: No. Please Mr. -- Mr. -- just wait a
12 minute.

13 MR. GRATL: -- addition of his own --

14 THE COMMISSIONER: Wait a minute. Wait a minute. One person
15 at a time. I'll give you an opportunity to speak.
16 You don't interrupt counsel. We have ways of
17 doing things here. This is not a town hall
18 meeting when people can jump up whenever they
19 want. Mr. Roberts has got the -- is speaking and
20 I'll give you an opportunity.

21 MR. GRATL: If he wants to take the opportunity to criticize
22 counsel --

23 THE COMMISSIONER: Wait a minute. Just a minute. Mr. Gratl,
24 please sit down. Yes.

25 MR. ROBERTS: I'm not throwing Robyn Gervais under the bus if

1 my friend thinks I'm doing that. I have great
2 respect for her. I'm simply saying that my whole
3 endeavour is to support this commission of
4 inquiry, there won't be another, I want it to
5 work, and it's with that in mind that I'm asking
6 that this matter which is on the table that
7 involves me to be put off until Monday --

8 THE COMMISSIONER: All right.

9 MR. ROBERTS: -- to give me an opportunity of meeting with
10 commission counsel and Mr. Hern.

11 THE COURT: Okay. Thank you. Okay. Now Mr. Gratl.

12 MR. GRATL: May I just say, Mr. Commissioner, that I find
13 Mr. Roberts' insistence on thrusting himself into
14 the limelight to criticize Ms. Gervais wholly
15 inappropriate, and I say that especially because
16 Mr. Roberts was formerly on the team charged with
17 the duty to represent aboriginal interests and he
18 is no longer part of that team. So to the extent
19 that there's any mistake to be made about that, I
20 just wanted to clarify that Mr. Roberts speaks for
21 himself and has, as I understand it, absolutely no
22 mandate to put forward aboriginal perspectives and
23 interests in this inquiry.

24 THE COMMISSIONER: First of all, he didn't say that. All he
25 said was -- he gave his own views, and he's

1 entitled to his views, you're entitled to yours.
2 And with respect he didn't criticize Ms. Gervais
3 he just said he disagreed with her position.

4 MR. GRATL: That's --

5 THE COMMISSIONER: Just a minute. You have the habit of
6 interrupting people, and you know we operate under
7 civil rules here where people respect one another.
8 That's the way courtrooms are run. And so all I'm
9 saying to you is that he gave his view, and I
10 didn't see it as being critical of Ms. Gervais, he
11 just simply said he didn't agree with her. And
12 obviously he speaks for himself, I recognize that,
13 and I don't know if anything more could be read
14 into that, so. All right. Yes.

15 MR. GRATL: More could be said, Mr. Commissioner, but I'll
16 refrain from saying anything.

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

18 MR. DICKSON: Mr. Commissioner, I just want to reply only on
19 the point that Mr. Roberts raised on whether we
20 should have the right to respond today or whether
21 that should be put off. I respectfully ask for
22 the right to respond today. We've been waiting
23 all week.

24 THE COMMISSIONER: Well, wait a minute, we've got a panel here.

25 MR. DICKSON: Well, I know, and there will be one on Monday as

1 well of course.

2 THE COMMISSIONER: Well, that may be so, but we want to finish
3 this panel off, and I know Mr. Gratl has asked for
4 a fairly lengthy time to cross-examine them, and I
5 am going to respect that.

6 MR. DICKSON: I understand.

7 THE COMMISSIONER: I don't want to take up any more time on
8 procedural matters.

9 MR. DICKSON: Well, Mr. Commissioner, I really do respectfully
10 ask that we should have the right to respond to
11 Mr. Roberts. We need to be able to respond.

12 THE COMMISSIONER: I know that.

13 MR. DICKSON: He spoke for an hour and a half.

14 THE COMMISSIONER: You'll get that. You'll get that. All
15 right. Okay. Now, it's your turn to
16 cross-examine.

17 MR. GRATL: Yes, Mr. Commissioner, what I was hoping to do as a
18 preliminary way of dealing with this panel is just
19 identify who counsel for these witnesses might be
20 and ask that those counsel examine these witnesses
21 first.

22 THE COMMISSIONER: Sorry?

23 MR. GRATL: I believe Mr. Greer is represented by counsel. Am
24 I wrong about that?

25 MR. GREER: I was, but I no longer require that.

1 MR. GRATL: Okay. Does anybody else on the panel have
2 representation by counsel? No, I just see shaking
3 heads.

4 THE COMMISSIONER: All right.

5 MR. GRATL: So that's dealt with. And then I take it the
6 Vancouver Police union doesn't wish to
7 cross-examine.

8 THE COMMISSIONER: Well, there's nobody here from the union.

9 MR. GRATL: So I guess we should just put that one aside.

10 THE COMMISSIONER: Mr. Crossin is the lawyer representing them,
11 and I don't see him here today, so.

12 MR. GRATL: And then I wonder if Mr. Dickson for the Vancouver
13 Police Department is representing any of these
14 witnesses in any way?

15 MR. DICKSON: Mr. Commissioner, yes, we represent the
16 department, and if Mr. Gratl's suggesting that I
17 should cross-examine next I'm happy to do that,
18 but I would ask for the right to re-examine in the
19 ordinary course.

20 THE COMMISSIONER: Well, I don't know --

21 MR. GRATL: That's agreeable.

22 THE COMMISSIONER: We'll cross that bridge when we get to it.
23 So tell me what you people want to do now?

24 MR. GRATL: Well, I would ask respectfully, Mr. Commissioner,
25 that you accede to Mr. Dickson's gracious --

1 THE COMMISSIONER: All right.

2 MR. GRATL: -- suggestion that he's prepared to cross-examine
3 first.

4 THE COMMISSIONER: Okay. Mr. Dickson.

5 MR. WARD: Just before -- Cameron Ward, counsel for the
6 families of the missing women. Just before my
7 friend Mr. Dickson rises I would just like to take
8 a moment if I could to recognize that today is
9 International Women's Day.

10 THE COMMISSIONER: Yes.

11 MR. WARD: And it has significance obviously given the work
12 that this commission is doing, and I just wanted
13 to note that.

14 THE COMMISSIONER: Yes, I was going to make note of that, but I
15 thank you for doing that, Mr. Ward. Thank you.
16 This really is why we're here, isn't it?

17 MR. WARD: Sometimes all of us in the cut and thrust of daily
18 work lose sight of the big picture, and I do
19 agree, Mr. Commissioner, that we are here in large
20 measure because women's interests in society, and
21 particularly the interests of the vulnerable women
22 that we've been dealing with for the last number
23 of months in this case are too often overlooked
24 and ignored, and it's high time that women
25 achieved equality, I think there's still a

1 distance to go on that front, but this inquiry may
2 be a measure to achieve some form of justice for
3 that segment of our society, and that's why we're
4 here.

5 THE COMMISSIONER: Thank you. Mr. Dickson.

6 MR. DICKSON: Thank you, Mr. Commissioner. I will just hand up
7 a few exhibits, if I may. Good morning, panel.
8 There are only a few topics I wish to touch upon
9 this morning, and all of them are directed to you,
10 Constable Dickson.

11 **DAVE DICKSON: Resumed**

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

13 Q Now, in terms of the first topic, Constable
14 Dickson, I believe that with Ms. Brooks you
15 touched on the issue of whether a warning that
16 there was an active serial killer would have led
17 in your view to changes in behaviour amongst sex
18 workers in the Downtown Eastside, and I believe
19 your answer was that it would not, and I wonder
20 whether you might explain a little bit more for
21 the commissioner your reasoning on that point.

22 A Mr. Commissioner, very early on in my career when
23 I was working out there I started to talk to the
24 women, and I remember talking to them about the
25 dangers out here, and aren't you afraid of

1 something happening, and it didn't take long to
2 figure out the girls weren't -- that wasn't a real
3 fear for them. You know, from their backgrounds
4 coming from very, you know, abusive backgrounds,
5 whether sexual abuse, physical abuse or mental
6 abuse, there's nothing really that I could scare
7 them with. You know, so when I made that comment
8 about any, you know, safety tips, any warnings of
9 any predators they never seemed to have any effect
10 whatsoever. And I did, you know, on a regular
11 basis, even from early 1995, I used to go into the
12 WISH Drop-In. I had a number of people that I
13 brought in there to talk to the women. I had a
14 judo expert come in to simulate sitting in a car
15 and how if a man grabbed them in the car how they
16 could get away. I had Joy McPhail come down and
17 talk to the women. We did numerous things, safety
18 tips about not getting into cars with more than
19 one person in it, when you get into a car make
20 sure the door locks work, the handles are all
21 there. You know, carry note books or a piece of
22 pen -- or pen and a piece of paper. Work in
23 pairs. Every warning seemed to fall on deaf ears
24 unfortunately because the addiction drove the
25 women out there by themselves into the dark

1 corners of the Downtown Eastside or anywhere in
2 Vancouver.

3 Q And I take it that the women working the streets
4 in the Downtown Eastside know that there are
5 violent men among the johns that are prowling the
6 streets. Is that fair?

7 A Yes, that's fair.

8 Q And still they are engaging in that trade?

9 A Yes, they are. They're still going out by
10 themselves and jumping into cars. Worse now than
11 maybe before because the crack cocaine addiction
12 has gotten so out of hand.

13 Q Would it be fair to say that if there were
14 specific information about a specific predator, a
15 licence plate for instance, that that might have
16 some utility for sex workers in protecting their
17 safety?

18 A It does help. Many of the girls that are out
19 there aren't -- you know, they don't get, I guess
20 the term is messed up on the crack cocaine, so
21 they are aware of the bad date sheets and they are
22 aware of some of the description of the vehicles
23 and men. So the bad date sheets are of great
24 assist. You know, but many of the women and the
25 predators get to know this. You know, they will

1 drive around looking for the girls that are
2 obviously hurting from the lack of cocaine or
3 whatever drug they choose, and you can tell when
4 they are hurting, and some of the men take
5 advantage of this situation.

6 Q And so I want to contrast that situation of there
7 being specific information about a specific
8 person, like a licence plate about a specific
9 predator, and contrast that situation with just a
10 general warning that there is a serial killer on
11 the streets. What do you say about the utility of
12 that latter proposition?

13 A Well, you're talking about an area that's just
14 rife with the drug addiction and mental illness.
15 If I was a serial predator I could probably have
16 my picture posted on my car and some of the girls
17 would still have jumped into my car. And I often
18 made a grim joke about having a large revolver
19 sitting on the dash of my car, but if I had a bag
20 of crack cocaine sitting on my passenger seat they
21 would have jumped in the car.

22 Q Thank you, Constable Dickson. I want to turn to a
23 different topic. And on Tuesday you may recall
24 Mr. Roberts was asking you questions about
25 kidnapping by fraud. Do you recall that?

1 A I do.

2 Q And I believe you mentioned that you personally

3 know the person we're calling in this inquiry

4 Ms. Anderson?

5 A Yes.

6 Q And she is the victim of Pickton's 1997 attack?

7 A That's correct.

8 Q And can you tell the commissioner how you know

9 her?

10 A I met her when she was approximately 15 years old

11 working the streets in the Downtown Eastside, and

12 I believe she's in her thirties now, middle

13 thirties, and I still have regular contact with

14 her.

15 Q And had -- so you -- when she was 15 that was

16 prior to the 1997 attack, I take it?

17 A Yes, that's right.

18 Q And you have spoken with her since the 1997

19 attack?

20 A Many times.

21 Q And I think you may have spoken to this a little

22 bit, but I want to ask you a little bit more about

23 it. Have you talked to her about the 1997 attack?

24 A I have.

25 Q And have you talked to her about getting into

1 Pickton's car and travelling out to Port
2 Coquitlam?

3 A Yes, I have.

4 Q And what did she say about that?

5 A Oh, her comment was quite simple. I got in his
6 car, I went out to Coquitlam to do a sex act for
7 money.

8 Q And did you talk to her about whether it was
9 consensual?

10 A It was consensual.

11 Q And the sex was consensual?

12 A Yes, it was.

13 Q And the travelling out there was consensual?

14 A That's right. Once she was there, I'm not sure of
15 the time elapse, but she said she started to get a
16 bad feeling and decided to leave, and she said
17 that's when it went sideways.

18 Q And based on your conversations with her, and
19 based on what you know from other sources about
20 the 1997 attack, in your view could a charge for
21 kidnapping by fraud be made against Pickton on the
22 basis of his attack against Ms. Anderson?

23 A No, it couldn't.

24 Q Why is that?

25 A Well, I don't think anybody in the world could

1 prove at what particular point he formed the
2 intent to do anything. It all went fine until she
3 decided to leave, and she said "Just keep the
4 money, I'm out the door," and that was when he got
5 violent and she got violent.

6 Q Now, obviously as sort of a general matter
7 survival sex workers in the Downtown Eastside are
8 extremely vulnerable at the hands of their johns.
9 Fair enough?

10 A Yes.

11 Q And often the way that the transaction goes is
12 that sex workers get into the john's car?

13 A That's right.

14 Q And, of course, they're doing so on the basis of a
15 deal that they negotiated with the john, which is
16 essentially money for sex?

17 A That's right.

18 Q And so they're getting into the john's car on that
19 basis and then they drive away, and then they may
20 do the sex act and then be attacked or they might
21 be attacked before the sex act if things go badly.
22 Fair enough?

23 A There's many things that can happen with I guess a
24 good date going bad. They get to a certain area,
25 the guy's not satisfied with what he got, he can't

1 get it up, he can't perform, and all of a sudden
2 he turns very violent and wants the money back.
3 Most of the girls get the money upfront. Not all,
4 but most. You know, so if it doesn't go right,
5 all of a sudden the male decides he wants the
6 money back and turns violent.

7 Q So when this situation turns violent, that sort of
8 scenario, I mean in all your years working in the
9 Downtown Eastside obviously that sort of thing has
10 happened many, many times?

11 A Yes, it has.

12 Q And can you remind us how many years you've worked
13 down in the Downtown Eastside?

14 A Thirty-one years now.

15 Q And you have investigated such assaults on sex
16 workers a number of times?

17 A Yes, I have. Probably hundreds of times, if not
18 more.

19 Q And I believe you said to Mr. Roberts that you are
20 familiar with the crime of kidnapping by fraud?

21 A I am.

22 Q And do you know of a successful prosecution of
23 kidnapping by fraud relating to this sort of
24 circumstance, a sex worker getting into a car with
25 a john and then being attacked?

1 A I've never heard of one in Vancouver, or anywhere
2 else for that matter.

3 Q And so have you ever heard of that charge being
4 laid in those circumstances, of the charge of
5 kidnapping by fraud being laid against a john in
6 respect of an attack on a sex worker?

7 A I haven't. The only one I've heard of recently
8 was an unlawful confinement charge against a local
9 millionaire. It was unlawful confinement, but it
10 wasn't by fraud. It was the same situation that
11 the call girl went willingly to his mansion, at
12 some point she decided to leave, that he wouldn't
13 let her and there was a fight, and that's why he
14 got charged with unlawful confinement. But the
15 same scenario, she went there for the money to do
16 a certain act.

17 Q And, indeed, Ms. Anderson of course was -- sorry.
18 Mr. Pickton was also charged with unlawful
19 confinement in respect of Ms. Anderson?

20 A Yes, but not unlawful confinement with fraud.

21 Q And not kidnapping by fraud. And have you ever
22 heard of the police recommending a charge of
23 kidnapping by fraud against a john?

24 A No, I haven't.

25 Q And so can you explain a little bit more in your

1 mind what the problem with that charge would be in
2 respect of charging a john?

3 A Well, one of the key elements is the intent, you
4 know, to unlawfully confine somebody and by fraud.
5 So I don't think any jury or judge could decide,
6 you know, or any Crown counsel in charge approval
7 could decide when that person formed that intent.
8 It would be extremely -- even if you had a victim
9 that was saying that he lured me out here, you
10 know, by deceit, all the person would have to say
11 -- the suspect would say well, no, I disagree, and
12 you've got his word against hers and the charge I
13 guarantee would not be approved. Very difficult,
14 you know.

15 Q Now, you were sitting in the room Monday morning
16 when Mr. Roberts was making his submissions on
17 kidnapping by fraud?

18 A Yes, I was.

19 Q And, in fact, I think he was asking you about his
20 submissions when he was cross-examining you the
21 other day?

22 A Yes, he was.

23 Q Now, Mr. Roberts' thesis, as I understand it, is
24 that Pickton committed kidnapping by fraud when he
25 took women out of the Downtown Eastside and later

1 killed them and that the VPD should have
2 investigated him for that. What is your view of
3 that thesis?

4 A Well, I think you investigate whatever you have
5 evidence of. Many of these girls went out there,
6 and many of these girls came back with money in
7 their pocket, and he drove them back and dropped
8 them off. So that would be a very difficult one,
9 so it was never investigated because I don't
10 believe there was anything there to investigate.

11 Q Now, you are aware, I imagine, that after
12 Pickton's farm was searched Evenhanded interviewed
13 a large number of associates of Willie Pickton?

14 A Yes.

15 Q And one focus of Evenhanded's investigation in
16 that regard of its interviews was how the women
17 got out to the farm. Fair enough?

18 A Yes.

19 Q And the Evenhanded investigation after February
20 5th, 2002 is often said to be the most extensive
21 police investigation in Canadian history. You've
22 heard that?

23 A Yes.

24 Q Evenhanded never recommended any charges against
25 Pickton for kidnapping; is that right?

1 A Not to my knowledge.

2 Q And the Crown for its part never laid such charges
3 to the best of your knowledge?

4 A That's right.

5 Q Are you aware of any body of evidence on which
6 charges for kidnapping could have been laid
7 against Pickton?

8 A No, I'm not.

9 Q I want to move then to my last topic, which is
10 Elaine Allan's testimony in this inquiry about you
11 and your involvement in the reporting and
12 investigation of Tiffany Drew. Okay?

13 A Okay.

14 Q And the two documents that were handed up are in
15 relation to this topic. Do you know Elaine Allan?

16 A I do.

17 Q And how do you know her?

18 A She used to work serving food at the WISH Drop-In
19 on the corner of Gore and Hastings back in those
20 days.

21 Q And you used to visit WISH from time to time --

22 A Yes.

23 Q -- or regularly?

24 A A couple of times a week I would go in there and
25 talk to the women about safety tips or bad dates

1 or any information.

2 Q And that was part of your liaising with the
3 Downtown Eastside community?

4 A Yes, that's right.

5 Q So I want to give you the opportunity to respond
6 to allegations that Ms. Allan made in this
7 inquiry. She came here and she testified and she
8 made allegations about you, and essentially she
9 said that she reported Tiffany Drew's
10 disappearance to you, and she said that you did
11 essentially nothing about it, and that you then
12 lied about what happened to Tiffany. And I'm
13 going to take you through some of her testimony
14 and just take you through the passages and then
15 ask you to respond kind of on a global basis if
16 you can. And so the larger of the two stapled
17 packages, the transcript, is what I want to turn
18 to now. And the first page is just the first page
19 of this day, it was November 1st, 2011, and it's
20 Elaine Allan that is in the box. And if we go
21 over one page it's page 32. Do you see that?

22 A Yes.

23 Q Okay. And here she's testifying in chief with
24 Ms. Brooks, and about line 9 she says:

25 ... probably around 1999, one night I was

1 just -- one afternoon I was just getting the
2 centre ready...

3 And then we'll just drop down a little bit to line
4 22. She says:

5 ... I had a woman, a really frequent client,
6 Ashwan, came just beating on the door, just
7 beating on the door, wouldn't stop, wouldn't
8 stop, wouldn't stop.

9 And so then Ms. Allan goes out and talks to her.
10 And if we turn over the page, page 33 at line 6
11 she says -- Ms. Allan says:

12 ... she said that Tiffany Drew, her best
13 friend, didn't come home last night and she
14 knew that there was something wrong.

15 And then I'll drop down to the last paragraph on
16 that page, page 33, line 22, and Ms. Allan says
17 this:

18 ... I called Dave Dickson, who was a
19 constable that we had been told that we had
20 to put all our things through for WISH, and I
21 paged him and he called me back and I
22 explained to him what the situation was with
23 Ashwan and Tiffany.

24 And in the rest of that paragraph she says
25 essentially you said you'd be coming by WISH and

1 you would talk to her then. And then if we skip
2 down to line 10 on page 34, if you're with me,
3 Constable Dickson.

4 A I am.

5 Q Thank you. Ms. Allan says this:

6 And he came in and, you know, Ashwan had just
7 not left my side. And, you know, Dave came
8 in and she just pulled him aside to talk to
9 him immediately and, uhm, you know, he didn't
10 seem very concerned about it. You know, he
11 definitely knew Tiffany. And, you know, kind
12 of pulled me aside after and said, you know,
13 "I have known Tiffany for a long time and,
14 you know, she will do this. She will take
15 off with, you know, a client and, you know,
16 just keep an eye on it."

17 And I guess you went back and talked to -- she
18 says you went back and talked to Ashwan and just
19 said to her:

20 "You know, I will check, see if she picks up
21 her welfare check this month but, you know,
22 don't worry about it, because I'm sure
23 everything is fine. She does this a lot."

24 I just have a few more passages to read. Over the
25 page on page 35, starting at line 17 Ms. Brooks

1 asked her:

2 Did you have any follow-up with Constable
3 Dickson?

4 And Ms. Allan replied at line 18:

5 Yeah. I would page him. He would sometimes
6 return my phone calls, sometimes not.
7 Definitely, you know, when he would come into
8 the centre on those nights, Monday nights I
9 think, you know, again, I would say to
10 Ashwan, "Well, let's talk to Dave again, you
11 know, and let him know that Tiffany is not
12 around and maybe just talk to him a bit more
13 about it." And, you know, he was very casual
14 about it, I would say.

15 And so then on page 36 is what I think is the
16 pointiest end of her allegations. At line 10 she
17 says this.

18 ... I followed up with Dave a lot, and a
19 month went by, like, two months, something
20 like that, and I said, "You know, there is a
21 problem. Like, you know, Ashwan is really,
22 you know, she's really busting my chops about
23 it, to do something about this and, you know,
24 I don't know what to do." And he pulled me
25 aside and he said, "This is really awkward

1 for me to say this to you and I, you know, I
2 didn't want to say this but, you know, you
3 are pushing." So he said that, you know,
4 Tiffany was in recovery and she didn't want
5 any contact with me or with Ashwan, that she
6 figured that if she had any contact with us,
7 that it would trigger some sort of relapse.
8 And I remember feeling kind of bad about
9 that, because that was one of my big, you
10 know, pursuits, was that I was always trying
11 to find a recovery bed for any woman that I
12 could.

13 And so that's her testimony in chief. And I just
14 -- I'm going to take you just a little bit further
15 in her testimony before I ask you to respond. If
16 you go over the page to page 50 you see this, this
17 is Mr. Ward's cross-examination of Ms. Allan, you
18 can see his name up at the top right corner, and
19 Mr. Ward takes Ms. Allan to the foreward to Stevie
20 Cameron's book, her first book on this issue, *The*
21 *Pickton File*, and that had been written by
22 Ms. Allan, and what Mr. Ward does is he takes her
23 through that foreward, and I've handed up that
24 foreward to you in case you wish to refer to it,
25 but he takes Ms. Allan through the foreward and

1 sort of gets her to agree to the statements she
2 made in it. And I'm not going to take you through
3 those except for one passage, and that's -- and
4 that's at page 57 at the bottom. And at line 22
5 Mr. Ward asks this:

6 You write this in the foreward to *The Pickton*
7 *File*.

8 Why the cop told Ashwan and me that Tiffany
9 Drew was in a recovery facility when, in
10 fact, she was not, will always be a mystery
11 to me.

12 Then he asked:

13 Correct?

14 And Ms. Allan replies:

15 Correct.

16 Mr. Ward:

17 The only explanation you have for receiving
18 that information -- first of all, the cop is
19 Dave Dickson, correct?

20 She answers:

21 Yes.

22 He asks:

23 The only explanation you have, in your own
24 mind, for why he said what he said to you is
25 that he lied, pure and simple? He lied to

1 you, didn't he?

2 And the answer is:

3 He lied to me.

4 So those are the allegations, somewhat in brief,

5 and you have notes in the big binder that

6 Ms. Brooks handed up to the panel, and it's at tab

7 93 if you wish to refresh your memory, but in

8 essence I just ask you what is your response to

9 Ms. Allan's allegations?

10 A Well, I mean, it's surprising for her to say that.

11 I mean, she's obviously confused to some degree.

12 For starters if I had tracked Tiffany Drew down to

13 a recovery centre or a halfway house or whatever,

14 I wouldn't have had a problem telling Ashwan and

15 Elaine Allan that. I mean, there's a million

16 places out there. I'm not divulging any secret

17 information just by telling her Tiffany is in a

18 recovery centre or a treatment centre. You know,

19 so that's for starters. The lady that she refers

20 to as the lady by the name of Ashwan Singh, who

21 I've known for many years, I've recently ran into

22 Ashwan Singh two or three occasions in the last

23 few months since Elaine Allan testified to this.

24 The last most recent, you know, occurrence I had

25 to talk to her is three weeks ago. I brought this

1 up, and I actually remembered talking to Ashwan
2 and Elaine around that time, I'm not sure of the
3 time frame, but I do remember, you know, meeting
4 with Ashwan and Elaine Allan about her friend. I
5 didn't remember the name was Tiffany, but that's
6 obviously who it was. Now, the problem that I
7 have is when I ran into Ashwan I talked to her
8 about it, and I remember, you know, I said to her
9 "Do you remember talking to me and Elaine about
10 your friend Tiffany?" And Ashwan said, "Oh, yes,
11 I do."

12 MR. WARD: I rise, Mr. Commissioner. I object. That's
13 hearsay. This is an out of court statement by
14 Ashwan Singh. In my respectful submission, this
15 witness cannot give evidence on what she may have
16 said recently. On behalf of my clients if this is
17 a significant point, and it seems to be, I ask
18 simply that the commission ensure that Ashwan
19 Singh come and testify and speak for herself. If
20 she's available, as Mr. Dickson indicates, then
21 she can be easily secured and brought here. She
22 should give this evidence herself.

23 THE COMMISSIONER: Well, you're right in strict terms. And
24 this is an inquiry, and we've let other hearsay
25 in. I think you can just tell me at the end of

1 the day that I should attach the appropriate
2 weight to it. And I think we're going to deal
3 with it in that way. He's been accused of lying,
4 that's a very serious allegation, and I think he's
5 entitled to defend that and offer evidence in
6 order to refute what was alleged. And I don't
7 think it's a case of we have to bring in another
8 witness to say this and turn it into a he said she
9 said. It may well be that Ashwan Singh may have
10 some relevant evidence to give, that that's
11 something we need to consider. I'm going to hear
12 it, I don't know what turns on it, and I don't
13 know how relevant it is in any event to the terms
14 of reference.

15 MR. WARD: Well, just before I sit down, I hear you and I
16 accept your ruling, but you may recall the
17 evidence was that Ashwan Singh -- the evidence of
18 Elaine Allan was that Ashwan Singh was hysterical
19 for days on end in dealing with Mr. Dickson --

20 THE COMMISSIONER: I know that.

21 MR. WARD: -- about the disappearance of her friend, and that
22 for Elaine Allan, Dickson later told both of them
23 she's in rehab and doesn't want to hear from
24 either of you. In fact she was murdered.

25 THE COMMISSIONER: Yes.

1 MR. WARD: Indeed, the allegation or the statement that
2 Mr. Dickson must have lied is a serious issue. It
3 addresses his credibility at large. And the issue
4 can easily be resolved by having Ashwan take the
5 stand.

6 THE COMMISSIONER: Well, that may well be. I've already
7 answered that that it may well be at the end of
8 the day we'd have to do that, but it depends
9 whether or not it's all relevant to the end of --
10 the fact is he's been accused of lying and he's
11 entitled to defend it and refer to that evidence.
12 And you can argue all you want, you can tell me
13 that I shouldn't even consider that because that
14 witness was not before us and so I ought to pay
15 limited attention to that. That's within your
16 right to do that.

17 MR. WARD: Thank you. And I just want to state though that I
18 do apply now, to the extent an application is
19 necessary, for Ashwan Singh to be heard on this
20 factual issue.

21 THE COMMISSIONER: Well, you can talk to commission counsel.

22 MR. WARD: I will. Thank you.

23 THE COMMISSIONER: Thank you.

24 MR. DICKSON: Mr. Commissioner, if I might just add in one
25 point. You know, as I went through the transcript

1 I saw Ms. Allan speaking to statements that she
2 had with Ashwan.

3 THE COMMISSIONER: I know that.

4 MR. DICKSON: Yes. And, indeed, Mr. Ward took her through --
5 at length through this.

6 THE COMMISSIONER: I know that, and I've heard that. I know
7 that.

8 MR. DICKSON: Thank you.

9 THE COMMISSIONER: Ashwan Singh's statements to Elaine Allan
10 are set out in the transcript, so.

11 MR. DICKSON:

12 Q So, Constable Dickson, please continue.

13 A Well, the conversation I had with Ms. Singh, who
14 also said that she would be happy to come and
15 testify to that, I said, "Do you remember me lying
16 to you about Tiffany?" and she said, "No, no, no,
17 not at all." And then I asked her another
18 question. I said, "Do you know Tiffany's last
19 name?" Ashwan shook her head no and then said,
20 "No, I don't know her last name." I says, "Do you
21 remember her last name or did you know it at the
22 time we talked to Elaine?" Ashwan said, "No, I
23 didn't." And that's quite common down there.

24 One of the problems down there with the
25 investigation, girls were coming forward telling

1 me I haven't seen Angel or Candy for weeks. Well,
2 there's four or five different girls that went by
3 the name Angel down there, there was more than one
4 Candy. A lot of the girls used nicknames, street
5 names, all sorts of different things. But the
6 difficulty was trying to track anybody down with a
7 nickname, it was virtually impossible. I couldn't
8 check any records without a last name or a second
9 name or anything. So I remember asking around
10 about a Tiffany, who I didn't know. She says I
11 seemed to know her really well. I never knew a
12 Tiffany. The first time I talked to somebody and
13 then got the information on Tiffany Drew was when
14 I actually got a phone call from her sister. You
15 know, the name I believe was Kelly Prado. If I
16 remember right she was phoning from down in the
17 States with some concerns about her sister
18 missing, and that was when I checked into it.

19 Q And when was that that you talked to Kelly Prado
20 for the first time?

21 A I think that was a couple of years later.

22 Q Do you want to check your notes on this point and
23 refresh your memory?

24 THE COMMISSIONER: What does it matter?

25 MR. DICKSON: It matters, Mr. Commissioner, only in that

1 Ms. Allan says that this conversation with
2 Mr. Dickson occurred in 1999.

3 THE COMMISSIONER: Yeah.

4 MR. DICKSON: And that he knew Tiffany Drew, and as I
5 understand Constable Dickson, he is saying he
6 first heard about Tiffany Drew from --

7 THE COMMISSIONER: You know, this is collateral upon collateral
8 upon collateral. And, you know, we've let a lot
9 of this in because in fairness we want to let --
10 we do let hearsay evidence in on inquiries, it's a
11 regular feature of inquiries, but there comes a
12 time when the evidence, so much of it is hearsay
13 upon hearsay that you wonder what weight can be
14 attached to it at the end of the day.

15 MR. DICKSON: I understand, Mr. Commissioner. I don't think
16 that --

17 THE COMMISSIONER: I know you're trying to rehabilitate the
18 witness, and that's one matter, but I don't know
19 if I need to hear volumes upon volumes of further
20 evidence.

21 MR. DICKSON: I understand. Mr. Commissioner, I'd ask that I
22 be able to take maybe one minute more and that's
23 all.

24 THE COMMISSIONER: Well, tell me where it's going to get me?

25 MR. DICKSON: Sure, I will. So Kelly -- Constable Dickson, as

1 I understand it, is saying that he first heard
2 about Tiffany Drew from her sister Kelly Prado in
3 2001, and that's all I wish to establish, because
4 Elaine Allan is saying that she reported Tiffany
5 Drew --

6 THE COMMISSIONER: I know what she's saying.

7 MR. DICKSON: -- in 1999.

8 THE COMMISSIONER: And I'm asking you to move on.

9 MR. DICKSON: Very well. Thank you, Mr. Commissioner, those
10 are all my questions.

11 THE COMMISSIONER: All right. Thank you.

12 MR. GRATL: Mr. Commissioner, Jason Gratl for Downtown Eastside
13 interests, and in particular the interests and
14 perspectives to the extent that I'm able to
15 represent them of sex workers and drug users.

16 THE COMMISSIONER: Thank you.

17 MR. GRATL: Mr. Commissioner, I intend to ask each of these
18 witnesses questions one at a time.

19 THE COMMISSIONER: Yes.

20 MR. GRATL: And I just wonder whether it makes sense to stand
21 down a couple of witnesses.

22 THE COMMISSIONER: No, I mean, they're there. There's nothing
23 -- the fact that four of them are sitting there
24 doesn't mean that you can't cross-examine each one
25 separately.

1 MR. GRATL: No, I appreciate that, I just thought maybe it
2 would be -- it would be simpler if Inspectors
3 Greer and Beach kind of went for a walk or -- you
4 know, it feels like cross-examination is like
5 painting in water colours at the best of times,
6 and these four witnesses here at the same time are
7 like trying to paint with both hands and both feet
8 at the same time.

9 THE COMMISSIONER: You know, we lawyers have a tough time
10 embracing something that's different, and so this
11 procedure has been done before, and I don't think
12 it really matters much at the end of the day as
13 long as all the relevant evidence is heard.

14 MR. GRATL: I understand.

15 THE COMMISSIONER: You'll have a full opportunity to
16 cross-examine each of them.

17 MR. GRATL: I do say this though, Mr. Commissioner, there are
18 times when panels are appropriate, efficacious and
19 logistic, and there are other times when they can
20 be counterproductive. I think on the spectrum of
21 things the community panel we had with
22 Ms. Hamilton, Mr. Leng and Ms. De Vries, that was
23 obviously, to my mind, quite effective. On the
24 other end of the spectrum is the Major Crime Squad
25 panel proposed for Monday which involves very

1 adversarial proceedings, and this panel is in the
2 middle. I'll try to code into my mind, especially
3 Monday's panel, might be better dealt with as
4 individual witnesses. I just mention that as an
5 aside, Mr. Commissioner. So I'd like to begin
6 then by asking questions of Mr. MacKay-Dunn.

7 **DOUG MACKAY-DUNN: Resumed**

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

9 Q And beginning with reference to your testimony on
10 Tuesday about the -- in which you deployed the
11 Nietzsche word untermenschen.

12 A Yes, sir.

13 Q I wonder if you can elaborate on -- I've read a
14 lot of Nietzsche but I don't know whether, and I
15 would never turn down an opportunity to
16 cross-examine on Nietzsche, it's one of the things
17 I never thought I would have. What do you mean by
18 untermenschen?

19 A It's a concept actually that was misused by many
20 individuals in terms of Nietzsche, as you know.
21 When he declared that God was dead he had to come
22 up with the superman, the concept, because the
23 supermen would then set the standards for the rest
24 of us to follow in so many words. In terms of
25 dealing with the -- when I use the term, I use

1 also the term the underclass, and by their deeds
2 so shall you know them. It's sort of like the
3 Protestant ethic of the elect. And so when the
4 individuals who were the women that were involved
5 in what you've termed as the survival sex trade,
6 they -- their value was discounted based on the
7 actions that they were involved in.

8 Q I had understood when I read Nietzsche, tell me if
9 you agree with this, that the concept of
10 ubermensch as superman meant that there were
11 different stratas of people, and effectively
12 different rules of morality applied to them and
13 different value was to be assigned to some lives
14 rather than others.

15 A Well, that certainly has been said. I wasn't
16 using that exactly in those terms of reference, I
17 was using it as more in a colloquial sense in
18 terms of the situation as I saw it in the Downtown
19 Eastside. And actually on that point, on the
20 stratification, that with the sex workers there
21 definitely is, as I would use, a pecking order.
22 Everything from courtesan that actually works on
23 the weekend and is supplied to the client by way
24 of jet, right down to those individuals that are
25 working on the Downtown Eastside that are doing it

1 in order to keep body and soul together.

2 Q Sure. And you could see that your high value,
3 high priced escort may not have anything to do at
4 all socially or economically in terms of the
5 geography with the women who are at the lower end
6 of the economic spectrum?

7 A Absolutely none.

8 Q And if that's true as between sex workers, surely,
9 I mean to which all sorts of moral biases would
10 apply to all of them as a group, if that's true
11 for sex workers surely it's also true of police
12 officers, that some police officers just wouldn't
13 consider sex workers to be on an equal footing
14 with other members of the public?

15 A That's true.

16 Q And if that's true for all sex workers surely it
17 would also be true in terms of the different
18 stratifications of sex workers, so the --

19 A That exists within the sex trade if you want to
20 use that term. Look at the term courtesan. What
21 is that? That is basically a prostitute, but it's
22 given another name because it's more palatable,
23 because they're at a higher level in terms of the
24 pecking order that we've been discussing.

25 Q Okay. So I take it you heard on a repeated basis

1 from various levels of management this line about
2 transience, that survival sex workers are
3 transient?

4 A In the conversations, and this is part of my
5 discussion with the deputy chief of Peel Regional,
6 in my conversation with a number of individuals
7 what I hear was this. They're prostitutes, or
8 hookers if you might use the term. They travel.
9 They're here, they're there, we don't know what
10 they do. They're really not -- they're transient,
11 so they could be anywhere, so we really shouldn't
12 be getting too concerned about this at this time.
13 That's why in the first instance I went to
14 Dr. Rossmo to have him, as I say, run the numbers
15 from the mathematical perspective and prove
16 beyond -- in my opinion beyond a reasonable doubt
17 that in fact something was going on.

18 Q I take it that this expression that women were
19 transient didn't go unchallenged by you?

20 A I'm sorry?

21 Q You had conversations about the missing women
22 being transient, and in those conversations you
23 challenged the view?

24 A Yes, I challenged it, because I had Dr. Rossmo
25 telling me that these people were missing.

1 Q All right. And you also had Constable Dickson?

2 A You know what, I had even more than that. Much
3 more important than Rossmo, much more important
4 than Dickson, my wife Doreen is a nurse. She
5 worked in the city jail and then the provincial
6 jail doing triage for the individuals coming
7 through for 22, 23 years. She knew many of these
8 women because she treated them, because they would
9 orchestrate an arrest to come in for treatment.
10 She fed them, as I've given evidence, peanut
11 butter sandwiches because they were absolutely
12 starving, especially as Dave talks about when
13 they've been on a coke run for two weeks. That's
14 the reason they came in. Dave spoke with me, and
15 I spoke with her, she told me some were missing.
16 She also told me, she educated me, that these
17 women were not transient, they actually lived in
18 the Downtown Eastside because that was their home.

19 Q And part of what I wanted to find out was whether
20 your views on that subject and the views of other
21 people who shared your views came out in
22 conversation, came out in meetings?

23 A The meetings that I -- well, I mean there were
24 meetings of meetings. A number of them I didn't
25 attend. Once the investigation was turned over as

1 per procedure to the investigation division I
2 didn't attend those meetings. The meetings that I
3 attended in the Downtown Eastside the comment that
4 these women were transients and basically were on
5 a road trip somewhere didn't come up.

6 Q All right. But you said you were involved in
7 specific conversations with individuals who
8 adhered to this notion of transient?

9 A Yes, it's the only conversation where we were
10 speaking, as I said before, to a number of
11 individuals within the organization as I was
12 trying to prepare the way to suspend disbelief so
13 resources would be assigned to what I considered a
14 serious, a very serious matter. Now, the problem
15 is is I couldn't absolutely prove that something
16 had in fact happened, and when I went out and
17 spoke with and to meetings with members of the
18 Downtown Eastside, some of whom you represent, and
19 asked specifically if they could give me
20 information it wasn't forthcoming.

21 Q Right. And just in context, with whom at the
22 Vancouver Police Department did you discuss this
23 notion of transience?

24 A Oh, I would be -- I talked to a number of
25 individuals, quite frankly, Mr. Commissioner, on

1 this subject. It was a matter of conversation.
2 That's the reason I went to Rossmo in the first
3 place to show that this is not an issue of someone
4 being transient, it's just that they are actually
5 missing. I've heard that statement about women
6 being transient, especially those women working in
7 the sex trade in the Downtown Eastside, for years.

8 Q Okay. And for you I guess the failure to pick up
9 welfare cheques was a decisive piece of evidence?

10 A That was a huge issue for me. And even more --
11 and supporting that was the comment from my wife
12 who's told me that she in fact had noticed some of
13 her regular girls, and she used the term girls,
14 were missing.

15 Q All right. So some of the women who were missing
16 were in and out of the jail system on an ongoing
17 basis?

18 A That's one of the problems, because some of the
19 girls, quote unquote, would occasionally end up
20 doing hard time, sometimes in Kingston, sometimes
21 some other situation. You're dealing with some of
22 the most -- sex trade workers did get involved in
23 some very serious criminal events.

24 Q Yes, of course, of course. And if they had been
25 picked up, if they had been arrested, if they were

1 being held in pretrial custody or if they were --

2 A There would be a record of it.

3 Q There would be a record of it. It would be a very
4 simple matter to trace that down?

5 A Yes.

6 Q It would be one of the first records that would
7 come up on the CPIC search?

8 A Yes.

9 Q Which a CPIC search would be step one in trying to
10 find someone?

11 A Yes. And having said that, I believe Mr. Dickson
12 has already testified to that point.

13 Q No, I understand that but, Mr. MacKay-Dunn, what I
14 wanted to do is I want to find out at what level
15 of management you had these discussions in which
16 you challenged the notion of transience?

17 A Well, as I said before it was almost common
18 knowledge the common statement working with these
19 women is that it was assumed. The myth was that
20 they were transient, that they would be back and
21 forth on trips or on an extended date, and that's
22 the reason that they would come and go, and that
23 was assumed.

24 Q So here's another discomfoting question that I
25 want to ask. What about Inspector Greer, did you

1 have that conversation with Inspector Greer?

2 A No, I didn't have any conversation with Inspector
3 Greer specifically about transience, although that
4 was an issue that we looked at is this a
5 possibility that these individuals simply left the
6 area, and some of them did in the past.

7 Q Okay.

8 A Would go and come back.

9 Q Did Inspector Greer agree with you about your
10 views that the missing women were not transient,
11 they were residents of the Downtown Eastside?

12 A Inspector Greer agreed with me that the issue was
13 a serious one and supported my call for Dr. Rossmo
14 to look into the matter. That's clearly a matter
15 of record.

16 Q And I'm just asking you to criticize your
17 colleague there who's two shoulders down.

18 A No, I'm not -- believe me, if I disagreed with
19 Gary I would be laying it on the table, that's the
20 way I am. And that's the way I was with the
21 department, which quite frankly I had to deal with
22 organizationally, because I was in charge of the
23 audit unit for five years, and let me tell you I
24 did not make a number of friends as a result of my
25 findings. So getting to your point -- getting to

1 your point, the issue was we had the myth that we
2 had to destroy, blow up, and that was these women
3 were transients, they go on road trips, so let's
4 not worry about it, it's not a problem. That had
5 to be destroyed. And the only way you destroy
6 that is with that. If you don't have a body then
7 you have to do it mathematically, that's why I
8 went to Rossmo. Now, having said that, Rossmo
9 told both Greer and myself was in his opinion
10 statistically there was an issue going on here.

11 Q Okay. So here's a distinction I'd like to draw.
12 You're saying that the women aren't transient
13 isn't really a positive argument or positive
14 evidence for conducting an investigation, all it's
15 doing is rebutting somebody else's reasons for not
16 devoting resources?

17 A It's getting people past denial.

18 Q Okay.

19 A Denial that there's a problem. First you have to
20 identify that there -- first you have to accept a
21 problem either exists or could exist. If people
22 are saying the problem does not exist you never
23 reach resolution.

24 Q Well, Ms. Jardine, for example, factually lived on
25 the Downtown Eastside, lots of people knew that,

1 and there was tons of evidence for that
2 proposition; is that right?

3 A Yes.

4 Q Okay. And I take it many of the other women,
5 there was tons of evidence for the proposition
6 that they lived on the Downtown Eastside and
7 didn't move anywhere else?

8 A Just the fact that they picked up their welfare
9 cheques on a frequent basis would point to that
10 point.

11 Q Okay. There we go. And so factually speaking
12 when you say the women aren't transient, there's a
13 lot of evidence to back that up, you're factually
14 speaking accurate?

15 A Well, I try to be.

16 Q My question is how in your mind did the notion
17 that these women are transient, how did that
18 persist for so many years? How does that persist
19 to this day in the minds of some officers?

20 A Well, getting back to you're a devotee of
21 Nietzsche, most of society is based on myth
22 according to him. It's the urban myth that these
23 women were -- they didn't live there, they came
24 back, they went back to their -- back to their
25 origins or visiting family, they're on a road trip

1 somewhere, they're in prison, that's why we
2 haven't seen them, and they'll be back.

3 Q I don't know if I have this correctly, but are you
4 suggesting that the notion of transience is rather
5 an expression of value rather than expression of
6 fact?

7 A It's a -- I don't consider it to be a fact.

8 Q Okay.

9 A Because reality is that it actually exists. If it
10 doesn't exist in fact it's not a fact, it's a
11 myth.

12 Q But the notion of transience was always bound up
13 with refusal to devote resources to the
14 investigation of the missing women?

15 A I believe that was one of the factors that had to
16 be overcome to make sure that it was properly
17 resourced.

18 Q Okay. And despite being presented with facts
19 members of senior management adhered to the myth
20 in the face of solid fact?

21 A Well, I wasn't present for those meetings,
22 Mr. Commissioner, so it would be a leap, but I can
23 only offer my opinion about that.

24 Q Well, I would like to hear your opinion if that's
25 okay.

1 A My opinion was that was one of the barriers to
2 resourcing.

3 THE COMMISSIONER: That was what?

4 MR. MACKAY-DUNN: One of the barriers to resourcing, the belief
5 that they were in fact transient, and nothing --
6 and because they were transient that would explain
7 their absence, therefore they were not missing.

8 MR. GRATL:

9 Q And so it was sort of a backwards driven reasoning
10 chain. They didn't want to devote the resources
11 so they said that the women were transient, that
12 was a form of myth or stereotype that was adhered
13 to not despite the facts to the contrary?

14 A I believe that to be true.

15 Q Now, in your interview with Deputy Chief Evans you
16 describe that the devotion of resources at one
17 point became political?

18 A I might have said that, yes.

19 Q And the way I read that, as I understood it in
20 context, what you meant was that it was political
21 rather than based on reason or rationale?

22 A Resources sometimes are assigned based on
23 political pressure, and that is large P small p,
24 depending on the concerns of the council of the
25 day.

1 Q In terms of the broad brush stroke political
2 forces that are at play, some of those political
3 forces are internal to the Vancouver Police
4 Department?

5 A Politics is everywhere.

6 Q Sure, but within the Vancouver Police Department
7 people want to keep control of their resources and
8 they want to appear strong and in control?

9 A The protection of one's turf is always an issue
10 within policing.

11 Q And that was one of the factors when you say the
12 decision making here was political, the devotion
13 of resources became part, an aspect of this turf
14 war?

15 A In the sense of protecting one's position and
16 one's control over assignment of resources, yes.
17 No one within the organization or any organization
18 wants someone else to dictate how the
19 individual -- how an individual's resources is
20 assigned if that individual sees other priorities
21 to be more important.

22 Q So aside from that internal political aspect,
23 there are also external political aspects?

24 A Certainly.

25 Q There's the Vancouver Police Department's

1 relationship with the media?

2 A Yes.

3 Q That is within VPD generally none of the senior
4 management teams wants to have the department
5 driven by the media and the media agenda?

6 A No, they don't want the department to be driven by
7 the media, but the media is extremely useful in
8 reaching out to the community. And, I mean,
9 that's one of the reasons I thought that the
10 media's handling of this in terms of what it was
11 releasing was most useful. I didn't see it to be
12 a negative at all.

13 Q And mostly because the media pressure was in
14 favour in this case of what you wanted was
15 resources?

16 A Yes, absolutely.

17 Q But those who didn't want to resource these
18 investigations considered the media's approach to
19 be politically antagonistic?

20 A Some people have a very negative opinion of the
21 media. I think that the media serves a very
22 important role in society. In this case it was
23 doing -- I supported what they were doing, because
24 I wanted it to -- I hoped it would free up
25 resources.

1 Q And I take it that the concern about media
2 learning too much about where the investigation
3 was going, and the concern about the media using
4 the phrase serial killer, again ultimately it was
5 a concern about control over resources within the
6 department?

7 A That would be that would be of concern to some,
8 certainly. But I think -- what I took -- I took
9 it to be an opportunity if in fact the -- that
10 became general knowledge within the community it
11 would serve a number of purposes. First, although
12 those deeply addicted sex trade workers on the
13 Downtown Eastside, we talked about those, those
14 that cannot form the intent to protect themselves
15 as they are so deeply addicted, may not have
16 reacted to those articles, but others would have
17 in the trade, and I was hoping that that would
18 generate some of these individuals to come forward
19 with information. You know, they'd say well, wait
20 a second, I think I know something about this,
21 maybe I should do something about that or tell
22 somebody about that.

23 Q So the media in your view would have or could have
24 had positive benefits for sex trade workers?

25 A Absolutely. And also it sends a very clear

1 message to those individuals that make those
2 financing decisions, the council of the day, the
3 city council and the mayor, for example.

4 THE COMMISSIONER: Well, I think that's been clear from the
5 evidence that we've heard here, and that is both
6 *The Vancouver Sun* with Lindsay Kines and the
7 *Province* with Suzanne Fournier, were perhaps more
8 responsible than anyone for speaking about the
9 plight of missing women. We've heard that
10 evidence throughout the inquiry, that it was the
11 media in many ways was the collective conscience
12 of the community that something needed to be done
13 for the many women from poor backgrounds who were
14 being ignored. I think that's one piece of
15 evidence here that's fairly clear from what we've
16 heard in the last few months. I mean, the media
17 clippings in fact have been filed here as
18 evidence, so.

19 MR. GRATL: And what I was driving at, Mr. Commissioner, is the
20 Vancouver Police Department's reaction to that
21 media, and how those media comments were perceived
22 from within the department potentially as a
23 threat, potentially as an attempt to drive the
24 resource allocation decisions within the Vancouver
25 Police Department.

1 THE COMMISSIONER: Yeah, I've only mentioned two reporters, but
2 there have been many others that were equally
3 vigilant in getting the message out to the public.

4 MR. GRATL: It's one of the locations where the media did its
5 job well, I think.

6 THE COMMISSIONER: Yeah.

7 MR. GRATL:

8 Q Would you agree with that characterization,
9 Mr. MacKay-Dunn?

10 A Absolutely.

11 Q That is to say the concern that was expressed
12 within the Vancouver Police Department that the
13 media and media stories shouldn't be driving the
14 resources allocation decisions.

15 A I would agree.

16 THE COMMISSIONER: I'm going to interrupt counsel here. So the
17 media was collectively or constantly telling the
18 public about these women that were missing and
19 nobody seemed to be paying any attention to them.
20 What was the response of the media people in the
21 Vancouver Police Department, or are you able to
22 say that?

23 THE WITNESS: Well, I can say a little bit about that,
24 Mr. Commissioner, 'cause I've given evidence on
25 this before, is that the chief constable of the

1 day, Chief Chambers, created a media unit and
2 brought in an expert, a media consultant, Ken
3 Hardie to run it. That brought in an absolute
4 level of control, control of the media, control of
5 statements made. It had to go through that
6 section, if you will, reporting to the chief
7 constable, where in my opinion there was more
8 interest in the presentation or the optics as
9 opposed to what was substantive. So they were
10 more interested in attempting to control the
11 media, and I can say this because I was a media
12 liaison person, and tailoring them -- it became
13 messaging in terms of getting the point of view
14 out. And to think that the media was actually in
15 control of the agenda would have been opposite to
16 the reason that section sort of -- section was put
17 together by the chief constable.

18 MR. GRATL:

19 Q That was when the section -- when Mr. Hardie came
20 in the name of the section was changed from the
21 Media Liaison Unit to the Marketing Department; is
22 that right?

23 A Mr. Hardie came up with a number of changes in
24 terms of how we dealt with the media. Before that
25 day we would have our -- we would meet with the

1 media, our morning meetings for example. The
2 media would ask us questions, we would give them
3 direct answers as per the request. If there was a
4 request we couldn't answer we would go to the
5 section involved and set up a time for that
6 section to respond directly to the media. So what
7 we did was facilitate contact with the media, we
8 didn't try to control it.

9 Q When did that change occur, when was Mr. Hardie
10 brought in?

11 A Oh, I couldn't say. It was just after Chief
12 Chambers came in. That was one of the things he
13 brought in with him from Ontario.

14 Q All right. So that would have been, let's see,
15 1999 sometime?

16 A Oh, no. I think it was '97.

17 Q '97?

18 A In that area.

19 Q All right. So the idea though by bringing
20 Mr. Hardie in was that media statements would be
21 more tightly controlled?

22 A Well, the first thing Mr. Hardie did, and he sent
23 out a memo to that effect, he wanted to do a,
24 quote, SWAT analysis, and in terms of refining the
25 police department's message to the community,

1 whatever that message might be. I thought, quite
2 frankly, that we were doing a pretty good job up
3 to then.

4 Q All right. One of the media lines that went out
5 to the public consistently from the Vancouver
6 Police Department was that there was no evidence
7 of a serial killer?

8 A Well, in my opinion that was a misstatement, and
9 as -- because as I've given evidence, I agreed
10 with Dr. Rossmo that there was more than enough at
11 least mathematical evidence, if you want to call
12 it, but research evidence to suggest that the
13 impossible had been eliminated and the probable
14 was, although horrendous, could be true. So for
15 someone to say there's absolutely no evidence, I
16 would disagree with that.

