

Vancouver, BC

May 15, 2012

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

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Mr. Hira.

MR. HIRA: Thank you, Mr. Commissioner. Mr. Registrar, in due course I will need Exhibit 34, the Evans report, Exhibit 1, the LePard report, and Exhibit V, tab 1, the Connor timeline.

THE REGISTRAR: V you say, For Identification V?

MR. HIRA: That is correct.

THE REGISTRAR: That has been changed to, I think, Exhibit 173.

MR. HIRA: All right. But that's in due course. And I will be marking one document as an exhibit because I don't want my cameo appearance here to be without a document added.

THE COMMISSIONER: That's what we need, we need more documents.

MR. HIRA: I am going to show you it's the most interesting document that this commission will have to deal with, and it's short, which makes it even more interesting. And, Mr. Commissioner, the evidence that I propose to lead from, in particular, my client and this panel will cover four items: one, my client's background, which I believe is very important to this commission; two, his involvement

1 in the Pickton file; three, certain comments that
2 he has regarding the LePard and Evans reports;
3 four, some matters that arose in the course of
4 questioning yesterday.

5 **EARL MOULTON: Resumed**

6 **FRANK HENLEY: Resumed**

7 **DARYLL POLLOCK: Resumed**

8 **RUTH CHAPMAN: Resumed**

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

10 Q So on that note, I have here the resume or
11 curriculum vitae, I'm not sure what the right word
12 is, English as a third language, of my client, Mr.
13 Earl Moulton. If a copy could be put before the
14 witness. Sir, Mr. Moulton, I am going to direct
15 my questions to you first. In due course I might
16 have some questions, in fact I will have some
17 questions in a very leading and compendious --
18 leading and compendious nature for you, Ms. -- I'm
19 sorry, Yurkiw. I'm having a senior's moment.

20 MS. CHAPMAN: Chapman.

21 Q Thank you. I beg your pardon. And you, of
22 course, Mr. Pollock. Now, you have before you,
23 Mr. Moulton, your resume; is that correct?

24 MR. MOULTON: Yes.

25 Q And let's just deal with first your education,

1 next your police background and service, and then
2 some of the things that you are involved in now.
3 If you turn to page 10 of your resume, that sets
4 out your educational background; is that correct?

5 MR. MOULTON: It does.

6 Q To summarize, and it's not on page 10 -- well,
7 let's back up a bit. Your father was a staff
8 sergeant major in the RCMP?

9 MR. MOULTON: That's correct.

10 Q And that was in Saskatchewan?

11 MR. MOULTON: It would be in Manitoba and the Yukon.

12 Q I beg your pardon. And you spent a lot of time
13 either living on or dealing with -- that is,
14 living close to aboriginal reserves; is that
15 correct?

16 MR. MOULTON: That's correct.

17 Q Which has had an impact on you in terms of the
18 organizations you're now involved in; is that
19 correct?

20 MR. MOULTON: That's correct.

21 Q So getting to your education here, which is set
22 out at page 10 of your resume, I understand, and
23 it's not set out here, you had a scholarship to
24 Dartmouth in the United States a year after Ken
25 Dryden had his scholarship at Cornell?

1 MR. MOULTON: That's correct.

2 Q You played defence for Dartmouth and roughed up
3 the Harvard boys very badly, I'm told.

4 MR. MOULTON: Yes.

5 Q And you completed your education with a Bachelor
6 of Arts degree from Queens University?

7 MR. MOULTON: That's correct.

8 Q And while an RCMP officer you attended the
9 University of Saskatchewan receiving your law
10 degree in 1991?

11 MR. MOULTON: That's correct.

12 Q And I'm told that you would have been the gold
13 medalist but that the wills and estates exam
14 dragged you down such that you became the bronze
15 medalist; is that correct?

16 MR. MOULTON: Well, that's certainly where I finished, and I
17 blamed wills.

18 Q Now, the rest of your specialized training is set
19 out at page 10; is that correct?

20 MR. MOULTON: That's correct.

21 Q Dealing with your police training, that is set out
22 at pages 8 and 9; is that correct?

23 MR. MOULTON: That would be my policing career and postings.

24 Q Thank you. Going to page 9, you joined the RCMP
25 in 1977; is that correct?

1 MR. MOULTON: That's correct.

2 Q Your experience in the RCMP deals with almost
3 every facet of policing from aboriginal policing
4 to doing summary conviction prosecutions, the Drug
5 Section, being in charge of the Commercial Crime
6 Section in Vancouver, the largest Commercial Crime
7 Section, I understand, in Canada?

8 MR. MOULTON: At the time, yes.

9 Q Being involved in incident command issues,
10 becoming an operations officer for the 15th
11 largest policing unit in Canada, the Coquitlam
12 Detachment; is that correct?