17 Q All right. And, of course, there were tips, Crime
18 Stoppers tips that had come in?

19 A I've heard of those now, I wasn't aware of them at
20 the time.

21 Q But even at the time not being aware of those
22 Crime Stoppers tips you felt that the no evidence
23 line was inaccurate?

24 A I had reached -- as I've said I've given evidence
25 on this. I reached the opinion that basically

1 there was two choices. To accept the reasoned
2 rationale of the inspector in charge of MCS, who
3 wished to maintain control of his resources
4 because they had other priorities, or suspend
5 disbelief and look at the presentation made by
6 Dr. Kim Rossmo who took an opposite view. I chose
7 to accept that, because I believed it was based on
8 something that the department hadn't considered to
9 that date, that there is more than one way to view
10 a problem. You must view problems, as you know,
11 from different perspectives.

12 Q In your interview with Deputy Chief Evans you
13 mentioned that there was suspicion within the
14 Vancouver Police Department about the lists of
15 missing women, because there was a perception --
16 there was a perception that the lists had their
17 origins in advocacy groups or political advocacy
18 groups?

19 A I'd have to look at my interview again. But in my
20 conversations with the deputy there was a concern
21 about the list in this sense, is that there was
22 the list -- there was an earlier list that proved
23 to be a false alarm, because of the individuals
24 were all accounted for. So when a secondary list
25 was produced I'm assuming that the concern was

1 well, here we are another list, and who has been
2 presenting this list is those individuals that may
3 have a particular axe to grind. But the point is
4 this, is when Dave Dickson came to me and showed
5 me the list and told me about the welfare cheques,
6 that completely eliminated in my opinion any other
7 explanation except that there was something going
8 on.

9 Q So are you agreeing with me that there was a
10 perception that the first list came from a group
11 that had an axe to grind?

12 A I think there might have been a perception at that
13 level.

14 Q We are talking about the First Nations Summit that
15 produced the first list.

16 A I can't refer to -- I never did refer to the First
17 Nations Summit in terms of that whatsoever at all.

18 MR. DICKSON: Mr. Commissioner, sorry, I just note that
19 Mr. Gratl started off asking about the interview
20 with Deputy Evans, and I think Staff Sergeant
21 MacKay-Dunn said he'd have to look at the
22 transcript of that, and I just hear this exchange
23 becoming a bit vague, and I want to advise that it
24 is his right to see that.

25 THE COMMISSIONER: Oh, if he needs the transcript then it's got

1 to be put to him.

2 THE WITNESS: Please.

3 MR. GRATL: Perhaps we could take an early break and I could
4 find that exact reference.

5 THE COMMISSIONER: All right.

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

7 **(PROCEEDINGS ADJOURNED AT 10:53 A.M.)**

8 **(PROCEEDINGS RESUMED AT 11:07 A.M.)**

9 THE REGISTRAR: The hearing is now resumed.

10 THE COMMISSIONER: Yes.

11 MR. GRATL: It was a worthy objection by Mr. Dickson. His
12 instincts were right. It's a quote from Mr. Greer
13 actually, the comment about the list being
14 unreliable because they were generated by
15 activists from the Downtown Eastside.

16 Q But I might as well take the opportunity to ask
17 Mr. MacKay-Dunn whether he agrees with that
18 assessment that the lists were perceived as
19 unreliable because they were generated by
20 activists from the Downtown Eastside?

21 A Well, again, Mr. Commissioner, that was not my
22 perception, notwithstanding I certainly have no
23 difficulty answering that question. It certainly
24 is indeed possible, but I couldn't speak to that.

25 Q And Constable Dickson, who is sitting beside you,

1 you described in your interview with Deputy Chief
2 Evans as being perceived as a special kind of
3 police officer. That is he didn't -- he fell
4 outside the normal chain of command and normal
5 investigative duties. Is that right,
6 Mr. MacKay-Dunn?

7 CONSTABLE DICKSON: Was that Ms. Evans' perception of me?

8 MR. GRATL: No, I'm just asking Mr. MacKay-Dunn about that.

9 THE COMMISSIONER: Are you asking whether he agrees or not?

10 MR. GRATL: I know this is an uncomfortable business of asking
11 a man what he thinks of a man sitting right next
12 to him.

13 MR. MACKAY-DUNN: I have no problem answering the question.
14 Please ask the question again.

15 MR. GRATL:

16 Q All right. So in your interview with Deputy Chief
17 Evans you described then Constable Dickson in
18 terms that indicate that he has special status
19 within the Vancouver Police Department?

20 A Yes.

21 Q That he had a special role, effectively a
22 non-investigative role?

23 A No, he had a role free of the callout, which means
24 is that he wasn't handcuffed to the radio. He had
25 opportunities to use his initiative to explore

1 things which would include investigations.

2 Q All right. You felt that Dave Dickson was the
3 person who was really on top of the Downtown
4 Eastside community and its issues?

5 A Absolutely.

6 Q And interests?

7 A Absolutely.

8 Q And you said to Deputy Chief Evans that the
9 problem was that Dave Dickson -- the problem that
10 Dave Dickson had was the fact that most of the
11 bosses thought he had been Stockholmed?

12 A I used that term exactly Stockholmed.

13 Q And by that you were referring to Stockholm
14 Syndrome?

15 A Stockholm Syndrome, that's correct.

16 Q That's a reference to a person who had been
17 kidnapped, but in the course of being kidnapped
18 believes himself ultimately to be allied in
19 interests with the kidnappers rather than the
20 people from whom he'd been kidnapped?

21 A That's correct.

22 Q So that's a way of saying that Dave Dickson, you
23 described it another way, you say if there's a
24 perception that Dave Dickson crossed the line?

25 A Some held that view.

1 Q That would be the blue line?

2 A No. Just crossed the line. It's an expression.

3 I know that -- I know that others would say to me

4 that Dave Dickson had been down there too long,

5 that he should be moved on. I took the view --

6 that's in general conversation. I took the view

7 that he was my eyes and ears on the street --

8 well, our eyes and ears on the street in that his

9 presence on the Downtown Eastside, especially

10 dealing with the sex trade workers and other

11 people, was invaluable.

12 Q I'll just give you a few more quotes that have

13 been used to describe Dave Dickson. And this is

14 you quoting other officers.

15 A Okay.

16 Q Or words to the effect of what you heard from

17 other officers. "Oh, that's Dickson again. Oh,

18 he's just so minor. You know, God, he's crossed

19 the line. He's no longer one of us, he's one of

20 those. Nobody listens to him."

21 A I don't recall specifically that. I could have --

22 I'll have to have a look at this so we don't get

23 confused between my testimony and --

24 Q No, fair enough. Fair enough. Especially after

25 the last mistake. I'm just showing the witness

1 pages 14 and 15 of his interview with Deputy Chief
2 Evans. Do you see the highlighted portions there?

3 A Yes, I do.

4 Q I take it those are an accurate reflection of what
5 you told Deputy Chief Evans?

6 A Yes, it was a rather -- it was a rambling
7 conversation, certainly, yes.

8 Q And I take it you would be as careful speaking
9 with Deputy Chief Evans as you are being today?

10 A I attempted to be absolutely factual with her.

11 Q And I'm not criticizing you when I say it just
12 becomes a little harder to speak about people when
13 they're sitting right beside you.

14 A Oh, I have no difficulty talking about people
15 beside me. I'm on council, I do it all the time.

16 MR. GRATL: And I just mention that, Mr. Commissioner, because
17 of --

18 THE COMMISSIONER: Because you're a political person you don't
19 have any friends.

20 MR. MACKAY-DUNN: That's right, that's right. They become like
21 a millstone, Mr. Commissioner, as you well know.
22 And just remember what Harry Truman said: If you
23 want friends in politics buy a dog.

24 THE COMMISSIONER: Yes.

25 MR. GRATL:

1 Q My point is this, that what you did in your
2 conversation with Deputy Chief Evans was you
3 described your perception that senior management,
4 some of the bosses, considered Dave Dickson to be
5 on the other side, not connected, not one of us,
6 Stockholmed, a minor figure. In effect himself
7 marginalized in the same way the community that he
8 served was marginalized.

9 A They did not think -- well, I would say what --
10 exactly what quote are you referring to?

11 MR. DICKSON: Mr. Commissioner, I didn't hear a reference to
12 senior management in the quote from
13 Mr. MacKay-Dunn.

14 MR. GRATL: It's actually there on page 14. I don't have it in
15 front of me any longer.

16 Q Do you see a reference to senior management there?
17 It says some of the senior management team felt
18 that -- could you read that out, please?

19 A I'm trying to find it. Perhaps you could --

20 Q It's about two-thirds of the way down.

21 A Are you on page 14?

22 Q Yes.

23 A Well, I see the comment about Dickson had been --
24 that most of the bosses thought he'd been
25 Stockholmed. I see that.

1 Q Yes, that's the comment that I was thinking about.
2 Most of the bosses thought he had been
3 Stockholmed. That is to say --

4 A I had heard the comment Stockholmed in reference
5 to Dickson mentioned by others.

6 Q Okay. And that means kidnapped and interests
7 perverted?

8 A In the police parlance it refers to -- yeah, it
9 could refer to that.

10 Q Sure. And in a political world it was a political
11 kidnapping, and what it meant was Dickson's no
12 longer on the side of the police, he's on the side
13 of the community?

14 A Which was exactly where we wanted him.

15 Q All right. Fair enough. But when it came to the
16 bosses --

17 A That --

18 Q And you go on to say and he's a minor figure and
19 he's not one of us?

20 A Okay. Just one second. When you say boss it is a
21 very general term. There are bosses and there are
22 bosses, like there are individuals and
23 individuals. There's police officers and there's
24 other police officers, there's lawyers and there's
25 lawyers, as you well know. When we say bosses --

1 when I say bosses I am referring to -- most of the
2 bosses in my opinion, not all of them, thought
3 that Dickson had been Stockholmed, that's correct.

4 Q Sure, but that's a problem in the sense that
5 Dickson is one of the guys providing information
6 about the missing women?

7 A That is certainly an issue, but Dickson did, to
8 his credit, he provided a factual list that we
9 were able to work with through Rossmo to prove
10 that in fact something -- it wasn't just a figment
11 of his imagination that there was something going
12 on.

13 Q Yeah, I'm just trying to get at the reasons why
14 Mr. Dickson's list was ignored, and I'm suggesting
15 to you that this could have been one of them.

16 A I disagree, Mr. Commissioner. I didn't ignore it.
17 My immediate boss, Gary Greer, didn't ignore it.
18 Rossmo didn't ignore it. It became a subject of
19 discussion even with those folks in Missing
20 Persons and Inspector Biddlecombe, so certainly it
21 wasn't ignored. It may not have been agreed, the
22 premise may not have been accepted, but the list
23 itself wasn't ignored.

24 Q Okay. Let me rephrase, 'cause I don't mean to say
25 that you ignored it, and I don't mean to say that

1 Inspector Greer ignored it, what I mean to say is
2 that ultimately from a practical, pragmatic point
3 of view the list didn't have the effect on
4 allocation of resources that it was intended to
5 have?

6 A It didn't have the effect on the allocation of
7 resources in my opinion, not that it wasn't -- and
8 that did not occur because it was -- it was
9 ignored. It wasn't believed to be a problem.
10 There is a difference.

11 Q Well, in his -- in one of his lists anyway, one of
12 his memos he sets out not only lists of missing
13 women, but also his opinion that they have met
14 with foul play?

15 A I don't have it in front of me, but in my
16 conversations with Dave, and I had a number of
17 them, yes, that was his view that they had met
18 with foul play.

19 Q And if someone were to ask you well, why wasn't
20 Dave Dickson listened to, part of the answer you
21 would give is well, you know, there was a
22 perception that he was Stockholmed, that maybe he
23 wasn't looking after the interests of the police,
24 that he was looking after the interests of the
25 groups and individuals that he'd been Stockholmed

1 by?

2 A Well, I believe that I'd had that ball played too
3 and I wasn't listened to, and I was a staff
4 sergeant.

5 Q That you were subject to the same forces?

6 A In terms of being Stockholmed?

7 Q Yeah. You weren't being perceived to be
8 Stockholmed?

9 A Well, quite frankly, Mr. Commissioner, I'd rather
10 be working with the community than anything else.
11 When we talk about community-based policing, and
12 that's what you have to do, you have to make that
13 transition from reactive what I call fire hall
14 policing to working with the community, and that
15 means that you have to be a catalyst for positive
16 social change which means you are consumed by the
17 community.

18 Q Well, I agree with that assessment, and aspire to
19 that ambition, but I want to get back to this
20 political question. We talked about internal
21 politics of the VPD, and then politics with the
22 media and city hall, but there's also politics of
23 advocacy groups.

24 A Yes.

25 Q There are some that are in, some that are out,

1 some that are listened to, some that are perceived
2 to be anti-police?

3 A Oh, absolutely.

4 Q Okay. So when an individual officer becomes
5 perceived to be allied with groups that are in
6 part anti-police, then that officer him or herself
7 might come to be perceived to be anti-police?

8 A Well, I wouldn't say anti-police, but their
9 opinion would be less valued.

10 Q All right. And I'm just suggesting that that
11 might be one of the things that occurred in
12 respect of Mr. Dickson and the opinions that he
13 voiced.

14 A Well, you know, anything is possible. I think
15 that Dave Dickson, you must understand,
16 Mr. Commissioner, was so unique and so different
17 from the standard police officer in the role that
18 he was performing, and the responsibility that he
19 accepted and embraced was so different, that many
20 people -- people from standing -- people trapped
21 within the callout, for example, working the shift
22 work, whose time was being consumed going from
23 call to call to call were looking to Dickson and
24 saying well, he's got a fairly easy gig here, what
25 does he do? And if they don't know what he does

1 they formed the opinion that he's taking a bit of
2 a rest and the rest of us are still working. So
3 that was perception through the organization, but
4 that would happen, quite frankly, in any
5 organization from an organizational point of view.

6 Q Okay. So you described yourself in your interview
7 with Deputy Chief Evans as a point guy for the
8 Vancouver Police Department on community policing?

9 A Yes.

10 Q One of the frailties of the community policing
11 model is that it assumes a monolithic community,
12 that the community all has the same interests;
13 isn't that right?

14 A Well, no, it doesn't actually, because there are
15 communities within communities within communities.
16 That's one of the really interesting things, if I
17 might just clarify that point. In District 1, for
18 example, which is the Downtown and the West End, I
19 had a community police office on Granville Street,
20 at 950 Granville, to deal with the street issues
21 there. I had one in the West End to deal with the
22 seniors community, one in Yaletown to deal with
23 the Yaletown residents and their concerns. Each
24 one of them had a particular focus because of a
25 different community. So what you do is that you

1 build your community policing model to deal with
2 the specific issues of that community. That's why
3 you have a Community Advisory Board, that's why
4 you have a neighbourhood patrol officer assigned
5 to it. That's the first step. Now, if the
6 community itself comes together and decides it
7 needs an office to further what community policing
8 is they will support it. So that is why in
9 District 1, for example, we had offices that had
10 been supported by the community and funded by the
11 community because they deemed it to be important
12 to their quality of life and their perception of
13 safety.

14 Q But one officer might be saying well, I'm trying
15 to serve the interests of the community, and for
16 example Mr. Dickson, and what he means by the
17 community is disenfranchised people of the
18 Downtown Eastside, sex workers, drug users?

19 A Absolutely.

20 Q Juveniles in foster care?

21 A That was the reason Dave was down there to give
22 those entities voice. And when he came to us with
23 that information we as a management team would act
24 on it as much as we could, because we wanted to
25 keep that -- to keep that door open because it had

1 been closed for many, many years.

2 Q And then another officer might say I'm interested
3 in community policing or serving the interests of
4 the community, and what they might mean by
5 community is the residents and merchants within a
6 geographic territory?

7 A Yes.

8 Q And that they might be referring to parents
9 associations or teachers associations?

10 A Well, I can tell you that the officers assigned to
11 Gastown had a quite different community than Dave
12 Dickson's people. And Dave Dickson's people were
13 often at odds with those people in Gastown who,
14 quite frankly, wanted all of those drug users to
15 be somehow moved away from the community, and our
16 point was that's well and good, but they live here
17 too just like you do.

18 Q But sometimes some of these communities don't
19 accept that the other communities form part of the
20 same territory?

21 A Community policing is not boring, it's very
22 interesting because you have to be -- you have to
23 be aware of what other people's needs, wishes,
24 wants are, and try to find something that is
25 common to both to hopefully bring them together.

1 Q Sure, but if it becomes political then policing
2 decisions, resource allocations, they become very
3 political?

4 A Well, politics affects all forms of life as you
5 know.

6 Q Oh, I appreciate that, but we're just looking at
7 how politics --

8 A Special interests in the Downtown Eastside
9 especially, and even in the West End and downtown
10 Vancouver, there are a number of special interest
11 groups, and you've named a few them. You have
12 VANDU, you have -- you have the Strathcona
13 Community Association, you have the Gastown
14 Merchants, you have the Chinatown Merchants
15 Association, these are all community groups with
16 different points of view in terms of what they
17 deem reality should be.

18 Q Okay. And sometimes sharply antagonistic?

19 A They would have quite an extreme exchange of views
20 if we put them into the same room, yes.

21 Q And ultimately it makes policing resource
22 allocation questions politicized?

23 A No, I -- we --

24 Q Just a --

25 A No, we assigned -- to be fair we assign resources

1 based on what we saw the need to be in a fair and
2 equitable way. We try to do that within a limited
3 budget and still respect our primary goal which
4 was to respond to the calls, to be there when
5 people needed us. We put beat officers on the
6 street so that they could be there to look after
7 the street people essentially. So we try to do
8 all of that at the same time through our Team 11
9 and our community police officers to deal with
10 those other, shall we say, pressing social issues
11 that were in fact driving crime and driving the
12 callout.

13 Q What I'm trying to get at is the structural
14 weakness in the community policing model, the
15 structural weakness, so that we can understand
16 those weaknesses and move forward and maybe
17 advance and develop those concepts.

18 A Well, I would argue that my community policing
19 model, the one I described, which is very much
20 like a parent advisory council model which I've
21 been on, quite frankly works very well because of
22 the fact the community drives it. If the
23 community drives a solution the solution will be
24 achieved. I used to say many times when I spoke
25 on the subject is a community can make a brick

1 fly, but that means it will do things and achieve
2 objectives I thought were absolutely impossible.
3 I've seen it happen. That's its strength.

4 Q I'm not saying that there aren't merits to the
5 community policing model, I'm just saying that
6 there, and I want to get at this structural issue,
7 that if the decision making becomes politicized
8 rather than just simply being an old school cop's
9 appraisal of where the crime is and you send the
10 cops into where the crime is, if it becomes
11 politicized because community needs are being
12 served what you have is a political contest where
13 the politically weaker groups are going to lose
14 out?

15 A And you're absolutely right except for one thing,
16 and that's why you assign Dave Dickson to do that.
17 That's why the officers in charge have to, as I
18 did in District 1, I had the community policing
19 officers report directly to me, because I had to
20 give them status within the organization, that's
21 the way you do it. And you have to get out of
22 your office and on the road and out talking to
23 people. That's where you separate the musts from
24 the shoulds and from the nice to dos. So what we
25 have to do first and foremost, and one of the

1 things we must do, callout for example, protection
2 of life and property, preservation of the peace.
3 The should dos, let's look more and more into the
4 social issues that are driving crime, let's make
5 those changes be a catalyst for social change.
6 And lastly the nice things, are we going to be
7 assigning officers, let's say, to the Gay Pride
8 Parade or to other community events, can we afford
9 to do that within the budget.

10 Q So all --

11 A So all of those are political decisions. My view
12 of politics in this sense are policy issues.

13 Q If I understood your remarks then, the presence
14 and effectiveness of officers like Dave Dickson
15 then are essential to the integrity of a community
16 policing model?

17 A Absolutely.

18 Q And if officers -- I mean some officers like Dave
19 Dickson might be marginalized because of the
20 communities they serve?

21 A They could be, yes.

22 Q And some officers because they serve
23 non-marginalized communities, potentially powerful
24 political communities, wouldn't be marginalized?

25 A That would be a fair statement.

1 Q Okay. So --

2 A But not by me.

3 Q No, I'm not suggesting by you. You're obviously a
4 well meaning, compassionate individual. I don't
5 intend any criticism, I just want to look at this
6 unique policing model and then bring it back to
7 the context of the missing women investigation.
8 When you look at that structural weakness isn't it
9 fair to say that there was a political contest
10 between community groups about allocation of
11 resources in about 1998 to 2001, 2002?

12 A Well, as I've -- Mr. Commissioner, as I've given
13 evidence before on this, I was not in the "room"
14 when these decisions were made with the allocation
15 of resources. I can only give one man's opinion
16 and I will do so. In my opinion, yes, there were
17 political pressures in place. If -- and I've used
18 this term, if in fact there had been a number of
19 women missing in Shaughnessy in similar
20 circumstances, you know, resources would have been
21 deployed. Well, one, we'd have known they were
22 missing because their families had reported them.
23 But even if the families hadn't seen the
24 individuals for a time and expressed concern, then
25 yes, there would have been more -- I think more

1 direction from the council, the mayor and council
2 to do things about it. The mayor, as you know,
3 not only is he the mayor of the city, he's also
4 the chairman of the police board. So he has --
5 there's direct political, shall we say,
6 consultation with the police, with senior
7 management of the police service.

8 Q All right. Is there a way that you could think of
9 that would elevate marginalized communities within
10 a community policing structure, increase the
11 extent to which they're listened to, increase the
12 resources that are allocated to protecting them
13 and decreasing the resources that are allocated to
14 prosecuting?

15 A Well, I believe -- for example, I believe that in
16 terms of the major problem that these communities
17 are facing, I'm talking now the sex trade workers
18 on the Downtown Eastside, shall we say low down on
19 the order of -- the pecking order as you call it,
20 I believe, quite frankly, what we have to do is
21 recognize that they have a medical problem, a huge
22 medical problem that should be of concern to
23 everyone. Especially if you look at the impact on
24 the health care costs, just on that alone, just on
25 that alone, that there has to be efforts made to

1 give them the opportunity to get better and get
2 well, because in my opinion as long as they're in
3 that condition I could have another hundred
4 officers down there and I couldn't protect them
5 because they -- one has to first learn how to
6 protect ourselves in terms of our own survival,
7 but if that has been suspended because of an
8 addiction issue, because they're mentally
9 incapable of making that decision to protect
10 themselves. I could supply the resources and I
11 still couldn't guarantee that each one of those
12 individuals would be protected.

13 Q It's possible for the Vancouver Police Department
14 to make a sexual transition like that from a
15 criminal approach to a medical one. We saw that
16 with InSite. You were there during that
17 transition; is that correct?

18 A Yeah, I think what happened with InSite it was
19 basically a, and I'll use in policing it was a cop
20 out, because what that is in fact is, although
21 valuable in terms of making sure that the
22 individuals at least if they were going to do
23 drugs they did it under medical supervision, I get
24 that and I accept that and I think that's a move
25 in the right direction, but you cannot -- you

1 achieve nothing without treatment and, yes,
2 enforced treatment. Because all you do if you
3 don't have the treatment component you're just
4 keeping them on the street, and quite frankly,
5 Mr. Commissioner, I've said this many times in the
6 press since I've retired, if you stay on the
7 street you will die on the street. It's a very
8 dangerous place. I have two daughters, I would
9 not want them down on the street period.

10 Q May I interrupt you just for a moment?

11 A Go ahead, please. It's your cross. I apologize.

12 Q My understanding is that when you make a shift to
13 a medical approach rather than a criminality
14 approach you can facilitate aspects like voluntary
15 treatment, that InSite is a gateway to voluntary
16 treatment?

17 A It should be.

18 Q Whereas incarceration is not a successful gateway
19 to voluntary treatment?

20 A Mr. Commissioner, I can with some degree of
21 expertise, I actually was in a prison undercover
22 for two weeks and I can tell you it had nothing to
23 do with treatment or nothing to do with
24 rehabilitation. All it does is just resolidify
25 your position, and at any time you learn how to be

1 a better crook, because I had a senior prisoner
2 explain to me how better to do B and Es when I was
3 in there.

4 Q And I know you've mentioned forced treatment
5 before, but I take it you'll agree with me that
6 voluntary treatment is both more successful and
7 more desirable from an autonomy point of view than
8 forced treatment?

9 A In a perfect world voluntary treatment will work
10 is when they make the decision to take treatment
11 and knock on the door the door has to open. They
12 can't be put on a waiting list.

13 Q Okay. But --

14 A And those individuals that are convicted of an
15 offence that's drug related should be sent to, in
16 my opinion, enforced treatment.

17 Q If I can put it this way, there aren't enough
18 voluntary treatment facilities currently in
19 operation in the Lower Mainland?

20 A I've made that point, yes.

21 Q Okay. And voluntary treatment is preferable to
22 forced treatment?

23 A Because if one makes the decision to clean up, has
24 made the decision to go into treatment, that is
25 preferable than to be dragged in by the scruff of

1 their neck, yes.

2 Q So what I'm saying is I know you have views about
3 forced treatment, but doesn't it make more sense
4 to deal with the absence of voluntary treatment
5 centres before we even consider the enforced
6 treatment issue?

7 A I would argue this way. If you're going to talk
8 about treatment, that's one of the four pillars,
9 right, you have to make darn sure that you have
10 enough treatment facilities to deal with those
11 individuals who want voluntary treatment. And
12 those treatment centres have to be controlled and
13 properly monitored and accredited so that they're
14 all providing treatment in a way to deal with --
15 which addiction is a very complex issue, as you
16 know, and the people aren't going to -- they're
17 not all going to be successful. They're going to
18 be on again off again, but eventually by moving in
19 that direction they will achieve that point in
20 time when they're in fact clean with the proper
21 psychological, shall we say, psychological support
22 that they will stay clean. Now, but for those
23 individuals some of them may require as a first
24 step the legislated treatment so that they can
25 feel what it's like to be clean again. Some of

1 them have forgotten that they have been addicted
2 so long.

3 Q All right. I think that we ultimately agree
4 though that the voluntary treatment should be --
5 the absence of voluntary treatment facilities
6 should be dealt with as a social priority and a
7 planning priority before we even get into the
8 forced treatment issue?

9 A Well, if you don't have voluntary treatment
10 facilities how could you possibly have forced
11 treatment.

12 Q We definitely agree then. Now, I have you in your
13 interview with Deputy Chief Evans suggesting that
14 the Strike Force could have been deployed and a
15 very small territory used in which sex workers
16 were contained?

17 A That was my thought. I was on Strike Force at the
18 time and -- or not at the time, but I have spent
19 some time on Strike Force, and I thought when I
20 was discussing with Deputy Evans I believe she was
21 asking me what would you have done, and I said one
22 alternative could have been is the deployment of
23 Strike Force into the Downtown Eastside, and
24 specifically looking to see if in fact it could
25 see any individuals down there of interest. But

1 unfortunately if you're going to deploy the Strike
2 Force you do have to have a person of interest,
3 that's the way it's set up, but you could still --
4 and I went further with her, is that to flood the
5 area with resources. But that would only come
6 after senior management had realized there was a
7 problem --

8 Q Sure.

9 A -- and had gone with Dr. Rossmo's point of view
10 that it was a problem. And now it's the time for
11 us to -- you know, in the process, the process in
12 terms of any investigative process is that you
13 collect information. You know, you collate it,
14 you put it in some order, just like Mr. Registrar
15 has done with all of this. You analyze it and you
16 make a decision. So what I wanted is to get it
17 started, so we started to collect the information
18 building on what David said, moving towards I was
19 hoping that resources were going to be assigned if
20 we could bring the investigation division where
21 Strike Force actually lives into the picture and
22 get their support.

23 Q Okay. My understanding of Strike Force or road
24 surveillance, field surveillance is that a number
25 of officers are assigned to various locations,

1 either static or moving, and they call in by radio
2 to a road boss what their observations are and the
3 road boss records all the observations?

4 A No. No, the Strike Force is very mobile. It
5 would be active surveillance. You would have a
6 driver and a foot. In other words, someone who
7 would get out of the car. But you would be --
8 generally speaking you would be on a particular
9 target.

10 THE COMMISSIONER: Where are we going with all of this?

11 MR. GRATL: Well it was just in relation to the observation
12 that you need to have a suspect or a person of
13 interest in order to engage.

14 THE COMMISSIONER: Why am I hearing about strike forces?

15 MR. GRATL: Oh, well, I -- the women were disappearing at
16 intervals of maybe six weeks or two months, and
17 the VPD or the RCMP could have easily just hung
18 out there in that small containment field around
19 the sex workers and waited there. I think that's
20 Mr. MacKay-Dunn's point of view.

21 THE WITNESS: Well, certainly, Mr. Commissioner, from a 20/20
22 hindsight that might have worked, may have worked,
23 but that was my conversation with Deputy Evans.

24 MR. GRATL:

25 Q But you can have unknown targets just described in

1 the surveillance logs as T1 and T2 and then a
2 physical description of T1 is given without
3 knowing the person's name?

4 A You could.

5 Q That's pretty standard practice?

6 A That's certainly practice that has been used in
7 others.

8 Q Okay. So it wouldn't strictly speaking be
9 necessary to have a specific target in mind when
10 you conduct surveillance?

11 A Yeah, but you have to have a very good reason -- a
12 very good reason to convince those that assign
13 resources or a good argument for those who assign
14 resources that there's a strong likelihood of
15 identifying individuals involved in a particular
16 criminal activity.

17 Q I don't disagree. You described the Missing
18 Persons Unit as a dumping ground for police
19 officers in your interview with --

20 A I said that. Perhaps it might have been an
21 unfortunate choice of words, but in the past
22 that's certainly what it was. You weren't
23 assigning the best of the best to that area.

24 THE COMMISSIONER: Well, if it makes you feel any better you're
25 not the only police officer who's testified told

1 us that the Missing Persons Unit in Vancouver at
2 that time was a dumping ground.

3 THE WITNESS: Oh, yes, thank you. Yes, it is a dumping ground.
4 It was a dumping ground.

5 MR. GRATL:

6 Q And you mentioned in your interview with Deputy
7 Chief Evans that missing persons hadn't blossomed
8 into an investigative entity?

9 A That's correct, it was more of a records
10 administrative function.

11 Q Okay. That was while Al Howlett was there it was
12 more records and administration?

13 A I'm not sure. When Evans asked me the question I
14 was thinking of the -- because I hadn't really put
15 my mind to this in 14 years, I was talking about
16 the Missing Persons Unit as I remembered it, which
17 may have been different when Howlett went in,
18 because Howlett was a good investigator. I know
19 there were changes made, but when Ms. Cameron was
20 basically running the unit and people came and
21 went it was especially an area for the walking
22 wounded.

23 Q And then it was Inspector Howlett before he went
24 to the Missing Persons Unit, wasn't it?

25 A I'm not sure what he was.

1 MR. DICKSON: I don't think that's correct.

2 MR. GRATL:

3 Q All right. To your knowledge Al Howlett had other
4 duties with a pipe band and with the police union?

5 A I can't speak to that, that's beyond my knowledge.

6 Q All right.

7 A I can only speak to my impression of Mr. Howlett
8 as positive.

9 Q As the investigation of missing women progressed
10 beyond Amelia, you'll agree that it seemed to you
11 that the Vancouver Police Department kept putting
12 missing women lower on their list of priorities?

13 A Well, when was that, because I was transferred out
14 of District 2 in April of 2000.

15 Q Okay. Did you keep a watching brief at all on
16 this?

17 A I was assigned to the -- the administrative
18 officer to Deputy Chief Greer who gave me a number
19 of other assignments that took me away from
20 District 2.

21 Q Well, just for your temporal reference it was
22 about late April of 1999 that Amelia started
23 taking off. There were a couple of detectives
24 were assigned on a part-time basis, and we had
25 Constable Dickson assigned temporarily, although

1 that was aborted or jettisoned after a while. You
2 saw a decrease in enthusiasm for that missing
3 persons investigation during your time there
4 before you left in 2000?

5 A You know, to be absolutely accurate, when
6 Inspector Greer left Inspector Beach took over,
7 after we went through a period of transition
8 Inspector Beach became, you know, very much
9 involved with this and did -- and was very active
10 in terms of dealing with these individuals. I
11 took on a role of simply maintaining and answering
12 to the issues that we were facing on a day-to-day
13 basis in District 2. Occasionally I would have my
14 conversations with Dave Dickson, I'd go down to
15 the Downtown Eastside community safety office, I'd
16 talk to the system of atonement. In terms of the
17 watching brief, I had a watching brief on the
18 community to determine if in fact anybody was
19 hearing anything.

20 Q All right. And when you say you had a watching
21 brief, you yourself were in touch with some
22 community groups?

23 A On a number of issues, on a number of cases, yes.

24 Q But you yourself recognized that you weren't in
25 touch with all the community groups down there?

1 A Again that's why we have Dave Dickson. There's so
2 many groups down there it's very difficult to keep
3 in touch with all of them. The good Lord knows we
4 try our best to keep in touch. Dave refers to his
5 pager. You know, it wasn't a five days a week 40
6 hours a week, it was much more than that in terms
7 of trying to keep up with what was going on.

8 Q No, and the problems are day and night too?

9 A Absolutely.

10 Q It's not a day job. A lot of the sexual assaults
11 and violent incidents occur at night?

12 A Absolutely.

13 Q And so even Dave Dickson working 80 hours a week
14 has to sleep, so obviously he can't deal with lots
15 of problems as they arise?

16 A No, he can't. But in fairness, you know, we had
17 sergeants that were responsible for this. They
18 knew that individuals were at risk. They
19 monitored the strolls. The officers monitored the
20 strolls. They did meet with community groups. I
21 depended on, quite frankly, this coalition of
22 community groups in terms of the meeting that
23 occurred every month, often organized by Deb
24 Mearns who would bring people to the group. And I
25 would hear regularly, for example, from the VANDU

1 or Jamie Lee Hamilton or other community leaders
2 that come to the group with their concerns. I
3 would then document those concerns and then come
4 back to the committee.

5 Q The core of the groups you were dealing with were
6 the safety office where Deb Mearns was the
7 executive director there?

8 A Yes.

9 Q And Dave Dickson worked out of that safety
10 office --

11 A He did.

12 Q -- with Deb Mearns? To the point where I think
13 you described Mearns as believing she has control
14 of the beat?

15 A I don't think those were my words. It might have
16 been raised by another officer, but --

17 Q And then DEYAS with John Turvey, Deb Mearns'
18 spouse?

19 A Yes.

20 Q And then also WISH, and I think it was Deb Mearns
21 took over the board at WISH, she became the chair
22 of WISH. I don't know if you remember.

23 A I'm not sure. Deb Mearns was involved with a
24 number of things, as was John Turvey, they were
25 very active in the area, and those individuals

1 were the ones that were sort of reporting out
2 those concerns of the community, to use your
3 words, the disenfranchised community, if you will,
4 and trying to give them voice.

5 Q And all I'm suggesting is that were some groups
6 that were in the -- from the point of view of the
7 Vancouver Police Department were at the core of
8 the community advocacy groups, and then there were
9 other groups that were from your point of view
10 more peripheral?

11 A That would be fair.

12 Q Okay.

13 A I mean, there were groups and groups. I mean,
14 depending on what day of the week we would find
15 another group that had organized.

16 MR. GRATL: Right. Thank you, Mr. MacKay-Dunn. Those are my
17 questions, Mr. Commissioner, for this witness, and
18 I understood Mr. Hira had requested that he take
19 his half hour or hour --

20 MR. HIRA: Twenty minutes.

21 MR. GRATL: Twenty minutes now, and I don't have any difficulty
22 interrupting my cross-examination.

23 THE COMMISSIONER: You have no more cross-examination?

24 MR. GRATL: I don't have any difficulty interrupting my
25 cross-examination. Now is a good time because I'm

1 finished with Mr. MacKay-Dunn with the exception
2 of retrieving my transcript.

3 THE COMMISSIONER: How much more do you have?

4 MR. GRATL: I'll be more brief with each of the witnesses as we
5 go on.

6 THE COMMISSIONER: Sorry?

7 MR. GRATL: I'll be more brief with each of the witnesses as we
8 go along.

9 THE COMMISSIONER: Okay. All right.

10 MR. HIRA: For the record my name is Ravi Hira. I act for
11 retired Assistant Commissioner Earl Moulton who at
12 the relevant time was an inspector in Coquitlam.
13 And I thank my friend Mr. Gratl for permitting me
14 this courtesy.

15 THE COMMISSIONER: All right.

16 MR. HIRA: I have prepared a book of excerpts of interviews
17 conducted by Evans of these witnesses. I should
18 give that to you, Mr. Registrar, which will assist
19 through this cross-examination of mine in a timely
20 fashion. And what I'm going to do is
21 cross-examine each of you individually, and let me
22 start, if I may, with Officer Dickson.

23 **DAVE DICKSON: Resumed**

24 **CROSS-EXAMINATION BY MR. HIRA:**

25 Q Officer, Detective Constable Lori Shenher, you

1 worked with her on the review team; is that not
2 correct?

3 A That's correct.

4 Q And you characterized her role as that of
5 organizing files and creating tasks to give to
6 people to do. Is that a fair characterization of
7 her role?

8 A Yes, I believe that was her role.

9 Q Thank you. Let's now move on to Sergeant Geramy
10 Field. You worked with her as well, sir?

11 A Yes, she was the sergeant in charge.

12 Q And at one point in time there were some 31 or so
13 missing women; is that not correct?

14 A That's correct.

15 Q And you had done some investigation and concluded
16 that the list had to be added to. Do you recall
17 that?

18 A I believe there was another one that I was working
19 on, another missing female.

20 Q Yes. As I understand it Sergeant Field did not
21 want to add to the list; isn't that correct?

22 A That's correct.

23 Q And do you know the reason why she did not want to
24 add to the list of missing?

25 A I don't. She just said that we were just looking

1 at the list we have, she didn't want me to be
2 looking for other ones. I don't know her reasons.

3 Q Was that a resource issue or something like that?

4 A I have no idea, she just did.

5 Q Fair enough. Now, you noted that in terms of
6 being successful in patrolling, having contacts in
7 policing the Downtown Eastside, it really boiled
8 down to a matter of personal attitudes towards
9 people; isn't that correct?

10 A On the part of police officers?

11 Q Yes.

12 A That's correct.

13 Q In other words, if you were sensitive to the
14 plight of the people working there, particularly
15 the sex trade workers, if you had a genuine
16 sensitivity and a concern for them you were able
17 to get information from them; correct?

18 A That's correct. Most of the women because of
19 their backgrounds of abuse have a very good, I
20 guess, ability to judge one's character and to
21 know if they're full of it when they're trying to
22 talk to them or if they're sincere.

23 Q And you encountered situations where officers,
24 other officers were given tasks to get information
25 from the women, and they were unable to do so

1 because of the attitude that they displayed
2 towards them?

3 A I think that's fair.

4 Q You described to Deputy Chief Evans that -- let me
5 get it right, that the Downtown Eastside was a
6 perfect place for Pickton. He had perfect victims
7 and everything just fell into place for him
8 unfortunately.

9 A That's correct.

10 Q And what did you mean by that, sir?

11 A He had the perfect victim. He had somebody who
12 jumped into a car as many as ten or fifteen times
13 a day, and the last time they jumped in they
14 didn't come back and nobody really noticed.

15 Q But you certainly did?

16 A I did eventually, not soon enough unfortunately.

17 Q Thank you. You took Detective Inspector Rossmo to
18 a meeting at Carnegie Hall, is that not correct,
19 around February of 1999?

20 A No, I think the one I went with him was to the
21 First United Church to the WISH Drop-In.

22 Q Sorry, you're right. I'm wrong. It wasn't there.
23 And at that meeting Detective Inspector Rossmo
24 said that he couldn't help in dealing with the
25 missing because there was no crime scene to start

1 profiling?

2 A That's correct. I recall him saying because there
3 are no crime scenes or no bodies he couldn't use
4 his system to assist, so he apologized to many of
5 the women.

6 Q Were the women upset to hear this?

7 A No, they weren't. I didn't hear any vocal
8 concerns about it. The WISH Drop-In, it's a bit
9 different, you have to picture a hundred to 125
10 women coming in sporadically, their main goal when
11 they come in there is to eat dinner, so their time
12 span is very short to speak or get any information
13 out to them. They eat their dinner, and unless
14 somebody is handing out free cigarettes they're
15 out the door very quickly.

16 Q Fair enough. Were you surprised to hear that he
17 couldn't assist because there was no crime scene?

18 A I was a little bit surprised. I didn't know
19 enough about his system at this point.

20 Q Now, you also stated on the issue of resources
21 that you didn't need a lot of additional resources
22 to deal with a serial killer, that if you had a
23 valid tip resources could easily be deployed
24 immediately?

25 A That's correct. That was my impression,

1 Mr. Commissioner. I think if they had a good tip
2 I think the resources were there. I was under the
3 impression that Strike Force could have been
4 called out if we had some good information.

5 Q And then you gave some opinions regarding regional
6 policing to Deputy Chief Evans; is that not
7 correct?

8 A That's possible. I don't remember specifically
9 what I said, but that's certainly possible.

10 Q You were of the view that regional policing
11 wouldn't necessarily be the cure to the problems
12 of policing in the Lower Mainland because policing
13 remains a personal matter, a matter of
14 individuals, personalities and egos?

15 A That's my belief.

16 Q And if you had a regional police force it would
17 still depend on whether or not police officers
18 were prepared to overcome their personalities and
19 their turf, and guarding their turf and were
20 prepared to work together; correct?

21 A That's correct.

22 Q It was your view, that as we have now, that
23 specialized task forces such as IHIT with skilled
24 personnel are the answer to some of the issues
25 that we face today?

1 A Yes, that's correct. That's always been my view
2 looking at, you know, the past investigations,
3 hand picking the people you want with the
4 expertise in the areas you want. It's certainly
5 the best case scenario, even if you want to bring
6 an officer from Boston Bar down here. You know,
7 if you can pick the people you need for that task,
8 I think that's by far the best scenario.

9 Q Lastly, as you have testified, and I'm sorry if
10 I'm repeating things, you never came across
11 Mr. Pickton in the Downtown Eastside in the course
12 of your years of patrol there?

13 A No, I didn't.

14 Q And you were surprised when he was arrested as you
15 hadn't seen him in the Downtown Eastside?

16 A Yes, I was surprised that I had never run into
17 him.

18 MR. HIRA: Thank you, officer, now if I may --

19 MR. DICKSON: Sorry. Mr. Hira, if I might interrupt just
20 briefly. Mr. Commissioner, I've been waiting to
21 see where Mr. Hira was going with this
22 cross-examination, I just raise this whole point,
23 I haven't heard anything that appears to be
24 related to Inspector Moulton.

25 THE COMMISSIONER: You haven't heard any what?

1 MR. DICKSON: Anything in this cross-examination that appears
2 to be related to Inspector Moulton, Mr. Hira's
3 client, and I just note we're under some pressure
4 for time.

5 MR. HIRA: Frankly, my standing --

6 THE COMMISSIONER: Your friend says that you shouldn't be
7 cross-examining unless there's some connection to
8 your client.

9 MR. HIRA: Well, actually this issue was raised when I first
10 cross-examined, and was raised with Ms.
11 Srivastava. I have standing here, I don't have
12 limited standing, I have standing as a right. My
13 friend doesn't know my brief, and I've been very
14 careful with the time that I've used, and it is
15 relevant.

16 THE COMMISSIONER: I assume -- just a minute. Just a minute.
17 I assumed you had a game plan.

18 MR. HIRA: That's right. And you will note, Mr. Commissioner,
19 I've been very careful with the time that I take.

20 THE COMMISSIONER: All right.

21 MR. HIRA: Now, if I may proceed to Deputy Chief Constable
22 Greer.

23 **GARY GREER: Resumed**

24 **CROSS-EXAMINATION BY MR. HIRA:**

25 Q You, sir, had good communications and contacts

1 with the RCMP; correct?

2 A Yes, I did.

3 Q You were involved in periodic meetings of
4 Coquitlam, Burnaby and North Vancouver RCMP and
5 Vancouver Police; correct?

6 A Yes. Yes, we did.

7 Q And that's at the investigator's level?

8 A No, that was at management level. If you're
9 talking when I was a district inspector?

10 Q Yes.

11 A Yes, we had -- I had regular meetings with the
12 detachments that bordered District 2. So I met
13 with Inspector Dix from Burnaby and -- I'm trying
14 to remember. I think at some point Tomlinson --
15 I'm trying to remember the name of the inspector
16 in North Vancouver that I met with fairly
17 regularly. Yeah, it was Tomlinson. So at that
18 level it was at management level talking about
19 general issues of information sharing or if there
20 was cross border issues such as a car chase or
21 that sort of thing.

22 Q Communication wasn't a problem, you could pick up
23 the phone and speak to anybody you wanted to at
24 the RCMP?

25 A That's correct.

1 Q And likewise that was done with you; correct?

2 A That's correct.

3 Q You didn't have a problem communicating with the
4 Coquitlam Major Crime Section, did you, sir?

5 A I don't believe I ever spoke to Coquitlam Major
6 Crime, but I did meet with Earl Moulton,
7 especially once I became a deputy chief and we had
8 the BC Chiefs of Police meetings and that sort of
9 thing, I had regular meetings with him.

10 Q And again you were free to pick up the phone and
11 speak to him at any time?

12 A That's correct.

13 Q Thank you. Now, I want to take you to a specific
14 passage in your interview with Deputy Chief
15 Constable Evans, and it's tab 12 of the binder
16 that I've given you, page 65 of the July 14, 2011
17 interview. And I want to highlight one question
18 in the context of 20/20 hindsight and
19 Pickton-centric bias. You were asked at line 7:

20 Okay. Is there a reason why if people are
21 going missing from the Downtown Eastside and
22 they have a suspect living out in Coquitlam
23 that why -- why wouldn't Vancouver just drive
24 out to Coquitlam and do their investigation?
25 You were asked that question; correct?

1 A Yes.

2 Q Did you know that Pickton was a suspect?

3 A I did not know the name of Willie Pickton until he
4 was arrested.

5 Q Right. And do you know what investigation
6 Vancouver could have done in Coquitlam?

7 A Well, I guess the situation would be is if we had
8 a report of a crime or of a missing person where
9 the evidence or further evidence that would
10 enhance the investigation occurred in Coquitlam, I
11 would believe that our investigators would go
12 there and carry it out, but as required by the
13 Police Act I would expect those investigators to
14 inform that jurisdiction that we would be there.
15 So when I worked in the Strike Force, for example,
16 where we often worked in other jurisdictions it
17 was incumbent to notify that jurisdiction that we
18 were there.

19 Q That's right, and there was no communication
20 problem in notifying Coquitlam, Coquitlam didn't
21 say don't come?

22 A Not that I'm aware of.

23 Q No. And ultimately you said that you were --
24 prior to Pickton's arrest you were not aware of
25 Pickton as a suspect. In fact, you weren't -- you

1 weren't even made aware of him as a suspect by
2 anybody in the Vancouver Police force; correct?

3 A No, I was not.

4 Q And you gave some evidence about the investigation
5 in 2000 going off the rails. Do you recall saying
6 words to that effect?

7 A Yes.

8 Q Of course, you said that without any knowledge of
9 what the investigation was in 2000?

10 A That's correct. It would be I guess my impression
11 now having read inspector or Deputy Chief LePard's
12 report, Deputy Chief Evans' things, was that it
13 would appear that the investigation that was
14 occurring in 1999 that I guess extended into 2000
15 where Pickton was named, where investigative
16 options were being discussed such as Strike Force
17 and undercover, just from my time as an
18 investigator it looked like it was a progressing
19 investigation that subsequently stalled. So using
20 the term off the rails, okay, it stalled and I
21 don't know why that happened.

22 Q Fair enough. So your opinion is based upon
23 reading two reviews?

24 A That's correct.

25 MR. HIRA: Thank you. Now, if I may move on. Thank you,

1 officer, to sergeant -- Staff Sergeant
2 MacKay-Dunn.

3 **DOUG MACKAY-DUNN: Resumed**

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

5 Q And I want to be quite clear on this. Again
6 dealing with 20/20 hindsight and Pickton-centric
7 bias, I refer you to page 48 which is at tab 14 of
8 your --

9 A I have it.

10 Q -- July 15, 2011 interview. Starting at line 14
11 you were asked these questions:

12 Okay. Uhm, can you tell me that if there's
13 27 missing in Vancouver, Vancouver did an
14 investigation and they have a suspect out in
15 Coquitlam, why don't they just drive out to
16 Coquitlam and work on the case themselves?
17 You were asked that question; correct?

18 A I was.

19 Q Was Pickton to your knowledge a suspect --

20 A No.

21 Q -- in the missing?

22 A The first time I heard about -- I learned of
23 Pickton was at his arrest.

24 Q Thank you. And do you know what investigation
25 could have been conducted by Vancouver?

1 A I don't know the information that Vancouver had,
2 so I couldn't comment on what investigation it
3 would be capable of doing.

4 Q Thank you. And you quite fairly noted that the
5 missing women kept going lower down on the
6 priority of the Vancouver Police Department due to
7 resource and other priority issues?

8 A Well, there were priority issues, and there was
9 still -- I don't know at what time you're
10 referring to quite frankly.

11 Q Well, you stated at page 49, which is the next
12 tab, tab 15, in answer to the question asked
13 between lines 17 and 21, if you want to read that
14 to yourself, that the missing women was going
15 lower down in the priority list with the Vancouver
16 Police Department due to other more pressing
17 problems. Isn't that a fair statement?

18 A Well, it was Evans that led the statement,
19 Mr. Commissioner. It was very much of a leading
20 statement. My question was -- my answer was, and
21 I say this wasn't a strong answer, I say I think
22 that happened with the VPD also, but that was my
23 opinion.

24 MR. DICKSON: And in fairness, if he's going to be led,
25 Mr. Commissioner, to his statement in his

1 interview I think the whole passage should be put
2 into the record, because there's important --

3 THE COMMISSIONER: Is there something qualifying there?

4 MR. DICKSON: There's important context I think Mr. Hira is
5 avoiding.

6 MR. HIRA: Well, wait a minute. Here's my cross-examination.

7 I have done it very carefully to lead the witness
8 to refresh his memory from the passage and then
9 asked the question.

10 THE COMMISSIONER: Yeah.

11 MR. HIRA: I could have chosen to read the passage to him, but
12 I chose a different way, which is a proper way.
13 If my friend wants to re-examine he can
14 re-examine.

15 THE COMMISSIONER: Okay. Well, he could. There are two ways
16 of doing it, one is you could do it or he could do
17 it.

18 MR. HIRA: I'm happy to ask that question, put that answer.

19 THE COMMISSIONER: If there's a qualifying answer to the
20 question and answer that you're putting to a
21 witness you're absolutely right, he can do it in
22 re-exam.

23 MR. HIRA: Let's save some time, Mr. Commissioner, I'm sorry to
24 interrupt you, I'll do it.

25 THE COMMISSIONER: That would be preferable.

1 MR. HIRA: Thank you. And then I'll have a question that
2 arises.

3 Q Specifically you were asked this question:

4 The RCMP in Coquitlam were working very well
5 with them, but I think at some point the RCMP
6 have other priorities going on and keep
7 putting the missing women lower down on their
8 priority.

9 And you answered:

10 I think that happened with the VPD also.

11 Were you asked that question and did you give that
12 answer?

13 A Yes, I did, Mr. Commissioner.

14 Q Thank you. And the answer is of course true, that
15 was your opinion?

16 A At the time, yes.

17 Q And I suppose you didn't know, but the RCMP
18 certainly weren't investigating missing women in
19 Coquitlam, they were investigating whether or not
20 there had been a murder. Did you know that?

21 A At the time no, I did not.

22 Q Thank you. And as you quite clearly said, you
23 were as shocked as anybody else when Pickton was
24 arrested, that was the first time you heard about
25 him?

1 Q Sorry. I'm referring to the statement that you
2 made on January 14, 2004 to Deputy Constable
3 LePard at page 15. I'm going to, if I may,
4 approach the witness. You stated:

5 Budget-wise I was disappointed in how long it
6 took to get a MOU, but I was impressed with
7 the provincial government response in making
8 funding available and how we actually came
9 and accomplished this from a budget
10 perspective.

11 You said that?

12 A Yes, I did.

13 Q And that is your evidence today, is it not?

14 A Yes.

15 MR. HIRA: Thank you. Those are my questions. Thank you very
16 much, gentlemen.

17 THE COMMISSIONER: Thank you, Mr. Hira.

18 THE REGISTRAR: Mr. Commissioner, perhaps before we break if I
19 may take a moment just to clarify the record. On
20 March the 5th there was some confusion in the
21 marking for identification AA and Exhibit 113.
22 For identification document AA was not to be
23 replaced by Exhibit 113 which was done. They are
24 two separate documents, and I will ensure that the
25 record reflects that correction.

1 THE COMMISSIONER: All right.

2 THE REGISTRAR: Thank you.

3 THE COMMISSIONER: Okay. Mr. Gratl.

4 **DAVE DICKSON: Resumed**

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

6 Q Constable Dickson, were you aware that there were
7 perceptions in some quarters of the Vancouver
8 Police Department that you were Stockholmed or on
9 the other side?

10 A No, I wasn't aware of that before.

11 Q You'd never heard that before?

12 A No. On TV.

13 Q Pardon me?

14 A On TV I've heard it, but never in relation to me.

15 Q You never heard that you'd been captured by
16 community interests and that you were considered
17 sort of on the other side of the line?

18 A No. I was aware that there was obviously some
19 officers on my level and above that didn't really
20 agree or see my way of policing.

21 Q Okay. But you didn't perceive that to be
22 marginalization. If they marginalized you they
23 didn't tell you about it is what I'm getting at?

24 A No, that's correct.

25 Q Okay. Which I'm sure you'll agree with me might

1 reflect a level of marginalization that you
2 experienced?

3 A I don't know if I ever experienced any
4 marginalization. I was allowed to do what I did
5 best, I believe.

6 Q Now, you were the only officer assigned to this
7 Downtown Eastside community brief?

8 A I was.

9 Q And you were understood within the Vancouver
10 Police Department to be the only officer assigned
11 to the brief?

12 A Yes.

13 Q We hear that reflected in these proceedings that
14 when somebody says was the Vancouver Police
15 Department -- somebody asks was the Vancouver
16 Police Department doing right by the Downtown
17 Eastside, they always say of course, Dave Dickson
18 was there. Was that a common understanding, your
19 understanding that you were to be the officer
20 serving the interests of the Downtown Eastside
21 within the VPD?

22 A Well, I was one of them. I mean, there's a
23 Gastown office within a few blocks away, and other
24 offices in close proximity, but I was I guess the
25 community liaison officer, but I certainly wasn't

1 out there by myself.

2 Q Yeah, and I'm not saying you were the only -- but
3 you were the only community liaison officer, what
4 I'm saying is you were the only officer devoted to
5 the marginalized interests. So the Strathcona or
6 that Hastings North office was politically
7 dominated by the Strathcona Residents Association,
8 and the Gastown office is dominated by the Gastown
9 Merchants and Gastown Business Improvement
10 Association?

11 A That's fair. I think the other offices were more
12 involved in driving the bad people away from their
13 areas and I worked with the bad people, and my
14 office did.

15 Q That's right. Okay. So you became aware that
16 some of members of the community started being
17 told that if they had a complaint, some members of
18 your constituency were told that if they had a
19 complaint they should only deal with you?

20 A No, that's not correct.

21 Q You say that never happened?

22 A Not to my knowledge. I don't think any agency or
23 people were ever told that. Certainly never in
24 front of me. It's common sense that I sleep
25 sometimes and I'm not around, so if there's an

1 emergency situation common sense I would hope
2 would prevail and somebody would call 9-1-1.
3 Certainly WISH was aware of that.

4 Q Okay. Well, I'm asking whether you ever heard of
5 this notion that people in the community were
6 under the impression or had been told by other
7 officers that if they had a grievance they should
8 go to you, Dave Dickson, because you were the only
9 guy handling issues for disenfranchised people,
10 sex workers and drug users?

11 A I did hear that. I think some people contacted me
12 about Elaine Allan's book and mentioned I think
13 she referred to that she was under the impression
14 that she could only contact us or myself. That's
15 probably the only time I've ever heard of it.

16 Q Okay. And she was at WISH?

17 A Sorry, she was what?

18 Q At WISH?

19 A She was.

20 Q She was a co-ordinator of the WISH Drop-In Centre?

21 A No, she was never the co-ordinator.

22 Q Okay. What was her role there?

23 A I'm not sure, but she wasn't the co-ordinator.

24 Q You don't know what it was, but it definitely
25 wasn't co-ordinator?

1 A No, that's correct.

2 Q Okay. I take it you had some adverse experiences
3 with Elaine Allan?

4 A Never.

5 Q No?

6 A No, we got along fine, that's why I'm surprised.

7 Q Okay. So she says it was her apprehension,
8 misapprehension or no, that you were the only
9 person to whom sex workers should speak, they were
10 directed to that effect?

11 A Well, she would be the only one at WISH that ever
12 thought that, because the previous lady that ran
13 it was never under that perception.

14 Q Okay. I'm asking you, Constable Dickson, to be
15 careful with your words, because I think you just
16 said she was the only one at WISH who ever thought
17 that. Surely you hadn't canvassed everybody at
18 WISH on this particular point, have you?

19 A No, but that would be my belief that she was the
20 only one that ever thought that she had to go
21 through me. I've never heard that before.

22 Q Okay. And you don't recall any memos going around
23 within the Vancouver Police Department dealing
24 with this issue that you're not to be considered
25 the only person dealing with complaints?

1 A No, I don't recall ever seeing any memo relating
2 to that.

3 Q Now, you appreciate that there's been testimony
4 from other officers, Vancouver Police Department
5 officers, that referred to you as the guy in the
6 singular dealing with Downtown Eastside
7 communities?

8 A Yes, I've heard that testimony, but I certainly
9 wasn't the only guy.

10 Q Okay. And who else was in your role then within
11 the Vancouver Police Department?

12 A Well, there's another officer working out of the
13 Gastown office a couple of blocks away. I can't
14 remember his name. Alex Clarke, Constable Alex
15 Clarke was in the area working out of the
16 Strathcona office, and she was very well respected
17 by the women and worked closely with the women.
18 And they were doing similar things, you know, to
19 myself.

20 Q All right. So Alex Clarke, and then someone else
21 that you can't remember?

22 A That's correct. I see his face, but I can't
23 remember his name, Mr. Commissioner.

24 Q Okay. And you say that he shared your duties, he
25 had the same mandate as you do or did?

1 A No, he didn't have the same mandate, but he dealt
2 with the same people. Now, they may have had
3 different, you know, mandates because of their
4 office or organizations that affected his office.

5 Q I just haven't heard any testimony from anybody or
6 ever in any document being referred to -- that
7 people are being referred to the Gastown community
8 office if they were members of marginalized
9 communities. You're saying that's the case?

10 A No, I never said that was the case, I just said
11 there was other offices and officers in the area.
12 The Downtown Eastside stretches for, you know,
13 quite a few blocks.

14 Q I understand that, but what I'm saying is that you
15 had an official or unofficial designation as the
16 go-to guy for the Downtown Eastside marginalized
17 communities?

18 A Yeah. No, I wasn't aware of that official
19 designation.

20 Q Okay. What about unofficial designation?

21 A Well, I don't know. If people thought that I
22 can't really say what they thought. That's the
23 first I've heard of somebody thinking. I mean
24 obviously I can't be answering calls at three in
25 the morning. I certainly had pages on my pager

1 when I got up in the morning, but if there's an
2 emergency I don't think anybody was going to call
3 me.

4 Q Maybe I'm confused, 'cause I thought I read in
5 various interviews that you've given that you were
6 the central officer dealing with sex workers and
7 drug users on the Downtown Eastside, and you had
8 special -- a special disposition that allowed you
9 to fulfill that role and other officers didn't
10 have that disposition?

11 A Well, there's some truth to that,
12 Mr. Commissioner. I had -- yeah, Inspector Greer
13 gave me that role and gave me pick your own days
14 off and pick your own shifts, and that was
15 required for that type of job, but I don't think I
16 had a special designation other than, you know,
17 not being assigned to the call room. But when I
18 was down there working, I mean, I certainly took
19 calls. When you're out walking, and I had a
20 police radio like anybody else, if there was stuff
21 that was within my couple of blocks I would take
22 care of it. I would run into on view situations
23 and I would deal with them.

24 Q So all that evidence we heard about when they
25 tried to take you out of the Neighbourhood Safety

1 Office there, that there was a massive political
2 outcry and that your superiors were forced to send
3 you back on the premise that you were the only guy
4 who could deal appropriately with these issues,
5 that's all false?

6 A Well, no --

7 Q I'm trying to understand the evidence here.

8 THE COMMISSIONER: He didn't say it was false. What he said
9 was that there were other officers in the area,
10 but he had a specialized role. That's all he's
11 saying.

12 THE WITNESS: I was the easiest person to get a hold of in the
13 world down there. My pager was on all the time so
14 people knew that if they called me I would
15 respond. I was famous for answering my pages, and
16 that's really unusual.

17 MR. GRATL:

18 Q All right. And didn't you attempt to be part of
19 the Native Liaison Society at one point?

20 A I was part of the Native Liaison Society for -- I
21 think I was four years I was in that position, and
22 I actually assisted Deb Mearns and John Turvey
23 starting up the society and opening up the
24 storefront.

25 Q At one point you were asked not to be the Native

1 Liaison Society officer anymore; isn't that right?

2 A Sorry, I missed the name.

3 Q You were asked not to be the Native Liaison
4 Society officer any longer?

5 A Well, one of the inspectors attempted to transfer
6 me out.

7 Q Yes, and I take it that there were concerns voiced
8 that you were telling individuals who had come to
9 the office that you were the only one to be
10 trusted and that other officers couldn't be
11 trusted.

12 A Absolutely not true. I was going to be
13 transferred out because the inspector at that
14 time, Carson Turncliff, had a meeting in his
15 office with me. He wanted me and the officer that
16 I worked with, who I can't recall who that is now,
17 to change the focus of the Native Liaison Unit,
18 which is two officers to gaining more information
19 on subversive groups, some of the native gangs. I
20 advised him that wouldn't be possible because the
21 two officers -- if I started walking around
22 reserves trying to dig up information I wouldn't
23 last a week. The mandate of the society, the two
24 officers was to build a better relationship, and
25 that relationship would have crumpled very

1 quickly, so because I refused he attempted to
2 transfer me out and that's why. And I was never
3 telling anybody that I was the one that had to
4 trusted. I'll explain a little farther. The
5 director of the Native Liaison Society, Freda Ens,
6 I had women from the streets coming to me telling
7 me that they just came from a meeting where
8 Ms. Ens was badmouthing me. When I went to Freda
9 and asked her what was going on she advised me she
10 was very upset with women coming in and asking for
11 me when she had a couple of officers there. And
12 that was all it was, it was a very personal thing
13 on her part, she did not like me being so popular.
14 And I apologized for her and I wasn't about to
15 tell women not to come to me if they trusted me.
16 That was what that was all about.

17 Q Okay. So there were some people who just wanted
18 to deal with you?

19 A Certainly.

20 Q But you're saying it was never the case that you
21 were designated as the only officer and that
22 people were referred to you as the only entrance
23 point for the VPD?

24 A Never. Because I had been in the area so long
25 those families knew me growing up. The mothers

1 knew me, the kids knew me. You know, they felt
2 they could trust me. They went above Freda. And
3 one of the difficulties too, when Ms. Ens stepped
4 into the position of the co-ordinator, which she
5 was never hired for the co-ordinator, but she
6 stepped into that position when the other
7 co-ordinator left, they moved our original
8 storefront that myself and Mearns and Turvey
9 opened across from the courthouse in the 200 Main.
10 They were approached by somebody in the police
11 department and they were offered a space in the
12 police department at the corner where the
13 enforcement team is right now. I met with them
14 and advised them that would be probably the
15 silliest thing they could ever do, you know,
16 because women will not go into that building
17 knowing it's full of police, but because the rent
18 free thing was attractive they moved into there,
19 and that was basically the start of the demise of
20 the storefront. It went downhill from there.

21 THE COMMISSIONER: Okay. We'll stop there.

22 MR. GRATL: Thank you, Mr. Commissioner.

23 THE REGISTRAR: We're now adjourned until 1:45.

24 **(PROCEEDINGS ADJOURNED AT 12:32 P.M.)**

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

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

2 THE COMMISSIONER: Mr. Gratl.

3 MR. GRATL: Thank you.

4 Q Mr. Dickson, you attended the WISH Drop-In Centre
5 periodically during your time in the Downtown
6 Eastside?

7 A Yes, I did.

8 Q And you gave some of the sex workers who came to
9 the drop-in centre safety advice, including
10 advising them to work in pairs and to use a
11 spotter?

12 A Yes, I did.

13 Q I take it you expected that advice to have an
14 effect?

15 THE COMMISSIONER: Have what, have an effect?

16 MR. GRATL:

17 Q Have an effect, yeah.

18 A No, I never really expected it to have an effect,
19 but I gave it my best shot.

20 Q So you gave that advice consistently without
21 expecting it to have any effect at all?

22 A Well, I always hoped it would sink in with some of
23 the women.

24 Q Okay. Well, your hope there was predicated on the
25 notion that some of them were able to alter their

1 behaviour based on the advice they were receiving?

2 A Yes, that's fair to say.

3 Q Okay. So you hadn't abandoned all hope there?

4 A No. No, never.

5 Q Obviously some women were more addicted than
6 others?

7 A Yes, that's fair to say. Some of them were
8 mentally ill, some weren't. So some of the girls
9 were in a better position, you know, to retain the
10 advice and be careful.

11 Q Sure. So, in effect, there was a spectrum of
12 autonomy there, a spectrum of autonomy of choice?

13 A Yes.

14 Q So the women with greater choice, they could
15 respond to advice they were given and information
16 they were given?

17 A Yes, if they wished.

18 Q And so I just want you to recall -- and you've
19 read the LePard report?

20 A No, I never did.

21 Q Okay. Now, Mr. LePard in his report -- or
22 Inspector LePard in his report cites you as
23 authority for the proposition that a warning would
24 not have been effective because women didn't have
25 autonomy in effect. He cites a particular quote

1 that you provided to him about women entering a
2 car even if there was a handgun on the dash or on
3 the passenger's seat. Do you remember giving that
4 quote to Inspector LePard?

5 MR. DICKSON: Perhaps Constable Dickson should be taken to the
6 quote, in fairness, Mr. Commissioner.

7 MR. GRATL:

8 Q Do you recall giving that quote?

9 A I do. I said that a little while ago in testimony
10 here, if I'd had a revolver a lot of the girls
11 would have jumped in without noticing it.

12 Q Sure, but that's not true for all -- in your
13 opinion that wouldn't have been true for all
14 women. Some of the women could have benefitted
15 from a warning?

16 A Yes, that's fair.

17 Q So you couldn't categorically say you shouldn't
18 issue a warning because none of the women will
19 respond to a warning?

20 A No, that's fair to say. It's really -- look, I
21 hate to start separating girls, because there is
22 girls that use heroin that were far more capable.
23 I mean there's people that have heroin habits who
24 attend jobs on a daily basis. So there's
25 different levels of mental illness and different

1 levels of drug use, so some of them certainly
2 would have benefitted.

3 Q Did do you recall Inspector LePard asking you
4 about the use of your quote for that purpose?

5 A No, he never did ask me about the use of my quote.

6 Q He didn't ask you to approve his report before it
7 was released?

8 A No, he didn't.

9 Q And he didn't ask you in particular whether the
10 quote that he relied on in his report could be
11 legitimately deployed as representative of your
12 opinion for that purpose?

13 A No. I think the first contact I had with him is
14 when he called me one morning after my remark
15 about the leadership of the police department he
16 called me.

17 Q Okay. Now, you understand that it's well known
18 that you didn't take a lot of notes in your time
19 as liaison officer?

20 A I wouldn't say it was well known. No, I don't --
21 I wasn't aware of that.

22 Q I mean you took a lot of phone calls, you had a
23 lot of -- you know, a lot of pager messages?

24 A Yes.

25 Q And you didn't take notes of everything that you

1 learned, it would have been an insurmountable
2 task?

3 A Yes, that's fair to say.

4 Q So a lot of things you would just deal with
5 immediately. You would go to the place you needed
6 to go to deal with whatever call you got?

7 A Yes.

8 Q And, of course, some of the things you did were
9 sort of off book, like they weren't things that
10 you would necessarily want to write down?

11 A That's true.

12 Q And I take it that it was understood the role that
13 you played in the Downtown Eastside was primarily
14 attached to the Neighbourhood Safety Office?

15 A I wouldn't agree with that. You know, most of the
16 community -- the Neighbourhood Safety Office was
17 run by eight or nine of the larger organizations
18 down there, the Kiwassa Neighbourhood House,
19 Britannia Community Centre, Native Health Society,
20 so I really answered to most of them. Any one of
21 them had a client come in with an issue they would
22 call me and I would go meet with them at their
23 service office.

24 Q Those were organizations that were on the board of
25 directors of this Neighbourhood Safety Office?

1 A Yes, that's right, they were all responsible for
2 the creation of the Neighbourhood Safety Office.
3 DERA was part of it.

4 Q And there were other organizations as well?

5 A Yeah, I believe there was eight or nine.

6 Q Okay. Deb Mearns was the implementer of the board
7 policy decisions. She was accountable to the
8 board?

9 A Yes.

10 Q And I take it that the primary function of the
11 Neighbourhood Safety Office though, because
12 there's so many unbelievably urgent priorities,
13 people who are victimized, people who need help,
14 people who have nowhere else to turn, that the
15 Neighbourhood Safety Office of course had to
16 prioritize, and the way it prioritized is by
17 prioritizing juveniles who were entering the sex
18 trade or were beginning to use drugs?

19 A Oh, we did do a lot of work with the juveniles,
20 and that was always my priority long before the
21 inception of the Neighbourhood Safety Office.

22 Q Okay. So if you prioritize the juveniles, and
23 just following on the reasoning, that means other
24 groups or individuals had to be de-prioritized?

25 A I don't think I would put it like that. It's

1 almost like saying the other groups weren't as
2 important or got lesser service than they would
3 have. So, you know, I'm not sure if I would agree
4 to that.

5 Q Priorities mean that you have to select which
6 one's more important?

7 A Oh, I was very good at multitasking.

8 Q Okay. So you never prioritized juveniles?

9 A I don't think I did. If the information came to
10 me about a juvenile I would deal with it, the same
11 as if other information came at the same time I
12 would deal with that. If I was closer to the
13 juvenile, yeah. So I guess if you want to argue
14 it's prioritizing it, okay.

15 Q Wasn't the Neighbourhood Safety Office oriented
16 towards a juvenile not apprehension program, but
17 there was an intensive program involving a number
18 of different social agencies that all got together
19 on a weekly basis and they would select --
20 essentially they'd select a juvenile to rescue
21 before the streets took over her consciousness or
22 life or culture or what have you?

23 A Well, at the safety office one of the programs
24 they ran out of there was the Hard Target Program
25 where the outreach workers from Directions down on

1 Burrard, the Urban Native Youth Association, a
2 number of different organizations had their own
3 outreach workers, they would all come to the
4 meetings and we wouldn't focus on one child, we
5 would look at -- anybody could bring information
6 about a juvenile that was in their area out in the
7 street if they had concerns about them, and then
8 we would basically discuss that juvenile and try
9 and come up with a game plan as to how to assist
10 them.

11 Now, with myself if I ran into a new juvenile
12 out there I would try to engage them and offer
13 them whatever services. If they didn't buy into
14 that service I would sometimes -- and it depends
15 on the condition of the young juvenile. If I've
16 got a 15 year-old or 14 year-old young lady out
17 there, which I had on many occasions, which I
18 considered to be so high I was worried about her
19 surviving the night or jumping into a car with
20 whoever, I would get an undercover officer to come
21 by and trick them and use the justice system to
22 get them sent to Youth Detention Centre for the
23 night. Some of them used to scream, you know,
24 obscenities at me, but I would always show up at
25 the Youth Detention Centre the next day and tell

1 them why I did it, or if they're in good enough
2 shape I'd tell them the night I did it, saying I'm
3 going to go home tonight, I know where you are,
4 when I come in tomorrow I know where you are, and
5 I will come to court and offer support, which I
6 did. I hated to use the justice system, but there
7 was really nothing else.

8 Q So you disagree then with the characterization
9 that the community safety office was primarily
10 oriented towards juveniles?

11 A I don't believe it was primarily for juveniles,
12 but we did have the Hard Target Program.

13 Q Okay. And that was a huge primary program that
14 the Neighbourhood Safety Office delivered?

15 A That's fair.

16 Q And that was a juvenile-oriented program, Hard
17 Target?

18 A Yes.

19 Q You've said that you were popular with sex
20 workers, but I guess you'll agree that not all sex
21 workers liked you or would speak to you?

22 A I'm not sure if I used the word popular.

23 Q Well, you did.

24 A They trusted me and a lot of them looked up to me
25 like I was their dad. And I'm talking about women

1 that weren't a lot younger than myself. The women
2 down there really didn't have any male figure in
3 their life, and even a dad that they could talk
4 to, that some of them could give them a hug once
5 in a while. There really is lacking any male
6 figure in their life, and so for a lot of women I
7 became that I think, and I didn't have a problem
8 with that.

9 Q No, and I'm not saying there was a problem with
10 that, I'm just saying that there were some women
11 who wouldn't talk to you?

12 A Oh, for sure there are some women down there that,
13 you know, didn't trust me. There's some women
14 down there that speak up saying horrible things
15 about me.

16 Q And even the women who trusted you obviously
17 didn't tell you everything that they had to tell
18 you?

19 A Oh, I can't answer that. I don't know.

20 THE COMMISSIONER: I don't know how he's going to answer that.

21 That's like asking a witness --

22 MR. GRATL:

23 Q You found out afterwards that a lot of the women
24 had gone to the farm?

25 A Yes.

1 Q But they hadn't told you about having gone to the
2 farm when you asked them about it?

3 A No. But I think I explained before why that is.

4 Q Well, I'm just saying here's a situation where
5 not -- none of the women that you have contact
6 with that you perceive even to have a father child
7 level bond with told you about going to the farm
8 even though obviously that's of importance?

9 A Well, I think I testified before the reason they
10 wouldn't tell me that is because they're going out
11 there and getting money and drugs and with their
12 addiction what else could you ask. So they're not
13 going to come to me and tell me because they knew
14 I would have acted on it and that would have put
15 an end to it. It's hard to believe that somebody
16 could allow stuff like that to happen as far as
17 women, but when you're so addicted and your life
18 has been so miserable it becomes about you and
19 your addiction, not about anybody else. So I hate
20 to make these women sound like bad women because
21 they neglected the other women, it's not about
22 that, it's about the addiction and you not having
23 to do certain things.

24 Q Well, it's also about fear, as you mentioned on
25 Tuesday?

1 A Yeah, that too.

2 Q Okay. So fear of retaliations from the people
3 that you inform about to the police?

4 A Oh, for sure, because they're out there very
5 vulnerable every night, and they know that I
6 think.

7 Q All right. And so they're vulnerable to friends
8 or they're vulnerable to bad dates?

9 A Yes, that's correct.

10 Q I take it you understand that a bad date from the
11 point of view of a survival sex worker is one that
12 doesn't pay?

13 A Yes, that's right.

14 Q I mean, even if they're violent and they pay then
15 they might still be considered a good date?

16 A Sorry, can you repeat that? I got lost for a
17 second. I was going back to the other stuff about
18 the women who don't trust me. One of the --

19 Q I'm talking about terminology used by sex workers.
20 If a date doesn't pay that's what makes the date a
21 bad date, but a good date could include somebody
22 who is violent but pays?

23 A Yes, that's fair.

24 Q Okay. So women can be vulnerable to their dates.
25 They can also be vulnerable to police officers;

1 isn't that right?

2 A Yes.

3 Q You agree that sometimes police officers had
4 relationships with sex workers?

5 A Yes.

6 Q And sometimes police officers assaulted sex
7 workers. Have you heard that?

8 A I've heard it. I know of one.

9 Q Yes, one that was investigated?

10 A Yes.

11 Q And that came to a -- was there a charge or what
12 happened?

13 A Yes, I believe he was charged and then left the
14 job.

15 Q Okay. And that's one over the course of your
16 entire career there on the Downtown Eastside?

17 A Well, there's more than one charge and left the
18 job, but that's the one that was a fairly serious
19 assault.

20 Q Okay. And, of course, there's some officers that
21 disrespect or just show disrespect to the sex
22 workers, survival sex workers?

23 A Yes.

24 Q And aside from show of disrespect there's also
25 being checked. Some of the women I think you

1 testified were checked every week or at least
2 every week. That's one of the ways that you found
3 that they were missing, because there's no record
4 of them being checked?

5 A That's correct, yes.

6 Q Okay. So you just expected to be checked every
7 week, and being checked includes being searched,
8 having your ID taken; is that right?

9 A No, that's not correct. It depends on who's doing
10 it. I mean most officers when they do a street
11 check it's a simple matter of just filling out a
12 card quickly and, you know, getting the name and
13 date of birth and a couple of minutes and they're
14 on their way. There wouldn't be any reason to
15 search her purse and -- I certainly never did, and
16 I know a lot of other people didn't. Now, there
17 may have been officers out there that did that.

18 Q Sometimes some officers might have dumped out
19 purses of sex workers?

20 A Yes.

21 Q And I mean looking for drug paraphernalia or
22 looking for condoms or other things like that
23 dumped out purses?

24 A Yes.

25 Q And part of checking might have included asking

1 for ID, identification, filling out a form
2 otherwise, of course, the check wouldn't make it
3 on the CPIC?

4 A No, that's right.

5 Q And all of that meant that a climate of distrust
6 could build up between sex workers and officers
7 generally?

8 A Well, it wasn't just that, there were other
9 problems too, you know, with some of the
10 organizations. Their mistrust of not only police
11 but men in general, you know, it affected a lot of
12 women down there. Just give me a second to think
13 about this. A year ago, or a little bit more than
14 a year ago I got a phone call from one of the
15 sisters of one of the missing women, Janet Henry,
16 her sister Sandra Gagnon, who I've known for quite
17 a few years and support her on a regular basis,
18 called me and she alerted me to something on the
19 Internet. And she said -- I said, "What is it?"
20 She said, "You better go on this site." She gave
21 me the site and I went on the site. And I'm not
22 sure whose site it was, it doesn't really matter,
23 but there were a number of witnesses on the site.
24 And I scrolled down, I recognized one name, Manny
25 Parker, whose allegations and stories are so far

1 out there she included Eddie Murphy in it, and she
2 has something she calls the hooker game, the
3 killing game, alleging police officers and
4 prominent people around town are all involved in
5 it. The next witness down, witness number 50, and
6 I've printed this off somewhere, but I can tell
7 you exactly what it says. Bernie Williams of the
8 Downtown Eastside Women's Centre says Dave
9 Dickson, a retired constable still working in the
10 community, is responsible for the rape and murder
11 of numerous aboriginal women. Now, this is the
12 representative of the women's centre, you know,
13 putting this out.

14 Q Bernie Williams is a representative of the women's
15 centre?

16 A She has been for years and years, and in this
17 particular witness statement she represented
18 herself as of the Downtown Eastside Women's
19 Centre.

20 Q It must have been a while ago then.

21 A I have no idea. As far as I know she's always
22 been affiliated with the women's centre.

23 Q Okay.

24 A I read this, and by sheer accident about a month
25 ago I was having a conversation with a lady by the

1 name of Michelle Robinson, you know, who is one of
2 the employees at the Native Liaison Society. She
3 was an awesome lady. She had programs running
4 there with the street women, everybody loved her.
5 She left for a bunch of reasons. This came up
6 about this Internet thing and she looked at me and
7 she said "You don't know who did that?" I said
8 "No, I never did." And I never really cared. You
9 know, Morris Bates, an employee of the Native
10 Liaison Society was the one that was spreading
11 that rumour many years ago, and she said she was
12 afraid to come and tell me about it.

13 Q What was the rumour?

14 A The rumour is exactly what was on the Internet,
15 that I was responsible for the rape and murder of
16 numerous aboriginal women.

17 Q And that came out of the Native Liaison Society?

18 A Yeah. Yes, that was told to me by Michelle
19 Robinson who used to work there.

20 Q Okay. And Morris Bates also agreed with that in
21 his material?

22 A I've never spoken to him about it. You know, I
23 wasn't aware at all that he was the one that
24 started that rumour.

25 THE COMMISSIONER: Why are we getting into all these rumours?

1 Where is this getting us?

2 THE WITNESS: Well, I think it goes towards the trust. I mean,
3 the organizations are a little bit responsible for
4 the mistrust on some part of the women down there,
5 so I think that's what Mr. Gratl is getting at.

6 THE COMMISSIONER: Oh, I see.

7 THE WITNESS: I tried for many years to have a relationship
8 with the women's centre, but there's a sign on the
9 door that says no men allowed. I walked in there
10 one time and numerous clients in there come up to
11 me, waved and said, "Hi, Dave." Some of them come
12 up to give me a hug. The staff there are very
13 anti-police. So that's a problem, I mean, because
14 the organizations are responsible for if you have
15 somebody that's trying to gain the trust and you
16 trust them yourself you should be spreading that
17 amongst your clients I think.

18 MR. GRATL:

19 Q Do you remember the organization PACE --

20 A I do.

21 Q -- released a research document in 2001?

22 A I do.

23 Q And the conclusions of that research document are
24 the same as some of the conclusions that you have
25 yourself drawn, that there's some assaults of sex

1 workers and disrespect and the atmosphere of
2 distrust between the police and sex workers, some
3 sex workers, a certain proportion of sex workers
4 and police officers?

5 A I'm just looking around the courtroom for Leonard
6 Cunningham, he popped his head in yesterday. He
7 was actually in charge of PACE at that time, and
8 then he brought that issue up again and apologized
9 to me again for that press release, because one of
10 his staff had changed the wording on it, and he
11 was extremely upset. I was in the office while
12 the press were waiting outside for this press
13 release from PACE. And the wording actually I can
14 tell you. The wording said that a sex trade
15 worker is more likely to be raped by a police
16 officer than a john, and Leonard Cunningham who
17 was the director of PACE at the time was very
18 upset with that. He said that wasn't supposed to
19 be in there. I was in their office arguing with
20 the staff member while the press were waiting
21 outside for this press release. Now, the problem
22 with that statement there's many, many guys down
23 there that find out if you get a phony badge it's
24 a great way to go down there and get a free blow
25 job, and that happens. Now, I'm not saying there

1 are police officers that do that, but it's a very
2 easy way to get sexual services from a prostitute
3 without paying.

4 Q All right. And you've seen that yourself, have
5 you? Have you yourself arrested somebody with a
6 phoney badge?

7 A No, I never have.

8 Q Do you remember anybody prosecuted for that?

9 A I believe there was one person.

10 Q Okay. So again only one person with a phoney
11 badge ever prosecuted for impersonating a police
12 officer and getting sexual services that way?

13 THE COMMISSIONER: The problem with this, Mr. Gratl, is I think
14 I know what you're getting at. The thing is
15 you're asking him to speculate, and he's giving
16 you evidence of what he knows from the street, and
17 what all he hears because of his vast knowledge in
18 the street, and then if he's not able to give any
19 specifics of it you take him to task. You've got
20 to remember that these things, a lot of this may
21 be unsubstantiated from a perspective of proof
22 that we demand in courtrooms. I think what he's
23 really trying to tell us is the atmosphere that
24 exists there and the mistrust. That's really what
25 he's getting at.

1 MR. DICKSON: Mr. Commissioner, if I could just make one point
2 adding to that, is that Mr. Gratl is asking
3 Constable Dickson about the PACE research report,
4 which as we saw was based on a questionnaire that
5 was anonymous and did not ask for any details at
6 all of the incidents that were being reported upon
7 in this questionnaire, and so there was absolutely
8 no details and no verification of these incidents
9 at all. So I just note that irony in that
10 Mr. Gratl is asking for specifics from Constable
11 Dickson.

12 THE COMMISSIONER: All right. Yes, go ahead.

13 THE WITNESS: In fact Mr. Cunningham at the time agreed there
14 should have been a follow-up question how did you
15 or why did you believe this person was a police
16 officer, and he agreed with that.

17 MR. GRATL:

18 Q All right. So you'll agree with me there are a
19 lot of factors that could lead to distrust of the
20 police, and actually did lead to distrust of the
21 police?

22 A Oh, for sure. Yes, there is.

23 Q I mean, you weren't the only officer that any sex
24 worker could approach, there would be other
25 officers, maybe someone in Vice, maybe some in the

1 Sexual Offence Squad that had good reputations
2 with women?

3 A Yes, that's correct.

4 Q Okay. But there was a pervasive atmosphere of
5 distrust between sex workers and the police?

6 A Amongst a small group I would say of sex workers.

7 Q And within that atmosphere of distrust you were
8 one bright light. Maybe not enough to illuminate
9 the whole field, but one bright light that some
10 sex workers took advantage of and came to you for
11 assistance?

12 A That's fair to say. And I think the majority of
13 the women I worked with knew that I didn't
14 tolerate that, so if there was somebody out there
15 doing that I would ask them to come forward with
16 it and let me know, 'cause I don't think there's a
17 large number of people doing that, police officers
18 doing that, but as far as I was concerned one was
19 too many.

20 Q Now, aside from Morris Bates and the -- who was
21 the other person you said said that you were
22 responsible for some of the missing women within
23 the Native Liaison Society?

24 A Well, I don't think anybody said that. Morris
25 Bates started the rumour apparently that I was

1 responsible for the rape and murder, or however he
2 put it I'm not sure.

3 Q Did you ever hear that Freda Ens was involved with
4 that claim or that assertion?

5 A No, I never heard that, but that wouldn't surprise
6 me.

7 Q Did any RCMP officers come to you and say that
8 we're going to have difficulty dealing with you
9 because you might be considered to be a suspect?

10 A No, they never did.

11 Q Okay. But you went to them and they didn't want
12 to have dealings with you?

13 A Well, I wouldn't say that. That's not fair to
14 say. Many of them called me on a regular basis,
15 you know, to follow up with different people.

16 Q I had understood that you told them you would
17 offer your services to them, but they weren't
18 receptive to that?

19 A No, they never called me up to different meetings.
20 I think I went to a few meetings at the start of
21 it and then that sort of fizzled. Now, maybe they
22 got too busy or whatever the reasoning was, but I
23 wasn't called to the meetings anymore.

24 Q I mean, these are rumours that float around the
25 Downtown Eastside. You have to have a pretty good

1 detector to know true from falsity, you get a
2 street sense for what things are true and what
3 things are false; isn't that right?

4 A Yes.

5 Q And even if an officer didn't have that street
6 sense, if you had been considered to be a suspect
7 you could have easily been eliminated through a
8 quick polygraph. I take it nobody gave you that
9 opportunity to respond?

10 A No, nobody did. To be honest with you I stopped
11 listening to rumours and stuff many, many years
12 ago. I mean I had police officers out there, the
13 girls were coming to me, the police officers were
14 going around canvassing girls as to whether I was
15 getting blow jobs because the officers couldn't
16 understand why the women trusted me. And I can
17 give you a lot more stories, but I stopped
18 thinking or worrying about what people said about
19 me many, many years ago.

20 Q Okay. If you were perceived as one of the only
21 people who were available to deal with complaints
22 of sexual assaults from survival sex workers, one
23 of the only people who within the VPD who would
24 treat sex workers with respect, don't you agree
25 that's a limiting factor in terms of the

1 opportunities for policing services available for
2 sex workers?

3 MR. DICKSON: Mr. Commissioner, I think that's too speculative.

4 THE COMMISSIONER: Sorry?

5 MR. DICKSON: I think that's, in my submission, too speculative
6 a question. If you were perceived to be by other
7 people to be the only officer. I mean, there's
8 been a long exchange between Mr. Gratl and
9 Constable Dickson on that point, and I don't think
10 Constable Dickson can --

11 THE COMMISSIONER: I think the objection is well taken.

12 MR. GRATL: It's a good objection, but too long.

13 MR. DICKSON: Fair enough. Fair enough.

14 THE WITNESS: Maybe this will help clear things up a bit. I'm
15 not the only officer down there, like there's many
16 other ones, but I was the one that was always on
17 my pager. I am notorious for answering my calls,
18 because I would hear people call me and they'd say
19 I couldn't get a hold of so and so, so I would get
20 called. That never happened with the Native
21 Liaison. They close at five o'clock and they were
22 gone. I got called. So that really was my
23 availability I think that made me rise to the top,
24 nothing to do with my skills.

25 MR. GRATL:

1 Q All right. The Missing Women's Working Group in
2 part failed because Inspector Biddlecombe was
3 angry that a document had been leaked to the
4 media?

5 A That's probably part of it, that's fair.

6 Q And the leak of the document led to an article in
7 *The Vancouver Sun* and a number of individuals,
8 officers were quoted within that article, and you
9 were responsible for the leak; is that right?

10 A I don't think I've ever seen that article.
11 Nobody's ever mentioned the leak to me at all.

12 Q Oh, okay.

13 A Yeah, nobody's ever asked me about it or --

14 Q I wonder, Mr. Giles, if you could find that
15 article. It's an article published in --

16 THE COMMISSIONER: Well, instead of producing the article ask
17 him if he's responsible for any leaks period.

18 MR. GRATL: Yes.

19 Q You were responsible for that leak, weren't you?

20 A Yes, I was.

21 Q Okay. And why did you leak your document?

22 A I was under the impression that it was not going
23 to move forward quick enough.

24 Q Okay. So just in terms of sequence there was a
25 Missing Women's Working Group meeting on, I don't

1 remember this timeline, September 2nd, 1998, and
2 then there was another meeting scheduled for
3 September 22nd, 1998?

4 A I don't remember the timeline, but I think I
5 remember going to two meetings and then it seemed
6 to stall.

7 Q So there was one meeting without Biddlecombe that
8 went well and lots of planning was done, and then
9 there was a meeting with Biddlecombe and
10 Biddlecombe got red in the face and then nothing
11 got done?

12 A Oh, I think it was after that meeting, and I knew
13 my inspectors and staff sergeants were sort of
14 butting their heads with these guys, so that's
15 when I made the decision that I felt the women
16 deserved it, you know, and that was why I leaked
17 it.

18 Q Didn't you leak it between those two meetings?

19 A I don't think so. I really can't be sure.

20 Q Okay. I take it --

21 A It might have been between the two meetings,
22 'cause I remember being at the meeting where
23 Inspector Biddlecombe mentioned that somebody had
24 leaked, you know.

25 Q I understand he was looking at you at the time

1 where he said somebody had leaked the document?

2 A He sort of glanced at me.

3 Q Okay. Did you understand him to mean that you,
4 Constable Dickson, had leaked the list?

5 A Yes, I did.

6 Q You didn't at the time volunteer that you had in
7 fact leaked the list and apologize to him?

8 A No, I didn't.

9 Q You really had to force his hand to have the
10 working group by leaking the list?

11 A I did.

12 Q And the intention was to bring media attention to
13 the issue to force Biddlecombe to make the
14 resource allocations that you wanted to allow this
15 working group to go ahead?

16 A That's correct.

17 Q And Biddlecombe was upset about that?

18 A Yes, he was.

19 Q Well, you could have apologized to him and said
20 sorry about that, you got me?

21 A I could have.

22 Q Yes, couldn't you have?

23 A It never entered my mind. If he would have asked
24 me directly I might have told him, but nobody ever
25 asked me.

1 Q I mean you appreciate that it really was his --
2 the resource allocation call was his call to make,
3 it was a Major Crime.

4 A Not solely his. I think the chief and whoever
5 above him I think it would have been their call to
6 make too, and it wasn't being made, so.

7 Q Okay. Essentially your leak backfired, it got
8 Biddlecombe upset and maybe entrenched his
9 position and the working group didn't go ahead.
10 Do you agree with that assessment?

11 A No, but the review team was formed as a result of
12 that leak as far as I'm concerned.

13 Q Eight months later.

14 A Well, there was a bunch of stuff done in between
15 that, I think.

16 Q Right. You don't agree with that characterization
17 then that this leak backfired?

18 A That's just speculation again.

19 Q Could it have contributed to a climate of distrust
20 within the Vancouver Police Department between the
21 District 2 people who seemed to want the working
22 group and the Major Crime Squad people who didn't
23 want one?

24 A No more than what was already there I don't think.

25 Q But you felt as though you had no other option to

1 bring this working group to life, it was a
2 desperate ploy?

3 A I wouldn't characterize it as a desperate ploy,
4 but I felt I had to do it to bring it to the
5 attention so that it would force them to do
6 something about it.

7 Q All right. And would you do it the same way again
8 if you had the choice?

9 A I would.

10 Q Were there any other avenues available to you
11 aside from leaking to the media?

12 A No, I didn't believe so at the time.

13 Q You had above you in rank a number of inspectors
14 and deputy chiefs and even the chief you could
15 have gone to?

16 A Well, I felt these gentlemen here had already done
17 that.

18 Q Okay.

19 A And so if they were going to get stonewalled I
20 don't think I could have had any more success.

21 Q Did you speak to them about all the steps they had
22 taken?

23 A No, I knew they were meeting with other people.

24 Q Okay. Including folks above you in rank,
25 McGuinness and Chambers?

1 A That's correct.

2 Q And you knew that it had been discussed at the
3 senior management level?

4 A Yes, I did.

5 Q And I take it you had already been told that the
6 decision had come down that the working group
7 wouldn't go ahead, and it's only after being told
8 that that you released the list to the media?

9 A I don't recall to be honest with you. I thought
10 the review team actually was a little quicker than
11 eight months later.

12 Q I'm afraid not. Yeah, I think it was, as
13 Mr. MacKay-Dunn says, slow to blossom.

14 A I'm sorry?

15 MR. GRATL: It was slow to blossom. My next series of
16 questions is for Mr. Greer.

17 **GARY GREER: Resumed**

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

19 Q Mr. Greer, how should I address you, Mr. Greer or
20 Inspector Greer, Deputy Chief?

21 A Mr. Greer is fine. I'm a retired deputy chief,
22 but Mr. Greer is fine.

23 Q You mentioned in your interview with Deputy Chief
24 Evans that for you Angela Jardine's disappearance
25 was the tipping point?

1 A Certainly, Mr. Commissioner, when I saw that in
2 November I realized that she was the kind of
3 person that could not be characterized as having
4 left the jurisdiction or moved to another
5 community. From my time as a duty officer, and
6 also as the inspector in District 2, I had come to
7 see her on the street, she is a very chaotic
8 person and so she would not be able to go to
9 another community and not come fairly quickly to
10 the notice of other authorities.

11 Q She attracted scrutiny then by police?

12 A Oh, yes.

13 Q Wherever she went she would have been found in the
14 computer system?

15 A That's correct. She was a resident of the
16 Portland Housing Society that did absolutely
17 incredible work at housing the hard to manage
18 people, so she was there and -- but when she was
19 out on the street she would get involved in
20 different altercations, so she would come to the
21 attention of someone.

22 Q So after Angela Jardine disappeared, of course no
23 body was found, Angela Jardine's body wasn't
24 found, and you knew that?

25 A That's correct. The question of what happened to

1 her again can be quite speculative. She could
2 have run afoul of a bad date, she could have run
3 afoul of a drug dealer, she could have died by
4 natural causes. There's any number of reasons
5 that you could say why she's missing, but at that
6 time I knew that the kind of explanation that was
7 potentially being used for a number of the people
8 on that list as having left the jurisdiction
9 couldn't be put to her.

10 Q So Angela Jardine's disappearance to your mind was
11 the end of the legitimacy of the transience
12 argument?

13 A Certainly for her. I'm not saying it ended the
14 transient argument issue. What it does is I don't
15 think that was realistically one of the priorities
16 you could use and kind of the explanation of why
17 people were missing, but it still remained
18 something that was considered.

19 Q I mean in your mind.

20 A In my mind for her it could not be used.

21 Q Okay. So for the other 26 missing women?

22 A It would be a potential explanation until we could
23 rule it out.

24 Q All right. Did you ever go to Detective Constable
25 Shenher and ask her about the specific life

1 circumstances of the other women?

2 A No, I did not.

3 Q Because for many of those women they might have
4 had lives a lot like Angela Jardine's?

5 A Possibly. Although, as I said, that was one
6 person that I came across in my regular duties on
7 the street, and I don't remember specifically any
8 of the other women being that way.

9 Q Okay. The other women might have been conspicuous
10 for different reasons, but some of them might have
11 lived conspicuous lives?

12 A That's correct. Yes, I agree.

13 Q And some of them might have lived very regular,
14 predictable lives? I don't say stabilized, but
15 regular and predictable lives.

16 A I don't necessarily suggest predictable lives. In
17 all of my time as a police officer down there
18 working both as a constable, as a detective, as a
19 sergeant, dealing with people who are living with
20 a very profound drug addiction, you can't
21 necessarily say they have a predictable life.
22 They can be anywhere. They can be anywhere on any
23 given day doing any given thing based on where
24 they are in their addiction. So I don't think
25 they have predictable lives. I certainly was

1 never -- when I was trying to find somebody on a
2 warrant or if I was trying to find somebody who
3 was a victim, that we were trying to find them to
4 investigate it when I was a detective, it was
5 difficult to find people.

6 Q But that's what the word transience means though
7 isn't it to your mind, that their location is
8 totally unpredictable or tends to be very
9 unpredictable?

10 A Yes.

11 Q That's in contrast to, say, a student out at UBC
12 who has a course schedule and they have to attend
13 certain courses and so forth?

14 A Yeah, and then there would be a record. If you're
15 talking of a student or talking about a person who
16 is employed there would be some kind of a record
17 as to where they would be day to day. But from my
18 experience in dealing with people who are
19 suffering from profound addiction, profound
20 addiction problems trying to predict where they
21 are is very difficult.

22 Q You appreciated that a lot of these women had
23 specific dealers that they would go to, people
24 they could rely on for good quality drugs?

25 A I wasn't aware of that, no. In terms of knowing

1 how people buy their drugs, yes, that's possible,
2 but at that time there were so many drug dealers,
3 street level drug dealers everywhere that I'm not
4 necessarily saying they would particularly go to
5 one or the other. There was just a lot down
6 there.

7 Q But this was your district, District 2?

8 A Yes.

9 Q And your focus was in large measure on drug use?

10 A Our focus was in large measure on the disorder
11 that was being caused by drug use.

12 Q All right.

13 A That are complaints from every community was in
14 relation to the street disorder that in effect
15 made people victims of crime, but it also created
16 a great deal of fear of crime, and so typically
17 our deployment of officers, the kind of priorities
18 we were working on was trying to suppress that
19 street disorder.

20 Q Well, there might be a lot of bars in town, but
21 people have regular bars they go to. You know
22 that?

23 A Yes.

24 Q Okay. So you didn't expand that logic into
25 regular dealers?

1 A I'm not saying that it's not possible for many of
2 these people that they would have a regular dealer
3 they would go to, I just found that unlike in my
4 early years when Staff Sergeant Doug MacKay-Dunn
5 talked about going undercover, when you were a
6 heroin dealer you had to be introduced. Dealers
7 would not sell to somebody they didn't know so you
8 had to have specific dealers. By the time in the
9 late '90s the proliferation of street level drug
10 dealers, I mean you could go to almost any corner
11 and buy it. So, yes, they could have a particular
12 person they wanted to go to or they could go to
13 someone else. I would be speculating as to what
14 they did.

15 Q Okay. So you would have been in a position of
16 speculating as to whether or not women had
17 specific dealers?

18 A That's right. I couldn't say whether they did or
19 didn't.

20 Q Okay. So what I'm suggesting is that when in the
21 absence of information you made an assumption of
22 unpredictability?

23 A Well, no, in my experience these people were
24 unpredictable.

25 Q Okay. So that's why I was asking about your

1 experience with their dealer relationships.

2 You're saying in your experience women actually
3 had multiple dealers, they would deal with
4 anybody?

5 A In my experience drug addicts at that time could
6 go anywhere. If you wanted to ask about a
7 specific person they very well could have a
8 favourite dealer they went to and I would not have
9 been aware of that.

10 Q Well, I'm saying in the absence of information you
11 don't have any information one way or another with
12 these specific women?

13 A Right.

14 Q Okay. So let's talk about residence now. When it
15 comes to these specific 26 women, aside from
16 Angela Jardine where you knew where she lived, did
17 you have any information about whether they had a
18 fixed address?

19 A I did not have that specific information.

20 Q Okay. Did you go to anybody to find out that
21 information?

22 A No.

23 Q What about Janet Henry?

24 A No.

25 Q But you could have done that?

1 A I could have done that, but in my role as the
2 District 2 inspector I was dealing at a higher
3 level of managing issues, and in terms of the
4 specifics of who these people were and where they
5 lived or where they didn't live was left to the
6 investigating constables, Constable Dickson, to
7 Major Crime, Missing Persons, that sort of thing.
8 I didn't consider that.

9 Q Okay. There are a number of documents that went
10 out to the public, including documents to the
11 attorney general that spoke of women with no fixed
12 address?

13 A Again, from my experience when I dealt with drug
14 addicts who were usually living a profound drug
15 addicted lifestyle they didn't have a fixed
16 address. As I said when I was constable, when I
17 was a detective trying to find people who are
18 living on the street and street drug addicted,
19 where they lived changed frequently.

20 Q Okay. Well, it might have changed frequently, but
21 it was possible to find out where a woman would be
22 living?

23 A Oh, through an investigation, yes.

24 Q I'll just take the example of Sarah De Vries. She
25 lived with a boyfriend and then she was seen

1 moving out of the boyfriend's house into another
2 boyfriend's house. Did you know that?

3 A No.

4 Q That wasn't brought to your attention?

5 A No.

6 Q That information would have been available to you
7 if you had asked Lori Shenher about it?

8 A Yes.

9 Q Okay. But you didn't do that?

10 A That wasn't part of my role in terms of managing
11 my district to ask specific issues of any
12 particular investigation.

13 Q Okay. But part of what you used to make resource
14 allocation decisions was the image you had in mind
15 of the missing women?

16 A Yes.

17 Q And what I'm suggesting is that you didn't have an
18 awful lot of evidence to back up the image that
19 you had in mind of these missing women, and in
20 some cases like Angela Jardine and Sarah de Vries
21 that image that you had in mind was simply wrong.

22 A Well, that's why we created in the first instance
23 when Constable Dickson brought his list to the
24 attention of myself and Doug MacKay-Dunn that we
25 went to Kim Rossmo, that we discussed what we

1 should do, and it appeared to us that a reasonable
2 response would be to create a working group to
3 verify this list to provide the kind of evidence
4 necessary to justify resourcing. That was -- that
5 was the intent, and so if you read inspector --
6 Detective Inspector Rossmo's blueprint, that was
7 the blueprint, verify what this list meant, what
8 was really happening, where were these people.
9 And so when we moved on to say well, we should
10 include -- well, obviously we had to include
11 Missing Persons and Major Crime and potentially
12 other agencies where this would -- we would cross
13 over that was the idea. It wasn't to create a
14 specific investigation on one person, it was to
15 create the knowledge of what was this list. Now,
16 our problem was we did have preconceived notions.
17 The 71 name list formed, I think, a critical part
18 in people's thinking of crying wolf. We've seen a
19 list like this before. Seventy-one names calls
20 for major police action, and when the list is
21 examined it's found not to be accurate, and so
22 unfortunately there was a preconception, I think
23 on my part and on others, that potentially that's
24 what this list was. So we have to verify it. And
25 as part of a management exercise in allocating

1 resources you have to have reasons. Again I
2 got -- you know, you look to the report from
3 Inspector Biddlecombe to me as of September 14th
4 where he writes a bunch of his reasons for
5 believing that the list is not reliable. That was
6 his opinion that he formed through his expertise
7 and experience in Major Crime. So we had -- yeah,
8 we had a disagreement as to how much weight and
9 evidence we needed to put into that list. And I
10 would agree it's unfortunate that we could not
11 come to a decision sooner to put more resources
12 in, I believe I just said it took until April for
13 that to occur, I wish it could have occurred
14 sooner, but it was an issue between resourcing and
15 verifying this list.

16 Q Did you consider the failure to pick up welfare
17 cheques to be decisive?

18 A No, not at the time. It was a factor, but it's
19 not the only time that people didn't pick up
20 welfare cheques. That's happened in the past.
21 So, yes, it's a factor. And that's why I say in
22 terms of us wanting to proceed and get more
23 resources those were the things that we were
24 suggesting. Other people with their own opinions
25 said, no, you need to get more information. And

1 so that was the role of Lori Shenher and Major
2 Crimes/Missing Persons, they said they were going
3 to perform that role, that they were going to do
4 what was on that list that Kim Rossmo had
5 provided. And that Kim Rossmo, even though the
6 District 2 missing persons working group basically
7 stopped because we couldn't get the necessary
8 co-operation, those people were still available to
9 Major Crime to do the necessary work to verify
10 what was happening to these people.

11 Q All right. When did the preponderance of factors
12 convince you that the transient stereotype was not
13 accurate and should not be used as part of
14 decision making for resource allocation?

15 A Well, as I said for that individual Jardine I
16 realize that that was not reasonable.
17 Unfortunately my role in working with this issue
18 ended basically beginning of January and I was not
19 able to carry on with it. And it's unfortunate.
20 I think I had -- I think I had some expertise that
21 could have been used there, but I moved on to
22 another opportunity.

23 Q You keep receiving documents, memos and so forth
24 long after you move on from District 2; isn't that
25 true?

1 A I started receiving documents finally when I
2 became deputy chief.

3 Q All right.

4 A I mean I was still named by DEYAS, Judy McGuire
5 still had me as the contact for the bad date sheet
6 well into the end of 1999.

7 Q So even after Angela Jardine disappeared you still
8 hung on to a residual notion of transience of
9 survival sex workers except for Jardine?

10 A Well, I mean she -- in my mind from my direct
11 experience with her that could not be used. With
12 the others, again there was a whole list of issues
13 as to potential explanations of where these women
14 might have gone or why they might be missing, and
15 so at that time I wasn't in a position to say,
16 okay, I'm going to dismiss all this and go with a
17 particular piece. What I wanted to do, what I
18 advocated for, was to get on with the job of
19 verifying this, and if it meant Major Crime was
20 doing that through missing persons then I wanted
21 them to get on with it, and the sooner the better.

22 Q The lists that preceded Dave Dickson's list was a
23 list generated by the First Nations Summit.
24 You're aware of that?

25 A Well, I've seen -- again I've seen various, my

1 belief is it was 48 unsolved homicides and somehow
2 that expanded to 71, and how that occurred I'm not
3 sure, I'd have to re-read the things, but it was I
4 know again from the information that I was
5 informed through Inspector Biddlecombe of his
6 report on September 14th, and then verbally later
7 on, was that there was this significant list of
8 people and they were all identified.

9 Q All right. You appreciate that what the letter
10 set out from the First Nations Summit was a list
11 of unsolved homicides and missing persons, and
12 that the First Nations Summit was asking for an
13 update on the homicides and for somebody to check
14 into the missing persons?

15 A I'm not sure what led to Dave Dickson being
16 assigned to look into those 71, all I was aware of
17 that probably more informed my decisions or
18 opinions was that he had done that and the
19 majority of all of those names had somehow been
20 located. Some of them had moved out of the area,
21 some had dropped out of their lifestyle, some had
22 died, so. And then in dealing with the reports
23 from Lori Shenher and from Missing Persons was
24 they had clearly identified a real lack of
25 reporting of people who are missing. So if

1 somebody went in as a Jane or John Doe to a
2 hospital in terms of tracking that down it was
3 difficult. But there was a real disconnect on
4 being able to find people who were missing, and so
5 I believe there was a number of recommendations
6 that came out of this in terms of how to better
7 track people who are unknown, but are found.

8 Q Okay. So the First Nations Summit list is asking
9 for an update on unsolved homicides and asking if
10 the VPD knows about the whereabouts of certain
11 women that they haven't heard from; correct to
12 your knowledge?