13 MR. MOULTON: That's correct.

14 Q Then becoming the commander of Saskatchewan; is
15 that correct?

16 MR. MOULTON: That's the position from which I retired.

17 Q And, in fact, on two occasions you were promoted
18 by skipping ranks; is that correct?

19 MR. MOULTON: That's correct.

20 Q You were promoted in 1993 after one year as
21 sergeant to inspector skipping the rank of staff
22 sergeant?

23 MR. MOULTON: That's correct.

24 Q And at that time became the officer in charge of
25 the Commercial Crime Division?

1 MR. MOULTON: In fact, it would have been the -- they called
2 it, I believe, the detective inspector's position.
3 I moved into the officer commanding or officer in
4 charge position when Mr. Macaulay moved to
5 Richmond.

6 Q Thank you. And at that time you worked with Ms.
7 Chapman, who was an officer in the Commercial
8 Crime Section; is that correct?

9 MR. MOULTON: That's correct.

10 Q And you also skipped a rank by being promoted
11 in -- on June 28, 2000, from inspector to chief
12 superintendent?

13 MR. MOULTON: That's correct.

14 Q And then in 2003 at the age of 46 you became the
15 commander of Saskatchewan?

16 MR. MOULTON: Yes.

17 Q Which is a relatively young age for that position?

18 MR. MOULTON: I believe so.

19 Q And you retired at age 49 in 2005?

20 MR. MOULTON: That's correct.

21 Q Now, you were the incident commander and
22 responsible for dealing with, containing and then
23 diffusing the Gustafsen Lake standoff in 1995?

24 MR. MOULTON: That is correct, although I was certainly a
25 member of a crisis management team.

1 Q Thank you. As a result of that experience you got
2 interested in, more interested in aboriginal
3 issues; is that correct?

4 MR. MOULTON: That is.

5 Q You were involved in a canoe trip with the
6 aboriginals. Do you want to tell us briefly about
7 that?

8 MR. MOULTON: It was a canoe trip in 1997. It was -- involved
9 canoeing from Hazelton or 'Ksan out to Prince
10 Rupert and then down to Victoria in conjunction
11 with tribal journeys held by the West Coast First
12 Nations.

13 Q And more recently, looking at page 2 of your
14 resume, you are a director and chair of the
15 VisionQuest Recovery Society. What exactly is
16 that?

17 MR. MOULTON: VisionQuest Recovery Society has been an
18 incorporated society since 1995. I've been the
19 chair of that organization since 2006. We've --
20 we are currently, to the best of our knowledge,
21 the largest supplier of what's termed sport of
22 recovery in the province and work closely with the
23 courts in achieving clean and sober people.

24 Q And you work closely with the aboriginals in that
25 area?

1 MR. MOULTON: We generally have -- between 15 and 20 per cent
2 of our clients are First Nations.

3 Q And I also look at the second entry, Assembly of
4 First Nations/RCMP Protocol. What is that, sir?

5 MR. MOULTON: It was a national protocol developed in 2004,
6 which I wrote the first draft, which sets out an
7 ongoing protocol for continuing communications
8 between First Nations and the RCMP.

9 Q And before we leave your resume, you currently are
10 involved in teaching; is that correct?

11 MR. MOULTON: Yes, I teach Internet investigation and covert
12 Internet investigations.

13 Q Amongst other places, you lecture at Cambridge,
14 England; is that correct?

15 MR. MOULTON: That's correct.

16 Q And at the FBI Academy in Quantico?

17 MR. MOULTON: Yes, although I also work with the Futures
18 Working Group with the behavioural sciences
19 organization in Quantico.

20 Q And you're also a published author dealing with
21 crime statistics; is that correct?

22 MR. MOULTON: That's correct.

23 Q And that is found at page 3 of your resume,
24 something about *Lies, Damn Lies and Statistics*; is
25 that correct?

1 MR. MOULTON: (*Criminal Statistics*, yes.

2 Q Thank you. Which was published recently; is that
3 correct?

4 MR. MOULTON: Yes, I believe last month.

5 Q And one other thing. Yesterday in asking -- in
6 responding to questions from Ms. Tobias you talked
7 about developing the missing persons policy in
8 Coquitlam; is that correct?

9 MR. MOULTON: Yes.

10 Q Actually, you took that a bit further, did you
11 not, sir?

12 MR. MOULTON: When I moved into the contract policing officer's
13 position in "E" Division --

14 Q That would be in June of 2000?

15 MR. MOULTON: Yes. Shortly after moving to that position I
16 directed the revamping of the "E" Division policy
17 which was in place certainly by 2002, and
18 subsequent to that in 2003 while I was a member of
19 the Working With Aboriginal Peoples Committee of
20 the Canadian Association of Chiefs of Police we
21 advanced a model of missing police -- missing
22 persons policy which was adopted by the CACP.