13 A I'd have to read it again, but okay.

14 Q Okay. So they're not crying wolf, they're not
15 saying here's a list of people who have been
16 killed by a serial killer, they're saying what's
17 going on with these files, and here's some reports
18 of missing women?

19 A And I don't believe the report that I received
20 from Dave Dickson was crying that there was a
21 serial killer, it was bringing to our attention
22 that there were people missing, many for many
23 years, some recently, and a real concern as to
24 what was happening.

25 Q You told Deputy Chief Evans that these lists were

1 unreliable 'cause they were generated by activists
2 or political activists for their own purposes?

3 A That was again in conversation with other officers
4 is one of the problems with the list, and it's the
5 concern with well, what really is happening here.
6 That was one of the issues that some people
7 expressed.

8 Q Who was that who expressed those --

9 A Pardon me?

10 Q Who expressed those issues?

11 A I can't remember who the individuals were at this
12 time. I talked to a number of people 14 years
13 ago. I just remember that that was one of the
14 concerns about the list. You talked about Dave
15 Dickson and whether he was perceived by others as
16 being Stockholmed.

17 Q Or an outsider.

18 A Or an outsider. Yes, there were people concerned
19 that there were groups within the Downtown
20 Eastside who were anti-police, who were
21 anti-society and that they were trying to advance
22 their own agenda, and from time to time I would
23 hear people say that maybe Dave Dickson was too
24 close to the community. And, Mr. Commissioner,
25 this becomes one of the problems in

1 community-based policing is a perception by some
2 police or some politicians that a police officer
3 has lost his independence, has lost his I guess
4 unbiased behaviour towards the community, has been
5 now advocating some political perspective.

6 THE COMMISSIONER: Well, that's not really what community-based
7 policing is all about.

8 THE WITNESS: No. And so that's the problem is that's one of
9 the knocks when an officer like Dave Dickson gets
10 very close to the community, gets very good at
11 dealing with parts of the community we have, just
12 as you pointed out, other parts of the community
13 who are in opposition, they'll now start saying
14 well, that policeman is too cozy to that side.
15 They're doing too much for them and not enough for
16 us. And so that becomes a management issue as to
17 who's doing what.

18 MR. GRATL:

19 Q There's a bit of a tricky problem --

20 CONSTABLE DICKSON: Can I help out here just for a second?

21 MR. GRATL: No, no, no.

22 CONSTABLE DICKSON: Sorry, go ahead.

23 MR. GRATL: No, I always want to keep it tidy. That's okay.

24 We can go back later on, Mr. Dickson.

25 CONSTABLE DICKSON: Okay.

1 MR. DICKSON: Well, will you go back, Mr. Gratl?

2 THE COMMISSIONER: Well, you can do that in re-direct if you
3 want.

4 MR. DICKSON: Okay.

5 MR. GRATL: It's just too much to think about. Sorry.

6 Q The perception that the lists had been generated
7 by activists for their own purpose, I guess that
8 specifically dealt with this First Nations Summit
9 list?

10 A I don't believe it was in relation to that
11 particular list that that comment was made. The
12 comments were generally in terms of the most list
13 as to what generated it, how much weight could we
14 put on it, what should we be doing with it.

15 Q But my point is this, that when we're talking
16 about lists we're only talking about two lists at
17 that point, one is generated by Dave Dickson and
18 the other one is generated by the First Nations
19 Summit. So if there's a perception within the
20 Vancouver Police Department that the lists are
21 generated by political activists for their own
22 purposes that must refer to the First Nations
23 Summit?

24 A No, it was referring to Dave Dickson's list.

25 Q Okay. So the perception was that Dave Dickson's

1 list was sort of a proxy for some community
2 organization's list?

3 A Yes.

4 Q Do you know what community organization? Was it
5 Deb Mearns' Neighbourhood Safety Office?

6 A Well, it could be any number of the agencies down
7 there.

8 Q Okay. So those agencies, I take it they were
9 distrusted or their purposes were distrusted?

10 A Some of them were.

11 Q And again the purposes would be resource
12 allocation purposes, that the senior officers
13 didn't want to have their resource allocation
14 questions dictated by non-profit groups in the
15 Downtown Eastside?

16 A No, they didn't want them to be dictated
17 improperly, so that the allocation of resources
18 was done correctly on what was the most important
19 issues for the department to allocate its
20 resources. And so the concern would be if
21 somebody is trying to influence that allocation of
22 resources, and the concern could be well, we don't
23 want to send that resources there because they're
24 required somewhere else.

25 Q Sure. But I take it that just the source of the

1 information was the reason that it was judged to
2 be unreliable rather than the information itself?

3 A Again, it's only one part of what formed, I think,
4 a response to that list that had been -- as I've
5 said the reasons that were brought out to say go
6 slow on this list, provide greater and more
7 accurate information as to why people are missing
8 before we will provide more resources, that was
9 the idea or was the reason why we had to advocate
10 for better results in investigating what happened
11 to these people which then eventually led in April
12 to the formation of the task force.

13 Q I take it that survival sex workers because of
14 their engagement in prostitution offences, because
15 of their engagement in narcotics and possession
16 offences, and their engagement sometimes in
17 property crimes or violent crimes, and because
18 they upset the Gastown people and they upset the
19 Chinatown people and they upset the Strathcona
20 people, they created a bit of a nuisance for, I
21 mean a public nuisance, a street disorder
22 nuisance --

23 A Yes, they did.

24 Q -- for Vancouver police officers?

25 A Well, for the community.

1 Q For the community, and for the -- and I just
2 noticed how you used the word community in that
3 answer. You appreciate that you're leaving them
4 out of the community under that description?

5 A Well, I'm leaving them out of the communities that
6 are complaining about people's activities.

7 Q All right.

8 A So, yes, they're part of a community, but in this
9 sense their conduct was putting them at odds with
10 their other citizens.

11 Q All right. I'll accept that answer. And one way
12 of describing what they were doing was living, in
13 effect, a criminal lifestyle, a lifestyle replete
14 with criminality?

15 A Yes.

16 Q And that, of course, is what police officers
17 generally speaking are supposed to interdict, are
18 supposed to stop, are supposed to prosecute?

19 A Yes.

20 Q And so the general orientation toward survival sex
21 workers would be that they were criminals?

22 A I think the attitude towards them would be that if
23 they were out on the street and their conduct was
24 causing trouble in the community then the police
25 would take action against them, yes.

1 Q Sure. I mean, there the public -- there's the
2 question about the location of where they're
3 conducting their activities, but the activities no
4 matter where they're conducted are criminal and
5 that's going to be in the back of any police
6 officer's mind as they're dealing with the women?

7 A Yes.

8 Q And that's a factor that would permeate the
9 understanding of whether resources should be
10 allocated, and whether on one hand the resources
11 should be allocated to stop the criminal activity
12 or move it, or on the other hand to provide
13 assistance to sex workers?

14 A It would depend on what you're talking about in
15 terms of assistance. I mean the assistance to
16 people on the street would be as Dave Dickson
17 talks about in our support of the DEYAS needle
18 exchange van, in our support of WISH, I mean we
19 supported people in order to get them help. But
20 if you're saying the police can't support criminal
21 activity, so we're not there to support criminal
22 activity, to make a safe place to conduct criminal
23 activity, but we're there to help people, and if
24 we have that opportunity I'm sure we do. And we
25 have a good record, I believe, of when a

1 substantive offence has been alleged or shown
2 against women who are in the sex trade our
3 department vigorously investigated those cases and
4 brought them to trial.

5 Now, our problem, and maybe I'm anticipating
6 how our relationship from these people can be a
7 problem, is if they allege an offence the issue is
8 as a police officer investigating that offence you
9 not only have to look at the person who is the
10 suspect, but you also have to examine the victim.
11 You have to get to the truth of their statement.
12 And I've found in my dealings with them as a
13 detective, and I'm sure it carried on, is that
14 people get very uncomfortable when their
15 statements are questioned, and they can start
16 wondering well, what are the police doing here.
17 Here I'm making a statement of an offence against
18 me and the police are treating me like the
19 criminal. Well, part of the investigation
20 requires that you establish the truthfulness of
21 the alleged offence, and people can take that as
22 well, the police aren't really paying attention to
23 my complaint and they walk away. And it's
24 unfortunate when, you know, again individuals can
25 do that better than others to convince someone

1 that the reason I'm being so hard on you to get
2 the truth of your allegation is because a defence
3 counsel will be ten times harder on you in terms
4 of verifying your accuracy of your statement.

5 Q Well, that's another problem from a police
6 perspective is that --

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

8 MR. GRATL: I'm going to be another probably 45 minutes with
9 this witness and then half an hour with Inspector
10 Beach.

11 THE COMMISSIONER: So another 45 minutes?

12 MR. GRATL: That's my expectation.

13 THE COMMISSIONER: So I take it no one else has any questions,
14 no one else is going to cross-examine?

15 MR. GRATL: I think Mr. Ward has some questions.

16 THE COMMISSIONER: Well.

17 MR. GRATL: And Mr. Woodall says that he has questions if I
18 raise the Fell and Wolthers issue.

19 MR. WOODALL: That's correct. I'm here keeping an eye on
20 Mr. Gratl. So far my observations seem to have
21 done what they're intended to do.

22 MS. BROOKS: And, Mr. Commissioner, I would like to speak with
23 Mr. Vertlieb over the break, but we do have the
24 Major Crime panel scheduled for next week,
25 although I have confirmed with this panel that

1 they could attend on Monday morning if necessary.

2 THE COMMISSIONER: All right. Okay. Mr. Ward still has to
3 cross-examine.

4 MS. BROOKS: Yes.

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

6 THE REGISTRAR: The hearing will now recess for ten minutes.

7 **(PROCEEDINGS ADJOURNED AT 2:59 P.M.)**

8 **(PROCEEDINGS RESUMED AT 3:17 P.M.)**

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

10 MR. HIRA: Mr. Commissioner, Ravi Hira. Mr. Gratl has advised
11 me that the remainder of his cross-examination
12 will not engage the interests of my client or of
13 the Coquitlam investigation, and Mr. Dickson has
14 kindly stated that if it does he's got my back.
15 On that understanding I'm leaving, because I don't
16 see --

17 THE COMMISSIONER: So sorry to hear that.

18 MR. HIRA: I don't see the point of sticking around.

19 THE COMMISSIONER: Why not stick around and listen to
20 Mr. Gratl?

21 MR. HIRA: Well, this is your privilege, and I hope you enjoy
22 it.

23 THE COMMISSIONER: Thank you. All right. Thank you,
24 Mr. Gratl.

25 MR. GRATL: Thank you, Mr. Commissioner.

1 Q Inspector Greer, you were -- were you in charge
2 when the VANDU needle exchange table was taken
3 down in front of the Carnegie Centre?

4 A I think I was. Now, I can't remember whether I
5 was the deputy chief of ops. You have to give me
6 a date. Do you know the date?

7 Q I know it would have been 2001.

8 A 2001 I would be the deputy chief of ops, so I was
9 not the inspector at that point.

10 Q You at some point had to apologize for saying that
11 there were more drugs than needles passing over
12 the table at the needle exchange; is that right?

13 A I don't recall that. It's possible in terms of
14 dealing with what may have been a fallout of that
15 I would have said something, but I don't remember
16 that at this time.

17 Q You didn't have a relationship of trust with
18 VANDU?

19 A No.

20 Q And you didn't believe that they should be
21 involved in safe injection sites?

22 A Well, we'd had a long standing relationship with
23 DEYAS and the needle exchange van and John Turvey
24 and Judy McGuire, and their policy was needle for
25 needle, and I believe the issue that occurred with

1 VANDU was needles out, don't worry about needles
2 back in. So we had never had the kind of a
3 relationship where we could deal with that. Now,
4 I know that the public health nurses had adopted
5 that policy of needles out without needles back,
6 and so that was -- I guess that's the issue that
7 VANDU started.

8 Q They -- VANDU was ahead of its time, in effect,
9 and --

10 A Well, again --

11 Q It took awhile for you to --

12 A Again the whole concept of issuing needles, a harm
13 reduction concept was to reduce the transmission
14 of diseases that are created by the sharing of
15 needles and so, yes, there was within that group
16 the arguments as to why one needle in one needle
17 out or as many needles as possible. But I know
18 that -- I believe eventually Vancouver Health
19 adopted that as well.

20 Q All right. And similarly with safe injection
21 sites, VANDU pioneered the safe injection sites?

22 A No, I think the Vancouver City did through Don
23 MacPherson and the advocacy for the four pillar
24 approach, and at that time when it started I was
25 the district inspector. I went to many meetings

1 where they brought in experts from Switzerland,
2 from Frankfurt, Germany and they discussed their
3 approaches to harm reduction, and the supervised
4 injection sites, the use safe is often said about
5 it, but it's actually a supervised injection site,
6 since there's nothing safe about it because you
7 have no idea what drugs are being brought in, but
8 it is a supervised injection site. And I would
9 grant you that I'm sure VANDU as an interest group
10 was front and centre in advocating for in its
11 establishment.

12 Q They had an unauthorized safe injection site or
13 two in the Downtown Eastside before InSite opened.
14 Do you agree with that?

15 A Well, I know one that was on Powell Street where I
16 received a report from Constable Dickson talking
17 about it and the problems that existed there where
18 the people who were running it were wanting drugs
19 and favours from the working girls who were using
20 it.

21 THE COMMISSIONER: How does this relate to missing women?

22 MR. GRATL: It relates to the Downtown Eastside Extraordinary
23 Policing Program.

24 THE COMMISSIONER: Well, I know that, but I need you to -- I
25 know you got standing because you act for VANDU

1 amongst other people, and I get that, but, you
2 know, you need to draw some kind of a connection
3 between this and why we're here.

4 MR. GRATL:

5 Q All right. So the Downtown Eastside Extraordinary
6 Policing Program ran from 1998 to 2001. Do you
7 recall that, forty extra officers?

8 A No, that came after I had left.

9 Q You weren't responsible at all for the
10 implementation of that?

11 A No.

12 Q Okay. There were some resources deployed
13 especially to deal with sex workers to move them
14 north of Hastings. Do you recall that?

15 A There was a project that I had done in, I believe,
16 it's late '97 where we -- and again I think I've
17 already provided testimony on this, where in
18 response to just persistent complaints from the
19 communities, Strathcona, Chinatown and Grandview
20 Woodlands, about persistent sex trade workers
21 working in and around the schools and community
22 centres that we did do a project to try and deal
23 with those persistent workers. And in conjunction
24 with that we then sought to disrupt the market
25 that existed in along Franklin and Powell and

1 Victoria, and so officers were involved in
2 checking johns, in producing the dear john
3 letters, and providing information to DISC, and
4 just basically staying in the area, and it did for
5 a short time move the sex trade workers to other
6 communities or out of work for a short time. But
7 we also concentrated on dealing with juvenile
8 prostitutes, which when they were apprehended we
9 found out very quickly that the ministry was
10 unable to deal with them and they were returned to
11 the street. So in the end the realization was
12 while we could deal with specific sex trade
13 workers working in a particular area, the overall
14 market that was there we did not have the
15 resources to disrupt it for very long.

16 Q All right. I wonder if -- Mr. Giles, I wonder if
17 the witness could be shown the exhibit marked as A
18 for Identification, please. At page 55 you'll
19 find some minutes of a regular board meeting of
20 the Vancouver Police Board held on April 30th,
21 1997?

22 A Yes.

23 Q Over on the second page at the second last
24 paragraph is a report made by you which states
25 that prostitution is a major problem in the

1 Downtown Eastside and on Franklin Street. And it
2 says that:

3 The community feel there's a significant
4 problem, and 3,000 people have signed a
5 petition saying they wish the law to be
6 enforced. Prostitution detracts from the
7 quality of life and threatens their safety.

8 You also noted that:

9 The business people in the industrial area
10 are not happy with the impact of prostitution
11 in the area. The VPD is using traffic
12 enforcement bylaws and dear john letters to
13 control the situation.

14 A Yes.

15 Q And that presentation was made in response to a
16 delegation from the BC Civil Liberties Association
17 who was concerned about under policing and over
18 surveillance of sex workers specifically as it
19 pertained to the DISC program; is that right?

20 A I don't recall that. I know there was a concern
21 by BC Civil Liberties about the DISC program and
22 relations to privacy concerns, et cetera.

23 Q And your response -- this was your response to the
24 Vancouver Police Board that the community in
25 effect considered prostitution to be a major

1 problem?

2 A Oh, yes.

3 Q Okay. And I take it that when you're making your
4 resource allocation decisions what you have in
5 mind here is that prostitution is a major problem?

6 A Well, not just prostitution, Mr. Commissioner, but
7 all the issues that revolved around street
8 prostitution which creates significant disorder
9 and significant fear of crime on the part of
10 people who live there or work there or go there.
11 And I used the example before where we would have
12 parents complaining as their daughters walked to
13 school or home from school that you would have
14 these johns propositioning their children. So it
15 was not just the act of solicitation, it was all
16 the disorder and problems that surround it. You
17 know, if you think of your own community how often
18 would you like strangers driving up and down your
19 street and littering your street with used needles
20 or used condoms, or in the case because there were
21 no public washroom facilities that people were
22 urinating and defecating on other people's
23 property. So it was a very large disorder
24 problem, not just the idea of soliciting for the
25 purpose of prostitution in a public place.

1 Q But I mean even soliciting prostitution in a
2 public place, fundamentally what's at stake there
3 is public disorder as well?

4 A Yes.

5 Q And even solicitation is a form of public nuisance
6 or public disorder?

7 A Yes.

8 Q So it's all about nuisance. And on one side
9 you're saying to the police board, look we've got
10 3,000 members of the community that consider this
11 to be a public nuisance, we have to do something
12 about it?

13 A Yeah, I guess I would want to characterize it a
14 little bit more than just nuisance. I mean there
15 was, you know, I think real concern on the part of
16 people who lived and worked there about their
17 safety, safety of their property, safety of their
18 families. So it went beyond nuisance. But, you
19 know, I guess in terms of how you want to describe
20 things it was a disorder and it was causing
21 problems for everybody down there.

22 Q Could you turn to page 105, please, of the same
23 exhibit. This is a memo from Constable Russ
24 Mitchell to yourself dated October 19th, 1998?

25 A Yes.

1 Q You received this at the time. I see you've got a
2 note in your handwriting at the top?

3 A Yes.

4 Q All right. And this memo was prepared in response
5 to a position paper prepared by the BC Civil
6 Liberties Association on the DISC program?

7 A Yes.

8 Q I take it you read that BCCLA paper and asked
9 Constable Mitchell to respond, and this is his
10 response?

11 A Yeah, I don't specifically remember reading the
12 paper, but I know I asked Russ Mitchell, he was
13 one of our community officers assigned to Hastings
14 North, and he had legal training and I'm not sure
15 how far, whether he had finished law school or
16 not, but he'd had legal training and so when you
17 see his responses he phrases it that sort of way.

18 Q All right. And if you turn over to page 107 at
19 the top right hand corner of page 3 of that same
20 memo.

21 A Yes.

22 Q At the bottom paragraph it says:

23 Protection of prostitutes. The BCCLA is
24 concerned about the dismal record we...
25 And then there's:

1 ... (who is we?) have of protecting sex trade
2 workers. I agree they deserve no less
3 protection than any other citizen. The
4 question is whether they deserve more.
5 There's a legal doctrine know as *violent non*
6 *fit injuria*, also known as assumption of
7 risk. Though it is a civil doctrine
8 generally applying to lawsuits arising out of
9 personal injury, it is somewhat apropos here.
10 Should society be held liable to provide
11 enhanced protection to those who voluntarily
12 assume such obvious personal dangers?

13 And then there's a bracket again:

14 (An underlying question of course is whether
15 or how many prostitutes, juvenile or adult,
16 assume this risk voluntarily)?

17 You see that's what Constable Mitchell wrote there
18 to you?

19 A Yes.

20 Q And that's reflective of your understanding of
21 what some police officers believe?

22 A Well, I assume some. I myself don't have a
23 problem with that in terms of how much protection
24 you give to any one person. And in terms of
25 providing enhanced protection for people who have

1 kind of gone outside of our resource base, I don't
2 know what more we can do.

3 Q Well, here's the difficulty. Russ Mitchell is
4 down there at the Hastings North Neighbourhood
5 Safety Office; isn't that right?

6 A Yes.

7 Q He's a community liaison officer?

8 A Yes, he is.

9 Q He's engaged in community policing?

10 A Yes, he is.

11 Q In exactly the neighbourhood where there's a
12 concentration of sex workers?

13 A Yes.

14 Q And his view is that sex workers deserve the same
15 amount of protection as any other citizen?

16 A Yes.

17 Q Even though they're obviously subject to a
18 heightened level of risk in part because the
19 Vancouver Police Department has displaced and
20 contained them in exactly the area that Constable
21 Mitchell is policing?

22 A I believe they would be at risk anywhere in the
23 city.

24 Q Well, let's back up and let's take that part out
25 of the equation and just say sex workers in

1 Constable Mitchell's direct district are at
2 heightened risk, they're at greater risk than
3 other citizens?

4 A Potentially, yes.

5 Q Yes, so obviously there's a problem here with
6 Constable Mitchell's view, because people who are
7 at greater risk require greater protection, don't
8 they?

9 A We can provide protection to the level that the
10 police have resources to provide. The question is
11 if someone wants to engage in a crime and then
12 expect or go into a crime area and engage in a
13 crime that's inherently risky, I'm not sure how
14 much police protection we could provide for that.
15 I mean, in terms of trying to deal with the
16 violent offenders and the people who put these
17 people at risk we were trying to do that through
18 identifying people through the dear john letter,
19 through our DISC program, through our regular
20 checking of people, through Dave Dickson and Alex
21 Clarke and those trying to inform sex trade
22 workers about how to protect themselves and that
23 sort of thing, that's what we were doing. I'm not
24 sure what you mean that we could have done more to
25 protect these sex trade workers. The one issue

1 that I tried to advance in District 2 which may
2 have helped had it been adopted was CCTV which
3 would have provided the kind of monitoring of
4 areas that could have identified these types of
5 people. However, I was not successful in that
6 initiative because of the resistance from certain
7 parts of the community, so we never had that
8 option to use CCTV.

9 Q So in response to Mitchell's memo then, I take it
10 you agree with his statement that sex workers
11 wouldn't be entitled to enhanced protection over
12 and above what an ordinary citizen should get?

13 A They would have been entitled to protection that
14 we could provide for what the circumstances were.
15 So if they walked down the street and were
16 assaulted by somebody then we would respond to
17 that. If they were in fear for their life and
18 they called for the police we would respond to
19 that. But in terms of a routine behaviour on the
20 part of some people who put themselves at risk
21 outside of what we can respond to, I'm not sure
22 how we would provide a policing protection for
23 those kinds of people. We don't -- somebody wants
24 to commit crimes where like a drug addict who is
25 going to be breaking into houses and is going to

1 put himself at risk for doing that, the police
2 aren't there to protect them.

3 Q Okay. So I take it no enhanced resources for sex
4 workers came out of this Hastings North Community
5 Policing Office during your tenure?

6 A Not enhanced, but he certainly paid attention to
7 what was going on. He actually paid quite a great
8 deal of attention to the juvenile problem in that
9 area. And this paper basically was in a response
10 to the complaint about the DISC program, which
11 that's what he was writing about in my memory.

12 Q You didn't reply to Constable Mitchell to let him
13 know that in your view sex workers were way more
14 vulnerable than the ordinary person and they
15 should receive enhanced protection, they most
16 certainly should?

17 A I never said that to him.

18 Q Okay. And I take it it's because you don't
19 believe that?

20 A No, I don't believe that.

21 THE COMMISSIONER: Don't believe what?

22 THE WITNESS: Well, I think what he is saying do I believe that
23 I should provide -- as a police agency provide
24 enhanced police protection for people who by their
25 engagement in criminal activity put themselves at

1 greater risk. I'm not sure how we square that
2 circle of policing.

3 MR. GRATL:

4 Q I'm just saying there's a tension there that all
5 comes out of the fact and reality that sex work is
6 criminal activity and drug use is criminal
7 activity, and that factors into your sense of
8 what's appropriate to provide in terms of safety
9 and protection?

10 A Yeah, and in terms of what resources we have and
11 where you allocate them.

12 Q Right. I take it you weren't alone in that view,
13 that was a view that was shared by some of the
14 members of the senior management team?

15 A I hesitate to speak on behalf of other people, but
16 I believe that that would have been our view.

17 Q All right. Now, you went down to the Carnegie
18 Centre to see Lori Shenher give a presentation?

19 A No, I did not. I was gone by that time. That was
20 Inspector Beach.

21 Q Okay.

22 A I was on a special project.

23 Q You told Deputy Chief Evans that it appeared to
24 you that one of the reasons Fred Biddlecombe
25 didn't want to have a working group was because

1 the issue of serial killers had already been
2 investigated once before in 1992 with Project
3 Eclipse?

4 A Yeah, I would -- again, I didn't have at that time
5 my reference to the September 14th document that
6 Fred had sent me, and I was going from my memories
7 of my conversations with him as to why he had
8 formed his opinions that he did about his
9 resistance to the missing persons working group.

10 Q Did you know that the result of Project Eclipse
11 was the conclusion that there in fact was at least
12 one serial killer preying on sex workers?

13 A Sorry, I don't recollect that.

14 Q Okay. I guess Biddlecombe didn't mention that in
15 the meetings he had with you?

16 A He might have, but I don't -- I don't recollect
17 that result.

18 Q Okay. You heard about Sandra Cameron?

19 A Yes.

20 Q And you heard from families and through other
21 sources that Sandra Cameron was abusive towards
22 people who were attempting to call in with someone
23 missing?

24 A My constant message when I received those
25 complaints, and it was usually at the Downtown

1 Eastside liaison meetings, was I encouraged them
2 to put it in writing to complain to the
3 department. We are in a unionized environment,
4 there are procedures to deal with people's
5 behaviour, so in that sense we required documented
6 evidence. Now, I realize that I also in my
7 general workings within the department spoke about
8 our issues with Ms. Cameron. But there are
9 defence -- it comes back from the other side is
10 that many -- in many jobs where people are clerks
11 and dealing with issues where they have their
12 procedures and somebody disagrees with what you're
13 doing that you can have abuse both ways, and that
14 seemed to be in terms of explanations back to me
15 that there was abuse from the other side, and that
16 people were not being careful in how they -- or
17 respectful in how they behaved towards her. So to
18 me that was a human resources issue that needed to
19 be investigated and it required complaints,
20 written complaints so that things could be
21 documented and dealt with in a human resources
22 way.

23 Q People were coming to you directly with
24 complaints?

25 A Well, they were all third hand. People weren't --

1 it was Deb Mearns coming to me saying so and so
2 has told me that they tried to talk to her and she
3 was not nice to them or whatever, so I always said
4 to Deb Mearns you speak to that person, you have
5 them write a letter of complaint.

6 Q Okay. And she never did that?

7 A She may have, and I'm not aware if those written
8 complaints went forward.

9 Q Now, I have -- I take it you never did anything
10 yourself about Sandra Cameron?

11 A Only in speaking with people in Major Crime about
12 her, but this was an ongoing issue of performance
13 for a worker in the department. And again as soon
14 as you get into human resources and into
15 complaints they become private. You know, it's a
16 private issue within the agency for internal
17 discipline.

18 Q Who did you speak to in Major Crime about Sandra
19 Cameron?

20 A It could have been anyone at any time, it wasn't
21 just during this period of time. I can't
22 speculate as to what individual I spoke to, but it
23 would have been -- it would have been in general
24 conversation with someone saying I'm getting more
25 complaints. It could have been Fred Biddlecombe,

1 it could have been Dan Dureau, it could have been
2 Al Boyd, it could have been any of those guys that
3 I spoke with.

4 Q When you made the deputy chief level I take it the
5 Missing Persons Unit was under your jurisdiction?

6 A No, it wasn't.

7 Q At any time was the Missing Persons Unit in your
8 jurisdiction?

9 A No.

10 Q I see a -- and I take it you never then went to
11 Sandra Cameron yourself to ask her why she was
12 saying these things or why you were hearing these
13 things?

14 A No, I did not.

15 Q But I see at page 64 of your conversation with
16 Deputy Chief Evans you say a few things in Sandra
17 Cameron's defence. You say people are demanding
18 things she can't do, and then there's blame on
19 both sides. Something like what you just
20 testified.

21 A Yeah, and I --

22 Q Where do you get blame on both sides if you never
23 spoke to Sandra Cameron?

24 A I'm sure that came out of my conversations with
25 her supervisors when I'm saying I'm hearing about

1 this, and they came back with another explanation,
2 well, the reason she's having trouble is because
3 people are being mean and rude to her.

4 Q And you accepted that explanation?

5 A Yes.

6 Q All right. And who told you that?

7 A Well, again it would have been Al Boyd or Fred
8 Biddlecombe or Dan Dureau. It would have been the
9 people involved with Missing Persons and Major
10 Crime as I said in conversations.

11 Q Okay. In any dispute like this you can get people
12 upset on both sides, but even if both sides are
13 upset it doesn't mean there's blame on both sides.
14 Do you agree with that?

15 A Well, again it's a human resource issue, it's
16 complaint driven, and so when you get complaints
17 and you say well, this is what's happening and
18 they give you an explanation back, I'm assuming
19 that there are some investigations that are going
20 on to verify the accuracy of somebody's complaint.
21 Just because somebody complains doesn't make it
22 true. You have to investigate the truthfulness of
23 a complaint. So when I'm speaking, okay, somebody
24 has complained to me through Deb Mearns, and I
25 happened to mention it to the managers of her, and

1 I get comments back saying, well, yeah, she's
2 having trouble because they're being mean to her.
3 Well, okay, somebody will have to investigate
4 that, but it was not within my jurisdiction, it
5 wasn't within my command radius, so I'm assuming
6 that again it was done there and human resource
7 issues are private.

8 Q So when you said in her defence, you don't mean to
9 say of course you investigated it and she was
10 exonerated?

11 A No.

12 Q You can't really speak in her defence?

13 A I can't speak in her defence. I'm only saying
14 what I was told.

15 Q But you don't remember who told you that?

16 A It was 14 years ago. All I remember is at the
17 time talking to people and that was an issue.

18 Q I have here at page 53 of your interview with
19 Deputy Chief Evans a note that you never -- you
20 didn't recall when you spoke to Deputy Chief Evans
21 ever going to Biddlecombe and saying there's an
22 issue with Sandy Cameron?

23 A No.

24 Q Even though he would have been responsible for
25 Missing Persons?

1 A Yes, but there was other supervisors there that I
2 would have potentially spoken to.

3 Q Who would that have been?

4 A Those ones I mentioned, Al Boyd, Dan Dureau. I
5 forget the other people that could have been
6 there. You'd have to look up the list.

7 Q All right. And then I wonder if the witness could
8 be referred to the exhibit marked for
9 identification as J. And just at page 208 of this
10 exhibit you'll find a document, it's a four page
11 document, it's entitled "Police Board Meeting
12 02/05/15."

13 A Yes.

14 Q So that would be May 15th, 2002?

15 A Yes.

16 Q Have you seen this document before?

17 A I don't recall it.

18 Q Do you know who would be the author of this
19 document? I mean this is a post-Pickton arrest
20 document. It looks like it's intended to -- the
21 first paragraph reads:

22 This report is being provided to you in
23 response to the constant onslaught we seem to
24 face in the media around the need for a
25 review and inquiry or some such process

1 because we have not acted appropriately
2 around the missing women investigation. I
3 want to provide you with some context and
4 some insight into the persons that are
5 constantly relied upon by the media in their
6 various reports in order to put some concerns
7 you might have to rest.

8 Then on the third page and over to the fourth page
9 there are -- and I don't want you to read out
10 these comments, because some of them don't deserve
11 publicity, but there are comments there about Paul
12 Hiscox, comments about Wayne Leng, about Ernie
13 Crey, about Sandra Gagnon, about the Dreyers,
14 about Kathleen Hallmark, and about Kim Rossmo.
15 They are all comments made to the police board and
16 they're extremely derisive.

17 A I don't remember seeing this report, and I don't
18 know who authored it.

19 Q You would have been the deputy chief at that time?

20 A I was, yeah.

21 Q And it fell to you to respond to some of these
22 media what was described in this report here as a
23 constant onslaught of the media, that was part of
24 your responsibility responding to the media
25 onslaught, wasn't it?

1 A I might have been. I don't recall actually. The
2 board met in public at some points, and then the
3 same day, same like later on would go in camera.
4 I wasn't often invited to in camera portions, so.

5 Q Did you have responsibility for responding to the
6 media onslaught within the Vancouver Police
7 Department in any way?

8 A With respect to Evenhanded by then, the Project
9 Evenhanded.

10 Q So this is post-Pickton arrest?

11 A Yes.

12 Q In May of 2002 did you have responsibility for
13 responding to the media onslaught?

14 A Not directly. Scott Driemel and a member of the
15 RCMP were the actual media people, but the agreed
16 upon protocol between the RCMP and the Vancouver
17 Police Department was that media releases were to
18 be given A, jointly, meaning by both Scott and
19 Kate, that statements would be read or provided,
20 and of course under the major case management
21 model that had to be done only with the approval
22 of the team commander, Don Adam.

23 Q All right.

24 A And the final part of the process was that the
25 RCMP, and I believe it was Larry Killaly at the

1 time, and myself would be apprised of whatever was
2 going to be released prior to that release.

3 Q Well, this isn't directly a press release, but it
4 is a release to the police board --

5 A Right.

6 Q -- responding to adverse media. Would that have
7 fallen within your responsibilities?

8 A No.

9 Q Remind me what your rank was at that time?

10 A Inspector.

11 Q And this clearly deals with Evenhanded?

12 A Yes.

13 Q What was your responsibility in respect of
14 Evenhanded?

15 A Don Adam was the team commander of Project
16 Evenhanded. He reported on a regular basis to two
17 people directly, Larry Killaly and I. My role was
18 to -- a number of different things, but one was to
19 apprise the executive through my deputy, John
20 Unger, of developments in the investigation,
21 acquire resources of course when that was asked of
22 me by Don Adam, and again to be aware of press
23 releases prior to the actual release.

24 Q All right. So who might be the possible
25 candidates within Vancouver Police Department to

1 be the author of this document?

2 A I don't know.

3 Q Could it have been Larry Killaly?

4 A I'm sorry?

5 Q Could it have been Larry Killaly?

6 A I don't think so.

7 Q All right. Could it have been Deputy Chief Unger?

8 A Perhaps.

9 Q And could it have been anybody aside from yourself
10 and Deputy Chief Unger, any specific name you
11 could think of?

12 A No, I don't know.

13 Q Okay. And you appreciate that what's being done
14 here in this memo is a smear job on these people,
15 Wayne Leng, Paul Hiscox, Ernie Crey, Sandra
16 Gagnon, the Dreyers, Kathleen Hallmark, Kim
17 Rossmo, they're being smeared to the police board
18 in order to de-legitimize the statements made by
19 those individuals to the media in respect of
20 Evenhanded and the other missing women
21 investigations. You appreciate that's what's
22 being done?

23 A I think what's being reported here is how some of
24 these people involved in this investigation fit,
25 and where media reports seem to be generated from.

1 Q The parties that I mentioned, none of their
2 positive attributes are mentioned, uniformly
3 negative aspects or attributes are mentioned in
4 this paper. Am I right about that?

5 A Yes.

6 Q And I'm suggesting that the delivery of uniformly
7 negative messages about members of the community
8 who are speaking to the media critically about the
9 Vancouver Police Department's job amounts to a
10 smear job, and I'm asking whether you agree with
11 that characterization?

12 A No, I don't agree with that. I don't agree with
13 that word. I think that the stories that were
14 being written in the media and spoken about in the
15 media were very critical of the Vancouver Police
16 Department and the RCMP, and I believe from
17 discussions with other persons involved, et
18 cetera, that there were all kinds of different
19 agendas, different perspectives, different
20 viewpoints.

21 Q It says right here, Deputy Chief --

22 MR. DICKSON: I'm not sure --

23 THE COMMISSIONER: Let him finish his answer.

24 MR. DICKSON: I'm not sure he was finished his answer.

25 MR. GRATL: Your counsel suggested you weren't finished. I was

1 nodding to you to finish if you had something to
2 say.

3 THE COMMISSIONER: I didn't think he was finished either.

4 MR. BEACH: Sorry.

5 MR. GRATL:

6 Q All right. My question is referring back again to
7 the second paragraph on page 208, it says right
8 there:

9 I want to provide you some context and some
10 insight into the persons that are constantly
11 relied upon by the media in their various
12 reports in order to put some concerns you
13 might have to rest.

14 What were the concerns?

15 A Well, I guess the concerns would be that the
16 Vancouver Police Department was being portrayed
17 quite negatively in the media at the time, and the
18 board would rightly have had questions.

19 Q Yes, and what were the questions that they had in
20 particular?

21 A I don't know.

22 Q You never saw any written e-mails or
23 correspondence, memos or anything else like that
24 setting out what the concerns might be?

25 A No.

1 Q What the Vancouver Police Board's concerns might
2 be?

3 A No, I didn't.

4 Q But the insight into the persons that are
5 constantly relied upon in the media is supposed to
6 put those concerns to rest. Learning about those
7 individuals and who they are will satisfy the
8 police board's curiosity, that's what this memo
9 says; isn't that right? Deputy Chief, isn't that
10 correct, that's what this memo is designed to do?

11 MR. DICKSON: Well, Mr. Commissioner, he's said he didn't write
12 the memo, and he said he hasn't seen it before.

13 THE COMMISSIONER: No, I know he said he didn't write it, but
14 he's been asked if he can express an opinion of
15 what the intent of the memo was, and he may be in
16 a position to say that, so it's a proper question.

17 THE WITNESS: I think -- my belief is that the police board,
18 like many, many people, were shocked at the
19 stories that were being surfaced in the press and
20 had lots and lots of questions how this could have
21 occurred, et cetera, and that some of the media
22 reports were quite -- quite negative, and so I
23 would expect that they would have had lots of
24 concerns.

25 MR. GRATL:

1 Q Okay. So you're alleviating those concerns by
2 providing insight into the persons who were
3 critics of the Vancouver Police Department?

4 MR. DICKSON: I'm sorry, I'm going to object to that.

5 THE COMMISSIONER: Why?

6 MR. DICKSON: Mr. Gratl just said you are alleviating the
7 concerns. I just do not want that on the record.

8 THE COMMISSIONER: Yeah, I think in fairness you can say that
9 the memo was, but he's already said he didn't
10 write it.

11 MR. GRATL: All right.

12 THE COMMISSIONER: You're really asking him to interpret the
13 memo.

14 MR. GRATL: That's fair enough.

15 THE COMMISSIONER: And I've said that's proper.

16 MR. GRATL:

17 Q All right. And, Deputy Chief, maybe you can tell
18 me whether you in any way have any responsibility
19 for this memo getting in front of the Vancouver
20 Police Board?

21 MR. GREER: I have no recollection of this memo.

22 MR. GRATL: No, no, I'm speaking to Mr. Beach.

23 MR. BEACH: I don't remember writing this memo, and I'm not
24 sure that I would have put that in front of the
25 board.

1 MR. GRATL:

2 Q I'm asking whether you had any responsibility --

3 THE COMMISSIONER: Just a minute. Just a minute. Just a
4 minute. He's still going on.

5 MR. BEACH: I'm sorry.

6 THE COMMISSIONER: Were you done or --

7 MR. BEACH: I did make presentations to the police board from
8 time to time certainly, but I don't recall in this
9 specific case whether I made a presentation to the
10 board or not.

11 MR. GRATL:

12 Q Okay. So you're not saying -- you can't say for
13 certain that you're not responsible for it?

14 A Yes. I've told you that, yes.

15 MR. GRATL: Perhaps we can leave it there, Mr. Commissioner.

16 THE COMMISSIONER: Well, how long are you going to be?

17 MR. GRATL: I only have -- I mean I'm mindful that these
18 witnesses may be coming back, and I'm frankly
19 exhausted.

20 THE COMMISSIONER: Sorry?

21 MR. GRATL: I'm frankly exhausted and I wouldn't mind having an
22 opportunity to go back and review my notes. It's
23 been a bit of a bewildering exercise trying to
24 prepare for a cross-examination of four people.

25 THE COMMISSIONER: Well, I understand that, but tell me how

1 much time do you need?

2 MR. GRATL: I've exhausted the questions I have at the moment,
3 but I wouldn't mind having -- the witnesses are
4 coming back in any event, having an opportunity to
5 review my notes.

6 THE COMMISSIONER: All right.

7 THE REGISTRAR: The hearing is now resumed for the day and will
8 resume Monday morning at 9:30.

9 **(PROCEEDINGS ADJOURNED AT 4:06 P.M.)**

10

11 I hereby certify the foregoing to be a
12 true and accurate transcript of the
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INDEX OF PROCEEDINGS

DAVE DICKSON	9
CROSS-EXAMINATION BY MR. DICKSON	
DOUG MACKAY-DUNN	36
CROSS-EXAMINATION BY MR. GRATL	
DAVE DICKSON	93
CROSS-EXAMINATION BY MR. HIRA	
GARY GREER	100
CROSS-EXAMINATION BY MR. HIRA:	
DOUG MACKAY-DUNN	105
CROSS-EXAMINATION BY MR. HIRA	
CHRIS BEACH	109
CROSS-EXAMINATION BY MR. HIRA	
DAVE DICKSON	111
CROSS-EXAMINATION BY MR. GRATL	
GARY GREER	153
CROSS-EXAMINATION BY MR. GRATL	
CHRIS BEACH	202
CROSS-EXAMINATION BY MR. GRATL	

<p>'90s ^[1] - 159:9</p> <p>'97 ^[3] - 55:16, 55:17, 182:16</p>	1st ^[1] - 21:19	49 ^[1] - 106:11	82:4, 83:5, 159:21, 160:10	175:3
	2	4:06 ^[1] - 211:9	absolute ^[1] - 54:3	activity ^[8] - 86:16, 175:11, 175:21, 175:22, 175:23, 192:25, 193:6, 193:7
	2 ^[11] - 88:14, 88:20, 89:13, 101:12, 151:21, 154:6, 158:7, 161:2, 165:6, 165:24, 191:1	5	absolutely ^[23] - 4:21, 38:7, 40:11, 41:15, 50:16, 51:25, 53:10, 56:15, 61:5, 61:7, 63:10, 69:3, 71:19, 75:2, 75:15, 76:17, 89:5, 90:9, 90:12, 107:21, 120:12, 143:7, 154:16	actual ^[2] - 203:15, 204:23
	02/05/15 ^[1] - 200:12	5 ^[2] - 109:8 50 ^[2] - 25:16, 138:5 53 ^[1] - 199:18 55 ^[1] - 183:18 57 ^[1] - 26:4 5th ^[2] - 19:20, 110:20	abuse ^[6] - 10:5, 10:6, 95:19, 195:13, 195:15	Adam ^[3] - 203:22, 204:15, 204:22
	1	6	abusive ^[2] - 10:4, 194:21	add ^[3] - 30:24, 94:21, 94:24
<p>1 ^[3] - 70:17, 71:9, 75:18</p> <p>10 ^[2] - 23:2, 24:16</p> <p>100 ^[1] - 1:10</p> <p>105 ^[2] - 186:22, 1:12</p> <p>107 ^[1] - 187:18</p> <p>109 ^[1] - 1:14</p> <p>10:53 ^[1] - 59:7</p> <p>11 ^[1] - 74:8</p> <p>111 ^[1] - 1:16</p> <p>113 ^[2] - 110:21, 110:23</p> <p>11:07 ^[1] - 59:8</p> <p>12 ^[1] - 102:15</p> <p>125 ^[1] - 97:9</p> <p>12:32 ^[1] - 122:24</p> <p>14 ^[11] - 63:1, 64:14, 64:21, 87:15, 102:16, 105:7, 105:10, 110:2, 130:16, 169:12, 199:16</p> <p>14th ^[3] - 164:3, 167:6, 194:5</p> <p>15 ^[8] - 13:10, 13:15, 59:6, 63:1, 105:10, 106:12, 110:3, 130:16</p> <p>153 ^[1] - 1:18</p> <p>15th ^[1] - 200:14</p> <p>17 ^[2] - 23:25, 106:13</p> <p>18 ^[1] - 24:4</p> <p>1992 ^[1] - 194:2</p> <p>1995 ^[1] - 10:11</p> <p>1997 ^[6] - 13:6, 13:16, 13:18, 13:23, 14:20, 183:21</p> <p>1998 ^[5] - 77:11, 149:1, 149:3, 182:6, 186:24</p> <p>1999 ^[8] - 21:25, 33:2, 34:7, 55:15, 88:22, 96:19, 104:14, 166:6</p> <p>19th ^[1] - 186:24</p> <p>1:45 ^[1] - 122:23</p> <p>1:50 ^[1] - 122:25</p>	20/20 ^[3] - 85:21, 102:18, 105:6	7	accepted ^[3] - 66:22, 69:19, 198:4	added ^[1] - 94:16
	200 ^[1] - 122:9	8	accident ^[1] - 138:24	addict ^[1] - 191:24
	2000 ^[5] - 88:14, 89:4, 104:5, 104:9, 104:14	8 ^[1] - 1:2 80 ^[1] - 90:13	accomplished ^[1] - 110:9	addicted ^[7] - 51:12, 51:15, 83:1, 124:5, 133:17, 161:15, 161:18
	2001 ^[6] - 34:3, 77:11, 140:21, 179:7, 179:8, 182:6	9	according ^[1] - 46:22	addition ^[12] - 10:24, 11:11, 12:14, 79:8, 82:15, 133:12, 133:19, 133:22, 156:20, 156:24, 157:19, 157:20
	2002 ^[5] - 19:20, 77:11, 109:8, 200:14, 203:12	9 ^[2] - 21:24, 1:4 9-1-1 ^[1] - 114:2 93 ^[2] - 27:7, 1:8 950 ^[1] - 70:20 9:30 ^[1] - 211:8 9:40 ^[1] - 1:3	accountable ^[1] - 128:7	addicts ^[2] - 160:5, 161:14
	2004 ^[1] - 110:2	A	accounted ^[1] - 57:24	adding ^[1] - 143:2
	2011 ^[3] - 21:19, 102:16, 105:10	A.M ^[3] - 1:3, 59:7, 59:8	accounted ^[1] - 57:24	addition ^[1] - 3:13
	2012 ^[1] - 1:2	AA ^[2] - 110:21, 110:22	accredited ^[1] - 82:13	additional ^[1] - 97:21
	202 ^[1] - 1:20	abandoned ^[1] - 124:3	accuracy ^[2] - 177:4, 198:20	address ^[6] - 1:18, 2:10, 153:19, 160:18, 161:12, 161:16
	208 ^[3] - 200:9, 202:10, 207:7	ability ^[2] - 95:20, 211:14	accurate ^[7] - 46:14, 63:4, 89:5, 163:21, 165:13, 173:7, 211:12	addressed ^[2] - 2:12, 3:5
	21 ^[1] - 106:13	able ^[11] - 6:11, 33:22, 34:14, 53:21, 66:9, 95:16, 123:25, 142:18, 154:8, 165:19, 168:4	accused ^[2] - 29:3, 30:10	3:5
	210 ^[1] - 202:11	aboriginal ^[4] - 4:17, 4:22, 138:11, 139:16	achieve ^[4] - 9:2, 75:1, 80:1, 82:19	addresses ^[1] - 30:3
	211 ^[1] - 202:11	aborted ^[1] - 89:1	achieved ^[2] - 8:25, 74:24	adhered ^[3] - 41:8, 47:19, 48:12
	22 ^[4] - 22:4, 22:16, 26:4, 40:7	absence ^[5] - 48:7,	acquire ^[1] - 204:21	ADJOURNED ^[4] - 59:7, 122:24, 178:7, 211:9
	22nd ^[1] - 149:3		act ^[8] - 14:6, 15:20, 15:21, 17:16, 71:23, 93:10, 181:25, 185:15	adjourned ^[1] - 122:23
	23 ^[1] - 40:7		acted ^[2] - 133:14, 201:1	administration ^[1] - 87:12
	26 ^[2] - 155:21, 160:15		action ^[2] - 163:20, 174:25	administrative ^[2] - 87:10, 88:17
	27 ^[1] - 105:13		actions ^[1] - 37:7	adopted ^[3] - 180:4, 180:19, 191:2
	2:59 ^[1] - 178:7		active ^[4] - 9:16, 85:5, 89:9, 91:25	adult ^[1] - 188:15
	2nd ^[1] - 149:1		activists ^[6] - 59:15, 59:20, 169:1, 169:2, 171:7, 171:21	advance ^[3] - 74:17, 169:21, 191:1
	3		activities ^[3] - 174:6,	advantage ^[2] - 12:5, 144:10
	3 ^[1] - 187:19			adversarial ^[1] - 36:1
	3,000 ^[2] - 184:4, 186:10			adverse ^[2] - 115:2, 204:6
	30th ^[1] - 183:20			advice ^[6] - 123:9, 123:13, 123:20, 124:1, 124:10, 124:15
	31 ^[1] - 94:12			advise ^[1] - 58:23
	32 ^[1] - 21:21			
	33 ^[2] - 22:10, 22:16			
	34 ^[1] - 23:2			
	35 ^[1] - 23:25			
	36 ^[2] - 24:15, 1:6			
	3:17 ^[1] - 178:8			
	4			
	40 ^[1] - 90:5			
	45 ^[2] - 177:8, 177:11			
	48 ^[2] - 105:7, 167:1			

<p>advised [4] - 120:20, 121:9, 122:14, 178:10</p> <p>advising [1] - 123:10</p> <p>Advisory [1] - 71:3</p> <p>advisory [1] - 74:20</p> <p>advocacy [5] - 57:17, 68:23, 92:8, 180:23</p> <p>advocate [1] - 173:9</p> <p>advocated [1] - 166:18</p> <p>advocating [2] - 170:5, 181:10</p> <p>affected [2] - 117:4, 137:11</p> <p>affects [1] - 73:4</p> <p>affiliated [1] - 138:22</p> <p>afford [1] - 76:8</p> <p>afoul [2] - 155:2, 155:3</p> <p>afraid [3] - 9:25, 139:12, 153:12</p> <p>afternoon [2] - 1:14, 22:1</p> <p>afterwards [1] - 132:23</p> <p>agencies [4] - 129:18, 163:12, 172:6, 172:8</p> <p>agency [3] - 113:22, 192:23, 196:16</p> <p>agenda [3] - 50:5, 54:15, 169:22</p> <p>agendas [1] - 206:19</p> <p>ago [11] - 27:25, 125:9, 137:13, 137:14, 138:20, 138:25, 139:11, 146:12, 146:19, 169:13, 199:16</p> <p>agree [32] - 3:3, 5:11, 8:19, 26:1, 37:9, 44:9, 53:8, 53:15, 68:18, 81:5, 83:3, 83:12, 88:10, 111:20, 111:25, 127:15, 129:3, 131:20, 135:3, 143:18, 146:24, 151:10, 151:16, 156:12, 164:10, 181:14, 188:2, 191:10, 198:14, 206:10, 206:12</p> <p>agreeable [1] - 7:21</p> <p>agreed [7] - 44:12, 56:9, 66:21, 139:20, 143:13, 143:16, 203:15</p> <p>agreeing [1] - 58:9</p> <p>agrees [2] - 59:17,</p>	<p>60:9</p> <p>ahead [7] - 80:11, 143:12, 150:15, 151:9, 153:7, 170:22, 180:8</p> <p>AI [5] - 87:11, 88:3, 197:2, 198:7, 200:4</p> <p>alarm [1] - 57:23</p> <p>alerted [1] - 137:18</p> <p>Alex [4] - 116:14, 116:20, 190:20</p> <p>Allan [23] - 20:15, 21:6, 21:20, 22:9, 22:11, 22:16, 23:5, 24:4, 25:17, 25:19, 25:22, 25:25, 26:14, 27:15, 27:23, 28:4, 29:18, 29:22, 31:1, 31:9, 33:1, 34:4, 115:3</p> <p>Allan's [3] - 20:10, 27:9, 114:12</p> <p>allegation [3] - 29:4, 30:1, 177:2</p> <p>allegations [6] - 21:6, 21:8, 24:16, 27:4, 27:9, 137:25</p> <p>allege [1] - 176:7</p> <p>alleged [3] - 29:6, 176:1, 176:21</p> <p>alleging [1] - 138:3</p> <p>alleviating [2] - 209:1, 209:6</p> <p>allied [2] - 61:18, 69:5</p> <p>allocate [2] - 172:19, 193:11</p> <p>allocated [4] - 78:12, 78:13, 175:10, 175:11</p> <p>allocating [1] - 163:25</p> <p>allocation [15] - 52:24, 53:14, 67:4, 67:6, 73:22, 77:10, 77:14, 151:2, 162:14, 165:14, 172:12, 172:13, 172:17, 172:21, 185:4</p> <p>allocations [2] - 73:2, 150:14</p> <p>allow [2] - 133:16, 150:14</p> <p>allowed [3] - 112:4, 118:8, 140:9</p> <p>almost [3] - 43:17, 129:1, 159:10</p> <p>alone [3] - 78:24, 78:25, 193:12</p> <p>alter [1] - 123:25</p> <p>altercations [1] - 154:20</p>	<p>alternative [1] - 83:22</p> <p>ambition [1] - 68:19</p> <p>Amelia [2] - 88:10, 88:22</p> <p>amount [1] - 189:15</p> <p>amounts [1] - 206:9</p> <p>analysis [1] - 55:24</p> <p>analyze [1] - 84:15</p> <p>Anderson [4] - 13:4, 14:22, 17:17, 17:19</p> <p>Angel [2] - 32:1, 32:3</p> <p>Angela [8] - 153:24, 154:22, 154:23, 155:10, 156:4, 160:16, 162:20, 166:7</p> <p>angry [1] - 148:3</p> <p>anonymous [1] - 143:5</p> <p>answer [20] - 9:19, 27:2, 55:4, 67:20, 98:24, 106:12, 106:20, 106:21, 107:18, 107:19, 107:20, 108:12, 108:14, 109:19, 132:19, 132:20, 174:3, 174:11, 206:23, 206:24</p> <p>answered [3] - 30:7, 108:9, 127:20</p> <p>answering [6] - 59:23, 60:13, 89:11, 117:24, 119:15, 147:17</p> <p>answers [2] - 26:20, 55:3</p> <p>antagonistic [2] - 50:19, 73:18</p> <p>anti [7] - 69:2, 69:6, 69:7, 69:8, 140:13, 169:20, 169:21</p> <p>anti-police [6] - 69:2, 69:6, 69:7, 69:8, 140:13, 169:20</p> <p>anti-society [1] - 169:21</p> <p>anticipating [1] - 176:5</p> <p>anyway [1] - 67:11</p> <p>apologize [4] - 80:11, 109:23, 150:7, 179:10</p> <p>apologized [4] - 97:4, 121:14, 141:8, 150:19</p> <p>appear [2] - 49:8, 104:13</p> <p>appeared [2] - 163:1, 193:23</p>	<p>application [3] - 1:25, 2:12, 30:18</p> <p>applied [1] - 37:12</p> <p>apply [2] - 30:18, 38:10</p> <p>applying [1] - 188:8</p> <p>appraisal [1] - 75:9</p> <p>appreciate [9] - 35:1, 73:6, 116:3, 151:1, 167:9, 174:3, 202:17, 205:13, 205:21</p> <p>appreciated [1] - 157:22</p> <p>apprehended [1] - 183:8</p> <p>apprehension [2] - 115:7, 129:16</p> <p>apprise [1] - 204:19</p> <p>apprised [1] - 204:1</p> <p>approach [7] - 50:18, 79:15, 80:13, 80:14, 110:4, 143:24, 180:24</p> <p>approached [1] - 122:10</p> <p>approaches [1] - 181:3</p> <p>appropriate [3] - 29:1, 35:18, 193:8</p> <p>appropriately [2] - 119:4, 201:1</p> <p>approval [2] - 18:6, 203:21</p> <p>approve [1] - 126:6</p> <p>approved [1] - 18:13</p> <p>April [5] - 88:14, 88:22, 164:12, 173:11, 183:20</p> <p>apropos [1] - 188:9</p> <p>area [21] - 12:13, 15:24, 44:6, 55:18, 84:5, 86:23, 87:21, 91:25, 116:15, 117:11, 119:9, 121:24, 130:6, 167:20, 183:4, 183:13, 184:9, 184:11, 189:20, 190:12, 192:9</p> <p>areas [3] - 99:4, 113:13, 191:4</p> <p>argue [4] - 30:12, 74:18, 82:7, 129:13</p> <p>arguing [1] - 141:19</p> <p>argument [4] - 45:13, 86:13, 155:12, 155:14</p> <p>arguments [1] - 180:16</p>	<p>arise [1] - 90:15</p> <p>arises [1] - 108:2</p> <p>arising [1] - 188:8</p> <p>arrest [5] - 40:9, 103:24, 105:23, 200:19, 203:10</p> <p>arrested [5] - 42:25, 99:14, 103:4, 108:24, 142:5</p> <p>article [6] - 148:6, 148:8, 148:10, 148:15, 148:16</p> <p>articles [1] - 51:16</p> <p>Ashwan [26] - 22:6, 22:23, 23:6, 23:18, 24:10, 24:21, 25:5, 26:8, 27:14, 27:20, 27:22, 28:1, 28:4, 28:7, 28:10, 28:14, 28:18, 29:9, 29:17, 29:18, 30:4, 30:19, 31:2, 31:9, 31:19, 31:22</p> <p>aside [11] - 7:9, 23:8, 23:12, 24:25, 36:5, 49:22, 135:24, 144:20, 152:11, 160:15, 205:9</p> <p>asker [1] - 121:9</p> <p>aspect [2] - 49:13, 49:22</p> <p>aspects [3] - 49:23, 80:14, 206:3</p> <p>aspire [1] - 68:18</p> <p>assault [1] - 135:19</p> <p>assaulted [2] - 135:6, 191:16</p> <p>assaults [4] - 16:15, 90:10, 140:25, 146:22</p> <p>assertion [1] - 145:4</p> <p>assessment [3] - 59:18, 68:18, 151:10</p> <p>assign [4] - 73:25, 75:16, 86:12, 86:13</p> <p>assigned [17] - 37:13, 41:13, 48:22, 49:20, 71:4, 72:10, 73:25, 84:19, 84:25, 88:17, 88:24, 88:25, 112:6, 112:10, 118:17, 167:16, 187:13</p> <p>assigning [2] - 76:7, 86:23</p> <p>assignment [1] - 49:16</p> <p>assignments [1] - 88:19</p> <p>assist [5] - 11:24, 93:18, 97:4, 97:17,</p>
--	---	--	---	---

<p>130:9 assistance [4] - 144:11, 175:13, 175:15 Assistant [1] - 93:11 assisted [1] - 119:22 associates [1] - 19:13 Association [7] - 73:13, 73:15, 113:7, 113:10, 130:1, 184:16, 187:6 associations [2] - 72:9 assume [4] - 100:16, 188:12, 188:16, 188:22 assumed [3] - 43:19, 43:23, 100:17 assumes [1] - 70:11 assuming [3] - 57:25, 198:18, 199:5 assumption [2] - 159:21, 188:6 AT [8] - 1:3, 59:7, 59:8, 122:24, 122:25, 178:7, 178:8, 211:9 atmosphere [4] - 141:1, 142:23, 144:4, 144:7 atonement [1] - 89:16 attach [1] - 29:1 attached [2] - 33:14, 127:14 attack [7] - 13:6, 13:16, 13:19, 13:23, 14:20, 14:22, 17:6 attacked [3] - 15:20, 15:21, 16:25 attempt [2] - 52:23, 119:18 attempted [3] - 63:10, 120:5, 121:1 attempting [2] - 54:10, 194:22 attend [7] - 1:8, 1:13, 40:25, 41:2, 125:24, 157:12, 178:1 attendance [1] - 202:23 attended [2] - 41:3, 123:4 attention [11] - 30:15, 53:19, 150:12, 152:5, 154:21, 162:4, 162:24, 168:21, 176:22, 192:6, 192:8 attitude [2] - 96:1, 174:22</p>	<p>attitudes [1] - 95:8 attorney [3] - 109:16, 109:20, 161:11 attracted [1] - 154:11 attractive [1] - 122:18 attributes [2] - 206:2, 206:3 audit [1] - 44:23 author [2] - 200:18, 205:1 authored [1] - 201:18 authorities [1] - 154:10 authority [1] - 124:23 autonomy [4] - 81:7, 124:12, 124:25 availability [1] - 147:23 available [8] - 2:14, 28:20, 110:8, 146:21, 147:1, 152:10, 162:6, 165:8 avenues [1] - 152:10 avoiding [1] - 107:5 aware [24] - 11:21, 11:22, 19:11, 20:5, 56:19, 56:21, 72:23, 103:22, 103:24, 104:1, 111:6, 111:10, 111:18, 113:15, 114:3, 117:18, 126:21, 139:23, 157:25, 160:9, 166:24, 167:16, 196:7, 204:22 awesome [1] - 139:3 awful [1] - 162:18 awhile [1] - 180:11 awkward [1] - 24:25 axe [2] - 58:3, 58:11</p>	<p>badmouthing [1] - 121:8 bag [1] - 12:19 ball [1] - 68:2 band [1] - 88:4 Bar [1] - 99:6 barriers [2] - 48:1, 48:4 bars [2] - 158:20, 158:21 base [1] - 189:1 based [15] - 14:18, 14:19, 37:6, 46:21, 48:21, 48:22, 57:7, 68:11, 74:1, 104:22, 124:1, 143:4, 156:23, 170:1, 170:6 basis [15] - 10:11, 14:22, 15:14, 15:19, 21:15, 38:25, 42:17, 46:9, 88:24, 89:13, 125:24, 129:19, 137:17, 145:14, 204:16 Bates [4] - 139:9, 139:20, 144:20, 144:25 BC [5] - 1:1, 102:8, 184:16, 184:21, 187:5 BCCLA [2] - 187:8, 187:23 Beach [7] - 35:3, 89:6, 89:8, 109:2, 177:10, 193:20, 202:7 beach [2] - 202:6, 209:22 BEACH [8] - 109:3, 202:8, 207:4, 209:23, 210:5, 210:7, 1:14, 1:20 beat [2] - 74:5, 91:14 beating [2] - 22:6, 22:7 became [11] - 48:17, 49:13, 51:10, 54:12, 66:18, 89:8, 91:21, 102:7, 113:15, 132:7, 166:2 become [3] - 63:20, 73:2, 196:15 becomes [8] - 63:12, 69:4, 73:1, 75:7, 75:10, 133:18, 169:25, 170:16 becoming [1] - 58:23 bed [1] - 25:11 begin [1] - 36:5 beginning [3] - 36:9, 128:18, 165:18</p>	<p>behalf [3] - 1:22, 28:16, 193:15 behaved [1] - 195:17 behaviour [5] - 9:17, 124:1, 170:4, 191:19, 195:5 belief [5] - 48:4, 98:15, 115:19, 167:1, 208:17 believes [1] - 61:18 beneficial [1] - 2:11 benefits [1] - 51:24 benefitted [2] - 125:14, 126:2 Bernie [2] - 138:7, 138:14 beside [3] - 59:25, 63:13, 63:15 best [11] - 20:3, 22:12, 35:5, 86:23, 90:4, 99:5, 99:8, 112:5, 123:19, 211:14 better [12] - 36:3, 79:1, 81:1, 81:2, 86:24, 120:24, 124:9, 137:20, 166:21, 168:6, 173:10, 176:25 between [15] - 38:8, 62:23, 77:10, 106:13, 137:6, 141:2, 144:5, 147:8, 149:18, 149:21, 151:14, 151:20, 164:14, 182:3, 203:16 bewildering [1] - 210:23 beyond [5] - 39:16, 88:5, 88:10, 186:18 bias [2] - 102:19, 105:7 biases [1] - 38:9 Biddlecombe [16] - 66:20, 148:2, 149:7, 149:9, 149:10, 149:23, 150:13, 150:17, 151:8, 164:3, 167:5, 193:24, 194:14, 196:25, 198:8, 199:21 big [3] - 8:18, 25:9, 27:5 binder [2] - 27:5, 102:15 birth [1] - 136:13 bit [19] - 9:20, 13:22, 17:25, 22:3, 24:12, 25:14, 53:23, 58:23,</p>	<p>70:1, 97:8, 97:18, 137:13, 140:3, 147:14, 170:19, 173:20, 186:14, 210:23 blame [3] - 197:18, 197:22, 198:13 blocks [4] - 112:23, 116:13, 117:13, 118:21 blossom [2] - 153:13, 153:15 blossomed [1] - 87:7 blow [3] - 45:2, 141:24, 146:15 blue [1] - 62:1 blueprint [2] - 163:6, 163:7 Board [6] - 71:3, 183:20, 184:24, 200:11, 202:25, 209:20 board [16] - 78:4, 91:21, 127:24, 128:6, 128:8, 183:19, 186:9, 201:15, 203:2, 204:4, 205:17, 207:18, 208:17, 209:25, 210:7, 210:10 Board's [1] - 208:1 board's [1] - 208:8 bodies [1] - 97:3 body [5] - 20:5, 38:1, 45:6, 154:23 boiled [1] - 95:7 bond [1] - 133:7 book [5] - 25:20, 93:16, 114:12, 127:9 books [1] - 10:21 border [1] - 101:20 bordered [1] - 101:12 boring [1] - 72:21 boss [4] - 65:20, 66:17, 85:2, 85:3 bosses [10] - 61:11, 64:4, 64:24, 65:2, 65:16, 65:21, 65:22, 65:25, 66:1, 66:2 Boston [1] - 99:6 bottom [2] - 26:4, 187:22 bound [1] - 47:12 box [1] - 21:20 Boyd [3] - 197:2, 198:7, 200:4 boyfriend [1] - 161:25 boyfriend's [2] - 162:1, 162:2</p>
--	--	---	--	--

<p>bracket ^[1] - 188:13</p> <p>break ^[4] - 59:3, 110:18, 177:23, 178:5</p> <p>breaking ^[1] - 191:25</p> <p>brick ^[1] - 74:25</p> <p>bridge ^[1] - 7:22</p> <p>brief ^[10] - 27:4, 88:15, 89:17, 89:21, 93:4, 93:7, 100:13, 112:7, 112:11</p> <p>briefly ^[1] - 99:20</p> <p>bright ^[2] - 144:8, 144:9</p> <p>bring ^[10] - 29:7, 72:25, 77:6, 84:20, 90:24, 99:5, 130:5, 150:12, 152:1, 152:4</p> <p>bringing ^[2] - 55:19, 168:21</p> <p>Britannia ^[1] - 127:19</p> <p>broad ^[1] - 49:1</p> <p>BROOKS ^[2] - 177:22, 178:4</p> <p>Brooks ^[6] - 1:7, 1:12, 9:14, 21:24, 23:25, 27:6</p> <p>brought ^[14] - 10:13, 27:25, 28:21, 54:2, 54:3, 55:10, 55:13, 141:8, 162:4, 162:23, 173:5, 176:4, 181:1, 181:7</p> <p>brush ^[1] - 49:1</p> <p>Bryce ^[1] - 1:22</p> <p>BUCKLEY ^[3] - 1:5, 1:10, 1:16</p> <p>Buckley ^[3] - 1:5, 1:11, 1:21</p> <p>budget ^[4] - 74:3, 76:9, 110:5, 110:9</p> <p>budget-wise ^[1] - 110:5</p> <p>build ^[3] - 71:1, 120:24, 137:6</p> <p>building ^[2] - 84:18, 122:16</p> <p>bunch ^[3] - 139:5, 151:14, 164:4</p> <p>Burnaby ^[2] - 101:4, 101:13</p> <p>Burrard ^[1] - 130:1</p> <p>bus ^[1] - 3:25</p> <p>business ^[2] - 60:10, 184:9</p> <p>Business ^[1] - 113:9</p> <p>busting ^[1] - 24:22</p> <p>busy ^[1] - 145:22</p> <p>butter ^[1] - 40:11</p> <p>butting ^[1] - 149:14</p>	<p>buy ^[4] - 63:23, 130:13, 158:1, 159:11</p> <p>BY ^[18] - 9:12, 36:8, 93:24, 100:24, 105:4, 109:4, 111:5, 153:18, 202:9, 1:5, 1:7, 1:9, 1:11, 1:13, 1:15, 1:17, 1:19, 1:21</p> <p>bylaws ^[1] - 184:12</p>	<p>carried ^[1] - 176:13</p> <p>carry ^[3] - 10:21, 103:12, 165:19</p> <p>cars ^[2] - 10:18, 11:10</p> <p>Carson ^[1] - 120:14</p> <p>case ^[13] - 8:23, 25:24, 29:7, 50:14, 50:22, 99:5, 105:16, 117:9, 117:10, 121:20, 185:20, 203:20, 210:9</p> <p>cases ^[3] - 89:23, 162:20, 176:3</p> <p>casual ^[1] - 24:13</p> <p>catalyst ^[2] - 68:15, 76:5</p> <p>categorically ^[1] - 125:17</p> <p>caused ^[1] - 158:11</p> <p>causes ^[1] - 155:4</p> <p>causing ^[2] - 174:24, 186:20</p> <p>CBC ^[1] - 2:22</p> <p>CCTV ^[2] - 191:2, 191:8</p> <p>central ^[1] - 118:6</p> <p>Centre ^[9] - 114:20, 123:4, 127:19, 130:22, 130:25, 138:8, 138:19, 179:3, 193:18</p> <p>centre ^[11] - 22:2, 24:8, 27:13, 27:18, 123:9, 138:12, 138:15, 138:22, 140:8, 181:10</p> <p>centres ^[3] - 82:5, 82:12, 182:22</p> <p>centric ^[2] - 102:19, 105:6</p> <p>certain ^[8] - 15:24, 17:16, 133:23, 141:3, 157:13, 168:10, 191:6, 210:13</p> <p>certainly ^[31] - 37:15, 49:24, 51:8, 59:22, 59:23, 63:7, 66:7, 66:20, 85:21, 86:6, 86:22, 96:15, 98:9, 99:4, 108:18, 112:25, 113:23, 114:3, 116:8, 117:25, 118:18, 121:19, 126:1, 136:15, 154:1, 155:13, 156:25, 192:6, 192:16, 202:20, 210:8</p> <p>certify ^[1] - 211:11</p>	<p>cetera ^[3] - 184:22, 206:18, 208:21</p> <p>chain ^[2] - 48:10, 60:4</p> <p>chair ^[1] - 91:21</p> <p>chairman ^[1] - 78:4</p> <p>challenged ^[3] - 39:23, 39:24, 43:16</p> <p>Chambers ^[3] - 54:1, 55:12, 152:25</p> <p>change ^[4] - 55:9, 68:16, 76:5, 120:17</p> <p>changed ^[4] - 54:20, 141:10, 161:19, 161:20</p> <p>changes ^[4] - 9:17, 54:23, 76:5, 87:19</p> <p>chaotic ^[1] - 154:7</p> <p>character ^[1] - 95:20</p> <p>characterization ^[5] - 53:8, 94:6, 131:8, 151:16, 206:11</p> <p>characterize ^[2] - 152:3, 186:13</p> <p>characterized ^[2] - 94:4, 154:3</p> <p>charge ^[17] - 14:20, 17:3, 17:4, 17:8, 17:22, 18:1, 18:6, 18:12, 44:22, 57:2, 75:17, 94:11, 109:11, 135:11, 135:17, 141:7, 179:1</p> <p>charged ^[4] - 4:16, 17:14, 17:18, 135:13</p> <p>charges ^[3] - 19:24, 20:2, 20:6</p> <p>charging ^[1] - 18:2</p> <p>chase ^[1] - 101:20</p> <p>check ^[7] - 23:20, 23:21, 32:8, 32:22, 136:11, 137:2, 167:13</p> <p>checked ^[6] - 32:18, 135:25, 136:1, 136:4, 136:6, 136:7</p> <p>checking ^[3] - 136:25, 183:2, 190:20</p> <p>cheques ^[5] - 42:9, 46:9, 58:5, 164:17, 164:20</p> <p>Chief ^[33] - 48:15, 54:1, 55:11, 57:12, 60:1, 60:16, 61:8, 63:1, 63:5, 63:9, 64:2, 70:7, 83:13, 87:7, 88:18, 96:4, 98:6, 100:21, 102:14, 104:11, 104:12, 153:20, 153:23, 168:25,</p>	<p>193:23, 197:16, 199:19, 199:20, 205:7, 205:10, 206:21, 208:9, 209:17</p> <p>chief ^[15] - 21:23, 25:13, 39:5, 53:25, 54:6, 54:17, 102:7, 151:4, 152:14, 153:21, 166:2, 179:5, 179:8, 197:4, 201:19</p> <p>chiefs ^[1] - 202:4</p> <p>Chiefs ^[1] - 102:8</p> <p>chiefs ^[1] - 152:14</p> <p>child ^[2] - 130:4, 133:6</p> <p>children ^[1] - 185:14</p> <p>Chinatown ^[3] - 73:14, 173:19, 182:19</p> <p>choice ^[4] - 86:21, 124:12, 124:14, 152:8</p> <p>choices ^[1] - 57:1</p> <p>choose ^[1] - 12:3</p> <p>chops ^[1] - 24:22</p> <p>chose ^[2] - 57:6, 107:12</p> <p>chosen ^[1] - 107:11</p> <p>CHRIS ^[4] - 109:3, 202:8, 1:14, 1:20</p> <p>Church ^[1] - 96:21</p> <p>cigarettes ^[1] - 97:14</p> <p>circle ^[1] - 193:2</p> <p>circumstance ^[1] - 16:24</p> <p>circumstances ^[4] - 17:4, 77:20, 156:1, 191:14</p> <p>cites ^[2] - 124:22, 124:25</p> <p>citizen ^[3] - 188:3, 189:15, 191:12</p> <p>citizens ^[2] - 174:10, 190:3</p> <p>city ^[5] - 40:5, 52:3, 68:22, 78:3, 189:23</p> <p>City ^[1] - 180:22</p> <p>civil ^[2] - 5:7, 188:7</p> <p>Civil ^[3] - 184:16, 184:21, 187:5</p> <p>claim ^[1] - 145:4</p> <p>clarify ^[3] - 4:20, 70:17, 110:19</p> <p>Clarke ^[4] - 116:14, 116:15, 116:20, 190:21</p> <p>clean ^[4] - 81:23, 82:20, 82:22, 82:25</p> <p>clear ^[5] - 51:25, 52:4, 52:15, 105:5, 147:14</p>
---	--	---	--	--

<p>clearly [4] - 44:14, 108:22, 167:24, 204:11</p> <p>clerks [1] - 195:10</p> <p>client [7] - 22:5, 23:15, 37:23, 100:3, 100:8, 127:21, 178:12</p> <p>clients [3] - 28:16, 140:10, 140:17</p> <p>climate [2] - 137:5, 151:19</p> <p>clippings [1] - 52:17</p> <p>close [4] - 112:24, 147:21, 169:24, 170:10</p> <p>closed [1] - 72:1</p> <p>closely [1] - 116:17</p> <p>closer [1] - 129:12</p> <p>co [8] - 114:20, 114:21, 114:23, 114:25, 122:4, 122:5, 122:7, 165:8</p> <p>co-operation [1] - 165:8</p> <p>co-ordinator [7] - 114:20, 114:21, 114:23, 114:25, 122:4, 122:5, 122:7</p> <p>coalition [1] - 90:21</p> <p>cocaine [4] - 11:11, 11:20, 12:2, 12:20</p> <p>code [1] - 36:2</p> <p>coke [1] - 40:13</p> <p>collate [1] - 84:13</p> <p>collateral [3] - 33:7, 33:8</p> <p>colleague [1] - 44:17</p> <p>collect [2] - 84:13, 84:17</p> <p>collective [1] - 52:11</p> <p>collectively [1] - 53:17</p> <p>colloquial [1] - 37:17</p> <p>colours [1] - 35:5</p> <p>coming [12] - 10:4, 22:25, 31:25, 40:6, 97:10, 121:6, 121:10, 146:13, 195:23, 196:1, 210:18, 211:4</p> <p>command [2] - 60:4, 199:5</p> <p>commander [2] - 203:22, 204:15</p> <p>comment [10] - 10:7, 14:5, 41:3, 42:11, 59:13, 64:23, 65:1, 65:4, 106:2, 171:11</p> <p>comments [7] - 52:21, 171:12, 199:1, 201:10, 201:11,</p>	<p>201:12, 201:15</p> <p>commission [10] - 2:9, 2:11, 2:20, 2:23, 3:4, 4:3, 4:10, 8:12, 28:18, 30:21</p> <p>commissioner [2] - 9:21, 13:8</p> <p>Commissioner [63] - 1:5, 1:21, 1:23, 4:12, 5:15, 5:18, 6:9, 6:17, 7:15, 7:24, 8:19, 9:6, 9:22, 28:12, 30:24, 32:25, 33:15, 33:21, 34:9, 34:12, 34:17, 35:17, 36:5, 41:25, 47:22, 52:19, 53:24, 58:18, 59:21, 63:16, 63:21, 64:11, 66:16, 68:9, 69:16, 77:12, 80:5, 80:20, 85:21, 92:17, 93:11, 98:1, 99:20, 100:18, 106:19, 106:25, 107:23, 108:13, 110:18, 116:23, 118:12, 122:22, 125:6, 143:1, 147:3, 154:1, 169:24, 177:22, 178:10, 178:25, 185:6, 208:11, 210:15</p> <p>COMMISSIONER [121] - 1:9, 1:15, 1:20, 2:4, 2:13, 2:25, 3:11, 3:14, 3:23, 4:8, 4:24, 5:5, 5:17, 5:24, 6:2, 6:7, 6:12, 6:14, 6:22, 7:4, 7:8, 7:10, 7:20, 7:22, 8:1, 8:4, 8:10, 8:14, 9:5, 28:23, 29:20, 29:25, 30:6, 30:21, 30:23, 31:3, 31:6, 31:9, 32:24, 33:3, 33:7, 33:17, 33:24, 34:6, 34:8, 34:11, 34:16, 34:19, 34:22, 35:9, 35:15, 48:3, 52:4, 53:1, 53:6, 53:16, 58:25, 59:5, 59:10, 60:9, 63:18, 63:24, 85:10, 85:14, 86:24, 92:23, 93:3, 93:6, 93:9, 93:15, 99:25, 100:6, 100:16, 100:20, 107:3, 107:10, 107:15, 107:19, 107:25, 110:17, 111:1, 111:3, 119:8, 122:21, 123:2, 123:15, 132:20,</p>	<p>139:25, 140:6, 142:13, 143:12, 147:4, 147:11, 148:16, 170:6, 171:2, 177:7, 177:11, 177:13, 177:16, 178:2, 178:5, 178:17, 178:19, 178:23, 181:21, 181:24, 192:21, 206:23, 207:3, 208:13, 209:5, 209:8, 209:12, 209:15, 210:3, 210:6, 210:16, 210:20, 210:25, 211:6</p> <p>commit [1] - 191:24</p> <p>committed [1] - 18:24</p> <p>committee [1] - 91:4</p> <p>common [7] - 31:23, 43:17, 43:18, 72:25, 112:18, 113:24, 114:1</p> <p>communicating [1] - 102:3</p> <p>communication [2] - 101:22, 103:19</p> <p>communications [1] - 100:25</p> <p>communities [16] - 70:15, 72:18, 72:19, 76:20, 76:23, 76:24, 78:9, 78:16, 116:7, 117:9, 117:17, 174:5, 182:19, 183:6</p> <p>community [96] - 21:3, 35:21, 50:8, 51:10, 52:12, 55:25, 61:4, 64:7, 65:13, 68:10, 68:11, 68:14, 68:17, 70:8, 70:10, 70:11, 70:12, 70:19, 70:22, 70:25, 71:1, 71:2, 71:6, 71:7, 71:10, 71:11, 71:15, 71:17, 72:3, 72:4, 72:5, 72:11, 72:15, 72:21, 73:15, 74:9, 74:14, 74:18, 74:22, 74:23, 74:25, 75:5, 75:11, 75:18, 76:8, 76:15, 77:10, 78:10, 89:15, 89:18, 89:22, 89:25, 90:20, 90:22, 91:1, 92:2, 92:3, 92:8, 111:16, 112:7, 112:25, 113:3, 113:16, 114:5, 117:7, 127:16,</p>	<p>131:9, 138:10, 154:5, 154:9, 158:13, 169:24, 170:1, 170:4, 170:6, 170:10, 170:11, 170:12, 172:1, 172:4, 173:25, 174:1, 174:2, 174:4, 174:8, 174:24, 182:21, 184:3, 184:24, 185:17, 186:10, 187:13, 189:7, 189:9, 191:7, 206:7</p> <p>Community [4] - 71:3, 73:13, 127:19, 192:4</p> <p>community-based [3] - 68:11, 170:1, 170:6</p> <p>compassionate [1] - 77:4</p> <p>complain [1] - 195:2</p> <p>complained [1] - 198:24</p> <p>complaining [2] - 174:6, 185:12</p> <p>complains [1] - 198:21</p> <p>complaint [8] - 113:17, 113:19, 176:23, 192:10, 196:5, 198:16, 198:20, 198:23</p> <p>complaints [12] - 115:25, 146:21, 158:13, 182:18, 194:25, 195:19, 195:20, 195:24, 196:8, 196:15, 196:25, 198:16</p> <p>completely [1] - 58:6</p> <p>complex [1] - 82:15</p> <p>component [1] - 80:3</p> <p>computer [1] - 154:14</p> <p>concentrated [1] - 183:7</p> <p>concentration [1] - 189:12</p> <p>concept [5] - 36:19, 36:22, 37:9, 180:12, 180:13</p> <p>concepts [1] - 74:17</p> <p>concern [16] - 51:1, 51:3, 51:5, 51:7, 53:11, 57:20, 57:25, 77:24, 78:22, 95:16, 168:23, 169:5, 172:20, 172:22, 184:20, 186:15</p> <p>concerned [7] - 23:10, 39:12, 144:18,</p>	<p>151:12, 169:18, 184:17, 187:24</p> <p>concerns [21] - 32:17, 48:24, 70:23, 91:2, 91:3, 92:2, 97:8, 120:7, 130:7, 169:14, 184:22, 201:6, 207:12, 207:14, 207:15, 207:24, 208:1, 208:6, 208:24, 209:1, 209:7</p> <p>concluded [1] - 94:15</p> <p>conclusion [1] - 194:11</p> <p>conclusions [2] - 140:23, 140:24</p> <p>condition [2] - 79:3, 130:15</p> <p>condoms [2] - 136:22, 185:20</p> <p>conduct [4] - 86:10, 174:9, 174:23, 175:22</p> <p>conducted [3] - 93:17, 105:25, 175:4</p> <p>conducting [2] - 45:14, 175:3</p> <p>confine [1] - 18:4</p> <p>confinement [5] - 17:8, 17:9, 17:14, 17:19, 17:20</p> <p>confirmed [1] - 177:25</p> <p>confused [3] - 27:11, 62:23, 118:4</p> <p>confusion [1] - 110:20</p> <p>conjunction [1] - 182:23</p> <p>connected [1] - 64:5</p> <p>connection [2] - 100:7, 182:2</p> <p>conscience [1] - 52:11</p> <p>consciousness [1] - 129:21</p> <p>consensual [4] - 14:9, 14:10, 14:11, 14:13</p> <p>consider [8] - 29:11, 30:13, 38:13, 47:7, 82:5, 161:8, 164:16, 186:10</p> <p>considered [12] - 41:13, 50:18, 57:8, 64:4, 111:16, 115:24, 130:18, 134:15, 145:9, 146:6, 155:18, 184:25</p> <p>consistently [2] - 56:5, 123:20</p>
--	---	--	--	---

<p>conspicuous [2] - 156:9, 156:11</p> <p>Constable [36] - 9:10, 9:13, 12:22, 23:3, 24:2, 31:12, 33:5, 33:25, 40:1, 59:25, 60:17, 88:25, 93:25, 100:21, 102:15, 110:2, 111:6, 115:14, 116:14, 125:5, 143:3, 143:10, 147:9, 147:10, 150:4, 155:24, 161:6, 162:23, 181:16, 186:23, 187:9, 188:17, 189:20, 190:1, 190:6, 192:12</p> <p>constable [7] - 22:19, 53:25, 54:7, 54:17, 138:9, 156:18, 161:16</p> <p>CONSTABLE [4] - 60:7, 170:20, 170:22, 170:25</p> <p>constables [1] - 161:6</p> <p>constant [3] - 194:24, 200:23, 201:23</p> <p>constantly [4] - 53:17, 201:5, 207:10, 208:5</p> <p>constituency [1] - 113:18</p> <p>consultant [1] - 54:2</p> <p>consultation [1] - 78:6</p> <p>consumed [2] - 68:16, 69:22</p> <p>contact [8] - 13:13, 25:5, 25:6, 55:7, 114:14, 126:13, 133:5, 166:5</p> <p>contacted [1] - 114:11</p> <p>contacts [2] - 95:6, 100:25</p> <p>contained [2] - 83:16, 189:20</p> <p>containment [1] - 85:18</p> <p>contest [2] - 75:12, 77:9</p> <p>context [7] - 41:21, 48:20, 77:7, 102:18, 107:4, 201:3, 207:9</p> <p>continue [1] - 31:12</p> <p>contrary [1] - 48:13</p> <p>contrast [3] - 12:6, 12:9, 157:11</p> <p>contributed [1] - 151:19</p> <p>control [13] - 49:7, 49:8, 49:16, 51:5,</p>	<p>54:4, 54:10, 54:15, 55:8, 57:3, 91:13, 184:13</p> <p>controlled [2] - 55:21, 82:12</p> <p>conversation [16] - 31:13, 33:1, 39:6, 40:22, 41:9, 42:1, 44:1, 44:2, 62:6, 63:7, 64:2, 85:23, 138:25, 169:3, 196:24, 197:15</p> <p>conversations [11] - 14:18, 39:4, 39:21, 39:22, 41:7, 57:20, 67:16, 89:14, 194:7, 197:24, 198:10</p> <p>convicted [1] - 81:14</p> <p>convince [3] - 86:12, 165:12, 176:25</p> <p>cop [3] - 26:8, 26:18, 79:19</p> <p>cop's [1] - 75:8</p> <p>cops [1] - 75:10</p> <p>Coquitlam [17] - 14:2, 14:6, 93:12, 101:4, 102:4, 102:5, 102:22, 102:24, 103:6, 103:10, 103:20, 105:15, 105:16, 108:4, 108:19, 178:13</p> <p>core [2] - 91:5, 92:7</p> <p>corner [5] - 20:19, 25:18, 122:12, 159:10, 187:19</p> <p>corners [1] - 11:1</p> <p>correct [57] - 13:7, 26:13, 26:15, 26:19, 61:15, 61:21, 66:3, 79:17, 87:9, 88:1, 94:2, 94:3, 94:13, 94:14, 94:21, 94:22, 95:9, 95:12, 95:17, 95:18, 96:9, 96:18, 97:2, 97:25, 98:7, 98:20, 98:21, 99:1, 101:1, 101:5, 101:25, 102:1, 102:2, 102:12, 102:25, 104:2, 104:10, 104:24, 105:17, 109:1, 109:12, 111:24, 113:20, 115:1, 116:22, 134:9, 136:5, 136:9, 144:3, 150:16, 153:1, 154:15, 154:25, 156:12, 168:11,</p>	<p>177:19, 208:10</p> <p>correction [1] - 110:25</p> <p>correctly [2] - 47:3, 172:18</p> <p>correspondence [1] - 207:23</p> <p>costs [1] - 78:24</p> <p>council [7] - 48:24, 52:2, 52:3, 63:15, 74:20, 78:1</p> <p>counsel [17] - 1:6, 1:11, 2:1, 2:9, 3:16, 3:22, 4:10, 6:19, 6:20, 6:23, 7:2, 8:5, 18:6, 30:21, 53:16, 177:3, 206:25</p> <p>counterproductive [1] - 35:20</p> <p>couple [8] - 20:24, 32:21, 34:21, 88:23, 116:13, 118:21, 121:11, 136:13</p> <p>course [24] - 6:1, 7:19, 15:14, 17:17, 42:24, 56:17, 61:17, 99:11, 104:8, 108:14, 112:17, 127:8, 128:15, 135:15, 135:20, 137:2, 154:22, 157:12, 174:16, 188:14, 199:9, 203:20, 204:21</p> <p>courses [1] - 157:13</p> <p>COURT [1] - 4:11</p> <p>court [2] - 28:13, 131:5</p> <p>courtesan [2] - 37:22, 38:20</p> <p>courtesy [1] - 93:14</p> <p>courthouse [1] - 122:9</p> <p>courtroom [1] - 141:5</p> <p>courtrooms [2] - 5:8, 142:22</p> <p>cozy [1] - 170:14</p> <p>CPIC [3] - 43:7, 43:9, 137:3</p> <p>crack [3] - 11:11, 11:20, 12:20</p> <p>create [3] - 163:2, 163:13, 163:15</p> <p>created [5] - 54:1, 158:15, 162:22, 173:20, 180:14</p> <p>creates [1] - 185:8</p> <p>creating [1] - 94:5</p> <p>creation [1] - 128:2</p> <p>credibility [1] - 30:3</p> <p>credit [1] - 66:8</p>	<p>Crey [2] - 201:13, 205:15</p> <p>Crime [17] - 35:24, 56:17, 56:22, 102:4, 102:6, 109:12, 151:3, 151:22, 161:7, 163:11, 164:7, 165:9, 166:19, 177:24, 196:11, 196:18, 198:10</p> <p>crime [15] - 16:20, 74:11, 75:9, 75:10, 76:4, 96:25, 97:3, 97:17, 103:8, 158:15, 158:16, 185:9, 190:11, 190:12, 190:13</p> <p>crimes [3] - 173:17, 191:24</p> <p>Crimes/Missing [1] - 165:2</p> <p>criminal [13] - 42:23, 79:15, 86:16, 174:13, 175:4, 175:11, 175:20, 175:21, 175:22, 176:19, 192:25, 193:6</p> <p>criminality [2] - 80:13, 174:14</p> <p>criminals [1] - 174:21</p> <p>critical [3] - 5:10, 163:17, 206:15</p> <p>critically [1] - 206:8</p> <p>criticism [1] - 77:5</p> <p>criticize [4] - 3:21, 4:14, 5:2, 44:16</p> <p>criticizing [1] - 63:11</p> <p>critics [1] - 209:3</p> <p>crook [1] - 81:1</p> <p>CROSS [18] - 9:12, 36:8, 93:24, 100:24, 105:4, 109:4, 111:5, 153:18, 202:9, 1:5, 1:7, 1:9, 1:11, 1:13, 1:15, 1:17, 1:19, 1:21</p> <p>cross [30] - 1:17, 6:4, 6:16, 7:7, 7:17, 7:22, 8:2, 18:20, 25:17, 34:24, 35:4, 35:16, 36:16, 80:11, 92:22, 92:23, 92:25, 93:19, 93:21, 99:22, 100:1, 100:7, 100:10, 101:20, 107:6, 163:12, 177:14, 178:3, 178:11, 210:24</p>	<p>CROSS-EXAMINATION [18] - 9:12, 36:8, 93:24, 100:24, 105:4, 109:4, 111:5, 153:18, 202:9, 1:5, 1:7, 1:9, 1:11, 1:13, 1:15, 1:17, 1:19, 1:21</p> <p>cross-examination [12] - 1:17, 25:17, 35:4, 92:22, 92:23, 92:25, 93:19, 99:22, 100:1, 107:6, 178:11, 210:24</p> <p>cross-examine [11] - 6:4, 6:16, 7:7, 7:17, 8:2, 34:24, 35:16, 36:16, 93:21, 177:14, 178:3</p> <p>cross-examined [1] - 100:10</p> <p>cross-examining [2] - 18:20, 100:7</p> <p>crossed [3] - 61:24, 62:2, 62:18</p> <p>Crossin [1] - 7:10</p> <p>Crown [2] - 18:6, 20:2</p> <p>crumpled [1] - 120:25</p> <p>crying [3] - 163:18, 168:14, 168:20</p> <p>culture [1] - 129:22</p> <p>Cunningham [3] - 141:6, 141:16, 143:13</p> <p>cure [1] - 98:11</p> <p>curiosity [1] - 208:8</p> <p>custody [1] - 43:1</p> <p>cut [1] - 8:17</p>
D				
<p>dad [2] - 131:25, 132:3</p> <p>daily [2] - 8:17, 125:24</p> <p>Dan [3] - 197:1, 198:8, 200:4</p> <p>dangerous [1] - 80:8</p> <p>dangers [2] - 9:25, 188:12</p> <p>dark [1] - 10:25</p> <p>darn [1] - 82:9</p> <p>Darryl [1] - 1:21</p> <p>dash [2] - 12:19, 125:2</p> <p>date [17] - 11:21, 11:23, 15:24, 43:21, 57:9, 134:10, 134:15, 134:20, 134:21, 136:13, 155:2, 166:5, 179:6,</p>				

<p>202:23 dated [1] - 186:24 dates [3] - 20:25, 134:8, 134:24 daughters [2] - 80:8, 185:12 Dave [45] - 22:18, 23:7, 24:10, 24:18, 26:19, 40:12, 40:14, 58:4, 61:2, 61:9, 61:10, 61:22, 61:24, 62:4, 62:13, 64:4, 67:16, 67:20, 69:15, 71:21, 72:11, 72:12, 75:16, 76:14, 76:18, 89:14, 90:1, 90:4, 90:13, 91:9, 112:17, 114:8, 138:8, 140:11, 166:22, 167:15, 168:20, 169:14, 169:23, 170:9, 171:17, 171:24, 171:25, 175:16, 190:20 DAVE [6] - 9:11, 93:23, 111:4, 1:4, 1:8, 1:16 David [1] - 84:18 day-to-day [1] - 89:12 days [4] - 20:20, 29:19, 90:5, 118:13 De [2] - 35:22, 161:24 de [3] - 128:24, 162:20, 205:18 de-legitimize [1] - 205:18 de-prioritized [1] - 128:24 dead [1] - 36:21 deaf [1] - 10:23 deal [33] - 2:3, 15:15, 29:2, 44:21, 70:20, 70:21, 70:22, 71:1, 74:9, 82:4, 82:10, 82:14, 90:14, 97:22, 113:19, 118:23, 119:4, 121:18, 127:4, 127:6, 129:10, 129:12, 146:21, 158:16, 160:3, 180:3, 182:13, 182:22, 183:10, 183:12, 190:15, 192:8, 195:4 dealer [5] - 155:3, 159:2, 159:6, 160:1, 160:8 dealers [9] - 157:23, 158:2, 158:3, 158:25, 159:6,</p>	<p>159:8, 159:10, 159:17, 160:3 dealing [24] - 6:18, 8:22, 29:19, 36:25, 42:21, 62:10, 89:10, 91:5, 96:24, 105:6, 115:23, 115:25, 116:6, 118:6, 145:8, 156:19, 157:18, 161:2, 167:22, 170:11, 175:6, 179:14, 183:7, 195:11 dealings [2] - 145:12, 176:12 deals [1] - 204:11 dealt [8] - 7:5, 36:3, 54:24, 83:6, 117:1, 161:13, 171:8, 195:21 dear [3] - 183:2, 184:12, 190:18 Deb [12] - 90:23, 91:6, 91:12, 91:17, 91:20, 91:23, 119:22, 128:6, 172:5, 196:1, 196:4, 198:24 deceit [1] - 18:10 decide [2] - 18:5, 18:7 decided [3] - 14:16, 15:3, 17:12 decides [2] - 16:5, 71:6 decision [11] - 49:12, 75:7, 79:9, 81:10, 81:23, 81:24, 84:16, 149:15, 153:6, 164:11, 165:14 decisions [10] - 52:2, 52:24, 53:14, 73:2, 76:11, 77:14, 128:7, 162:14, 167:17, 185:4 decisive [2] - 42:9, 164:17 declared [1] - 36:21 decrease [1] - 89:2 decreasing [1] - 78:13 deeds [1] - 37:1 deem [1] - 73:17 deemed [1] - 71:11 deeply [2] - 51:12, 51:15 defecating [1] - 185:22 defence [6] - 177:2, 195:9, 197:17, 199:8, 199:12, 199:13 defend [2] - 29:5,</p>	<p>30:11 definitely [5] - 23:11, 24:7, 37:21, 83:12, 114:24 degree [2] - 27:11, 80:20 delegation [1] - 184:16 delivered [1] - 131:14 delivery [1] - 206:6 demand [1] - 142:22 demanding [1] - 197:17 demise [1] - 122:19 denial [2] - 45:17, 45:19 department [16] - 7:16, 44:21, 50:4, 50:6, 51:6, 52:22, 57:8, 109:17, 122:11, 122:12, 126:15, 172:19, 176:3, 195:3, 195:7, 196:13 Department [35] - 2:2, 7:13, 41:22, 49:4, 49:6, 52:25, 53:12, 53:21, 54:21, 56:6, 57:14, 60:19, 70:8, 79:13, 88:11, 92:7, 106:6, 106:16, 109:21, 111:8, 112:10, 112:15, 112:16, 115:23, 116:4, 116:11, 151:20, 171:20, 189:19, 203:7, 203:17, 204:25, 206:16, 207:16, 209:3 department's [1] - 55:25 Department's [3] - 49:25, 52:20, 206:9 depended [1] - 90:21 deploy [1] - 84:1 deployed [6] - 36:10, 77:21, 83:14, 97:23, 126:11, 182:12 deployment [2] - 83:22, 158:17 deputy [12] - 39:5, 57:20, 102:7, 152:14, 153:21, 166:2, 179:5, 179:8, 197:4, 201:19, 204:19, 208:9 Deputy [35] - 48:15, 57:12, 58:20, 60:1, 60:16, 61:8, 63:1,</p>	<p>63:5, 63:9, 64:2, 70:7, 83:13, 83:20, 85:23, 87:6, 88:18, 96:4, 98:6, 100:21, 102:14, 104:11, 104:12, 110:2, 153:20, 153:23, 168:25, 193:23, 197:16, 199:19, 199:20, 202:12, 205:7, 205:10, 206:21, 209:17 DERA [1] - 128:3 derisive [1] - 201:16 describe [3] - 48:16, 62:13, 186:19 described [11] - 60:1, 60:17, 61:23, 64:3, 70:6, 74:19, 85:25, 86:17, 91:13, 96:4, 201:22 describing [1] - 174:12 description [3] - 11:22, 86:2, 174:4 deserve [4] - 188:2, 188:4, 189:14, 201:10 deserved [1] - 149:16 designated [1] - 121:21 designation [4] - 117:15, 117:19, 117:20, 118:16 designed [1] - 208:10 desirable [1] - 81:7 desperate [2] - 152:2, 152:3 despite [2] - 47:18, 48:13 destroy [2] - 45:2, 45:5 destroyed [1] - 45:5 detachments [1] - 101:12 details [2] - 143:5, 143:8 Detective [5] - 93:25, 96:17, 96:23, 155:24, 163:6 detective [4] - 156:18, 157:4, 161:17, 176:13 detectives [1] - 88:23 detector [1] - 146:1 Detention [2] - 130:22, 130:25 determine [1] - 89:18 detracts [1] - 184:6 develop [1] - 74:17</p>	<p>developments [1] - 204:20 devote [2] - 47:13, 48:10 devoted [1] - 113:4 devotee [1] - 46:20 devoting [1] - 45:16 devotion [2] - 48:16, 49:12 DEYAS [4] - 91:17, 166:4, 175:17, 179:23 Dickson [81] - 2:7, 5:17, 7:12, 8:4, 8:7, 9:5, 9:10, 9:14, 12:22, 22:18, 23:3, 24:3, 26:19, 28:20, 29:19, 29:22, 30:2, 31:12, 33:2, 33:5, 33:25, 40:1, 40:4, 43:11, 58:4, 59:11, 59:25, 60:17, 61:2, 61:9, 61:10, 61:22, 61:24, 62:4, 62:13, 62:17, 64:4, 64:23, 65:5, 66:3, 66:5, 66:7, 67:20, 69:12, 69:15, 69:23, 71:16, 75:16, 76:14, 76:19, 88:25, 89:14, 90:1, 90:13, 91:9, 93:22, 111:6, 112:17, 114:8, 115:14, 123:4, 125:5, 138:9, 143:3, 143:11, 147:9, 147:10, 150:4, 161:6, 162:23, 167:15, 168:20, 169:15, 169:23, 170:9, 170:24, 171:17, 175:16, 178:13, 181:16, 190:20 DICKSON [49] - 5:18, 5:25, 6:6, 6:9, 6:13, 7:15, 9:6, 9:11, 9:12, 30:24, 31:4, 31:8, 31:11, 32:25, 33:4, 33:15, 33:21, 33:25, 34:7, 34:9, 58:18, 60:7, 64:11, 88:1, 93:23, 99:19, 100:1, 106:24, 107:4, 111:4, 125:5, 143:1, 147:3, 147:5, 147:13, 170:20, 170:22, 170:25, 171:1, 171:4, 206:22, 206:24, 208:11, 209:4,</p>
--	--	--	---	---

<p>209:6, 1:4, 1:5, 1:8, 1:16</p> <p>Dickson's [8] - 7:25, 65:11, 66:14, 72:12, 166:22, 171:24, 171:25</p> <p>dictate [1] - 49:18</p> <p>dictated [2] - 172:14, 172:16</p> <p>die [1] - 80:7</p> <p>died [2] - 155:3, 167:22</p> <p>difference [1] - 67:10</p> <p>different [30] - 12:23, 32:2, 32:5, 35:10, 37:11, 37:12, 37:13, 38:17, 57:11, 69:16, 69:19, 70:25, 72:11, 73:16, 87:17, 97:9, 107:12, 117:3, 125:25, 129:18, 130:2, 145:15, 145:19, 154:20, 156:10, 204:18, 206:18, 206:19</p> <p>difficult [6] - 18:13, 19:8, 90:2, 157:5, 157:21, 168:3</p> <p>difficulties [1] - 122:3</p> <p>difficulty [7] - 32:6, 59:23, 63:14, 92:21, 92:24, 145:8, 189:3</p> <p>dig [1] - 120:22</p> <p>dinner [2] - 97:11, 97:13</p> <p>direct [5] - 55:3, 78:5, 166:10, 171:2, 190:1</p> <p>directed [2] - 9:9, 115:10</p> <p>direction [3] - 78:1, 79:25, 82:19</p> <p>Directions [1] - 129:25</p> <p>directly [7] - 55:6, 75:19, 150:24, 195:23, 203:14, 204:3, 204:17</p> <p>director [3] - 91:7, 121:5, 141:17</p> <p>directors [1] - 127:25</p> <p>disagree [5] - 18:11, 56:16, 66:16, 86:17, 131:8</p> <p>disagreed [2] - 5:3, 44:18</p> <p>disagreement [1] - 164:8</p> <p>disagrees [1] - 195:12</p> <p>disappearance [4] - 21:10, 29:21,</p>	<p>153:24, 155:10</p> <p>disappeared [2] - 154:22, 166:7</p> <p>disappearing [1] - 85:15</p> <p>disappointed [1] - 110:5</p> <p>disbelief [2] - 41:12, 57:5</p> <p>DISC [6] - 183:3, 184:19, 184:21, 187:6, 190:19, 192:10</p> <p>discipline [1] - 196:17</p> <p>discomforting [1] - 43:24</p> <p>disconnect [1] - 168:3</p> <p>discounted [1] - 37:6</p> <p>discuss [2] - 41:22, 130:8</p> <p>discussed [4] - 104:16, 153:2, 162:25, 181:2</p> <p>discussing [2] - 38:24, 83:20</p> <p>discussion [2] - 39:5, 66:19</p> <p>discussions [2] - 43:15, 206:17</p> <p>diseases [1] - 180:14</p> <p>disenfranchised [3] - 71:17, 92:3, 114:9</p> <p>dismal [1] - 187:24</p> <p>dismiss [1] - 166:16</p> <p>disorder [10] - 158:10, 158:14, 158:19, 173:21, 185:8, 185:16, 185:23, 186:3, 186:6, 186:20</p> <p>displaced [1] - 189:19</p> <p>displayed [1] - 96:1</p> <p>disposition [2] - 118:8, 118:10</p> <p>dispute [1] - 198:11</p> <p>disrespect [4] - 135:21, 135:24, 141:1</p> <p>disrupt [2] - 182:24, 183:15</p> <p>distance [1] - 9:1</p> <p>distinction [1] - 45:11</p> <p>District [14] - 70:17, 71:9, 75:18, 88:14, 88:20, 89:13, 101:12, 151:21, 154:6, 158:7, 161:2, 165:6, 165:24, 191:1</p> <p>district [5] - 101:9, 158:7, 162:11, 180:25, 190:1</p>	<p>distrust [7] - 137:5, 141:2, 143:19, 143:20, 144:5, 144:7, 151:19</p> <p>distrusted [2] - 172:9</p> <p>division [2] - 41:1, 84:20</p> <p>divulging [1] - 27:16</p> <p>Dix [1] - 101:13</p> <p>doctrine [2] - 188:5, 188:7</p> <p>document [20] - 91:3, 110:22, 117:6, 140:21, 140:23, 148:3, 148:6, 148:21, 150:1, 194:5, 200:10, 200:11, 200:16, 200:19, 200:20, 202:10, 202:13, 202:15, 202:24, 205:1</p> <p>documented [2] - 195:5, 195:21</p> <p>documents [6] - 20:14, 110:24, 161:9, 161:10, 165:23, 166:1</p> <p>Doe [1] - 168:1</p> <p>dog [1] - 63:23</p> <p>dominated [2] - 113:7, 113:8</p> <p>Don [4] - 180:22, 203:22, 204:15, 204:22</p> <p>done [25] - 35:11, 52:12, 83:21, 84:15, 94:15, 102:1, 103:6, 107:7, 110:23, 149:8, 149:11, 151:14, 152:16, 160:25, 161:1, 167:18, 172:18, 177:21, 182:15, 190:24, 199:6, 203:21, 205:13, 205:22, 210:6</p> <p>door [9] - 10:20, 15:4, 22:6, 22:7, 71:25, 81:11, 97:15, 140:9</p> <p>Doreen [1] - 40:4</p> <p>dos [2] - 75:24, 76:3</p> <p>doubt [1] - 39:16</p> <p>Doug [2] - 159:4, 162:24</p> <p>DOUG [4] - 36:7, 105:3, 1:6, 1:12</p> <p>down [59] - 3:24, 10:16, 16:13, 22:3, 22:15, 23:2, 27:12,</p>	<p>29:15, 31:23, 31:24, 32:3, 32:6, 32:16, 34:21, 36:15, 37:24, 43:4, 44:17, 62:4, 64:20, 71:21, 78:18, 79:4, 80:9, 83:25, 89:14, 89:25, 90:2, 95:8, 99:6, 106:5, 106:15, 108:7, 118:18, 119:13, 127:10, 127:18, 129:25, 132:2, 132:12, 132:14, 137:12, 137:24, 138:5, 140:4, 141:22, 141:24, 147:15, 153:6, 156:17, 158:5, 168:2, 172:6, 179:3, 185:18, 186:21, 189:4, 191:15, 193:17</p> <p>downhill [1] - 122:20</p> <p>Downtown [55] - 9:18, 11:1, 11:4, 13:11, 15:7, 16:9, 16:13, 18:25, 21:3, 34:12, 37:18, 37:25, 40:18, 41:3, 41:18, 42:7, 44:11, 45:25, 46:6, 51:13, 59:15, 59:20, 61:3, 62:9, 70:18, 71:18, 73:8, 78:18, 83:23, 89:15, 95:7, 96:5, 99:11, 99:15, 102:21, 112:7, 112:16, 112:20, 116:6, 117:12, 117:16, 118:7, 123:5, 127:13, 135:16, 138:8, 138:18, 145:25, 169:19, 172:15, 181:13, 181:22, 182:5, 184:1, 194:25</p> <p>downtown [1] - 73:9</p> <p>Dr [6] - 39:14, 39:24, 44:13, 56:10, 57:6, 84:9</p> <p>dragged [1] - 81:25</p> <p>draw [2] - 45:11, 182:2</p> <p>drawn [1] - 140:25</p> <p>Drew [9] - 20:12, 22:12, 26:9, 27:12, 32:13, 33:4, 33:6, 34:2, 34:5</p> <p>Drew's [1] - 21:9</p> <p>Dreyers [2] - 201:13, 205:16</p> <p>Driemel [1] - 203:14</p>	<p>drive [5] - 12:1, 15:19, 52:23, 102:23, 105:15</p> <p>driven [4] - 48:9, 50:5, 50:6, 198:16</p> <p>driver [1] - 85:6</p> <p>drives [2] - 74:22, 74:23</p> <p>driving [7] - 52:19, 53:13, 74:11, 76:4, 113:12, 185:18</p> <p>Drop [6] - 10:12, 20:18, 96:21, 97:8, 114:20, 123:4</p> <p>drop [3] - 22:3, 22:15, 123:9</p> <p>drop-in [1] - 123:9</p> <p>Drop-In [6] - 10:12, 20:18, 96:21, 97:8, 114:20, 123:4</p> <p>dropped [2] - 19:7, 167:21</p> <p>drove [2] - 10:24, 19:7</p> <p>drug [23] - 12:3, 12:14, 34:15, 71:18, 72:14, 81:15, 114:10, 118:7, 126:1, 136:21, 155:3, 156:20, 158:2, 158:3, 158:9, 158:11, 159:9, 160:5, 161:13, 161:14, 161:18, 191:24, 193:6</p> <p>drugs [8] - 79:23, 128:18, 133:11, 157:24, 158:1, 179:11, 181:7, 181:18</p> <p>due [2] - 106:6, 106:16</p> <p>dumped [2] - 136:18, 136:23</p> <p>dumping [4] - 86:18, 87:2, 87:3, 87:4</p> <p>Dunn [14] - 36:6, 43:13, 53:9, 58:21, 59:17, 60:6, 60:8, 64:13, 92:16, 93:1, 105:2, 153:13, 159:4, 162:24</p> <p>DUNN [7] - 36:7, 48:4, 60:13, 63:20, 105:3, 1:6, 1:12</p> <p>Dunn's [1] - 85:20</p> <p>Dureau [3] - 197:1, 198:8, 200:4</p> <p>during [5] - 79:16, 89:3, 123:5, 192:5, 196:21</p> <p>duties [4] - 60:5, 88:4,</p>
---	---	---	---	---