23 Q By that you mean by the Canadian Association of
24 Police Chiefs?

25 MR. MOULTON: Yes.

1 Q So is that, just because I don't understand, is
2 that the national policy now or was that a model
3 of some sort?

4 MR. MOULTON: It's the national model policy which was set out
5 in order to provide guidance to all of the
6 policing agencies in Canada.

7 MR. HIRA: Thank you. Mr. Commissioner, I wonder whether the
8 CV or resume could be marked as the next exhibit.

9 THE COMMISSIONER: All right.

10 THE REGISTRAR: That's an open document, is it?

11 MR. HIRA: I'm sorry?

12 THE REGISTRAR: Will that be an open document?

13 MR. HIRA: Yes. It's been vetted by my client.

14 THE REGISTRAR: That will be Exhibit number 184.

15 **(EXHIBIT 184: Curriculum Vitae of R. Earl**
16 **Moulton, B.A., LLB, Assistant Commissioner (Ret'd)**
17 **Royal Canadian Mounted Police)**

18 MR. HIRA:

19 Q Now, let's take you to Coquitlam, so to speak.
20 You came to Coquitlam as an inspector in 1996; is
21 that correct?

22 MR. MOULTON: That is correct.

23 Q And for a period of time you were the officer in
24 charge of Coquitlam, that is, for a six-month
25 period in -- between December of '98 -- sorry,

1 December of '97 to June of '98; is that correct?

2 MR. MOULTON: That's correct.

3 Q And dealing with Coquitlam, while you were in
4 Coquitlam -- and before we get to that it might be
5 useful, and I'm sorry, Mr. Registrar, I forgot to
6 ask you to put this exhibit forward, that is the
7 penultimate exhibit, the exhibit marked by Ms.
8 Tobias yesterday. I wonder whether that could
9 be -- it's Exhibit 183.

10 THE REGISTRAR: 183NR.

11 MR. HIRA: I'm sorry, I've made a mistake. It's the exhibit
12 marked by commission counsel. 182, I believe. If
13 that could be put before the witness.

14 THE REGISTRAR: Didn't you say something about a senior's
15 moment before?

16 MR. HIRA: Aging sucks, Mr. Registrar. We know that.

17 Q And I'd ask you to turn to tab 2, Mr. Moulton.

18 MR. MOULTON: Yes, I have it.

19 Q That is a letter dated October 1, 1998, addressed
20 to all "E" Division employees signed at page 5 by
21 the commanding officer of "E" Division, Mr. Murray
22 Johnston, Assistant Commissioner; is that correct?

23 MR. MOULTON: That's correct.

24 Q And this letter, dealing with the second
25 paragraph, first sentence, addresses the severe

1 financial crisis in "E" Division; is that correct?

2 MR. MOULTON: That's correct.

3 Q And it's against that background that you were the
4 operations officer in Coquitlam; is that correct?

5 MR. MOULTON: That's correct.

6 Q You were down in terms of strength of close to 40
7 per cent; is that correct?

8 MR. MOULTON: At times in sections, yes.

9 Q And as the operations officer you were responsible
10 for all plainclothes units; is that correct?

11 MR. MOULTON: I was formally responsible for all the
12 plainclothes units and by practice the patrol side
13 as well.

14 Q And that meant that your duties or the reporting
15 units to you were Fraud?

16 MR. MOULTON: Yes.

17 Q Drugs?

18 MR. MOULTON: Yes.

19 Q The Street Unit?

20 MR. MOULTON: Yes.

21 Q The Major Crime Unit?

22 MR. MOULTON: Yes.

23 Q Any other units?

24 MR. MOULTON: Youth. I don't recall the other structures.

25 Q Approximately how many officers did you have below

1 you?

2 MR. MOULTON: In the formal structure it would have been
3 approximately 50 to 60 on the plainclothes side.

4 Q And you reported to the OIC?

5 MR. MOULTON: Yes.

6 Q And until the spring of 2000, as I understand it,
7 there was only one inspector, that is you, in
8 Coquitlam?

9 MR. MOULTON: That's correct.

10 Q And so dealing with your level, so to speak, in
11 the Major Crime Unit, because that's what we're
12 concerned with here --

13 MR. MOULTON: Perhaps we should be rigorous in calling it the
14 Serious Crime Unit because the other titles will
15 get very confusing.

16 Q Thank you. The Serious Crime Unit. I'm sorry,
17 I'm old-fashioned. The GIS unit.

18 MR. MOULTON: Exactly.

19 Q Thank you. Below you was a staff sergeant; is
20 that correct?

21 MR. MOULTON: Yes.

22 Q And we've heard that it was a staff sergeant by
23 the name of Bush Halpenny until January of --
24 around January of 2000 when he was replaced by
25 Brad Zaly?