116:24, 156:6 duty [2] - 4:17, 154:5	effectiveness [1] - 76:14 efficacious [1] - 35:18 efforts [1] - 78:25 egos [1] - 98:14 eight [4] - 127:17, 128:5, 151:13, 153:11 either [5] - 29:24, 45:21, 85:1, 202:24, 207:3 elaborate [1] - 36:13 Elaine [15] - 20:10, 20:15, 21:20, 27:15, 27:23, 28:2, 28:4, 28:9, 29:18, 29:22, 31:9, 31:22, 34:4, 114:12, 115:3 elapse [1] - 14:15 elect [1] - 37:3 elements [1] - 18:3 elevate [1] - 78:9 eliminated [3] - 56:13, 58:6, 146:7 embraced [1] - 69:19 embracing [1] - 35:10 emergency [2] - 114:1, 118:2 employed [1] - 157:16 employee [1] - 139:9 employees [1] - 139:2 encountered [1] - 95:23 encouraged [1] - 195:1 End [3] - 70:18, 70:21, 73:9 end [14] - 24:16, 28:25, 29:19, 30:7, 30:9, 33:14, 35:12, 35:24, 38:5, 42:19, 133:15, 155:11, 166:6, 183:11 endeavour [2] - 2:20, 4:3 ended [2] - 155:13, 165:18 enforced [4] - 80:2, 81:16, 82:5, 184:6 enforcement [2] - 122:13, 184:12 engage [5] - 85:13, 130:12, 178:12, 190:11, 190:12 engaged [1] - 189:9 engagement [4] - 173:14, 173:15, 173:16, 192:25 engaging [1] - 11:8 enhance [1] - 103:10	enhanced [7] - 188:11, 188:25, 191:11, 192:3, 192:6, 192:15, 192:24 enjoy [1] - 178:21 Ens [4] - 121:5, 121:8, 122:3, 145:3 ensure [2] - 28:18, 110:24 entered [1] - 150:23 entering [2] - 125:1, 128:17 enthusiasm [1] - 89:2 entire [1] - 135:16 entities [1] - 71:22 entitled [7] - 5:1, 29:5, 30:11, 191:11, 191:13, 200:11 entity [1] - 87:8 entrance [1] - 121:22 entrenched [1] - 151:8 environment [1] - 195:3 equal [1] - 38:13 equality [1] - 8:25 equally [1] - 53:2 equation [1] - 189:25 equitable [1] - 74:2 Ernie [2] - 201:12, 205:15 Es [1] - 81:2 escort [1] - 38:3 especially [11] - 4:15, 36:2, 40:12, 42:6, 62:9, 62:24, 73:9, 78:23, 87:21, 102:7, 182:13 essence [1] - 27:8 essential [1] - 76:15 essentially [7] - 15:16, 21:8, 21:11, 22:25, 74:7, 129:20, 151:7 establish [2] - 34:3, 176:20 establishment [1] - 181:11 et [3] - 184:22, 206:17, 208:21 ethic [1] - 37:3 Evans [27] - 48:15, 57:12, 58:20, 60:2, 60:17, 61:8, 63:2, 63:5, 63:9, 64:2, 70:7, 83:13, 83:20, 85:23, 87:7, 87:13, 93:17, 96:4, 98:6, 102:15, 106:18, 153:24, 168:25, 193:23, 197:16,	199:19, 199:20 Evans' [2] - 60:7, 104:12 Evenhanded [11] - 19:12, 19:19, 19:24, 109:6, 109:25, 203:8, 203:9, 204:11, 204:14, 204:16, 205:20 Evenhanded's [1] - 19:15 event [2] - 29:13, 211:4 events [2] - 42:23, 76:8 eventually [4] - 82:18, 96:16, 173:11, 180:18 everywhere [2] - 49:5, 158:3 evidence [43] - 19:5, 20:5, 28:15, 28:22, 29:5, 29:10, 29:17, 30:11, 33:10, 33:12, 33:20, 35:13, 40:10, 42:9, 45:14, 46:1, 46:5, 46:13, 52:5, 52:10, 52:15, 52:18, 53:24, 56:6, 56:9, 56:11, 56:12, 56:15, 56:22, 56:24, 77:13, 103:9, 104:4, 110:13, 118:24, 119:7, 142:16, 162:18, 163:3, 164:9, 195:6 exact [1] - 59:4 exactly [8] - 37:16, 61:12, 64:10, 65:14, 138:7, 139:14, 189:11, 189:20 exam [1] - 107:22 EXAMINATION [18] - 9:12, 36:8, 93:24, 100:24, 105:4, 109:4, 111:5, 153:18, 202:9, 1:5, 1:7, 1:9, 1:11, 1:13, 1:15, 1:17, 1:19, 1:21 examination [12] - 1:17, 25:17, 35:4, 92:22, 92:23, 92:25, 93:19, 99:22, 100:1, 107:6, 178:11, 210:24 examine [16] - 6:4, 6:16, 6:20, 7:7, 7:17, 7:18, 8:2, 34:24, 35:16, 36:16, 93:21,	107:13, 107:14, 176:10, 177:14, 178:3 examined [2] - 100:10, 163:21 examining [2] - 18:20, 100:7 example [13] - 45:24, 52:3, 55:1, 69:21, 70:18, 71:9, 71:16, 76:1, 78:15, 90:25, 103:15, 161:24, 185:11 except [4] - 26:3, 58:7, 75:15, 166:9 exception [1] - 93:1 excerpts [1] - 93:16 exchange [7] - 58:22, 73:19, 147:8, 175:18, 179:2, 179:12, 179:23 excuse [1] - 3:9 executed [1] - 109:7 executive [2] - 91:7, 204:19 exercise [2] - 163:25, 210:23 exhausted [3] - 210:19, 210:21, 211:2 Exhibit [2] - 110:21, 110:23 exhibit [4] - 183:17, 186:23, 200:8, 200:10 exhibits [1] - 9:7 exist [3] - 45:21, 45:22, 47:10 existed [2] - 181:17, 182:25 exists [4] - 38:19, 45:21, 47:9, 142:24 exonerated [1] - 199:10 expand [1] - 158:24 expanded [1] - 167:2 expect [3] - 103:13, 190:12, 208:23 expectation [1] - 177:12 expected [3] - 123:13, 123:18, 136:6 expecting [1] - 123:21 experience [8] - 157:18, 159:23, 160:1, 160:2, 160:5, 161:13, 164:7, 166:11 experienced [2] - 112:2, 112:3
--	--	---	---	---

<p>experiences ^[1] - 115:2</p> <p>expert ^[2] - 10:14, 54:2</p> <p>expertise ^[4] - 80:21, 99:4, 164:6, 165:20</p> <p>experts ^[1] - 181:1</p> <p>explain ^[5] - 9:20, 17:25, 48:6, 81:2, 121:4</p> <p>explained ^[2] - 22:22, 133:3</p> <p>explanation ^[9] - 26:17, 26:23, 58:7, 155:6, 155:16, 155:22, 198:1, 198:4, 198:18</p> <p>explanations ^[2] - 166:13, 195:14</p> <p>explore ^[1] - 60:25</p> <p>express ^[1] - 208:14</p> <p>expressed ^[5] - 53:11, 77:24, 169:7, 169:8, 169:10</p> <p>expression ^[4] - 39:18, 47:5, 62:2</p> <p>extended ^[2] - 43:21, 104:14</p> <p>extensive ^[1] - 19:20</p> <p>extent ^[4] - 4:18, 30:18, 34:14, 78:11</p> <p>external ^[1] - 49:23</p> <p>extra ^[1] - 182:7</p> <p>Extraordinary ^[2] - 181:22, 182:5</p> <p>extreme ^[1] - 73:19</p> <p>extremely ^[5] - 15:8, 18:8, 50:7, 141:11, 201:16</p> <p>eye ^[2] - 23:16, 177:19</p> <p>eyes ^[2] - 62:7, 62:8</p>	<p>47:7, 47:10, 47:20, 48:5, 51:9, 52:17, 61:10, 66:10, 74:11, 74:22, 77:18, 79:20, 82:20, 83:24, 89:18, 103:25, 143:13, 150:7, 193:5, 194:11</p> <p>factor ^[4] - 146:25, 164:18, 164:21, 175:8</p> <p>factors ^[5] - 47:15, 49:11, 143:19, 165:11, 193:7</p> <p>facts ^[2] - 47:18, 48:13</p> <p>factual ^[3] - 30:20, 63:10, 66:8</p> <p>factually ^[3] - 45:24, 46:11, 46:13</p> <p>failed ^[1] - 148:2</p> <p>failure ^[2] - 42:8, 164:16</p> <p>fair ^[35] - 11:6, 11:7, 11:13, 15:9, 15:22, 19:17, 62:24, 65:15, 73:25, 74:1, 76:25, 77:9, 92:11, 94:6, 95:5, 96:3, 97:16, 104:22, 106:17, 109:9, 113:11, 124:2, 124:7, 125:16, 125:20, 127:3, 131:15, 134:23, 144:12, 145:13, 147:13, 148:5, 209:14</p> <p>fairly ^[7] - 6:4, 52:15, 69:24, 101:16, 106:4, 135:18, 154:9</p> <p>fairness ^[5] - 33:9, 90:16, 106:24, 125:6, 209:8</p> <p>fall ^[1] - 10:23</p> <p>fallen ^[1] - 204:7</p> <p>fallout ^[1] - 179:14</p> <p>false ^[4] - 57:23, 119:5, 119:8, 146:3</p> <p>falsity ^[1] - 146:1</p> <p>familiar ^[2] - 16:20, 202:19</p> <p>families ^[6] - 8:6, 77:22, 77:23, 121:25, 186:18, 194:20</p> <p>family ^[1] - 46:25</p> <p>famous ^[1] - 119:15</p> <p>far ^[9] - 99:8, 125:22, 133:16, 137:25, 138:21, 144:18, 151:12, 177:20, 187:15</p>	<p>farm ^[5] - 19:12, 19:17, 132:24, 133:2, 133:7</p> <p>fashion ^[1] - 93:20</p> <p>father ^[1] - 133:6</p> <p>favour ^[1] - 50:14</p> <p>favourite ^[1] - 160:8</p> <p>favours ^[1] - 181:19</p> <p>fear ^[6] - 10:3, 133:24, 134:2, 158:16, 185:9, 191:17</p> <p>feature ^[1] - 33:11</p> <p>February ^[4] - 19:19, 96:19, 109:8</p> <p>fed ^[1] - 40:10</p> <p>feet ^[1] - 35:7</p> <p>Fell ^[1] - 177:18</p> <p>fell ^[3] - 60:3, 96:7, 201:21</p> <p>felt ^[8] - 56:22, 61:2, 64:17, 122:1, 149:15, 151:25, 152:4, 152:16</p> <p>female ^[1] - 94:19</p> <p>few ^[12] - 9:7, 9:8, 23:24, 27:23, 52:16, 62:12, 73:11, 112:23, 117:13, 137:17, 145:20, 197:16</p> <p>Field ^[2] - 94:10, 94:20</p> <p>field ^[3] - 84:24, 85:18, 144:9</p> <p>fifteen ^[1] - 96:12</p> <p>fight ^[1] - 17:13</p> <p>figure ^[1] - 66:10</p> <p>figure ^[5] - 10:2, 64:6, 65:18, 132:2, 132:6</p> <p>figured ^[1] - 25:6</p> <p>File ^[2] - 25:21, 26:7</p> <p>filed ^[1] - 52:17</p> <p>files ^[2] - 94:5, 168:17</p> <p>filling ^[2] - 136:11, 137:1</p> <p>final ^[1] - 203:24</p> <p>finally ^[3] - 109:2, 109:14, 166:1</p> <p>financing ^[1] - 52:2</p> <p>findings ^[1] - 44:25</p> <p>fine ^[5] - 15:2, 23:23, 115:6, 153:21, 153:22</p> <p>finish ^[4] - 3:9, 6:2, 206:23, 207:1</p> <p>finished ^[5] - 93:1, 187:15, 206:24, 206:25, 207:3</p> <p>fire ^[1] - 68:13</p> <p>first ^[33] - 4:24, 6:21, 8:3, 9:13, 21:18,</p>	<p>25:20, 26:18, 32:12, 32:20, 33:6, 34:1, 39:13, 42:2, 43:6, 45:19, 45:20, 51:11, 55:22, 58:10, 58:15, 71:5, 75:25, 79:5, 82:23, 100:9, 105:22, 108:24, 109:5, 117:23, 126:13, 162:22, 200:21</p> <p>First ^[10] - 58:14, 58:16, 96:21, 166:23, 167:10, 167:12, 168:8, 171:8, 171:18, 171:22</p> <p>fit ^[2] - 188:6, 205:24</p> <p>five ^[4] - 32:2, 44:23, 90:5, 147:21</p> <p>fixed ^[3] - 160:18, 161:11, 161:15</p> <p>fizzled ^[1] - 145:21</p> <p>float ^[1] - 145:24</p> <p>flood ^[1] - 84:4</p> <p>fly ^[1] - 75:1</p> <p>focus ^[6] - 19:15, 70:24, 120:17, 130:4, 158:9, 158:10</p> <p>folks ^[2] - 66:19, 152:24</p> <p>follow ^[4] - 24:2, 36:24, 143:14, 145:15</p> <p>follow-up ^[2] - 24:2, 143:14</p> <p>followed ^[1] - 24:18</p> <p>following ^[1] - 128:23</p> <p>food ^[1] - 20:18</p> <p>foot ^[1] - 85:6</p> <p>footing ^[1] - 38:13</p> <p>force ^[6] - 98:16, 104:2, 150:9, 150:13, 152:5, 173:12</p> <p>Force ^[11] - 83:14, 83:17, 83:19, 83:23, 84:2, 84:21, 84:23, 85:4, 98:3, 103:15, 104:16</p> <p>forced ^[7] - 81:4, 81:8, 81:22, 82:3, 83:8, 83:10, 119:2</p> <p>forces ^[5] - 49:2, 49:3, 68:5, 85:14, 98:23</p> <p>foregoing ^[1] - 211:11</p> <p>foremost ^[1] - 75:25</p> <p>foreward ^[5] - 25:19, 25:23, 25:24, 25:25, 26:6</p>	<p>forget ^[1] - 200:5</p> <p>forgotten ^[1] - 83:1</p> <p>form ^[6] - 9:2, 48:12, 51:14, 72:19, 137:1, 186:5</p> <p>formation ^[1] - 173:12</p> <p>formed ^[8] - 15:1, 18:7, 70:1, 151:11, 163:17, 164:6, 173:3, 194:8</p> <p>formerly ^[1] - 4:16</p> <p>forms ^[1] - 73:4</p> <p>forth ^[3] - 43:21, 157:13, 165:23</p> <p>forthcoming ^[1] - 41:20</p> <p>forty ^[1] - 182:7</p> <p>forward ^[7] - 4:22, 31:25, 51:18, 74:16, 144:15, 148:23, 196:8</p> <p>foster ^[1] - 71:20</p> <p>foul ^[2] - 67:14, 67:18</p> <p>four ^[8] - 32:2, 34:23, 35:6, 82:8, 119:21, 180:23, 200:10, 210:24</p> <p>Fournier ^[1] - 52:7</p> <p>fourth ^[1] - 201:8</p> <p>frailties ^[1] - 70:10</p> <p>frame ^[1] - 28:3</p> <p>Frankfurt ^[1] - 181:2</p> <p>Franklin ^[2] - 182:25, 184:1</p> <p>frankly ^[15] - 2:5, 41:25, 44:21, 56:2, 68:9, 70:4, 72:14, 74:21, 78:20, 80:4, 90:21, 100:5, 106:10, 210:18, 210:21</p> <p>fraud ^[12] - 12:25, 14:21, 16:20, 16:23, 17:5, 17:10, 17:20, 17:21, 17:23, 18:4, 18:17, 18:24</p> <p>Fred ^[4] - 193:24, 194:6, 196:25, 198:7</p> <p>Freda ^[4] - 121:5, 121:8, 122:2, 145:3</p> <p>free ^[6] - 50:24, 60:23, 97:14, 102:10, 122:18, 141:24</p> <p>frequent ^[2] - 22:5, 46:9</p> <p>frequently ^[2] - 161:19, 161:20</p> <p>friend ^[11] - 2:7, 4:1, 8:7, 22:13, 28:4, 28:10, 29:21, 93:13,</p>
F				
<p>face ^[5] - 47:20, 98:25, 116:22, 149:10, 200:24</p> <p>facilitate ^[2] - 55:7, 80:14</p> <p>facilities ^[5] - 81:18, 82:10, 83:5, 83:10, 185:21</p> <p>facility ^[1] - 26:9</p> <p>facing ^[2] - 78:17, 89:12</p> <p>fact ^[31] - 18:19, 26:10, 29:24, 30:10, 34:23, 39:17, 41:16, 42:12, 46:8, 47:6,</p>				

<p>28:24, 33:10, 33:12, 33:13</p> <p>heightened [2] - 189:18, 190:2</p> <p>held [4] - 43:1, 61:25, 183:20, 188:10</p> <p>help [7] - 11:18, 96:24, 128:13, 147:14, 170:20, 175:19, 175:23</p> <p>helped [1] - 191:2</p> <p>Henry [2] - 137:15, 160:23</p> <p>hereby [1] - 211:11</p> <p>herein [1] - 211:13</p> <p>Hern [3] - 2:10, 2:16, 4:10</p> <p>heroin [3] - 125:22, 125:23, 159:6</p> <p>herself [4] - 28:19, 28:22, 69:6, 138:18</p> <p>hesitate [1] - 193:15</p> <p>Hi [1] - 140:11</p> <p>high [4] - 8:24, 38:2, 38:3, 130:18</p> <p>higher [2] - 38:23, 161:2</p> <p>highlight [1] - 102:17</p> <p>highlighted [1] - 63:2</p> <p>himself [6] - 4:13, 4:21, 5:12, 61:18, 64:6, 192:1</p> <p>hindsight [3] - 85:22, 102:18, 105:6</p> <p>Hira [7] - 92:18, 93:10, 99:19, 99:21, 107:4, 110:17, 178:10</p> <p>HIRA [27] - 92:20, 93:10, 93:16, 93:24, 99:18, 100:5, 100:9, 100:18, 100:21, 100:24, 104:25, 105:4, 107:6, 107:11, 107:18, 107:23, 108:1, 109:2, 109:4, 110:15, 178:10, 178:18, 178:21, 1:9, 1:11, 1:13, 1:15</p> <p>Hira's [1] - 100:2</p> <p>hired [1] - 122:5</p> <p>Hiscox [2] - 201:12, 205:15</p> <p>history [1] - 19:21</p> <p>hold [2] - 119:12, 147:19</p> <p>home [4] - 22:13, 40:18, 131:3, 185:13</p> <p>homicides [4] - 167:1, 167:11, 167:13,</p>	<p>168:9</p> <p>honest [2] - 146:10, 153:9</p> <p>hooker [1] - 138:2</p> <p>hookers [1] - 39:8</p> <p>hope [4] - 114:1, 123:24, 124:3, 178:21</p> <p>hoped [2] - 50:24, 123:22</p> <p>hopefully [1] - 72:25</p> <p>hoping [3] - 6:17, 51:17, 84:19</p> <p>horrendous [1] - 56:14</p> <p>horrible [1] - 132:14</p> <p>hospital [1] - 168:2</p> <p>hour [4] - 6:13, 92:19, 177:9</p> <p>hours [2] - 90:6, 90:13</p> <p>House [1] - 127:18</p> <p>house [3] - 27:13, 162:1, 162:2</p> <p>houses [1] - 191:25</p> <p>Housing [1] - 154:16</p> <p>housing [1] - 154:17</p> <p>Howlett [6] - 87:11, 87:17, 87:18, 87:23, 88:3, 88:7</p> <p>hug [2] - 132:4, 140:12</p> <p>huge [3] - 42:10, 78:21, 131:13</p> <p>human [5] - 195:18, 195:21, 196:14, 198:15, 199:6</p> <p>hundred [2] - 79:3, 97:9</p> <p>hundreds [1] - 16:17</p> <p>hung [2] - 85:17, 166:8</p> <p>hurting [2] - 12:2, 12:4</p> <p>hysterical [1] - 29:18</p> <p>I</p> <p>ID [2] - 136:8, 137:1</p> <p>idea [7] - 55:19, 95:4, 138:21, 163:13, 173:9, 181:7, 185:24</p> <p>Identification [1] - 183:18</p> <p>identification [4] - 110:21, 110:22, 137:1, 200:9</p> <p>identified [3] - 167:8, 167:24, 191:4</p> <p>identify [2] - 6:19, 45:20</p>	<p>identifying [2] - 86:15, 190:18</p> <p>ignore [3] - 66:16, 66:17, 66:18</p> <p>ignored [8] - 8:24, 52:14, 66:14, 66:21, 66:23, 66:25, 67:1, 67:9</p> <p>IHIT [1] - 98:23</p> <p>ill [1] - 124:8</p> <p>illness [2] - 12:14, 125:25</p> <p>illuminate [1] - 144:8</p> <p>image [3] - 162:14, 162:18, 162:21</p> <p>imagination [1] - 66:11</p> <p>imagine [1] - 19:11</p> <p>immediate [1] - 66:17</p> <p>immediately [3] - 23:9, 97:24, 127:5</p> <p>impact [2] - 78:23, 184:10</p> <p>impersonating [1] - 142:11</p> <p>implementation [1] - 182:10</p> <p>implementer [1] - 128:6</p> <p>importance [1] - 133:8</p> <p>important [11] - 40:3, 49:21, 50:22, 71:11, 107:2, 107:4, 129:2, 129:6, 172:18, 202:18</p> <p>impossible [3] - 32:7, 56:13, 75:2</p> <p>impressed [2] - 109:15, 110:6</p> <p>impression [7] - 88:7, 97:25, 98:3, 104:10, 114:6, 114:13, 148:22</p> <p>improperly [1] - 172:17</p> <p>Improvement [1] - 113:9</p> <p>inaccurate [1] - 56:23</p> <p>inappropriate [1] - 4:15</p> <p>incapable [1] - 79:9</p> <p>incarceration [1] - 80:18</p> <p>inception [1] - 128:21</p> <p>incidents [3] - 90:11, 143:6, 143:8</p> <p>include [4] - 61:1, 134:21, 163:10</p> <p>included [2] - 136:25, 138:1</p>	<p>includes [1] - 136:7</p> <p>including [3] - 123:9, 152:24, 161:10</p> <p>increase [2] - 78:10, 78:11</p> <p>incredible [1] - 154:17</p> <p>incumbent [1] - 103:17</p> <p>indeed [4] - 17:17, 30:1, 31:4, 59:24</p> <p>independence [1] - 170:3</p> <p>INDEX [1] - 1:1</p> <p>indicate [1] - 60:18</p> <p>indicates [1] - 28:20</p> <p>individual [7] - 36:4, 49:19, 49:20, 69:4, 77:4, 165:15, 196:22</p> <p>individual's [1] - 49:19</p> <p>individually [1] - 93:21</p> <p>individuals [35] - 36:20, 37:4, 37:24, 39:6, 40:6, 41:7, 41:11, 41:25, 44:5, 51:18, 52:1, 57:23, 58:2, 65:22, 65:23, 67:25, 77:24, 79:12, 79:22, 81:14, 82:11, 82:23, 83:25, 86:15, 89:10, 90:18, 91:25, 98:14, 120:8, 128:24, 148:7, 169:11, 176:24, 205:19, 208:7</p> <p>industrial [1] - 184:9</p> <p>influence [1] - 172:21</p> <p>inform [3] - 103:14, 134:3, 190:21</p> <p>information [38] - 11:14, 12:7, 21:1, 26:18, 27:17, 32:13, 41:20, 51:19, 66:5, 71:23, 84:13, 84:17, 95:17, 95:24, 97:12, 98:4, 101:19, 106:1, 120:18, 120:22, 124:15, 129:9, 129:11, 130:5, 159:21, 160:10, 160:11, 160:17, 160:19, 160:21, 162:6, 164:25, 167:4, 173:1, 173:2, 173:7, 183:3, 202:20</p> <p>informed [2] - 167:5, 167:17</p> <p>inherently [1] - 190:13</p> <p>initiative [2] - 60:25,</p>	<p>191:6</p> <p>injection [7] - 179:21, 180:20, 180:21, 181:4, 181:5, 181:8, 181:12</p> <p>injuria [1] - 188:6</p> <p>injury [1] - 188:9</p> <p>inquiries [2] - 33:10, 33:11</p> <p>inquiry [14] - 1:6, 1:11, 2:20, 2:24, 3:4, 4:4, 4:23, 9:1, 13:3, 20:10, 21:7, 28:24, 52:10, 200:25</p> <p>insight [4] - 201:4, 207:10, 208:4, 209:2</p> <p>insistence [1] - 4:13</p> <p>InSite [4] - 79:16, 79:18, 80:15, 181:13</p> <p>inspector [12] - 57:2, 93:12, 101:9, 101:15, 104:11, 120:13, 154:6, 161:2, 163:5, 179:9, 180:25, 204:10</p> <p>Inspector [31] - 43:25, 44:1, 44:2, 44:9, 44:12, 66:20, 67:1, 87:23, 89:6, 89:8, 96:17, 96:23, 99:24, 100:2, 101:13, 109:2, 118:12, 124:22, 125:4, 126:3, 148:2, 149:23, 153:20, 163:6, 164:3, 167:5, 177:9, 179:1, 193:20, 202:6</p> <p>inspectors [3] - 120:5, 149:13, 152:13</p> <p>Inspectors [1] - 35:2</p> <p>instance [3] - 11:15, 39:13, 162:22</p> <p>instead [1] - 148:16</p> <p>instincts [1] - 59:12</p> <p>insurmountable [1] - 127:1</p> <p>integrity [1] - 76:15</p> <p>intend [2] - 34:17, 77:5</p> <p>intended [3] - 67:4, 177:21, 200:20</p> <p>intensive [1] - 129:17</p> <p>intent [6] - 15:2, 18:3, 18:7, 51:14, 163:5, 208:15</p> <p>intention [1] - 150:12</p> <p>interdict [1] - 174:17</p> <p>interest [6] - 54:8, 73:10, 83:25, 84:2,</p>
---	---	---	--	--

85:13, 181:9 interested [2] - 54:10, 72:2 interesting [2] - 70:16, 72:22 interests [19] - 4:17, 4:23, 8:20, 8:21, 34:13, 61:6, 61:19, 65:6, 67:23, 67:24, 70:12, 71:15, 72:3, 73:8, 111:16, 112:20, 113:5, 178:12 internal [4] - 49:3, 49:22, 68:20, 196:16 International [1] - 8:9 Internet [3] - 137:19, 139:6, 139:14 interpret [1] - 209:12 interrupt [5] - 3:16, 53:16, 80:10, 99:19, 107:24 interrupting [3] - 5:6, 92:22, 92:24 intervals [1] - 85:16 interview [17] - 48:15, 57:12, 57:19, 58:19, 60:1, 60:16, 63:1, 70:6, 83:13, 86:19, 87:6, 102:14, 102:17, 105:10, 107:1, 153:23, 199:18 interviewed [1] - 19:12 interviews [3] - 19:16, 93:16, 118:5 introduced [1] - 159:6 invaluable [1] - 62:11 investigate [5] - 19:4, 19:10, 157:4, 198:22, 199:3 investigated [8] - 16:15, 19:2, 19:9, 135:9, 176:3, 194:2, 195:19, 199:9 investigating [5] - 108:18, 108:19, 161:6, 173:10, 176:8 investigation [33] - 19:15, 19:19, 19:21, 20:12, 31:25, 40:25, 41:1, 45:14, 47:14, 51:2, 77:7, 84:20, 88:9, 89:3, 94:15, 102:24, 103:5, 103:10, 104:4, 104:9, 104:13, 104:19, 105:14, 105:24, 106:2,	161:23, 162:12, 163:14, 176:19, 178:13, 201:2, 204:20, 205:24 investigations [5] - 50:18, 61:1, 99:2, 198:19, 205:21 investigative [5] - 60:5, 60:22, 84:12, 87:8, 104:15 investigator [2] - 87:18, 104:18 investigator's [1] - 101:7 investigators [2] - 103:11, 103:13 invited [1] - 203:4 involved [18] - 37:4, 37:7, 41:6, 42:22, 55:5, 86:15, 89:9, 91:23, 101:3, 113:12, 138:4, 145:3, 154:19, 179:21, 183:1, 198:9, 205:24, 206:17 involvement [1] - 20:11 involves [2] - 4:7, 35:25 involving [1] - 129:17 irony [1] - 143:9 issue [43] - 1:19, 9:15, 25:20, 30:2, 30:3, 30:20, 42:3, 42:10, 44:4, 44:12, 45:1, 45:10, 49:9, 66:7, 75:6, 79:8, 82:6, 82:15, 83:8, 95:3, 97:20, 100:9, 115:24, 125:18, 127:21, 141:8, 150:13, 155:14, 164:14, 165:17, 170:16, 176:7, 177:18, 179:25, 180:6, 190:25, 194:1, 195:18, 196:12, 196:16, 198:15, 199:17, 199:22 issues [26] - 3:6, 61:4, 70:20, 71:2, 74:10, 76:4, 76:12, 89:12, 89:23, 98:24, 101:19, 101:20, 106:7, 106:8, 114:9, 119:4, 161:3, 162:11, 166:12, 169:6, 169:10,	172:19, 185:7, 195:8, 195:11, 199:7 issuing [1] - 180:12 itself [3] - 66:23, 71:6, 173:2 J jail [3] - 40:5, 40:6, 42:16 Jamie [1] - 91:1 Jane [1] - 168:1 Janet [2] - 137:15, 160:23 January [2] - 110:2, 165:18 Jardine [7] - 45:24, 154:22, 160:16, 162:20, 165:15, 166:7, 166:9 Jardine's [4] - 153:24, 154:23, 155:10, 156:4 Jason [1] - 34:12 jet [1] - 37:24 jettisoned [1] - 89:1 job [11] - 53:5, 56:2, 90:10, 118:15, 135:14, 135:18, 141:25, 166:18, 205:14, 206:9, 206:10 jobs [3] - 125:24, 146:15, 195:10 John [6] - 91:17, 91:24, 119:22, 168:1, 179:23, 204:19 john [9] - 15:15, 16:25, 17:5, 17:23, 18:2, 141:16, 183:2, 184:12, 190:18 john's [2] - 15:12, 15:18 johns [4] - 11:5, 15:8, 183:2, 185:14 jointly [1] - 203:18 joke [1] - 12:18 Joy [1] - 10:16 judge [2] - 18:5, 95:20 judged [1] - 173:1 judo [1] - 10:14 Judy [2] - 166:4, 179:24 July [2] - 102:16, 105:10 jump [1] - 3:18 jumped [5] - 12:17, 12:21, 96:12, 96:13,	125:11 jumping [2] - 11:10, 130:19 jurisdiction [7] - 103:14, 103:17, 154:4, 155:8, 197:5, 197:8, 199:4 jurisdictions [1] - 103:16 jury [1] - 18:5 justice [3] - 9:2, 130:21, 131:6 justify [1] - 163:4 juvenile [12] - 129:10, 129:13, 129:16, 129:20, 130:6, 130:8, 130:11, 130:15, 131:16, 183:7, 188:15, 192:8 juvenile-oriented [1] - 131:16 juveniles [7] - 71:20, 128:17, 128:19, 128:22, 129:8, 131:10, 131:11 K Kate [1] - 203:19 Kathleen [2] - 201:14, 205:16 keep [13] - 15:3, 23:16, 38:1, 49:7, 71:25, 88:15, 90:2, 90:4, 90:7, 108:6, 165:23, 170:23 keeping [2] - 80:4, 177:19 Kelly [4] - 32:15, 32:19, 33:25, 34:2 Ken [1] - 54:2 kept [2] - 88:11, 106:5 key [1] - 18:3 kidnapped [4] - 61:17, 61:20, 65:6 kidnappers [1] - 61:19 kidnapping [12] - 12:25, 14:21, 16:20, 16:23, 17:5, 17:21, 17:23, 18:17, 18:24, 19:25, 20:6, 65:11 kids [1] - 122:1 Killaly [4] - 203:25, 204:17, 205:3, 205:5 killed [2] - 19:1, 168:16 killer [8] - 9:16, 12:10, 51:4, 56:7, 97:22, 168:16, 168:21,	194:12 killers [1] - 194:1 killing [1] - 138:3 Kim [6] - 57:6, 162:25, 165:4, 165:5, 201:14, 205:16 kind [15] - 21:15, 23:11, 25:8, 35:3, 60:2, 154:2, 155:6, 155:16, 157:16, 158:17, 163:3, 180:2, 182:2, 189:1, 191:3 kindly [1] - 178:14 kinds [2] - 191:23, 206:18 Kines [1] - 52:6 Kingston [1] - 42:20 Kiwassa [1] - 127:18 knock [1] - 81:11 knocks [1] - 170:9 knowing [3] - 86:3, 122:17, 157:25 knowledge [12] - 20:1, 20:3, 43:18, 51:10, 88:3, 88:5, 104:8, 105:19, 113:22, 142:17, 163:15, 168:12 known [7] - 23:13, 27:21, 77:21, 126:17, 126:20, 137:16, 188:6 knows [3] - 90:3, 142:16, 168:10 L lack [2] - 12:2, 167:24 lacking [1] - 132:5 lady [6] - 27:19, 27:20, 115:12, 130:16, 138:25, 139:3 laid [4] - 17:4, 17:5, 20:2, 20:6 large [9] - 8:19, 12:18, 19:13, 30:3, 48:23, 144:17, 158:9, 158:10, 185:23 larger [2] - 21:16, 127:17 Larry [4] - 203:25, 204:17, 205:3, 205:5 last [15] - 8:22, 20:9, 22:13, 22:15, 27:22, 27:24, 31:18, 31:20, 31:21, 32:8, 52:16, 62:25, 96:13, 120:23, 183:23
--	---	---	--	---

<p>lastly [2] - 76:6, 99:9</p> <p>late [3] - 88:22, 159:9, 182:16</p> <p>latter [1] - 12:12</p> <p>law [2] - 184:5, 187:15</p> <p>lawsuits [1] - 188:8</p> <p>lawyer [1] - 7:10</p> <p>lawyers [3] - 35:9, 65:24, 65:25</p> <p>laying [1] - 44:19</p> <p>lead [3] - 107:7, 143:19, 143:20</p> <p>leaders [1] - 91:1</p> <p>leadership [1] - 126:15</p> <p>leading [1] - 106:19</p> <p>leak [9] - 148:6, 148:9, 148:11, 148:19, 148:21, 149:18, 151:7, 151:12, 151:17</p> <p>leaked [6] - 148:3, 149:16, 149:24, 150:1, 150:4, 150:7</p> <p>leaking [2] - 150:10, 152:11</p> <p>leaks [1] - 148:17</p> <p>leap [1] - 47:22</p> <p>learn [2] - 79:5, 80:25</p> <p>learned [3] - 2:7, 105:22, 127:1</p> <p>learning [2] - 51:2, 208:6</p> <p>least [4] - 56:11, 79:22, 136:1, 194:11</p> <p>leave [4] - 14:16, 15:3, 17:12, 210:15</p> <p>leaving [3] - 174:3, 174:5, 178:15</p> <p>led [6] - 9:16, 106:18, 106:24, 148:6, 167:15, 173:11</p> <p>Lee [1] - 91:1</p> <p>left [12] - 23:7, 44:5, 89:4, 89:6, 122:7, 135:13, 135:17, 139:5, 154:4, 155:8, 161:5, 182:8</p> <p>legal [3] - 187:14, 187:16, 188:5</p> <p>legislated [1] - 82:24</p> <p>legitimacy [1] - 155:11</p> <p>legitimately [1] - 126:11</p> <p>legitimize [1] - 205:18</p> <p>Leng [3] - 35:22, 201:12, 205:15</p> <p>length [1] - 31:5</p> <p>lengthy [1] - 6:4</p> <p>Leonard [2] - 141:5,</p>	<p>141:16</p> <p>LePard [6] - 110:3, 124:19, 124:21, 124:22, 125:4, 126:3</p> <p>LePard's [1] - 104:11</p> <p>less [2] - 69:9, 188:2</p> <p>lesser [1] - 129:2</p> <p>letter [3] - 167:9, 190:18, 196:5</p> <p>letters [2] - 183:3, 184:12</p> <p>level [19] - 38:23, 43:14, 54:4, 58:13, 101:7, 101:8, 101:18, 111:19, 112:1, 133:7, 153:3, 158:3, 159:9, 161:3, 189:18, 190:9, 197:4, 202:18</p> <p>levels [3] - 39:1, 125:25, 126:1</p> <p>liable [1] - 188:10</p> <p>liaising [1] - 21:2</p> <p>liaison [6] - 54:12, 112:25, 113:3, 126:19, 189:7, 195:1</p> <p>Liaison [12] - 54:21, 119:19, 119:20, 120:1, 120:3, 120:17, 121:5, 139:2, 139:10, 139:17, 144:23, 147:21</p> <p>Liberties [3] - 184:16, 184:21, 187:6</p> <p>licence [2] - 11:15, 12:8</p> <p>lied [5] - 21:12, 26:25, 27:3, 30:2</p> <p>life [12] - 71:12, 73:4, 76:2, 129:22, 132:3, 132:6, 133:17, 152:1, 155:25, 156:21, 184:7, 191:17</p> <p>lifestyle [4] - 161:15, 167:21, 174:13</p> <p>light [2] - 144:8, 144:9</p> <p>likelihood [1] - 86:14</p> <p>likely [1] - 141:15</p> <p>likewise [1] - 102:1</p> <p>limelight [1] - 4:14</p> <p>limited [3] - 30:15, 74:2, 100:12</p> <p>limiting [1] - 146:25</p> <p>Lindsay [1] - 52:6</p> <p>line [18] - 21:24, 22:3, 22:10, 22:16, 23:2, 23:25, 24:4, 24:16, 26:4, 39:1, 56:23,</p>	<p>61:24, 62:1, 62:2, 62:19, 102:19, 105:10, 111:17</p> <p>lines [2] - 56:4, 106:13</p> <p>list [57] - 1:17, 57:21, 57:22, 57:24, 58:1, 58:2, 58:5, 58:10, 58:15, 59:13, 66:8, 66:14, 66:22, 67:3, 81:12, 88:12, 94:16, 94:21, 94:24, 95:1, 106:15, 150:4, 150:7, 150:10, 153:8, 155:8, 162:23, 163:3, 163:7, 163:15, 163:17, 163:19, 163:20, 163:24, 164:5, 164:9, 164:15, 165:4, 166:12, 166:22, 166:23, 167:7, 167:10, 168:8, 168:15, 169:4, 169:14, 171:9, 171:11, 171:12, 171:24, 172:1, 172:2, 173:4, 173:6, 200:6</p> <p>listen [1] - 178:19</p> <p>listened [4] - 67:20, 68:3, 69:1, 78:11</p> <p>listening [1] - 146:11</p> <p>listens [1] - 62:20</p> <p>lists [11] - 57:14, 57:16, 59:18, 67:11, 67:12, 166:22, 168:25, 171:6, 171:16, 171:20</p> <p>littering [1] - 185:19</p> <p>live [4] - 46:23, 72:16, 161:5, 185:10</p> <p>lived [10] - 40:17, 45:24, 46:6, 156:11, 156:13, 160:16, 161:5, 161:19, 161:25, 186:16</p> <p>lives [8] - 37:13, 84:21, 156:4, 156:11, 156:14, 156:15, 156:16, 156:25</p> <p>living [6] - 102:22, 156:19, 161:14, 161:18, 161:22, 174:12</p> <p>local [1] - 17:8</p> <p>located [1] - 167:20</p> <p>location [2] - 157:7, 175:2</p>	<p>locations [2] - 53:4, 84:25</p> <p>locks [1] - 10:20</p> <p>logic [1] - 158:24</p> <p>logistic [1] - 35:19</p> <p>logs [1] - 86:1</p> <p>look [18] - 38:20, 44:14, 57:5, 57:19, 58:21, 62:22, 74:6, 76:3, 77:5, 77:8, 78:23, 125:20, 130:5, 164:2, 167:16, 176:9, 186:9, 200:6</p> <p>looked [4] - 44:4, 104:18, 131:24, 139:6</p> <p>looking [13] - 12:1, 67:23, 67:24, 69:23, 73:6, 83:24, 94:25, 95:2, 99:2, 136:21, 136:22, 141:5, 149:25</p> <p>looks [1] - 200:20</p> <p>Lord [1] - 90:3</p> <p>Lori [5] - 93:25, 162:7, 165:1, 167:23, 193:18</p> <p>lose [2] - 8:18, 75:13</p> <p>lost [3] - 134:16, 170:3</p> <p>loved [1] - 139:4</p> <p>low [1] - 78:18</p> <p>Lower [2] - 81:19, 98:12</p> <p>lower [5] - 38:5, 88:12, 106:5, 106:15, 108:7</p> <p>LTD [1] - 211:19</p> <p>lured [1] - 18:9</p> <p>lying [3] - 29:3, 30:10, 31:15</p>	<p>105:2, 153:13, 159:4, 162:24</p> <p>MACKAY-DUNN [7] - 36:7, 48:4, 60:13, 63:20, 105:3, 1:6, 1:12</p> <p>MacKay-Dunn's [1] - 85:20</p> <p>MacPherson [1] - 180:23</p> <p>mails [1] - 207:22</p> <p>Main [1] - 122:9</p> <p>main [1] - 97:10</p> <p>Mainland [2] - 81:19, 98:12</p> <p>maintain [1] - 57:3</p> <p>maintaining [1] - 89:11</p> <p>Major [16] - 35:24, 102:4, 102:5, 109:12, 151:3, 151:22, 161:7, 163:11, 164:7, 165:1, 165:9, 166:19, 177:24, 196:11, 196:18, 198:9</p> <p>major [6] - 78:16, 163:20, 183:25, 184:25, 185:5, 203:20</p> <p>majority [2] - 144:12, 167:19</p> <p>male [3] - 16:5, 132:2, 132:5</p> <p>man [3] - 10:15, 60:11</p> <p>man's [1] - 77:15</p> <p>manage [1] - 154:17</p> <p>management [18] - 39:1, 43:15, 47:19, 50:4, 64:3, 64:12, 64:16, 64:17, 71:23, 78:7, 84:6, 101:8, 101:18, 153:3, 163:25, 170:16, 193:14, 203:20</p> <p>managers [1] - 198:25</p> <p>managing [2] - 161:3, 162:10</p> <p>mandate [4] - 4:22, 116:25, 117:1, 120:23</p> <p>mandates [1] - 117:3</p> <p>Manny [1] - 137:24</p> <p>mansion [1] - 17:11</p> <p>March [2] - 1:2, 110:20</p> <p>marginalization [3] - 111:22, 112:1, 112:4</p> <p>marginalized [10] - 64:7, 64:8, 76:19,</p>
---	--	--	--	--

76:23, 76:24, 78:9, 111:22, 113:5, 117:8, 117:16 Marion [1] - 1:22 marked [2] - 183:17, 200:8 market [2] - 182:24, 183:14 Marketing [1] - 54:21 marking [1] - 110:21 massive [1] - 119:1 material [1] - 139:21 mathematical [2] - 39:15, 56:11 mathematically [1] - 45:7 matter [18] - 2:18, 3:1, 4:6, 15:6, 17:2, 32:24, 33:18, 41:14, 42:1, 43:4, 44:14, 95:8, 98:13, 136:11, 137:22, 175:4 matters [4] - 2:10, 6:8, 32:25, 35:12 mayor [4] - 52:3, 78:1, 78:2, 78:3 McGuinness [1] - 152:25 McGuire [2] - 166:4, 179:24 McHale [1] - 211:17 McPhail [1] - 10:16 MCS [1] - 57:2 mean [54] - 16:8, 27:10, 27:11, 27:15, 34:22, 34:24, 36:17, 38:9, 40:23, 50:8, 52:16, 66:24, 66:25, 67:1, 72:4, 76:18, 92:13, 96:10, 112:22, 117:23, 118:18, 125:23, 126:22, 129:5, 134:14, 136:10, 136:21, 140:2, 140:13, 143:23, 145:24, 146:12, 147:7, 150:3, 151:1, 155:19, 159:10, 166:4, 166:10, 173:21, 175:1, 175:15, 175:18, 186:1, 186:14, 190:15, 190:24, 198:3, 198:13, 199:2, 199:8, 200:19, 210:17 meaning [2] - 77:4, 203:18 means [8] - 60:23,	65:6, 68:15, 68:16, 71:16, 75:1, 128:23, 157:6 meant [6] - 37:10, 48:20, 65:11, 137:5, 163:7, 166:19 Mearns [12] - 90:24, 91:6, 91:12, 91:13, 91:20, 91:23, 119:22, 122:8, 128:6, 196:1, 196:4, 198:24 Mearns' [2] - 91:17, 172:5 measure [4] - 8:20, 9:2, 158:9, 158:10 Media [1] - 54:21 media [59] - 50:1, 50:5, 50:7, 50:13, 50:21, 51:1, 51:3, 51:23, 52:11, 52:16, 52:21, 53:4, 53:13, 53:17, 53:20, 54:1, 54:2, 54:4, 54:11, 54:14, 54:24, 55:1, 55:2, 55:6, 55:7, 55:20, 56:4, 68:22, 148:4, 150:12, 152:11, 153:8, 200:24, 201:5, 201:22, 201:23, 201:24, 202:3, 202:5, 203:6, 203:13, 203:15, 203:17, 204:6, 205:19, 205:25, 206:8, 206:14, 206:15, 207:11, 207:17, 208:5, 208:21 media's [2] - 50:10, 50:18 medical [5] - 78:21, 78:22, 79:15, 79:23, 80:13 meet [4] - 54:25, 90:20, 102:6, 127:22 Meeting [1] - 200:11 meeting [18] - 2:9, 2:15, 3:18, 4:9, 28:3, 90:22, 96:18, 96:23, 120:14, 121:7, 148:25, 149:2, 149:7, 149:9, 149:12, 149:22, 152:23, 183:19 meetings [23] - 40:22, 40:23, 40:24, 41:2, 41:17, 47:21, 55:1, 101:3, 101:11,	102:8, 102:9, 130:4, 145:19, 145:20, 145:23, 149:5, 149:18, 149:21, 180:25, 194:15, 195:1 Melina [2] - 1:5, 1:10 member [2] - 141:20, 203:14 members [9] - 38:14, 41:17, 47:19, 113:16, 113:17, 117:8, 186:10, 193:14, 206:7 memo [16] - 55:23, 116:1, 186:23, 187:4, 187:20, 191:9, 205:14, 208:8, 208:10, 208:12, 208:15, 209:9, 209:13, 209:19, 209:21, 209:23 memories [1] - 194:6 memory [4] - 27:7, 32:23, 107:8, 192:11 memos [4] - 67:12, 115:22, 165:23, 207:23 men [5] - 11:5, 11:23, 12:4, 137:11, 140:9 mental [3] - 10:5, 12:14, 125:25 mentally [2] - 79:8, 124:8 mention [4] - 36:4, 63:16, 194:14, 198:25 mentioned [15] - 13:2, 53:1, 57:13, 65:5, 81:4, 87:6, 114:12, 133:24, 148:11, 149:23, 153:23, 200:4, 206:1, 206:2, 206:3 merchants [1] - 72:5 Merchants [3] - 73:14, 113:9 merits [1] - 75:4 message [6] - 2:8, 52:1, 53:3, 55:25, 56:1, 194:24 messages [2] - 126:23, 206:7 messaging [1] - 54:13 messed [1] - 11:20 met [7] - 13:10, 67:13, 67:17, 101:12, 101:16, 122:13, 203:2	Michelle [2] - 139:1, 139:18 middle [2] - 13:12, 36:2 might [46] - 6:19, 9:20, 11:15, 15:20, 30:24, 36:3, 39:8, 48:18, 56:1, 58:12, 59:16, 69:7, 69:11, 70:17, 71:14, 72:2, 72:4, 72:8, 76:19, 85:22, 86:20, 91:15, 99:19, 111:25, 134:15, 136:18, 136:25, 145:9, 149:21, 150:24, 156:3, 156:9, 156:10, 156:13, 158:20, 161:20, 166:14, 194:16, 201:7, 202:15, 203:1, 204:24, 207:13, 207:24, 208:1 million [1] - 27:15 millionaire [1] - 17:9 millstone [1] - 63:21 mind [21] - 4:5, 18:1, 26:24, 35:23, 36:2, 46:16, 86:9, 87:15, 150:23, 155:10, 155:19, 155:20, 157:7, 162:14, 162:19, 162:21, 166:10, 175:6, 185:5, 210:21, 211:3 mindful [1] - 210:17 minds [1] - 46:19 mine [1] - 93:19 ministry [1] - 183:9 minor [3] - 62:18, 64:6, 65:18 minute [14] - 3:12, 3:14, 3:23, 5:5, 5:24, 33:22, 100:16, 107:6, 210:3, 210:4 minutes [9] - 1:19, 59:6, 92:20, 92:21, 136:13, 177:8, 177:11, 178:6, 183:19 misapprehension [1] - 115:8 miserable [1] - 133:18 missed [1] - 120:2 Missing [14] - 66:19, 86:17, 87:1, 87:16, 87:24, 148:1, 148:25, 161:7, 163:11, 167:23, 197:5, 197:7, 198:9,	199:25 missing [59] - 8:6, 32:18, 39:21, 39:25, 40:15, 42:5, 42:14, 42:15, 44:10, 47:14, 48:7, 52:9, 53:18, 57:15, 66:6, 67:12, 77:7, 77:19, 77:22, 87:7, 88:9, 88:12, 89:2, 94:13, 94:19, 94:24, 96:25, 102:21, 103:8, 105:13, 105:21, 106:5, 106:14, 108:7, 108:18, 109:18, 136:3, 137:15, 144:22, 155:5, 155:17, 155:21, 162:15, 162:19, 165:6, 166:14, 166:20, 167:11, 167:14, 167:25, 168:4, 168:18, 168:22, 173:7, 181:21, 194:9, 194:23, 201:2, 205:20 misspoke [1] - 109:23 misstatement [1] - 56:8 mistake [2] - 4:19, 62:25 mistrust [3] - 137:10, 140:4, 142:24 misused [1] - 36:19 Mitchell [7] - 186:24, 187:9, 187:12, 188:17, 189:3, 189:21, 192:12 Mitchell's [3] - 190:1, 190:6, 191:9 mobile [1] - 85:4 model [9] - 70:11, 71:1, 74:14, 74:19, 74:20, 75:5, 76:16, 77:6, 203:21 moment [4] - 8:8, 80:10, 110:19, 211:2 Monday [9] - 1:25, 2:18, 4:7, 5:25, 18:15, 24:8, 35:25, 178:1, 211:8 Monday's [1] - 36:3 money [9] - 14:7, 15:4, 15:16, 16:2, 16:3, 16:6, 17:15, 19:6, 133:11 monitored [3] - 82:13, 90:19 monitoring [1] - 191:3
---	--	---	--	---

<p>monolithic ^[1] - 70:11</p> <p>month ^[4] - 23:21, 24:19, 90:23, 138:24</p> <p>months ^[7] - 8:23, 24:19, 27:23, 52:16, 85:16, 151:13, 153:11</p> <p>moral ^[1] - 38:9</p> <p>morality ^[1] - 37:12</p> <p>morning ^[13] - 1:5, 1:7, 1:12, 2:22, 9:7, 9:9, 18:15, 55:1, 117:25, 118:1, 126:14, 178:1, 211:8</p> <p>Morris ^[4] - 139:9, 139:20, 144:20, 144:24</p> <p>most ^[18] - 16:3, 16:4, 19:20, 27:24, 42:22, 46:21, 50:11, 61:10, 64:24, 65:2, 66:1, 95:18, 127:15, 127:20, 136:10, 171:12, 172:18, 192:15</p> <p>mostly ^[1] - 50:13</p> <p>mothers ^[1] - 121:25</p> <p>MOU ^[1] - 110:6</p> <p>Moulton ^[4] - 93:11, 99:24, 100:2, 102:6</p> <p>move ^[12] - 20:9, 34:8, 46:7, 74:16, 79:24, 94:9, 104:25, 148:23, 165:24, 175:12, 182:13, 183:5</p> <p>moved ^[8] - 62:5, 72:15, 122:7, 122:18, 154:4, 163:9, 165:21, 167:20</p> <p>moving ^[4] - 82:18, 84:18, 85:1, 162:1</p> <p>MR ^[181] - 1:21, 2:5, 2:14, 3:1, 3:8, 3:9, 3:10, 3:13, 3:21, 3:25, 4:9, 4:12, 5:4, 5:15, 5:18, 5:25, 6:6, 6:9, 6:13, 6:17, 6:23, 6:25, 7:1, 7:5, 7:9, 7:12, 7:15, 7:21, 7:24, 8:2, 8:5, 8:11, 8:17, 9:6, 9:12, 28:12, 29:15, 29:21, 30:1, 30:17, 30:22, 30:24, 31:4, 31:8, 31:11, 32:25, 33:4, 33:15, 33:21, 33:25, 34:7, 34:9, 34:12, 34:17, 34:20, 35:1,</p>	<p>35:14, 35:17, 36:8, 48:4, 48:8, 52:19, 53:4, 53:7, 54:18, 58:18, 59:3, 59:11, 60:8, 60:10, 60:13, 60:15, 63:16, 63:20, 63:25, 64:11, 64:14, 85:11, 85:15, 85:24, 87:5, 88:1, 88:2, 92:16, 92:20, 92:21, 92:24, 93:4, 93:7, 93:10, 93:16, 93:24, 99:18, 99:19, 100:1, 100:5, 100:9, 100:18, 100:21, 100:24, 104:25, 105:4, 106:24, 107:4, 107:6, 107:11, 107:18, 107:23, 108:1, 109:4, 110:15, 111:5, 119:17, 122:22, 123:3, 123:16, 125:5, 125:7, 132:22, 140:18, 143:1, 143:17, 147:3, 147:5, 147:12, 147:13, 147:25, 148:18, 153:15, 153:18, 170:18, 170:21, 170:23, 171:1, 171:4, 171:5, 177:8, 177:12, 177:15, 177:17, 177:19, 178:10, 178:18, 178:21, 178:25, 181:22, 182:4, 193:3, 202:6, 202:9, 206:22, 206:24, 206:25, 207:4, 207:5, 208:11, 208:25, 209:4, 209:6, 209:11, 209:14, 209:16, 209:21, 209:22, 209:23, 210:1, 210:7, 210:11, 210:15, 210:17, 210:21, 211:2, 1:5, 1:7, 1:9, 1:11, 1:13, 1:15, 1:17, 1:19, 1:21</p> <p>MS ^[5] - 1:5, 1:10, 1:16, 177:22, 178:4</p> <p>multiple ^[1] - 160:3</p> <p>multitasking ^[1] - 129:7</p> <p>murder ^[4] - 108:20, 138:10, 139:15, 145:1</p>	<p>murdered ^[1] - 29:24</p> <p>Murphy ^[1] - 138:1</p> <p>must ^[6] - 30:2, 57:10, 69:15, 76:1, 138:20, 171:22</p> <p>musts ^[1] - 75:23</p> <p>mystery ^[1] - 26:10</p> <p>myth ^[7] - 43:19, 45:1, 46:21, 46:22, 47:11, 47:19, 48:12</p> <p style="text-align: center;">N</p> <p>name ^[25] - 25:18, 27:20, 28:5, 31:19, 31:20, 31:21, 32:3, 32:8, 32:9, 32:15, 38:22, 54:20, 86:3, 93:10, 101:15, 103:3, 109:5, 116:14, 116:23, 120:2, 136:12, 137:24, 139:1, 163:17, 205:10</p> <p>named ^[3] - 73:11, 104:15, 166:4</p> <p>names ^[3] - 32:5, 163:19, 167:19</p> <p>narcotics ^[1] - 173:15</p> <p>Nathan ^[1] - 109:7</p> <p>Nations ^[9] - 58:14, 58:17, 166:23, 167:10, 167:12, 168:8, 171:8, 171:18, 171:22</p> <p>Native ^[13] - 119:19, 119:20, 119:25, 120:3, 120:17, 121:5, 127:19, 130:1, 139:2, 139:9, 139:17, 144:23, 147:20</p> <p>native ^[1] - 120:19</p> <p>natural ^[1] - 155:4</p> <p>necessarily ^[5] - 98:11, 127:10, 156:16, 156:21, 158:4</p> <p>necessary ^[6] - 30:19, 86:9, 163:4, 165:7, 165:9, 178:1</p> <p>neck ^[1] - 82:1</p> <p>need ^[13] - 6:11, 29:11, 33:19, 74:1, 85:12, 97:21, 99:7, 128:13, 164:25, 181:24, 182:2, 200:24, 211:1</p> <p>needed ^[5] - 52:12,</p>	<p>74:5, 127:5, 164:9, 195:18</p> <p>needle ^[8] - 175:17, 179:2, 179:12, 179:23, 179:24, 179:25, 180:16</p> <p>needles ^[9] - 179:11, 180:1, 180:5, 180:12, 180:15, 180:17, 185:19</p> <p>needs ^[4] - 58:25, 71:7, 72:23, 75:11</p> <p>negative ^[5] - 50:12, 50:20, 206:3, 206:7, 208:22</p> <p>negatively ^[1] - 207:17</p> <p>neglected ^[1] - 133:21</p> <p>negotiated ^[1] - 15:15</p> <p>Neighbourhood ^[13] - 118:25, 127:14, 127:16, 127:18, 127:25, 128:2, 128:11, 128:15, 128:21, 129:15, 131:14, 172:5, 189:4</p> <p>neighbourhood ^[2] - 71:4, 189:11</p> <p>never ^[51] - 10:9, 17:1, 19:9, 19:24, 20:2, 32:11, 36:15, 36:17, 45:22, 58:16, 99:10, 99:16, 111:11, 111:14, 111:15, 113:21, 113:23, 114:21, 115:4, 115:13, 115:21, 117:10, 121:2, 121:20, 121:24, 122:5, 123:18, 124:4, 124:20, 126:5, 129:8, 136:15, 139:8, 139:22, 142:7, 145:5, 145:10, 145:19, 147:20, 150:23, 157:1, 180:2, 191:7, 192:17, 196:6, 196:9, 197:10, 197:22, 199:19, 207:22</p> <p>new ^[1] - 130:11</p> <p>next ^[8] - 1:16, 7:17, 60:11, 106:11, 130:25, 138:5, 153:15, 177:24</p> <p>nice ^[3] - 75:24, 76:6, 196:3</p> <p>nickname ^[1] - 32:7</p> <p>nicknames ^[1] - 32:4</p>	<p>Nietzsche ^[6] - 36:11, 36:14, 36:16, 36:20, 37:8, 46:21</p> <p>night ^[8] - 21:25, 22:13, 90:8, 90:11, 130:19, 130:23, 131:2, 134:5</p> <p>nights ^[2] - 24:8</p> <p>nine ^[2] - 127:17, 128:5</p> <p>nobody ^[8] - 1:9, 7:8, 53:19, 62:20, 96:14, 146:8, 146:10, 150:24</p> <p>nobody's ^[2] - 148:11, 148:13</p> <p>non ^[4] - 60:22, 76:23, 172:14, 188:5</p> <p>non-investigative ^[1] - 60:22</p> <p>non-marginalized ^[1] - 76:23</p> <p>non-profit ^[1] - 172:14</p> <p>none ^[5] - 38:7, 50:3, 125:18, 133:5, 206:1</p> <p>normal ^[2] - 60:4</p> <p>North ^[6] - 101:4, 101:16, 113:6, 187:14, 189:4, 192:4</p> <p>north ^[1] - 182:14</p> <p>note ^[9] - 8:13, 8:14, 10:21, 58:18, 100:3, 100:18, 143:9, 187:2, 199:19</p> <p>noted ^[3] - 95:5, 106:4, 184:8</p> <p>notes ^[6] - 27:5, 32:22, 126:18, 126:25, 210:22, 211:5</p> <p>nothing ^[11] - 10:6, 21:11, 34:22, 48:5, 80:1, 80:22, 80:23, 131:7, 147:24, 149:10, 181:6</p> <p>notice ^[1] - 154:10</p> <p>noticed ^[3] - 42:12, 96:14, 174:2</p> <p>noticing ^[1] - 125:11</p> <p>notify ^[1] - 103:17</p> <p>notifying ^[1] - 103:20</p> <p>notion ^[9] - 41:8, 41:23, 43:16, 46:16, 47:4, 47:12, 114:5, 123:25, 166:8</p> <p>notions ^[1] - 163:16</p> <p>notorious ^[1] - 147:17</p> <p>notwithstanding ^[1] - 59:22</p> <p>November ^[2] - 21:19,</p>
--	---	--	--	---

<p>154:2 nowhere [1] - 128:14 nuisance [8] - 173:20, 173:21, 173:22, 186:5, 186:8, 186:11, 186:14, 186:18 number [33] - 8:22, 10:12, 16:16, 19:13, 39:6, 40:24, 41:10, 41:24, 44:24, 51:11, 54:23, 67:16, 73:10, 77:18, 84:24, 88:18, 89:23, 91:24, 129:17, 130:2, 137:23, 138:5, 144:17, 148:7, 152:13, 155:4, 155:7, 161:9, 168:5, 169:12, 172:6, 204:18 numbers [1] - 39:14 numerous [4] - 10:17, 138:11, 139:16, 140:10 nurse [1] - 40:4 nurses [1] - 180:4</p>	<p>69:11, 90:23, 103:10, 164:13, 167:2, 179:25, 208:21 occurrence [1] - 27:24 occurring [1] - 104:14 October [1] - 186:24 odds [2] - 72:13, 174:9 OF [1] - 1:1 Offence [1] - 144:1 offence [6] - 81:15, 176:1, 176:7, 176:8, 176:17, 176:21 offences [2] - 173:14, 173:16 offenders [1] - 190:16 offer [5] - 29:5, 47:23, 130:12, 131:5, 145:17 offered [1] - 122:11 office [23] - 70:19, 71:7, 75:22, 89:15, 91:6, 91:10, 112:23, 113:6, 113:8, 113:14, 116:13, 116:16, 117:4, 117:8, 120:9, 120:15, 127:23, 129:23, 131:9, 141:11, 141:19, 202:4 Office [13] - 119:1, 127:14, 127:16, 127:25, 128:2, 128:11, 128:15, 128:21, 129:15, 131:14, 172:5, 189:5, 192:5 officer [41] - 60:3, 69:4, 69:6, 69:17, 71:4, 71:14, 72:2, 86:25, 88:18, 91:16, 93:25, 99:6, 99:18, 105:1, 112:6, 112:10, 112:19, 112:25, 113:3, 113:4, 116:12, 118:6, 120:1, 120:4, 120:15, 121:21, 126:19, 130:20, 141:16, 142:12, 143:16, 143:23, 146:5, 147:7, 147:15, 154:5, 156:17, 170:2, 170:9, 176:8, 189:7 Officer [1] - 93:22 officer's [1] - 175:6 officers [64] - 38:12,</p>	<p>46:19, 62:14, 62:17, 65:23, 65:24, 72:10, 74:5, 74:9, 75:17, 75:19, 76:7, 76:14, 76:18, 76:22, 79:4, 84:25, 86:19, 90:19, 95:10, 95:23, 95:24, 98:17, 111:19, 114:7, 116:4, 116:5, 117:11, 118:9, 119:9, 120:10, 120:18, 120:21, 120:24, 121:11, 134:25, 135:3, 135:6, 135:20, 136:10, 136:17, 136:18, 137:6, 138:3, 141:4, 142:1, 143:25, 144:17, 145:7, 146:12, 146:13, 146:15, 148:8, 158:17, 169:3, 172:12, 173:24, 174:16, 182:7, 183:1, 187:13, 188:21 offices [4] - 71:9, 112:24, 113:11, 117:11 official [2] - 117:15, 117:18 Official [1] - 211:18 often [10] - 8:23, 12:17, 15:11, 19:20, 72:13, 90:23, 103:16, 181:4, 185:17, 203:4 old [4] - 13:10, 75:8, 130:16 once [5] - 14:14, 40:25, 102:7, 132:4, 194:2 one [141] - 3:14, 5:7, 5:25, 7:9, 10:19, 16:14, 17:1, 17:7, 18:3, 19:8, 19:15, 21:21, 21:25, 22:1, 25:9, 26:3, 30:24, 31:24, 32:3, 33:18, 33:22, 34:18, 34:24, 36:16, 42:18, 43:6, 43:9, 44:13, 47:15, 48:1, 48:4, 48:16, 49:11, 49:17, 50:9, 52:14, 53:4, 55:12, 56:4, 57:9, 62:19, 64:5, 65:19, 65:20, 66:5, 66:15, 67:11, 69:11, 70:10, 70:16, 70:21, 70:22, 70:24,</p>	<p>71:14, 74:19, 75:15, 75:25, 77:15, 77:21, 79:5, 79:11, 79:15, 81:23, 82:8, 83:21, 94:12, 94:18, 96:20, 102:17, 107:16, 112:22, 115:11, 115:16, 115:20, 119:19, 119:25, 120:5, 120:9, 121:3, 122:3, 126:14, 127:20, 129:23, 130:4, 134:11, 134:18, 135:8, 135:9, 135:15, 135:17, 135:18, 136:2, 137:14, 137:15, 137:24, 139:1, 139:10, 139:23, 140:10, 141:9, 142:9, 142:10, 143:1, 144:8, 144:9, 144:18, 146:20, 146:22, 147:16, 149:7, 151:23, 155:15, 156:5, 158:5, 160:11, 163:14, 163:19, 169:4, 169:6, 169:13, 169:25, 170:8, 171:17, 171:18, 173:3, 174:11, 175:10, 177:13, 177:14, 180:16, 181:15, 186:8, 187:13, 188:24, 190:25, 193:24, 194:12, 204:18 one's [5] - 49:9, 49:15, 49:16, 95:20, 129:6 ones [4] - 92:1, 95:2, 147:16, 200:4 ongoing [2] - 42:16, 196:12 onslaught [6] - 200:23, 201:23, 201:25, 202:3, 203:6, 203:13 Ontario [1] - 55:13 open [2] - 71:25, 81:11 opened [2] - 122:9, 181:13 opening [1] - 119:23 operate [1] - 5:6 operation [2] - 81:19, 165:8 operations [1] - 202:1</p>	<p>opinion [26] - 39:16, 45:9, 47:23, 47:24, 48:1, 50:20, 54:7, 56:8, 56:25, 58:6, 66:2, 67:7, 67:13, 69:9, 70:1, 77:15, 77:16, 79:2, 81:16, 104:22, 106:23, 108:15, 125:13, 126:12, 164:6, 208:14 opinions [5] - 69:12, 98:5, 164:24, 167:18, 194:8 opportunities [2] - 60:25, 147:1 opportunity [15] - 3:15, 3:20, 3:21, 4:9, 21:5, 35:15, 36:15, 51:9, 59:16, 79:1, 146:9, 165:22, 175:24, 210:22, 211:4 opposed [1] - 54:9 opposite [2] - 54:15, 57:6 opposition [1] - 170:13 ops [2] - 179:5, 179:8 optics [1] - 54:8 option [2] - 151:25, 191:8 options [1] - 104:16 orchestrate [1] - 40:9 order [15] - 1:4, 29:6, 37:21, 38:1, 38:24, 78:19, 84:14, 85:13, 123:1, 175:19, 178:9, 201:6, 205:18, 207:12 ordinary [3] - 7:19, 191:12, 192:14 ordinator [7] - 114:20, 114:21, 114:23, 114:25, 122:4, 122:5, 122:7 organization [8] - 41:11, 49:17, 70:3, 70:5, 75:20, 140:19, 172:4 organization's [1] - 172:2 organizational [1] - 70:5 organizationally [1] - 44:22 organizations [8] - 117:4, 127:17, 127:24, 128:4, 130:2, 137:10,</p>
O				
<p>o'clock [1] - 147:21 object [2] - 28:12, 209:4 objecting [1] - 3:8 objection [3] - 59:11, 147:11, 147:12 objectives [1] - 75:2 obscenities [1] - 130:24 observation [1] - 85:11 observations [3] - 85:2, 85:3, 177:20 obvious [1] - 188:12 obviously [18] - 5:12, 8:11, 12:2, 15:6, 16:9, 27:11, 28:6, 35:23, 77:3, 90:14, 111:18, 117:24, 124:5, 132:16, 133:8, 163:10, 189:17, 190:5 occasionally [2] - 42:19, 89:13 occasions [2] - 27:22, 130:17 occur [4] - 55:9, 67:8, 90:11, 164:13 occurred [8] - 33:2,</p>				

<p>140:3, 140:14 organized [2] - 90:23, 92:15 organizing [1] - 94:5 orientation [1] - 174:20 oriented [3] - 129:15, 131:10, 131:16 original [1] - 122:7 origins [2] - 46:25, 57:17 otherwise [1] - 137:2 ought [2] - 3:5, 30:14 ourselves [1] - 79:6 outcry [1] - 119:2 outreach [2] - 129:25, 130:3 outside [5] - 60:4, 141:12, 141:21, 189:1, 191:21 outsider [2] - 169:17, 169:18 overall [1] - 183:13 overcome [2] - 47:16, 98:18 overlooked [1] - 8:23 own [13] - 3:13, 4:25, 26:23, 79:6, 118:13, 118:14, 130:2, 164:24, 169:2, 169:22, 171:7, 171:21, 185:17</p>	<p>pages [3] - 63:1, 117:25, 119:15 paid [2] - 192:6, 192:7 paint [1] - 35:7 painting [1] - 35:5 pairs [2] - 10:23, 123:10 palatable [1] - 38:22 panel [12] - 5:24, 6:3, 6:18, 7:1, 9:7, 27:6, 35:21, 35:25, 36:1, 36:3, 177:24, 177:25 panels [1] - 35:18 paper [6] - 10:22, 187:5, 187:8, 187:12, 192:9, 206:4 Parade [1] - 76:8 paragraph [6] - 22:15, 22:24, 183:24, 187:22, 200:21, 207:7 paraphernalia [1] - 136:21 pardon [2] - 111:13, 169:9 parent [1] - 74:20 parents [2] - 72:8, 185:12 Parker [1] - 137:25 parlance [1] - 65:8 part [35] - 4:18, 20:2, 21:2, 39:4, 40:19, 49:13, 67:20, 69:6, 72:19, 88:24, 95:10, 119:18, 119:20, 121:13, 128:3, 136:25, 140:4, 148:2, 148:5, 162:10, 162:13, 163:17, 163:23, 163:25, 165:13, 173:3, 174:8, 176:19, 185:9, 186:15, 189:18, 189:24, 191:20, 201:23, 203:24 part-time [1] - 88:24 particular [16] - 15:1, 34:13, 58:3, 70:24, 85:8, 86:15, 115:18, 124:25, 126:9, 138:17, 159:11, 162:12, 166:17, 171:11, 183:13, 207:20 particularly [3] - 8:21, 95:14, 158:4 parties [1] - 206:1 parts [3] - 170:11, 170:12, 191:7</p>	<p>passage [5] - 26:3, 102:14, 107:1, 107:8, 107:11 passages [2] - 21:14, 23:24 passenger [1] - 12:20 passenger's [1] - 125:3 passing [1] - 179:11 past [5] - 44:6, 45:17, 86:21, 99:2, 164:20 patrol [2] - 71:4, 99:12 patrolling [1] - 95:6 Paul [2] - 201:11, 205:15 pay [4] - 30:14, 134:12, 134:14, 134:20 paying [3] - 53:19, 142:3, 176:22 pays [1] - 134:22 peace [1] - 76:2 peanut [1] - 40:10 pecking [3] - 37:21, 38:24, 78:19 Peel [1] - 39:5 pen [2] - 10:22 people [142] - 3:18, 5:6, 5:7, 7:23, 10:12, 37:11, 39:25, 40:21, 45:17, 45:21, 45:25, 49:7, 50:20, 53:20, 61:20, 62:11, 63:12, 63:14, 69:20, 71:17, 72:12, 72:13, 74:5, 74:7, 75:23, 82:16, 87:20, 90:24, 94:6, 95:9, 95:14, 99:3, 99:7, 102:20, 113:12, 113:13, 113:23, 114:5, 114:9, 114:11, 117:2, 117:7, 117:21, 119:14, 121:17, 121:22, 125:23, 128:13, 128:14, 134:2, 136:16, 138:4, 144:17, 145:15, 146:18, 146:21, 146:23, 147:7, 147:18, 151:21, 151:22, 152:23, 154:18, 155:7, 155:17, 156:19, 157:5, 157:18, 157:23, 158:1, 158:15, 158:21, 159:2, 159:23, 161:4, 161:17,</p>	<p>163:8, 164:19, 164:24, 165:8, 165:10, 167:8, 167:25, 168:4, 168:7, 168:15, 168:22, 169:6, 169:12, 169:18, 169:23, 173:7, 173:11, 173:18, 173:19, 173:20, 175:16, 175:19, 175:23, 176:6, 176:14, 176:21, 181:18, 182:1, 184:4, 184:9, 185:10, 185:21, 186:16, 188:25, 190:6, 190:16, 190:17, 190:18, 190:20, 191:5, 191:20, 191:23, 192:24, 193:15, 194:22, 195:10, 195:16, 195:23, 195:25, 196:11, 197:17, 198:3, 198:9, 198:11, 199:17, 200:5, 203:15, 204:17, 205:14, 205:24, 208:18, 210:24 people's [5] - 72:23, 163:18, 174:6, 185:22, 195:4 per [3] - 41:1, 55:3, 109:21 perceive [2] - 111:21, 133:6 perceived [10] - 52:21, 59:18, 60:2, 68:7, 69:1, 69:5, 69:7, 146:20, 147:6, 169:15 perception [16] - 57:15, 57:16, 58:10, 58:12, 59:22, 60:7, 61:24, 64:3, 67:22, 70:3, 71:12, 115:13, 170:1, 171:6, 171:19, 171:25 perceptions [1] - 111:7 perfect [4] - 81:9, 96:6, 96:11 perform [2] - 16:1, 165:3 performance [1] - 196:12 performing [1] - 69:18 perhaps [8] - 52:7,</p>	<p>59:3, 64:19, 86:20, 110:18, 125:5, 205:8, 210:15 Peri [1] - 211:17 period [4] - 80:9, 89:7, 148:17, 196:21 periodic [1] - 101:3 periodically [1] - 123:5 peripheral [1] - 92:10 permeate [1] - 175:8 permitting [1] - 93:13 persist [2] - 46:18 persistent [3] - 182:18, 182:20, 182:23 person [32] - 3:14, 10:19, 12:8, 13:3, 18:7, 18:10, 54:12, 61:3, 61:16, 63:18, 84:2, 85:12, 103:8, 115:9, 115:25, 119:12, 142:9, 142:10, 143:15, 144:21, 154:3, 154:8, 156:6, 157:15, 159:12, 160:7, 163:14, 176:9, 188:24, 192:14, 196:4, 202:5 person's [1] - 86:3 personal [5] - 95:8, 98:13, 121:12, 188:9, 188:12 personalities [2] - 98:14, 98:18 personally [1] - 13:2 personnel [1] - 98:24 Persons [13] - 66:20, 86:18, 87:1, 87:16, 87:24, 161:7, 163:11, 165:2, 167:23, 197:5, 197:7, 198:9, 199:25 persons [12] - 87:7, 89:3, 165:6, 166:20, 167:11, 167:14, 194:9, 201:4, 206:17, 207:10, 208:4, 209:2 perspective [5] - 39:15, 110:10, 142:21, 170:5, 177:6 perspectives [4] - 4:22, 34:14, 57:11, 206:19 pertained [1] - 184:19 pervasive [1] - 144:4 pervverted [1] - 65:7 petition [1] - 184:5</p>
P				
<p>P.M [5] - 122:24, 122:25, 178:7, 178:8, 211:9 PACE [5] - 140:19, 141:7, 141:13, 141:17, 143:3 packages [1] - 21:17 page [35] - 21:18, 21:21, 22:10, 22:16, 23:2, 23:25, 24:5, 24:15, 25:16, 26:4, 64:14, 64:21, 102:16, 105:7, 106:11, 110:3, 183:18, 183:23, 186:22, 187:18, 187:19, 197:15, 199:18, 200:9, 200:10, 201:8, 202:10, 207:7 paged [1] - 22:21 pager [5] - 90:5, 117:25, 119:13, 126:23, 147:17</p>				

<p>phone [6] - 24:6, 32:14, 101:23, 102:10, 126:22, 137:14</p> <p>phoney [2] - 142:6, 142:10</p> <p>phoning [1] - 32:16</p> <p>phony [1] - 141:23</p> <p>phrase [1] - 51:4</p> <p>phrases [1] - 187:17</p> <p>physical [2] - 10:5, 86:2</p> <p>pick [8] - 42:8, 99:7, 101:22, 102:10, 118:13, 118:14, 164:16, 164:19</p> <p>picked [2] - 42:25, 46:8</p> <p>picking [1] - 99:3</p> <p>picks [1] - 23:20</p> <p>Pickton [22] - 14:21, 17:18, 18:24, 19:13, 19:25, 20:7, 25:21, 26:6, 96:6, 99:11, 102:19, 103:2, 103:3, 103:25, 104:15, 105:6, 105:19, 105:23, 108:23, 109:5, 200:19, 203:10</p> <p>Pickton's [4] - 13:6, 14:1, 19:12, 103:24</p> <p>Pickton-centric [2] - 102:19, 105:6</p> <p>picture [4] - 8:18, 12:16, 84:21, 97:9</p> <p>piece [5] - 10:21, 10:22, 42:9, 52:14, 166:17</p> <p>pillar [1] - 180:23</p> <p>pillars [1] - 82:8</p> <p>pioneered [1] - 180:21</p> <p>pipe [1] - 88:4</p> <p>place [9] - 42:3, 77:17, 80:8, 96:6, 96:7, 127:5, 175:22, 185:25, 186:2</p> <p>places [1] - 27:16</p> <p>plan [2] - 100:17, 130:9</p> <p>planning [2] - 83:7, 149:8</p> <p>plate [2] - 11:15, 12:8</p> <p>play [3] - 49:2, 67:14, 67:18</p> <p>played [2] - 68:2, 127:13</p> <p>plight [2] - 52:9, 95:14</p> <p>ploy [2] - 152:2, 152:3</p> <p>pocket [1] - 19:7</p>	<p>point [49] - 5:19, 9:21, 15:1, 17:12, 28:17, 30:25, 32:22, 37:19, 43:12, 44:25, 45:1, 46:9, 46:10, 48:17, 54:13, 58:3, 64:1, 67:2, 70:5, 70:7, 70:17, 72:16, 81:7, 81:20, 82:19, 84:9, 85:20, 91:12, 92:6, 92:9, 94:12, 97:19, 99:22, 101:14, 108:5, 115:18, 119:19, 119:25, 121:23, 134:11, 143:1, 147:9, 153:25, 171:15, 171:17, 178:18, 179:9, 179:10, 202:13</p> <p>pointed [1] - 170:12</p> <p>pointiest [1] - 24:16</p> <p>points [2] - 73:16, 203:2</p> <p>Police [49] - 2:2, 7:6, 7:13, 41:22, 49:3, 49:6, 49:25, 52:20, 52:25, 53:12, 53:21, 56:6, 57:14, 60:19, 70:8, 79:13, 88:11, 92:7, 101:5, 102:8, 103:13, 104:2, 106:6, 106:16, 109:17, 109:21, 111:8, 112:10, 112:14, 112:16, 115:23, 116:4, 116:11, 151:20, 171:20, 183:20, 184:24, 189:19, 200:11, 202:25, 203:6, 203:17, 204:25, 206:9, 206:15, 207:16, 208:1, 209:3, 209:20</p> <p>police [81] - 17:22, 19:21, 38:11, 38:12, 55:25, 60:3, 65:8, 65:12, 65:23, 65:24, 67:23, 69:2, 69:6, 69:7, 69:8, 69:17, 70:19, 74:9, 78:4, 78:6, 78:7, 86:18, 86:25, 88:4, 95:10, 98:16, 98:17, 118:20, 122:10, 122:12, 122:17, 126:15, 134:3, 134:25, 135:3, 135:6, 137:10,</p>	<p>138:3, 140:13, 141:2, 141:4, 141:15, 142:1, 142:11, 143:15, 143:20, 143:21, 144:5, 144:17, 146:12, 146:13, 154:11, 156:17, 163:20, 169:20, 170:2, 173:24, 174:16, 174:24, 175:5, 175:20, 176:8, 176:16, 176:18, 176:22, 177:5, 186:9, 188:21, 190:10, 190:14, 191:18, 192:1, 192:23, 192:24, 201:15, 204:4, 205:17, 208:8, 208:17, 210:7</p> <p>policeman [1] - 170:14</p> <p>Policing [3] - 181:23, 182:6, 192:5</p> <p>policing [33] - 49:10, 68:11, 68:14, 70:8, 70:10, 71:1, 71:7, 72:3, 72:21, 73:1, 73:21, 74:14, 74:18, 75:5, 75:18, 76:16, 77:6, 78:10, 79:19, 95:7, 98:6, 98:10, 98:12, 111:20, 147:1, 170:1, 170:7, 184:17, 189:9, 189:21, 191:22, 193:2</p> <p>policy [6] - 1:6, 1:11, 76:12, 128:7, 179:24, 180:5</p> <p>political [25] - 48:17, 48:20, 48:23, 49:1, 49:2, 49:12, 49:22, 49:23, 57:17, 63:18, 65:10, 68:20, 73:1, 73:3, 75:12, 76:11, 76:24, 77:9, 77:17, 78:5, 119:1, 169:2, 170:5, 171:21</p> <p>politically [3] - 50:19, 75:13, 113:6</p> <p>politicians [1] - 170:2</p> <p>politicized [3] - 73:22, 75:7, 75:11</p> <p>politics [8] - 49:5, 63:23, 68:21, 68:22, 73:4, 73:7, 76:12</p> <p>polygraph [1] - 146:8</p> <p>poor [1] - 52:13</p>	<p>popped [1] - 141:6</p> <p>popular [3] - 121:13, 131:19, 131:22</p> <p>Port [1] - 14:1</p> <p>portions [2] - 63:2, 203:4</p> <p>Portland [1] - 154:16</p> <p>portrayed [1] - 207:16</p> <p>position [12] - 5:3, 49:15, 80:25, 119:21, 122:4, 122:6, 124:9, 151:9, 159:15, 166:15, 187:5, 208:16</p> <p>positive [6] - 45:13, 51:24, 68:15, 88:8, 206:2</p> <p>possession [1] - 173:15</p> <p>possibility [1] - 44:5</p> <p>possible [12] - 59:24, 69:14, 79:13, 98:8, 98:9, 120:20, 158:1, 159:1, 161:21, 179:13, 180:17, 204:24</p> <p>possibly [2] - 83:10, 156:5</p> <p>post [2] - 200:19, 203:10</p> <p>post-Pickton [2] - 200:19, 203:10</p> <p>posted [1] - 12:16</p> <p>potential [2] - 155:22, 166:13</p> <p>potentially [8] - 52:22, 52:23, 76:23, 155:7, 163:11, 163:23, 190:4, 200:2</p> <p>Powell [2] - 181:15, 182:25</p> <p>powerful [1] - 76:23</p> <p>practical [1] - 67:2</p> <p>practice [2] - 86:5, 86:6</p> <p>Prado [3] - 32:15, 32:19, 34:2</p> <p>pragmatic [1] - 67:2</p> <p>preceded [1] - 166:22</p> <p>preconceived [1] - 163:16</p> <p>preconception [1] - 163:22</p> <p>predator [3] - 11:14, 12:9, 12:15</p> <p>predators [2] - 10:9, 11:25</p> <p>predicated [1] - 123:24</p> <p>predict [1] - 157:20</p>	<p>predictable [5] - 156:14, 156:15, 156:16, 156:21, 156:25</p> <p>prefer [1] - 2:3</p> <p>preferable [3] - 81:21, 81:25, 107:25</p> <p>preliminary [1] - 6:18</p> <p>premise [2] - 66:22, 119:3</p> <p>prepare [2] - 41:12, 210:24</p> <p>prepared [7] - 8:2, 93:16, 98:18, 98:20, 187:4, 187:5, 202:12</p> <p>preponderance [1] - 165:11</p> <p>presence [2] - 62:9, 76:13</p> <p>present [1] - 47:21</p> <p>presentation [5] - 54:8, 57:5, 184:15, 193:18, 210:9</p> <p>presentations [1] - 210:7</p> <p>presented [2] - 47:18, 202:24</p> <p>presenting [1] - 58:2</p> <p>preservation [1] - 76:2</p> <p>press [9] - 80:6, 141:9, 141:12, 141:20, 141:21, 204:3, 204:22, 208:19</p> <p>pressing [2] - 74:10, 106:16</p> <p>pressure [3] - 48:23, 50:13, 100:3</p> <p>pressures [1] - 77:17</p> <p>pretrial [1] - 43:1</p> <p>pretty [3] - 56:2, 86:5, 145:25</p> <p>prevail [1] - 114:2</p> <p>previous [1] - 115:12</p> <p>preying [1] - 194:12</p> <p>priced [1] - 38:3</p> <p>Pride [1] - 76:7</p> <p>primarily [3] - 127:13, 131:9, 131:11</p> <p>primary [3] - 74:3, 128:10, 131:13</p> <p>printed [1] - 138:6</p> <p>priorities [8] - 49:20, 57:4, 88:12, 108:6, 128:12, 129:5, 155:15, 158:17</p> <p>prioritize [2] - 128:16, 128:22</p> <p>prioritized [3] - 128:16, 128:24,</p>
--	---	---	--	--

<p>129:8</p> <p>prioritizing [2] - 128:17, 129:14</p> <p>priority [8] - 83:6, 83:7, 106:6, 106:7, 106:8, 106:15, 108:8, 128:20</p> <p>prison [2] - 47:1, 80:21</p> <p>prisoner [1] - 81:1</p> <p>privacy [1] - 184:22</p> <p>private [3] - 196:15, 196:16, 199:7</p> <p>privilege [1] - 178:21</p> <p>probable [1] - 56:13</p> <p>problem [42] - 18:1, 24:21, 27:14, 28:6, 41:14, 45:4, 45:19, 45:21, 45:22, 57:10, 60:13, 61:9, 66:4, 67:9, 78:16, 78:21, 78:22, 84:7, 84:10, 101:22, 102:3, 103:20, 132:7, 132:9, 140:13, 141:21, 142:13, 163:16, 170:8, 170:19, 176:5, 176:7, 177:5, 183:25, 184:4, 185:1, 185:5, 185:24, 188:23, 190:5, 192:8</p> <p>problems [14] - 31:24, 42:18, 57:10, 90:8, 90:15, 98:11, 106:17, 137:9, 157:20, 169:4, 169:25, 181:17, 185:16, 186:21</p> <p>procedural [3] - 1:19, 1:23, 6:8</p> <p>procedure [2] - 35:11, 41:1</p> <p>procedures [2] - 195:4, 195:12</p> <p>proceed [2] - 100:21, 164:22</p> <p>PROCEEDINGS [9] - 1:3, 59:7, 59:8, 122:24, 122:25, 178:7, 178:8, 211:9, 1:1</p> <p>proceedings [3] - 36:1, 112:13, 211:13</p> <p>process [5] - 84:11, 84:12, 200:25, 203:24</p> <p>produced [2] - 57:25, 58:15</p>	<p>producing [2] - 148:16, 183:2</p> <p>profiling [1] - 97:1</p> <p>profit [1] - 172:14</p> <p>profound [4] - 156:20, 157:19, 161:14</p> <p>program [9] - 129:16, 129:17, 131:13, 131:16, 184:19, 184:21, 187:6, 190:19, 192:10</p> <p>Program [4] - 129:24, 131:12, 181:23, 182:6</p> <p>programs [2] - 129:23, 139:3</p> <p>progressed [1] - 88:9</p> <p>progressing [1] - 104:18</p> <p>Project [4] - 194:2, 194:10, 203:8, 204:15</p> <p>project [3] - 182:15, 182:22, 193:22</p> <p>proliferation [1] - 159:9</p> <p>prominent [1] - 138:4</p> <p>proof [1] - 142:21</p> <p>proper [4] - 82:20, 107:12, 208:16, 209:15</p> <p>properly [2] - 47:16, 82:13</p> <p>property [4] - 76:2, 173:17, 185:23, 186:17</p> <p>proportion [1] - 141:3</p> <p>proposed [1] - 35:25</p> <p>proposition [4] - 12:12, 46:2, 46:5, 124:23</p> <p>propositioning [1] - 185:14</p> <p>prosecute [1] - 174:18</p> <p>prosecuted [2] - 142:8, 142:11</p> <p>prosecuting [1] - 78:14</p> <p>prosecution [1] - 16:22</p> <p>prostitute [2] - 38:21, 142:2</p> <p>prostitutes [4] - 39:7, 183:8, 187:23, 188:15</p> <p>prostitution [9] - 173:14, 183:25, 184:10, 184:25, 185:5, 185:6, 185:8, 185:25, 186:1</p>	<p>Prostitution [1] - 184:6</p> <p>protect [7] - 51:14, 79:4, 79:6, 79:9, 190:22, 190:25, 192:2</p> <p>protected [1] - 79:12</p> <p>protecting [4] - 11:16, 49:15, 78:12, 188:1</p> <p>protection [17] - 49:9, 76:1, 187:23, 188:3, 188:11, 188:23, 188:25, 189:15, 190:7, 190:9, 190:14, 191:11, 191:13, 191:22, 192:15, 192:24, 193:9</p> <p>Protestant [1] - 37:3</p> <p>protocol [1] - 203:16</p> <p>prove [4] - 15:1, 39:15, 41:15, 66:9</p> <p>proved [1] - 57:22</p> <p>provide [15] - 163:3, 173:6, 173:8, 175:12, 188:10, 190:9, 190:10, 190:14, 191:14, 191:22, 192:23, 193:8, 201:3, 207:9</p> <p>provided [7] - 66:8, 125:1, 165:5, 182:17, 191:3, 200:22, 203:19</p> <p>providing [5] - 66:5, 82:14, 183:3, 188:25, 209:2</p> <p>Province [1] - 52:7</p> <p>provincial [2] - 40:5, 110:7</p> <p>prowling [1] - 11:5</p> <p>proximity [1] - 112:24</p> <p>proxy [1] - 172:1</p> <p>psychological [2] - 82:21</p> <p>public [16] - 38:14, 53:3, 53:18, 56:5, 161:10, 173:21, 175:1, 180:4, 185:21, 185:25, 186:2, 186:3, 186:5, 186:6, 186:11, 203:2</p> <p>publicity [1] - 201:11</p> <p>published [1] - 148:15</p> <p>pulled [3] - 23:8, 23:12, 24:24</p> <p>pure [1] - 26:25</p> <p>purpose [4] - 126:4, 126:12, 171:7, 185:25</p>	<p>purposes [6] - 51:11, 169:2, 171:22, 172:9, 172:11, 172:12</p> <p>purse [1] - 136:15</p> <p>purses [2] - 136:19, 136:23</p> <p>pursuits [1] - 25:10</p> <p>pushing [1] - 25:3</p> <p>put [32] - 2:17, 4:7, 4:22, 5:21, 7:9, 22:20, 54:16, 59:1, 73:20, 74:5, 81:12, 81:17, 84:14, 87:14, 107:1, 107:18, 128:25, 133:14, 145:2, 155:9, 164:9, 164:11, 171:14, 190:16, 191:20, 192:1, 192:25, 195:2, 201:6, 207:12, 208:6, 209:24</p> <p>putting [5] - 88:11, 107:20, 108:7, 138:13, 174:9</p>	<p>106:4, 106:10, 108:22, 117:13, 137:16, 155:1, 192:7, 207:17, 208:22</p> <p>quote [12] - 42:19, 55:24, 59:12, 64:10, 64:12, 124:25, 125:4, 125:6, 125:8, 126:4, 126:5, 126:10</p> <p>quoted [1] - 148:8</p> <p>quotes [1] - 62:12</p> <p>quoting [1] - 62:14</p>
R				
<p>radio [3] - 60:24, 85:1, 118:20</p> <p>Radio [1] - 2:22</p> <p>radius [1] - 199:5</p> <p>rails [2] - 104:5, 104:20</p> <p>raise [2] - 99:22, 177:18</p> <p>raised [4] - 5:19, 91:16, 100:9, 100:10</p> <p>rambling [1] - 63:6</p> <p>ran [6] - 27:21, 28:7, 115:12, 129:24, 130:11, 182:6</p> <p>rank [3] - 152:13, 152:24, 204:9</p> <p>rape [3] - 138:10, 139:15, 145:1</p> <p>raped [1] - 141:15</p> <p>rather [10] - 37:14, 47:4, 47:5, 48:21, 61:19, 63:6, 68:9, 75:8, 80:13, 173:2</p> <p>rational [2] - 48:21, 57:2</p> <p>Ravi [2] - 93:10, 178:10</p> <p>RCMP [12] - 85:17, 101:1, 101:4, 101:24, 108:4, 108:5, 108:17, 145:7, 203:15, 203:16, 203:25, 206:16</p> <p>re [6] - 7:18, 107:13, 107:14, 107:22, 167:3, 171:2</p> <p>re-direct [1] - 171:2</p> <p>re-exam [1] - 107:22</p> <p>re-examine [3] - 7:18, 107:13, 107:14</p> <p>re-read [1] - 167:3</p> <p>reach [1] - 45:23</p>				
Q				
<p>qualifying [2] - 107:3, 107:19</p> <p>quality [3] - 71:12, 157:24, 184:7</p> <p>quarters [1] - 111:7</p> <p>questioned [1] - 176:15</p> <p>questionnaire [2] - 143:4, 143:7</p> <p>questions [18] - 12:24, 34:10, 34:18, 36:6, 55:2, 73:22, 92:17, 105:11, 110:15, 153:16, 172:14, 177:13, 177:15, 177:17, 207:18, 207:19, 208:20, 211:2</p> <p>quick [2] - 146:8, 148:23</p> <p>quicker [1] - 153:10</p> <p>quickly [5] - 97:15, 121:1, 136:12, 154:9, 183:9</p> <p>quite [26] - 14:5, 31:23, 35:23, 41:25, 44:21, 56:1, 68:9, 70:4, 72:11, 72:14, 73:19, 74:21, 78:20, 80:4, 90:21, 105:5,</p>				

<p>reached [2] - 56:24, 56:25</p> <p>reaching [1] - 50:8</p> <p>reacted [1] - 51:16</p> <p>reaction [1] - 52:20</p> <p>reactive [1] - 68:13</p> <p>read [21] - 5:13, 23:24, 36:13, 37:8, 48:19, 64:18, 104:11, 106:13, 107:11, 118:4, 124:19, 138:24, 163:5, 167:3, 168:13, 187:8, 201:9, 202:16, 202:18, 202:24, 203:19</p> <p>reading [3] - 104:23, 187:11, 202:21</p> <p>reads [1] - 200:21</p> <p>ready.. [1] - 22:2</p> <p>real [5] - 10:2, 167:24, 168:3, 168:23, 186:15</p> <p>realistically [1] - 155:15</p> <p>reality [3] - 47:9, 73:17, 193:5</p> <p>realization [1] - 183:11</p> <p>realize [2] - 165:16, 195:6</p> <p>realized [2] - 84:6, 154:2</p> <p>really [41] - 6:9, 8:16, 10:6, 22:5, 24:21, 24:22, 24:25, 32:11, 35:12, 39:10, 39:11, 45:13, 61:3, 70:16, 87:14, 95:7, 96:14, 111:19, 117:22, 119:16, 123:18, 125:20, 127:20, 131:7, 132:2, 132:5, 137:22, 139:8, 142:23, 142:24, 147:22, 149:19, 150:9, 151:1, 163:8, 169:5, 170:6, 176:22, 199:12, 202:17, 209:12</p> <p>reason [16] - 40:14, 42:2, 43:22, 48:21, 54:16, 71:21, 86:11, 86:12, 94:23, 102:20, 133:9, 136:14, 173:1, 173:9, 177:1, 198:2</p> <p>reasonable [4] - 1:24, 39:16, 163:1, 165:16</p> <p>reasoned [1] - 57:1</p>	<p>reasoning [4] - 9:21, 48:9, 128:23, 145:22</p> <p>reasons [12] - 3:4, 45:15, 50:9, 66:13, 95:2, 139:5, 155:4, 156:10, 164:1, 164:4, 173:5, 193:24</p> <p>rebutting [1] - 45:15</p> <p>receive [1] - 192:15</p> <p>received [4] - 168:19, 181:16, 187:1, 194:24</p> <p>receiving [4] - 26:17, 124:1, 165:23, 166:1</p> <p>recent [1] - 27:24</p> <p>recently [4] - 17:7, 27:21, 28:16, 168:23</p> <p>receptive [1] - 145:18</p> <p>recess [2] - 59:6, 178:6</p> <p>recognize [3] - 5:12, 8:8, 78:21</p> <p>recognized [2] - 89:24, 137:24</p> <p>recollect [2] - 194:13, 194:16</p> <p>recollection [2] - 109:22, 209:21</p> <p>recommendations [1] - 168:5</p> <p>recommended [1] - 19:24</p> <p>recommending [1] - 17:22</p> <p>RECONVENED [1] - 1:3</p> <p>record [14] - 3:1, 43:2, 43:3, 44:15, 93:10, 107:2, 110:19, 110:25, 136:3, 157:14, 157:16, 175:25, 187:24, 209:7</p> <p>records [5] - 32:8, 43:6, 85:3, 87:9, 87:12</p> <p>recovery [5] - 25:4, 25:11, 26:9, 27:13, 27:18</p> <p>red [1] - 149:10</p> <p>reduce [1] - 180:13</p> <p>reduction [2] - 180:13, 181:3</p> <p>refer [7] - 25:24, 30:11, 58:16, 65:9, 105:7, 171:22</p> <p>reference [10] - 29:14, 36:9, 37:16, 59:4, 61:16, 64:11, 64:16, 65:4, 88:21, 194:5</p>	<p>referred [6] - 114:13, 116:5, 117:6, 117:7, 121:22, 200:8</p> <p>referring [8] - 61:13, 64:10, 66:1, 72:8, 106:10, 110:1, 171:24, 207:6</p> <p>refers [3] - 27:19, 65:8, 90:4</p> <p>refining [1] - 55:24</p> <p>reflect [1] - 112:1</p> <p>reflected [1] - 112:13</p> <p>reflection [1] - 63:4</p> <p>reflective [1] - 188:20</p> <p>reflects [1] - 110:25</p> <p>refrain [1] - 5:16</p> <p>refresh [3] - 27:7, 32:23, 107:8</p> <p>refusal [1] - 47:13</p> <p>refused [1] - 121:1</p> <p>refute [1] - 29:6</p> <p>regard [1] - 19:16</p> <p>regarding [2] - 98:5, 109:17</p> <p>Regional [1] - 39:5</p> <p>regional [3] - 98:5, 98:10, 98:16</p> <p>REGISTRAR [10] - 1:4, 59:6, 59:9, 110:18, 111:2, 122:23, 123:1, 178:6, 178:9, 211:7</p> <p>registrar [2] - 84:14, 93:18</p> <p>regular [17] - 10:10, 13:13, 33:11, 42:13, 101:11, 102:9, 137:17, 145:14, 156:6, 156:13, 156:15, 158:21, 158:25, 159:2, 183:19, 190:19, 204:16</p> <p>regularly [3] - 20:23, 90:25, 101:17</p> <p>rehab [1] - 29:23</p> <p>rehabilitate [1] - 33:17</p> <p>rehabilitation [1] - 80:24</p> <p>relapse [1] - 25:7</p> <p>relate [1] - 181:21</p> <p>related [3] - 81:15, 99:24, 100:2</p> <p>relates [1] - 181:22</p> <p>relating [2] - 16:23, 116:1</p> <p>relation [5] - 20:15, 85:11, 111:14, 158:14, 171:10</p> <p>relations [1] - 184:22</p>	<p>relationship [8] - 50:1, 120:24, 120:25, 140:7, 176:6, 179:17, 179:22, 180:3</p> <p>relationships [2] - 135:4, 160:1</p> <p>release [7] - 141:9, 141:13, 141:21, 204:2, 204:3, 204:4, 204:23</p> <p>released [4] - 126:7, 140:21, 153:8, 204:2</p> <p>releases [2] - 203:17, 204:23</p> <p>releasing [1] - 50:11</p> <p>relevant [6] - 29:10, 29:13, 30:9, 35:13, 93:12, 100:15</p> <p>reliable [1] - 164:5</p> <p>relied [4] - 126:10, 201:5, 207:11, 208:5</p> <p>rely [1] - 157:24</p> <p>remainder [1] - 178:11</p> <p>remained [1] - 155:17</p> <p>remains [1] - 98:13</p> <p>remark [1] - 126:14</p> <p>remarks [1] - 76:13</p> <p>remember [36] - 9:24, 25:8, 28:3, 28:5, 28:8, 28:9, 31:15, 31:21, 32:9, 32:16, 63:22, 91:22, 98:8, 101:14, 101:15, 116:14, 116:21, 116:23, 125:3, 140:19, 142:8, 142:20, 149:1, 149:4, 149:5, 149:22, 156:7, 169:11, 169:13, 179:4, 179:15, 187:11, 199:15, 199:16, 201:17, 209:23</p> <p>remembered [2] - 28:1, 87:16</p> <p>remind [2] - 16:12, 204:9</p> <p>rent [1] - 122:17</p> <p>repeat [1] - 134:16</p> <p>repeated [1] - 38:25</p> <p>repeating [1] - 99:10</p> <p>rephrase [1] - 66:24</p> <p>replaced [1] - 110:23</p> <p>replete [1] - 174:13</p> <p>replied [2] - 2:1, 24:4</p> <p>replies [1] - 26:14</p> <p>reply [4] - 2:2, 2:5, 5:18, 192:12</p>	<p>report [17] - 75:19, 103:8, 104:12, 124:19, 124:21, 124:22, 126:6, 126:10, 143:3, 164:2, 167:6, 168:19, 181:16, 183:24, 200:22, 201:17, 201:22</p> <p>reported [6] - 21:9, 34:4, 77:22, 143:6, 204:16, 205:23</p> <p>Reporter [1] - 211:18</p> <p>reporters [1] - 53:1</p> <p>reporting [4] - 20:11, 54:6, 92:1, 167:25</p> <p>REPORTING [1] - 211:19</p> <p>reports [6] - 167:22, 168:17, 201:6, 205:25, 207:12, 208:22</p> <p>represent [4] - 4:17, 7:15, 34:15, 41:18</p> <p>representation [1] - 7:2</p> <p>representative [3] - 126:11, 138:12, 138:14</p> <p>represented [2] - 6:23, 138:17</p> <p>representing [2] - 7:10, 7:13</p> <p>reputations [1] - 144:1</p> <p>request [4] - 1:23, 55:3, 55:4</p> <p>requested [1] - 92:18</p> <p>require [3] - 6:25, 82:23, 190:7</p> <p>required [5] - 103:12, 118:15, 172:24, 195:5, 195:19</p> <p>requires [1] - 176:20</p> <p>rescue [1] - 129:20</p> <p>research [4] - 56:12, 140:21, 140:23, 143:3</p> <p>reserves [1] - 120:22</p> <p>residence [1] - 160:14</p> <p>resident [1] - 154:15</p> <p>residents [3] - 44:11, 70:23, 72:5</p> <p>Residents [1] - 113:7</p> <p>residual [1] - 166:8</p> <p>resistance [2] - 191:6, 194:9</p> <p>resolidify [1] - 80:24</p> <p>resolution [1] - 45:23</p> <p>resolved [1] - 30:4</p>
--	---	---	---	---

<p>resource ^[16] - 50:17, 52:24, 73:2, 73:21, 95:3, 106:7, 150:14, 151:2, 162:13, 165:14, 172:11, 172:13, 185:4, 189:1, 198:15, 199:6</p> <p>resourced ^[1] - 47:17</p> <p>resources ^[55] - 41:13, 45:16, 47:13, 48:10, 48:16, 48:22, 49:7, 49:13, 49:16, 49:19, 50:15, 50:25, 51:5, 53:14, 57:3, 67:4, 67:7, 73:25, 77:11, 77:15, 77:20, 78:12, 78:13, 79:10, 84:5, 84:19, 86:13, 86:14, 97:20, 97:21, 97:23, 98:2, 109:14, 109:16, 109:20, 109:25, 164:1, 164:11, 164:23, 172:17, 172:20, 172:22, 172:23, 173:8, 175:9, 175:10, 182:12, 183:15, 190:10, 192:3, 193:10, 195:18, 195:21, 196:14, 204:21</p> <p>resourcing ^[4] - 48:2, 48:4, 163:4, 164:14</p> <p>respect ^[14] - 3:2, 4:2, 5:2, 5:7, 6:5, 17:6, 17:19, 18:2, 69:12, 74:3, 146:24, 203:8, 204:13, 205:19</p> <p>respected ^[1] - 116:16</p> <p>respectful ^[2] - 28:14, 195:17</p> <p>respectfully ^[3] - 5:21, 6:9, 7:24</p> <p>respond ^[18] - 5:20, 5:22, 6:10, 6:11, 21:5, 21:15, 25:15, 55:6, 74:4, 119:15, 124:15, 125:19, 146:9, 187:9, 191:16, 191:18, 191:21, 201:21</p> <p>responding ^[5] - 201:24, 202:2, 203:5, 203:13, 204:6</p> <p>response ^[14] - 27:8, 53:20, 110:7, 163:2, 173:4, 182:18, 184:15, 184:23, 187:4, 187:10, 191:9, 192:9, 200:23</p>	<p>responses ^[1] - 187:17</p> <p>responsibilities ^[1] - 204:7</p> <p>responsibility ^[7] - 69:18, 201:24, 203:5, 203:12, 204:13, 209:18, 210:2</p> <p>responsible ^[16] - 52:8, 90:17, 128:1, 138:10, 139:15, 140:3, 140:14, 144:22, 145:1, 148:9, 148:17, 148:19, 182:9, 199:24, 202:2, 210:13</p> <p>rest ^[7] - 22:24, 36:23, 70:2, 201:7, 207:13, 208:6</p> <p>result ^[4] - 44:24, 151:11, 194:10, 194:17</p> <p>results ^[1] - 173:10</p> <p>resume ^[1] - 211:8</p> <p>RESUMED ^[3] - 59:8, 122:25, 178:8</p> <p>resumed ^[6] - 1:4, 59:9, 123:1, 178:9, 202:8, 211:7</p> <p>Resumed ^[8] - 9:11, 36:7, 93:23, 100:23, 105:3, 109:3, 111:4, 153:17</p> <p>retain ^[1] - 124:9</p> <p>retaliations ^[1] - 134:2</p> <p>retired ^[4] - 80:6, 93:11, 138:9, 153:21</p> <p>retrieving ^[1] - 93:2</p> <p>return ^[1] - 24:6</p> <p>returned ^[1] - 183:10</p> <p>review ^[6] - 94:1, 151:11, 153:10, 200:25, 210:22, 211:5</p> <p>reviews ^[1] - 104:23</p> <p>revolved ^[1] - 185:7</p> <p>revolver ^[2] - 12:18, 125:10</p> <p>rife ^[1] - 12:14</p> <p>rightly ^[1] - 207:18</p> <p>rise ^[2] - 28:12, 147:23</p> <p>rises ^[1] - 8:7</p> <p>risk ^[12] - 90:18, 188:7, 188:16, 189:18, 189:22, 190:2, 190:7, 190:17, 191:20, 192:1, 193:1</p>	<p>risky ^[1] - 190:13</p> <p>road ^[7] - 41:5, 45:3, 46:25, 75:22, 84:23, 85:2, 85:3</p> <p>Roberts ^[12] - 1:18, 1:20, 1:22, 3:10, 3:19, 4:16, 4:20, 5:19, 6:11, 12:24, 16:19, 18:16</p> <p>ROBERTS ^[7] - 1:21, 2:5, 2:14, 3:1, 3:9, 3:25, 4:9</p> <p>Roberts' ^[2] - 4:13, 18:23</p> <p>Robinson ^[2] - 139:1, 139:19</p> <p>Robyn ^[2] - 3:2, 3:25</p> <p>role ^[21] - 50:22, 60:21, 60:22, 60:23, 69:17, 89:11, 94:4, 94:7, 94:8, 114:22, 116:10, 118:9, 118:13, 119:10, 127:12, 161:1, 162:10, 165:1, 165:3, 165:17, 204:17</p> <p>room ^[4] - 18:15, 73:20, 77:13, 118:17</p> <p>Rossmo ^[18] - 39:14, 39:24, 40:3, 42:2, 44:13, 45:8, 56:10, 57:6, 66:9, 66:18, 96:17, 96:23, 162:25, 165:4, 165:5, 201:14, 205:17</p> <p>Rossmo's ^[2] - 84:9, 163:6</p> <p>routine ^[1] - 191:19</p> <p>rude ^[1] - 198:3</p> <p>rule ^[1] - 155:23</p> <p>rules ^[2] - 5:7, 37:12</p> <p>ruling ^[1] - 29:16</p> <p>rumour ^[5] - 139:11, 139:13, 139:14, 139:24, 144:25</p> <p>rumours ^[3] - 139:25, 145:24, 146:11</p> <p>run ^[9] - 5:8, 39:14, 40:13, 54:3, 99:16, 118:22, 127:17, 155:2</p> <p>running ^[3] - 87:20, 139:3, 181:18</p> <p>Russ ^[3] - 186:23, 187:12, 189:3</p>	<p style="text-align: center;">S</p> <p>safe ^[7] - 175:22, 179:21, 180:20, 180:21, 181:4, 181:6, 181:12</p> <p>Safety ^[12] - 118:25, 127:14, 127:16, 127:25, 128:2, 128:11, 128:15, 128:21, 129:15, 131:14, 172:5, 189:5</p> <p>safety ^[16] - 10:8, 10:17, 11:17, 20:25, 71:13, 89:15, 91:6, 91:9, 123:9, 129:23, 131:9, 184:7, 186:17, 193:8</p> <p>Sandra ^[10] - 137:16, 194:18, 194:21, 196:10, 196:18, 197:11, 197:16, 197:23, 201:13, 205:15</p> <p>sandwiches ^[1] - 40:11</p> <p>Sandy ^[1] - 199:22</p> <p>Sarah ^[2] - 161:24, 162:20</p> <p>satisfactory ^[1] - 2:18</p> <p>satisfied ^[1] - 15:25</p> <p>satisfy ^[1] - 208:7</p> <p>save ^[1] - 107:23</p> <p>saw ^[8] - 31:1, 37:18, 74:1, 79:15, 89:2, 143:4, 154:1, 207:22</p> <p>scare ^[1] - 10:6</p> <p>scenario ^[4] - 16:8, 17:15, 99:5, 99:8</p> <p>scene ^[2] - 96:25, 97:17</p> <p>scenes ^[1] - 97:3</p> <p>schedule ^[1] - 157:12</p> <p>scheduled ^[2] - 149:2, 177:24</p> <p>school ^[4] - 75:8, 185:13, 187:15</p> <p>schools ^[1] - 182:21</p> <p>Scott ^[2] - 203:14, 203:18</p> <p>scream ^[1] - 130:23</p> <p>scrolled ^[1] - 137:24</p> <p>scruff ^[1] - 81:25</p> <p>scrutiny ^[1] - 154:11</p> <p>se ^[1] - 109:21</p> <p>search ^[4] - 43:7, 43:9, 109:7, 136:15</p> <p>searched ^[2] - 19:12, 136:7</p>	<p>seat ^[2] - 12:20, 125:3</p> <p>second ^[9] - 32:8, 51:20, 65:20, 134:17, 137:12, 170:20, 183:23, 207:7</p> <p>secondary ^[1] - 57:24</p> <p>secret ^[1] - 27:16</p> <p>section ^[7] - 54:6, 54:16, 54:19, 54:20, 55:5, 55:6</p> <p>Section ^[2] - 102:4, 109:12</p> <p>secured ^[1] - 28:21</p> <p>see ^[30] - 5:10, 7:2, 7:11, 21:21, 23:20, 25:16, 25:18, 38:2, 50:11, 55:14, 58:24, 63:2, 64:16, 64:23, 64:25, 83:24, 83:25, 99:21, 111:20, 116:22, 140:6, 154:7, 178:16, 178:18, 187:1, 187:17, 188:17, 193:18, 197:10, 197:15</p> <p>seeing ^[2] - 116:1, 201:17</p> <p>seem ^[4] - 23:10, 177:20, 200:23, 205:25</p> <p>sees ^[1] - 49:20</p> <p>segment ^[1] - 9:3</p> <p>select ^[3] - 129:5, 129:19, 129:20</p> <p>sell ^[1] - 159:7</p> <p>send ^[3] - 75:9, 119:2, 172:23</p> <p>sends ^[1] - 51:25</p> <p>senior ^[12] - 47:19, 50:3, 64:3, 64:12, 64:16, 64:17, 78:6, 81:1, 84:6, 153:3, 172:12, 193:14</p> <p>seniors ^[1] - 70:22</p> <p>sense ^[14] - 34:20, 37:17, 49:15, 57:21, 66:4, 76:12, 82:3, 113:24, 114:1, 146:2, 146:6, 174:9, 193:7, 195:5</p> <p>sensitive ^[1] - 95:13</p> <p>sensitivity ^[1] - 95:16</p> <p>sent ^[5] - 2:8, 55:22, 81:15, 130:22, 194:6</p> <p>separate ^[2] - 75:23, 110:24</p> <p>separately ^[1] - 34:25</p> <p>separating ^[1] -</p>
---	--	--	---	---

<p>125:21</p> <p>September [5] - 149:1, 149:3, 164:3, 167:6, 194:5</p> <p>sequence [1] - 148:24</p> <p>Sergeant [5] - 58:20, 94:9, 94:20, 105:1, 159:4</p> <p>sergeant [4] - 68:4, 94:11, 105:1, 156:19</p> <p>sergeants [2] - 90:17, 149:13</p> <p>serial [10] - 9:16, 12:10, 12:15, 51:4, 56:7, 97:22, 168:16, 168:21, 194:1, 194:12</p> <p>series [1] - 153:15</p> <p>serious [7] - 29:4, 30:2, 41:14, 42:23, 44:13, 135:18</p> <p>serve [4] - 51:11, 71:15, 76:20, 76:22</p> <p>served [2] - 64:8, 75:12</p> <p>serves [1] - 50:21</p> <p>service [4] - 78:7, 127:23, 129:2, 130:14</p> <p>SERVICE [1] - 211:19</p> <p>services [5] - 130:13, 142:2, 142:12, 145:17, 147:1</p> <p>serving [3] - 20:18, 72:3, 112:20</p> <p>set [5] - 31:10, 36:23, 55:5, 84:3, 167:10</p> <p>sets [1] - 67:12</p> <p>setting [1] - 207:24</p> <p>seventy [1] - 163:19</p> <p>seventy-one [1] - 163:19</p> <p>sex [80] - 9:17, 11:16, 14:6, 14:11, 15:7, 15:12, 15:16, 15:20, 15:21, 16:15, 16:24, 17:6, 34:15, 37:5, 37:20, 38:8, 38:11, 38:13, 38:16, 38:18, 38:19, 39:2, 42:7, 42:22, 51:12, 51:24, 62:10, 71:18, 78:17, 83:15, 85:19, 95:15, 114:10, 115:9, 118:6, 123:8, 128:17, 131:19, 131:20, 134:11, 134:19, 135:4, 135:6, 135:21, 135:22, 136:19,</p>	<p>137:6, 140:25, 141:2, 141:3, 141:14, 143:23, 144:5, 144:6, 144:10, 146:22, 146:24, 147:2, 166:9, 173:13, 174:20, 175:13, 176:2, 182:13, 182:20, 183:5, 183:12, 184:18, 188:1, 189:12, 189:14, 189:25, 190:21, 190:25, 191:10, 192:3, 192:13, 193:5, 194:12</p> <p>sexual [6] - 10:5, 79:14, 90:10, 142:2, 142:12, 146:22</p> <p>Sexual [1] - 144:1</p> <p>shaking [1] - 7:2</p> <p>shall [5] - 37:2, 74:10, 78:5, 78:18, 82:21</p> <p>shape [1] - 131:2</p> <p>shared [3] - 40:21, 116:24, 193:13</p> <p>sharing [2] - 101:19, 180:14</p> <p>sharply [1] - 73:18</p> <p>Shaughnessy [1] - 77:19</p> <p>sheer [1] - 138:24</p> <p>sheet [1] - 166:5</p> <p>sheets [2] - 11:21, 11:23</p> <p>Shenher [6] - 93:25, 155:25, 162:7, 165:1, 167:23, 193:18</p> <p>shift [2] - 69:21, 80:12</p> <p>shifts [1] - 118:14</p> <p>shocked [2] - 108:23, 208:18</p> <p>shook [1] - 31:19</p> <p>short [3] - 97:12, 183:5, 183:6</p> <p>shot [1] - 123:19</p> <p>shoulders [1] - 44:17</p> <p>shoulds [1] - 75:24</p> <p>show [4] - 42:3, 130:24, 135:21, 135:24</p> <p>showed [1] - 58:4</p> <p>showing [1] - 62:25</p> <p>shown [2] - 176:1, 183:17</p> <p>side [10] - 23:7, 64:5, 65:12, 111:9, 111:17, 170:14,</p>	<p>186:8, 195:9, 195:15</p> <p>sides [5] - 197:19, 197:22, 198:12, 198:13</p> <p>sideways [1] - 14:17</p> <p>sight [1] - 8:18</p> <p>sign [1] - 140:8</p> <p>signed [1] - 184:4</p> <p>significance [1] - 8:11</p> <p>significant [5] - 28:17, 167:7, 184:3, 185:8, 185:9</p> <p>silliest [1] - 122:15</p> <p>similar [2] - 77:19, 116:18</p> <p>similarly [1] - 180:20</p> <p>simple [4] - 14:5, 26:25, 43:4, 136:11</p> <p>simpler [1] - 35:2</p> <p>simply [7] - 4:2, 5:11, 28:18, 44:5, 75:8, 89:11, 162:21</p> <p>simulate [1] - 10:14</p> <p>sincere [1] - 95:22</p> <p>sincerity [1] - 3:2</p> <p>Singh [9] - 27:20, 27:22, 28:14, 28:19, 29:9, 29:17, 29:18, 30:19, 31:13</p> <p>Singh's [1] - 31:9</p> <p>singular [1] - 116:6</p> <p>sink [1] - 123:22</p> <p>sister [4] - 32:14, 32:17, 34:2, 137:16</p> <p>sisters [1] - 137:15</p> <p>sit [2] - 3:24, 29:15</p> <p>site [8] - 137:20, 137:21, 137:22, 137:23, 181:5, 181:8, 181:12</p> <p>sites [4] - 179:21, 180:21, 181:4</p> <p>sitting [8] - 10:14, 12:19, 12:20, 18:15, 34:23, 59:25, 60:11, 63:13</p> <p>situation [12] - 12:5, 12:6, 12:9, 16:7, 17:10, 22:22, 37:18, 42:21, 103:7, 114:1, 133:4, 184:13</p> <p>situations [2] - 95:23, 118:22</p> <p>six [1] - 85:16</p> <p>skill [1] - 211:14</p> <p>skilled [1] - 98:23</p> <p>skills [1] - 147:24</p> <p>skip [1] - 23:1</p> <p>sleep [2] - 90:14, 113:24</p>	<p>slow [3] - 153:13, 153:15, 173:6</p> <p>small [4] - 48:23, 83:15, 85:18, 144:6</p> <p>smear [2] - 205:14, 206:10</p> <p>smearred [1] - 205:17</p> <p>social [6] - 68:16, 74:10, 76:4, 76:5, 83:6, 129:18</p> <p>socially [1] - 38:4</p> <p>society [8] - 8:20, 9:3, 46:21, 50:22, 119:23, 120:23, 169:21, 188:10</p> <p>Society [11] - 119:19, 119:20, 120:1, 120:4, 121:5, 127:19, 139:2, 139:10, 139:17, 144:23, 154:16</p> <p>solely [1] - 151:4</p> <p>solicitation [2] - 185:15, 186:5</p> <p>soliciting [2] - 185:24, 186:1</p> <p>solicitor [2] - 109:22, 109:24</p> <p>solid [1] - 47:20</p> <p>solution [2] - 74:23</p> <p>someone [14] - 42:3, 43:10, 49:18, 56:15, 67:19, 85:6, 116:20, 143:25, 154:21, 159:13, 176:25, 190:11, 194:22, 196:24</p> <p>sometime [1] - 55:15</p> <p>sometimes [14] - 8:17, 24:5, 24:6, 42:20, 48:22, 72:18, 73:18, 113:25, 130:14, 135:3, 135:6, 136:18, 173:16</p> <p>somewhat [2] - 27:4, 188:9</p> <p>somewhere [5] - 2:16, 41:5, 47:1, 138:6, 172:24</p> <p>soon [2] - 96:16, 196:13</p> <p>sooner [3] - 164:11, 164:14, 166:21</p> <p>sorry [25] - 1:10, 6:22, 17:17, 39:20, 58:18, 93:6, 99:9, 99:19, 107:23, 109:6, 110:1, 114:17, 120:2, 134:16, 147:4, 150:20,</p>	<p>153:14, 171:5, 178:17, 194:13, 205:4, 207:4, 209:4, 210:5, 210:20</p> <p>Sorry [2] - 96:22, 170:22</p> <p>sort [21] - 15:6, 16:7, 16:9, 16:23, 25:7, 26:1, 37:2, 48:9, 54:16, 92:1, 101:21, 102:8, 111:17, 127:9, 145:21, 149:13, 150:2, 161:7, 172:1, 187:17, 190:23</p> <p>sorts [2] - 32:5, 38:9</p> <p>sought [1] - 182:24</p> <p>soul [1] - 38:1</p> <p>sound [1] - 133:20</p> <p>source [1] - 172:25</p> <p>sources [2] - 14:19, 194:21</p> <p>space [1] - 122:11</p> <p>span [1] - 97:12</p> <p>speaking [14] - 3:19, 31:1, 41:10, 46:11, 46:14, 52:8, 63:8, 85:8, 86:8, 174:17, 196:11, 198:23, 206:8, 209:22</p> <p>speaks [2] - 4:20, 5:12</p> <p>special [9] - 60:2, 60:18, 60:21, 73:8, 73:10, 118:8, 118:16, 193:22</p> <p>specialized [2] - 98:23, 119:10</p> <p>specific [22] - 11:14, 12:7, 12:8, 41:7, 71:2, 86:9, 102:13, 155:25, 157:23, 159:8, 159:17, 160:7, 160:12, 160:15, 160:19, 162:11, 163:14, 183:12, 205:10, 210:9</p> <p>specifically [10] - 41:19, 44:3, 62:21, 83:24, 98:8, 108:3, 156:7, 171:8, 184:18, 187:11</p> <p>specifics [3] - 142:19, 143:10, 161:4</p> <p>spectrum [5] - 35:20, 35:24, 38:6, 124:11, 124:12</p> <p>speculate [2] - 142:15, 196:22</p> <p>speculating [2] -</p>
---	--	---	---	---

<p>159:13, 159:16 speculation [1] - 151:18 speculative [3] - 147:3, 147:5, 155:1 spent [1] - 83:18 spoken [5] - 13:18, 13:21, 139:22, 200:2, 206:14 sporadically [1] - 97:10 spotter [1] - 123:11 spouse [1] - 91:18 spreading [2] - 139:10, 140:16 Squad [3] - 35:24, 144:1, 151:22 square [1] - 193:1 Srivastava [1] - 100:11 stabilized [1] - 156:14 staff [5] - 68:3, 140:12, 141:10, 141:20, 149:13 Staff [3] - 58:20, 105:1, 159:4 stake [1] - 186:2 stall [1] - 149:6 stalled [2] - 104:19, 104:20 stand [2] - 30:5, 34:20 standard [2] - 69:17, 86:5 standards [1] - 36:23 standing [8] - 1:12, 69:20, 100:5, 100:11, 100:12, 179:22, 181:25 stapled [1] - 21:16 start [8] - 1:10, 93:22, 96:25, 122:19, 125:21, 145:20, 170:13, 176:15 started [13] - 9:23, 14:15, 58:19, 84:17, 88:22, 113:16, 120:21, 139:24, 144:25, 166:1, 180:7, 180:24 starters [2] - 27:12, 27:19 starting [3] - 23:25, 105:10, 119:23 starving [1] - 40:12 state [1] - 30:17 statement [17] - 28:13, 30:1, 42:5, 43:18, 76:25, 106:17, 106:18, 106:20, 106:25, 109:9,</p>	<p>110:1, 138:17, 141:22, 176:11, 176:17, 177:4, 191:10 statements [8] - 26:1, 31:1, 31:9, 54:5, 55:20, 176:15, 203:19, 205:18 States [1] - 32:17 states [1] - 183:24 static [1] - 85:1 statistically [1] - 45:10 status [2] - 60:18, 75:20 stay [2] - 80:6, 82:22 stayed [1] - 3:5 staying [1] - 183:4 step [3] - 43:9, 71:5, 82:24 stepped [2] - 122:3, 122:6 steps [1] - 152:21 stereotype [2] - 48:12, 165:12 Stevie [1] - 25:19 stick [1] - 178:19 sticking [1] - 178:18 still [20] - 8:25, 11:8, 11:9, 12:17, 13:13, 70:2, 74:3, 79:11, 84:3, 98:17, 106:9, 134:15, 138:9, 155:17, 165:8, 166:4, 166:5, 166:7, 178:2, 210:4 Stockholm [2] - 61:13, 61:15 Stockholmed [13] - 61:11, 61:12, 64:6, 64:25, 65:3, 65:4, 66:3, 67:22, 67:25, 68:6, 68:8, 111:8, 169:16 stonewalled [1] - 152:19 stop [6] - 22:7, 22:8, 122:21, 174:18, 175:11 stopped [3] - 146:10, 146:17, 165:7 Stoppers [2] - 56:18, 56:22 storefront [3] - 119:24, 122:8, 122:20 stories [5] - 53:13, 137:25, 146:17, 206:13, 208:19 strangers [1] - 185:18 stratas [1] - 37:11</p>	<p>Strathcona [6] - 73:12, 113:5, 113:7, 116:16, 173:19, 182:19 stratification [1] - 37:20 stratifications [1] - 38:18 street [34] - 32:4, 62:7, 62:8, 70:20, 74:6, 74:7, 80:4, 80:7, 80:9, 130:7, 136:10, 139:4, 142:16, 142:18, 146:2, 146:5, 154:7, 154:19, 156:7, 158:3, 158:14, 158:19, 159:9, 161:18, 173:21, 174:23, 175:16, 183:11, 185:7, 185:19, 191:15 Street [3] - 70:19, 181:15, 184:1 streets [6] - 11:3, 11:6, 12:11, 13:11, 121:6, 129:21 strength [1] - 75:3 stretches [1] - 117:12 strict [1] - 28:23 strictly [1] - 86:8 Strike [11] - 83:14, 83:17, 83:19, 83:23, 84:1, 84:21, 84:23, 85:4, 98:3, 103:15, 104:16 strike [1] - 85:14 stroke [1] - 49:1 strolls [2] - 90:19, 90:20 strong [3] - 49:8, 86:14, 106:21 structural [4] - 74:13, 74:15, 75:6, 77:8 structure [1] - 78:10 student [2] - 157:11, 157:15 stuff [5] - 118:20, 133:16, 134:17, 146:11, 151:14 subject [6] - 40:20, 42:1, 66:18, 68:5, 74:25, 189:17 submission [2] - 28:14, 147:5 submissions [2] - 18:16, 18:20 subsequently [1] - 104:19 substantive [2] - 54:9,</p>	<p>176:1 subversive [1] - 120:19 success [1] - 152:20 successful [6] - 16:22, 80:18, 81:6, 82:17, 95:6, 191:5 sudden [2] - 16:1, 16:5 suffering [1] - 157:19 suggest [2] - 56:12, 156:16 suggested [1] - 206:25 suggesting [11] - 7:16, 47:4, 66:14, 69:10, 77:3, 83:13, 92:5, 159:20, 162:17, 164:24, 206:6 suggestion [1] - 8:2 Summit [9] - 58:14, 58:17, 166:23, 167:10, 167:12, 168:8, 171:8, 171:19, 171:23 Sun [2] - 52:6, 148:7 superiors [1] - 119:2 superman [2] - 36:22, 37:10 supermen [1] - 36:23 supervised [3] - 181:3, 181:5, 181:8 supervision [1] - 79:23 supervisors [2] - 197:25, 200:1 supplied [1] - 37:23 supply [1] - 79:10 support [11] - 2:23, 4:3, 71:8, 82:21, 84:22, 131:5, 137:17, 175:17, 175:18, 175:20, 175:21 supported [4] - 44:13, 50:23, 71:10, 175:19 supporting [1] - 42:11 suppose [1] - 108:17 supposed [5] - 141:18, 174:17, 174:18, 208:5 suppress [1] - 158:18 surely [4] - 38:8, 38:11, 38:16, 115:17 surfaced [1] - 208:19 surprise [1] - 145:5 surprised [5] - 97:16, 97:18, 99:14, 99:16, 115:6</p>	<p>surprising [1] - 27:10 surround [1] - 185:16 surveillance [6] - 84:24, 85:5, 86:1, 86:10, 184:18 survival [10] - 15:7, 37:5, 39:2, 79:6, 134:11, 135:22, 146:22, 166:9, 173:13, 174:20 surviving [1] - 130:19 suspect [11] - 18:11, 85:12, 102:22, 103:2, 103:25, 104:1, 105:14, 105:19, 145:9, 146:6, 176:10 suspend [2] - 41:12, 57:4 suspended [1] - 79:7 suspicion [1] - 57:13 Suzanne [1] - 52:7 SWAT [1] - 55:24 Switzerland [1] - 181:1 Syndrome [2] - 61:14, 61:15 system [7] - 42:16, 89:16, 97:4, 97:19, 130:21, 131:6, 154:14</p> <p style="text-align: center;">T</p> <p>T1 [2] - 86:1, 86:2 T2 [1] - 86:1 tab [5] - 27:6, 102:15, 105:7, 106:12 table [5] - 3:6, 4:6, 44:19, 179:2, 179:12 tailoring [1] - 54:12 talks [3] - 22:9, 40:12, 175:17 target [2] - 85:9, 86:9 Target [3] - 129:24, 131:12, 131:17 targets [1] - 85:25 task [5] - 98:23, 99:7, 127:2, 142:19, 173:12 tasks [2] - 94:5, 95:24 teachers [1] - 72:9 team [11] - 4:16, 4:18, 64:17, 71:23, 94:1, 122:13, 151:11, 153:10, 193:14, 203:22, 204:15 Team [1] - 74:8 teams [1] - 50:4</p>
--	---	---	---	---

<p>temporal ^[1] - 88:21</p> <p>temporarily ^[1] - 88:25</p> <p>ten ^[3] - 96:12, 177:3, 178:6</p> <p>tends ^[1] - 157:8</p> <p>tension ^[1] - 193:4</p> <p>tenure ^[1] - 192:5</p> <p>term ^[11] - 11:20, 36:25, 37:1, 38:20, 39:8, 42:13, 61:12, 65:21, 77:18, 104:20</p> <p>termed ^[1] - 37:5</p> <p>terminology ^[1] - 134:19</p> <p>terms ^[49] - 9:13, 28:23, 29:13, 36:20, 36:24, 37:16, 37:18, 38:4, 38:17, 38:23, 49:1, 50:10, 54:13, 54:24, 55:24, 58:17, 60:18, 68:6, 73:16, 78:16, 79:6, 79:21, 84:12, 89:10, 89:16, 90:6, 90:22, 95:5, 109:14, 146:25, 148:24, 157:25, 161:3, 162:10, 164:22, 168:2, 168:6, 171:12, 175:15, 177:3, 179:13, 186:19, 188:23, 188:24, 190:15, 191:19, 193:8, 193:10, 195:14</p> <p>territory ^[3] - 72:6, 72:20, 83:15</p> <p>testified ^[8] - 21:7, 27:23, 43:12, 86:25, 99:9, 133:9, 136:1, 197:20</p> <p>testify ^[2] - 28:19, 31:15</p> <p>testifying ^[1] - 21:23</p> <p>testimony ^[11] - 20:10, 21:13, 25:13, 25:15, 36:9, 62:23, 116:3, 116:8, 117:5, 125:9, 182:17</p> <p>THE ^[144] - 1:4, 1:9, 1:15, 1:20, 2:4, 2:13, 2:25, 3:11, 3:14, 3:23, 4:8, 4:11, 4:24, 5:5, 5:17, 5:24, 6:2, 6:7, 6:12, 6:14, 6:22, 7:4, 7:8, 7:10, 7:20, 7:22, 8:1, 8:4, 8:10, 8:14, 9:5, 28:23, 29:20, 29:25, 30:6, 30:21, 30:23, 31:3,</p>	<p>31:6, 31:9, 32:24, 33:3, 33:7, 33:17, 33:24, 34:6, 34:8, 34:11, 34:16, 34:19, 34:22, 35:9, 35:15, 48:3, 52:4, 53:1, 53:6, 53:16, 53:23, 58:25, 59:2, 59:5, 59:6, 59:9, 59:10, 60:9, 63:18, 63:24, 85:10, 85:14, 85:21, 86:24, 87:3, 92:23, 93:3, 93:6, 93:9, 93:15, 99:25, 100:6, 100:16, 100:20, 107:3, 107:10, 107:15, 107:19, 107:25, 110:17, 110:18, 111:1, 111:2, 111:3, 119:8, 119:12, 122:21, 122:23, 123:1, 123:2, 123:15, 132:20, 139:25, 140:2, 140:6, 140:7, 142:13, 143:12, 143:13, 147:4, 147:11, 147:14, 148:16, 170:6, 170:8, 171:2, 177:7, 177:11, 177:13, 177:16, 178:2, 178:5, 178:6, 178:9, 178:17, 178:19, 178:23, 181:21, 181:24, 192:21, 192:22, 206:23, 207:3, 208:13, 208:17, 209:5, 209:8, 209:12, 209:15, 210:3, 210:6, 210:16, 210:20, 210:25, 211:6, 211:7</p> <p>themselves ^[8] - 10:25, 11:10, 51:14, 79:10, 105:16, 190:22, 191:20, 192:25</p> <p>therefore ^[1] - 48:7</p> <p>thesis ^[2] - 18:23, 19:3</p> <p>they've ^[1] - 40:13</p> <p>thinking ^[5] - 65:1, 87:14, 117:23, 146:18, 163:18</p> <p>thinks ^[2] - 4:1, 60:11</p> <p>third ^[2] - 195:25, 201:8</p> <p>thirds ^[1] - 64:20</p> <p>thirties ^[2] - 13:12,</p>	<p>13:13</p> <p>thirty ^[1] - 16:14</p> <p>thirty-one ^[1] - 16:14</p> <p>threat ^[1] - 52:23</p> <p>threatens ^[1] - 184:7</p> <p>three ^[3] - 27:22, 27:25, 117:24</p> <p>throughout ^[1] - 52:10</p> <p>throwing ^[1] - 3:25</p> <p>thrust ^[1] - 8:17</p> <p>thrusting ^[1] - 4:13</p> <p>tidy ^[1] - 170:23</p> <p>Tiffany ^[22] - 20:12, 21:9, 21:12, 22:12, 22:23, 23:11, 23:13, 24:11, 25:4, 26:8, 27:12, 27:17, 28:5, 28:10, 31:16, 32:10, 32:12, 32:13, 33:4, 33:6, 34:2, 34:4</p> <p>Tiffany's ^[1] - 31:18</p> <p>tightly ^[1] - 55:21</p> <p>timeline ^[2] - 149:1, 149:4</p> <p>timely ^[1] - 93:19</p> <p>tip ^[2] - 97:23, 98:1</p> <p>tippling ^[1] - 153:25</p> <p>tips ^[6] - 10:8, 10:18, 20:25, 56:17, 56:18, 56:22</p> <p>today ^[10] - 2:3, 2:14, 5:20, 5:22, 7:11, 8:8, 63:9, 98:25, 110:13, 202:21</p> <p>together ^[6] - 38:1, 54:17, 71:6, 72:25, 98:20, 129:18</p> <p>tolerate ^[1] - 144:14</p> <p>Tomlinson ^[2] - 101:14, 101:17</p> <p>tomorrow ^[1] - 131:4</p> <p>tonight ^[1] - 131:3</p> <p>tons ^[2] - 46:1, 46:5</p> <p>took ^[19] - 18:25, 31:4, 51:8, 57:6, 62:5, 62:6, 88:19, 89:6, 89:11, 91:21, 96:17, 110:6, 118:18, 126:22, 129:21, 144:10, 164:12, 180:11</p> <p>top ^[5] - 25:18, 61:3, 147:23, 187:2, 187:19</p> <p>topic ^[4] - 9:13, 12:23, 20:9, 20:15</p> <p>topics ^[1] - 9:8</p> <p>totally ^[1] - 157:8</p> <p>touch ^[5] - 9:8, 89:21, 89:25, 90:3, 90:4</p>	<p>touched ^[1] - 9:15</p> <p>tough ^[1] - 35:9</p> <p>toward ^[1] - 174:20</p> <p>towards ^[10] - 84:18, 95:8, 96:2, 129:16, 131:10, 140:2, 170:4, 174:22, 194:21, 195:17</p> <p>town ^[3] - 3:17, 138:4, 158:20</p> <p>trace ^[1] - 43:4</p> <p>track ^[2] - 32:6, 168:7</p> <p>tracked ^[1] - 27:12</p> <p>tracking ^[1] - 168:2</p> <p>trade ^[20] - 11:8, 37:5, 38:19, 42:7, 42:22, 51:12, 51:17, 51:24, 62:10, 78:17, 95:15, 128:18, 141:14, 176:2, 182:20, 183:5, 183:12, 188:1, 190:21, 190:25</p> <p>traffic ^[1] - 184:11</p> <p>training ^[2] - 187:14, 187:16</p> <p>transaction ^[1] - 15:11</p> <p>transcribed ^[1] - 211:13</p> <p>transcript ^[7] - 21:17, 30:25, 31:10, 58:22, 58:25, 93:2, 211:12</p> <p>transfer ^[2] - 120:5, 121:2</p> <p>transferred ^[2] - 88:13, 120:13</p> <p>transience ^[9] - 39:2, 41:23, 43:16, 44:3, 47:4, 47:12, 155:11, 157:6, 166:8</p> <p>transient ^[18] - 39:3, 39:10, 39:19, 39:22, 40:17, 41:8, 42:4, 42:6, 43:20, 44:10, 45:12, 46:12, 46:17, 48:5, 48:6, 48:11, 155:14, 165:12</p> <p>transients ^[2] - 41:4, 45:3</p> <p>transition ^[4] - 68:13, 79:14, 79:17, 89:7</p> <p>transmission ^[1] - 180:13</p> <p>trapped ^[1] - 69:20</p> <p>travel ^[1] - 39:8</p> <p>travelling ^[2] - 14:1, 14:13</p> <p>treat ^[1] - 146:24</p> <p>treated ^[1] - 40:8</p> <p>treating ^[1] - 176:18</p>	<p>treatment ^[33] - 27:18, 40:9, 80:1, 80:2, 80:3, 80:15, 80:16, 80:19, 80:23, 81:4, 81:6, 81:8, 81:9, 81:10, 81:16, 81:18, 81:21, 81:22, 81:24, 82:3, 82:4, 82:6, 82:8, 82:10, 82:11, 82:12, 82:14, 82:24, 83:4, 83:5, 83:8, 83:9, 83:11</p> <p>triage ^[1] - 40:6</p> <p>trial ^[1] - 176:4</p> <p>trick ^[1] - 130:21</p> <p>tricky ^[1] - 170:19</p> <p>tried ^[5] - 2:23, 118:25, 140:7, 191:1, 196:2</p> <p>trigger ^[1] - 25:7</p> <p>trip ^[2] - 41:5, 46:25</p> <p>trips ^[2] - 43:21, 45:3</p> <p>trouble ^[3] - 174:24, 198:2, 199:2</p> <p>true ^[19] - 38:8, 38:10, 38:11, 38:15, 38:16, 38:17, 48:14, 56:14, 108:14, 109:10, 120:12, 125:12, 125:13, 127:11, 146:1, 146:2, 165:25, 198:22, 211:12</p> <p>Truman ^[1] - 63:22</p> <p>trust ^[7] - 122:2, 132:13, 134:18, 140:2, 140:15, 140:16, 179:17</p> <p>trusted ^[7] - 120:10, 120:11, 121:4, 121:15, 131:24, 132:16, 146:16</p> <p>truth ^[3] - 118:11, 176:11, 177:2</p> <p>truthfulness ^[2] - 176:20, 198:22</p> <p>try ^[11] - 2:21, 36:2, 46:15, 55:8, 72:24, 74:2, 74:7, 90:4, 130:8, 130:12, 182:22</p> <p>trying ^[31] - 25:10, 32:6, 33:17, 35:7, 41:12, 43:9, 64:19, 66:13, 71:14, 74:13, 90:7, 92:4, 95:21, 101:13, 101:15, 119:7, 120:22, 140:15, 142:23, 157:1, 157:2, 157:3,</p>
---	--	---	--	---

<p>157:20, 158:18, 161:17, 169:21, 172:21, 190:15, 190:17, 190:21, 210:23</p> <p>Tuesday [3] - 12:23, 36:10, 133:25</p> <p>turf [4] - 49:9, 49:13, 98:19</p> <p>turn [10] - 6:15, 12:22, 21:17, 22:10, 29:8, 36:15, 128:14, 186:22, 187:18, 202:6</p> <p>Turncliff [1] - 120:14</p> <p>turned [1] - 40:25</p> <p>turns [4] - 16:2, 16:6, 16:7, 29:12</p> <p>Turvey [5] - 91:17, 91:24, 119:22, 122:8, 179:23</p> <p>TV [2] - 111:12, 111:14</p> <p>twenty [2] - 92:20, 92:21</p> <p>two [25] - 1:18, 20:14, 21:16, 24:19, 27:22, 40:13, 44:17, 53:1, 57:1, 64:20, 80:8, 80:22, 85:16, 104:23, 107:15, 110:24, 120:18, 120:21, 120:23, 149:5, 149:18, 149:21, 171:16, 181:13, 204:16</p> <p>two-thirds [1] - 64:20</p> <p>type [1] - 118:15</p> <p>types [1] - 191:4</p> <p>typically [1] - 158:16</p>	<p>under [13] - 3:25, 5:6, 79:23, 98:2, 100:3, 114:6, 114:13, 115:13, 148:22, 174:4, 184:17, 197:5, 203:20</p> <p>underclass [1] - 37:1</p> <p>undercover [4] - 80:21, 104:17, 130:20, 159:5</p> <p>underlying [1] - 188:14</p> <p>understood [7] - 37:8, 48:19, 76:13, 92:18, 112:9, 127:12, 145:16</p> <p>unfortunate [4] - 86:21, 164:10, 165:19, 176:24</p> <p>unfortunately [6] - 10:24, 84:1, 96:8, 96:16, 163:22, 165:17</p> <p>Unger [4] - 202:12, 204:20, 205:7, 205:10</p> <p>uniformly [2] - 206:2, 206:6</p> <p>union [3] - 7:6, 7:8, 88:4</p> <p>unionized [1] - 195:3</p> <p>unique [2] - 69:16, 77:6</p> <p>Unit [8] - 54:21, 86:18, 87:1, 87:16, 87:24, 120:17, 197:5, 197:7</p> <p>unit [3] - 44:23, 54:1, 87:20</p> <p>United [1] - 96:21</p> <p>UNITED [1] - 211:19</p> <p>unknown [2] - 85:25, 168:7</p> <p>unlawful [5] - 17:8, 17:9, 17:14, 17:18, 17:20</p> <p>unlawfully [1] - 18:4</p> <p>unless [2] - 97:13, 100:7</p> <p>unlike [1] - 159:3</p> <p>unofficial [2] - 117:15, 117:20</p> <p>unpredictability [1] - 159:22</p> <p>unpredictable [3] - 157:8, 157:9, 159:24</p> <p>unquote [1] - 42:19</p> <p>unreliable [4] - 59:14, 59:19, 169:1, 173:2</p> <p>unsolved [3] - 167:1, 167:11, 168:9</p>	<p>unsubstantiated [1] - 142:21</p> <p>untermenschen [2] - 36:11, 36:18</p> <p>unusual [1] - 119:16</p> <p>up [57] - 2:8, 3:18, 6:7, 9:6, 11:20, 16:1, 20:14, 23:20, 24:2, 24:18, 25:18, 25:23, 27:6, 28:1, 36:22, 41:5, 42:8, 42:19, 42:25, 43:7, 45:2, 46:8, 46:13, 47:12, 50:24, 54:23, 55:5, 56:2, 81:23, 84:3, 90:7, 101:22, 102:10, 118:1, 119:23, 120:22, 121:25, 130:9, 130:24, 131:24, 132:14, 137:6, 139:5, 140:10, 140:12, 141:8, 143:14, 145:15, 145:19, 147:14, 162:18, 164:16, 164:19, 185:18, 189:24, 200:6</p> <p>update [2] - 167:13, 168:9</p> <p>upfront [1] - 16:3</p> <p>upset [11] - 97:6, 121:10, 141:11, 141:18, 150:17, 151:8, 173:18, 173:19, 198:12, 198:13</p> <p>urban [1] - 46:22</p> <p>Urban [1] - 130:1</p> <p>urgent [1] - 128:12</p> <p>urinating [1] - 185:22</p> <p>useful [2] - 50:7, 50:11</p> <p>users [5] - 34:15, 71:18, 72:14, 114:10, 118:7</p> <p>utility [2] - 11:16, 12:11</p>	<p>Vancouver [65] - 1:1, 2:1, 7:6, 7:12, 11:2, 17:1, 41:22, 49:3, 49:6, 49:25, 52:6, 52:20, 52:24, 53:12, 53:21, 56:5, 57:14, 60:19, 70:8, 73:10, 79:13, 87:1, 88:11, 92:7, 101:4, 101:5, 101:16, 102:23, 103:6, 104:2, 105:13, 105:25, 106:1, 106:6, 106:15, 109:12, 109:17, 109:21, 111:7, 112:9, 112:14, 112:15, 115:23, 116:4, 116:11, 148:7, 151:20, 171:20, 173:24, 180:18, 180:22, 183:20, 184:24, 189:19, 202:25, 203:6, 203:16, 204:25, 206:9, 206:15, 207:16, 208:1, 209:3, 209:19</p> <p>VANDU [10] - 73:12, 90:25, 179:2, 179:18, 180:1, 180:7, 180:8, 180:21, 181:9, 181:25</p> <p>various [6] - 39:1, 84:25, 118:5, 166:25, 201:6, 207:11</p> <p>vast [1] - 142:17</p> <p>vehicles [1] - 11:22</p> <p>verbally [1] - 167:6</p> <p>verification [1] - 143:8</p> <p>verify [5] - 163:3, 163:7, 163:24, 165:9, 198:20</p> <p>verifying [3] - 164:15, 166:19, 177:4</p> <p>Vertlieb [3] - 2:8, 2:15, 177:23</p> <p>Vice [1] - 143:25</p> <p>victim [5] - 13:6, 18:8, 96:11, 157:3, 176:10</p> <p>victimized [1] - 128:13</p> <p>victims [2] - 96:6, 158:15</p> <p>Victoria [2] - 2:17, 183:1</p> <p>view [34] - 5:9, 9:17, 14:20, 19:2, 39:23, 51:23, 54:13, 57:6,</p>	<p>57:9, 57:10, 61:25, 62:5, 62:6, 67:3, 67:17, 70:5, 73:16, 76:11, 81:7, 84:9, 85:20, 92:6, 92:9, 98:10, 98:22, 99:1, 118:22, 134:11, 189:14, 190:6, 192:13, 193:12, 193:13, 193:16</p> <p>viewpoints [1] - 206:20</p> <p>views [8] - 4:25, 5:1, 40:20, 40:21, 44:10, 73:19, 82:2</p> <p>vigilant [1] - 53:3</p> <p>vigorously [1] - 176:3</p> <p>violent [12] - 11:5, 15:5, 16:2, 16:6, 16:7, 90:11, 134:14, 134:22, 173:17, 188:5, 190:16</p> <p>virtually [1] - 32:7</p> <p>visit [1] - 20:21</p> <p>visiting [1] - 46:25</p> <p>vocal [1] - 97:7</p> <p>voice [2] - 71:22, 92:4</p> <p>voiced [2] - 69:13, 120:7</p> <p>voicemail [1] - 2:8</p> <p>volumes [2] - 33:19</p> <p>voluntarily [2] - 188:11, 188:16</p> <p>voluntary [12] - 80:14, 80:15, 80:19, 81:6, 81:9, 81:18, 81:21, 82:4, 82:11, 83:4, 83:5, 83:9</p> <p>volunteer [1] - 150:6</p> <p>VPD [11] - 19:1, 50:3, 68:21, 85:17, 106:22, 108:10, 112:21, 121:23, 146:23, 168:10, 184:11</p> <p>Vries [3] - 35:22, 161:24, 162:20</p> <p>vulnerable [8] - 8:21, 15:8, 134:5, 134:7, 134:8, 134:24, 134:25, 192:14</p>	
<p>U</p>	<p>UBC [1] - 157:11</p> <p>ubermensch [1] - 37:10</p> <p>ultimately [6] - 51:4, 61:18, 67:2, 73:21, 83:3, 103:23</p> <p>unable [4] - 1:7, 1:13, 95:25, 183:10</p> <p>unauthorized [1] - 181:12</p> <p>unbelievably [1] - 128:12</p> <p>unbiased [1] - 170:4</p> <p>unchallenged [1] - 39:19</p> <p>uncomfortable [2] - 60:10, 176:14</p>	<p>V</p>	<p>vague [1] - 58:23</p> <p>valid [1] - 97:23</p> <p>valuable [1] - 79:21</p> <p>value [4] - 37:6, 37:13, 38:2, 47:5</p> <p>valued [1] - 69:9</p> <p>van [2] - 175:18, 179:23</p>	<p>W</p>	<p>wait [6] - 3:11, 3:14, 3:23, 5:24, 51:19, 107:6</p> <p>Wait [1] - 3:14</p> <p>waited [1] - 85:19</p>

<p>waiting [5] - 5:22, 81:12, 99:20, 141:12, 141:20</p> <p>walk [2] - 35:3, 176:23</p> <p>walked [3] - 140:9, 185:12, 191:15</p> <p>walking [3] - 87:21, 118:19, 120:21</p> <p>wants [9] - 3:21, 16:2, 16:5, 49:18, 50:4, 72:24, 107:13, 190:11, 191:23</p> <p>war [1] - 49:14</p> <p>WARD [9] - 8:5, 8:11, 8:17, 28:12, 29:15, 29:21, 30:1, 30:17, 30:22</p> <p>Ward [9] - 8:5, 8:15, 25:19, 25:22, 26:5, 26:16, 31:4, 177:15, 178:2</p> <p>Ward's [1] - 25:17</p> <p>warning [7] - 9:15, 10:23, 12:10, 124:23, 125:15, 125:18, 125:19</p> <p>warnings [1] - 10:8</p> <p>warrant [2] - 109:7, 157:2</p> <p>washroom [1] - 185:21</p> <p>watching [4] - 88:15, 89:17, 89:20</p> <p>water [1] - 35:5</p> <p>waved [1] - 140:11</p> <p>Wayne [2] - 201:12, 205:15</p> <p>ways [5] - 3:16, 52:11, 107:15, 136:2, 195:13</p> <p>we.. [1] - 187:24</p> <p>weaker [1] - 75:13</p> <p>weakness [3] - 74:14, 74:15, 77:8</p> <p>weaknesses [1] - 74:16</p> <p>week [11] - 5:23, 20:24, 90:5, 90:6, 90:13, 92:14, 120:23, 136:1, 136:2, 136:7, 177:24</p> <p>weekend [1] - 37:23</p> <p>weekly [1] - 129:19</p> <p>weeks [5] - 27:25, 32:1, 40:13, 80:22, 85:16</p> <p>weight [4] - 29:2, 33:13, 164:8, 171:13</p> <p>welfare [6] - 23:21, 42:9, 46:8, 58:5,</p>	<p>164:16, 164:20</p> <p>Wells [1] - 109:7</p> <p>West [3] - 70:18, 70:21, 73:9</p> <p>whatsoever [2] - 10:16, 20:25, 37:4, 10:10, 58:17</p> <p>whereabouts [1] - 168:10</p> <p>whereas [1] - 80:18</p> <p>whole [8] - 2:17, 2:19, 4:2, 99:22, 107:1, 144:9, 166:12, 180:12</p> <p>wholly [1] - 4:14</p> <p>wife [2] - 40:4, 42:11</p> <p>Williams [2] - 138:7, 138:14</p> <p>Willie [2] - 19:13, 103:3</p> <p>willingly [1] - 17:11</p> <p>wise [1] - 110:5</p> <p>WISH [19] - 10:12, 20:18, 20:21, 22:20, 22:25, 91:20, 91:21, 91:22, 96:21, 97:8, 114:3, 114:16, 114:18, 114:20, 115:11, 115:16, 115:18, 123:4, 175:18</p> <p>wish [8] - 2:5, 7:6, 9:8, 25:24, 27:7, 34:3, 164:13, 184:5</p> <p>wished [2] - 57:3, 124:17</p> <p>wishes [1] - 72:23</p> <p>withdrawal [1] - 3:3</p> <p>WITNESS [12] - 53:23, 59:2, 85:21, 87:3, 119:12, 140:2, 140:7, 143:13, 147:14, 170:8, 192:22, 208:17</p> <p>witness [16] - 28:15, 29:8, 30:14, 33:18, 62:25, 92:17, 107:7, 107:21, 110:4, 132:21, 138:5, 138:17, 177:9, 183:17, 200:7</p> <p>witnesses [13] - 6:19, 6:20, 7:14, 34:18, 34:21, 35:6, 36:4, 93:4, 93:7, 93:17, 137:23, 210:18, 211:3</p> <p>wolf [2] - 163:18, 168:14</p> <p>Wolthers [1] - 177:18</p> <p>woman [3] - 22:5,</p>	<p>25:11, 161:21</p> <p>women [116] - 8:6, 8:21, 8:24, 9:24, 10:13, 10:17, 10:25, 11:3, 11:24, 18:25, 19:16, 20:25, 37:4, 38:5, 39:18, 39:21, 40:8, 40:17, 41:4, 42:5, 42:6, 42:15, 43:19, 44:10, 45:2, 45:12, 46:4, 46:12, 46:17, 46:23, 47:14, 48:11, 52:9, 52:13, 53:18, 57:15, 66:6, 67:13, 77:7, 77:19, 85:15, 88:9, 88:12, 94:13, 95:18, 95:25, 97:5, 97:6, 97:10, 106:5, 106:14, 108:7, 108:18, 109:18, 116:17, 121:6, 121:10, 121:15, 122:16, 123:23, 124:5, 124:14, 124:24, 125:1, 125:14, 125:18, 131:25, 132:1, 132:6, 132:10, 132:12, 132:13, 132:16, 132:23, 133:5, 133:17, 133:20, 133:21, 134:18, 134:24, 135:25, 137:12, 137:15, 138:11, 139:4, 139:16, 140:4, 144:2, 144:13, 144:22, 146:16, 149:15, 155:21, 156:1, 156:3, 156:8, 156:9, 157:22, 159:16, 160:2, 160:12, 160:15, 161:11, 162:15, 162:19, 166:13, 168:11, 168:18, 175:6, 176:2, 181:21, 201:2, 205:20</p> <p>women's [5] - 8:20, 138:12, 138:14, 138:22, 140:8</p> <p>Women's [5] - 8:9, 138:8, 138:18, 148:1, 148:25</p> <p>wonder [9] - 7:12, 9:19, 33:13, 34:20, 36:13, 148:14, 183:16, 200:7</p>	<p>wondering [1] - 176:16</p> <p>Woodall [1] - 177:17</p> <p>WOODALL [1] - 177:19</p> <p>Woodlands [1] - 182:20</p> <p>word [6] - 18:12, 36:11, 131:22, 157:6, 174:2, 206:13</p> <p>wording [3] - 141:10, 141:13, 141:14</p> <p>words [9] - 36:24, 62:16, 85:6, 86:21, 91:15, 92:3, 95:13, 104:6, 115:15</p> <p>worker [6] - 16:24, 17:6, 134:11, 141:15, 143:24, 196:13</p> <p>workers [67] - 9:18, 11:16, 15:7, 15:12, 16:16, 34:15, 37:20, 38:8, 38:11, 38:13, 38:16, 38:18, 39:2, 42:22, 51:12, 51:24, 62:10, 71:18, 78:17, 83:15, 85:19, 95:15, 114:10, 115:9, 118:6, 123:8, 129:25, 130:3, 131:20, 131:21, 134:19, 135:4, 135:7, 135:22, 136:19, 137:6, 141:1, 141:2, 141:3, 144:5, 144:6, 144:10, 146:22, 146:24, 147:2, 166:9, 173:13, 174:21, 175:13, 182:13, 182:20, 182:23, 183:5, 183:13, 184:18, 188:2, 189:12, 189:14, 189:25, 190:22, 190:25, 191:10, 192:4, 192:13, 194:12</p> <p>workings [1] - 195:7</p> <p>works [2] - 37:22, 74:21</p> <p>world [4] - 14:25, 65:10, 81:9, 119:13</p> <p>worried [1] - 130:18</p> <p>worry [3] - 23:22, 45:4, 180:1</p> <p>worrying [1] - 146:18</p> <p>worse [1] - 11:10</p> <p>worthy [1] - 59:11</p>	<p>wounded [1] - 87:22</p> <p>write [6] - 26:6, 127:10, 196:5, 208:11, 208:13, 209:10</p> <p>writes [1] - 164:4</p> <p>writing [4] - 192:11, 195:2, 202:19, 209:23</p> <p>written [5] - 25:21, 195:20, 196:7, 206:14, 207:22</p> <p>wrote [1] - 188:17</p>
Y				
<p>Yaletown [2] - 70:22, 70:23</p> <p>year [4] - 130:16, 137:13, 137:14</p> <p>year-old [2] - 130:16</p> <p>years [25] - 13:10, 16:8, 16:12, 16:14, 27:21, 32:21, 40:7, 42:7, 44:23, 46:18, 72:1, 87:15, 99:12, 119:21, 137:17, 138:16, 139:11, 140:7, 146:11, 146:19, 159:4, 168:23, 169:12, 199:16</p> <p>yesterday [2] - 2:22, 141:6</p> <p>young [2] - 130:15, 130:16</p> <p>younger [1] - 132:1</p> <p>yourself [12] - 70:6, 89:21, 89:24, 106:14, 140:16, 140:25, 142:4, 142:5, 186:24, 196:10, 197:11, 205:9</p> <p>Youth [3] - 130:1, 130:22, 130:25</p>				