1 MR. MOULTON: That is correct.

2 Q Below the staff sergeant was Sergeant Pollock?

3 MR. MOULTON: Yes.

4 Q And below Sergeant Pollock were two corporals?

5 MR. MOULTON: Yes, that's the case.

6 Q One of whom was Mike Connor?

7 MR. MOULTON: Yes.

8 Q The other one I understand was from time to time
9 seconded to another unit?

10 MR. MOULTON: That would be Corporal Clary, yes.

11 Q So he wasn't available?

12 MR. MOULTON: Not during the 1990 time -- '99 time frame, no.

13 Q And below the corporals were six constables?

14 MR. MOULTON: That's correct. Well, there was supposed to be
15 six.

16 Q And one of whom was Ms. Chapman?

17 MR. MOULTON: That's correct.

18 Q All right. Before we get to the Pickton file I'd
19 like to deal with one more aspect of your
20 experience. Had you had any experience running
21 joint forces operations and in particular joint
22 forces operations with the Vancouver Police
23 Department?

24 MR. MOULTON: Yes. As part of what I was doing with -- as the
25 operations officer I had formalized a meeting

1 monthly with all of the operational police
2 managers in the Lower Mainland working with the
3 Vancouver PD as well as others. It became known
4 as the Regional Operational Police Managers
5 Committee. That group was essentially all of the
6 people who controlled the resources of policing.
7 As a result of that group I was able to obtain the
8 cooperation of Vancouver PD as well as others in
9 their lending me over the course of some four days
10 uniformed police officers which were used in a
11 targeted operation in respect of the Hells Angels
12 and their 15th anniversary in Coquitlam in 1998,
13 which was, as far as I know, the sole or certainly
14 the first such operation.

15 Q That is the first joint forces operation?

16 MR. MOULTON: Utilizing uniformed personnel, certainly. In
17 addition I had worked with Mr. Chu and others from
18 VPD in developing the requests for proposals and
19 ultimately the assessment and decision-making
20 process for the computer program that ultimately
21 became known as PRIME. I had also worked with
22 the -- a number of inspectors from VPD. They had
23 asked me to assist them in developing a course on
24 incident command that is, I believe, still being
25 offered at JIBC.

1 Q And by Mr. Chu you're referring to now Chief
2 Constable Chu?

3 MR. MOULTON: That's correct.

4 Q And the incident command issues, of course, and
5 experience arises from, amongst other things, the
6 Gustafsen Lake incident?

7 MR. MOULTON: That is correct. I had also been a member of ERT
8 since 1981.

9 Q Thank you. Now, let's go to the Pickton file.
10 Were you aware of the Pickton file back in March
11 of 1997?

12 MR. MOULTON: I was aware of the incident, yes.

13 Q In terms of hands-on involvement in a file given
14 your position, is it something that you would be
15 doing?

16 MR. MOULTON: It would be an unusual situation.

17 Q And were you involved in a hands-on way in the
18 Pickton file of 1997?

19 MR. MOULTON: No.

20 Q But you were aware of the incident; is that
21 correct?

22 MR. MOULTON: Yes.

23 Q Did you -- when did you learn or did you ever
24 learn that the Crown had entered a stay of
25 proceedings on the charges --

1 MR. MOULTON: I learned that --

2 Q -- arising from that incident?

3 MR. MOULTON: -- during the summer of 1998 when the Hiscox
4 information came in and I was briefed on the file
5 by Mr. Connor.

6 Q Thank you. And is that unusual, for you as the
7 inspector to not be aware of a stay of
8 proceedings?

9 MR. MOULTON: It's entirely unremarkable.

10 Q So let's move on to the fall of 1998 when the
11 Hiscox information came in. I understand that
12 there was surveillance requested on September the
13 24th, 1998, and conducted between October the 3rd
14 and October the 9th, 1998?

15 MR. MOULTON: I believe that to be correct.

16 Q And it didn't turn up any evidence of association
17 with sex trade workers and Pickton; is that
18 correct?

19 MR. MOULTON: That's correct.

20 Q I understand that there was aerial surveillance on
21 November 5, 1998?

22 MR. MOULTON: I wouldn't deem it as surveillance. I would call
23 it aerial photography.

24 Q Thank you. And then in late April 1999 you became
25 aware of what had happened on the file through

1 February and March and April of 1999; is that
2 correct?

3 MR. MOULTON: That is correct.

4 Q What caused you to be drawn into the file or made
5 aware of the file in late April 1999?

6 MR. MOULTON: There had been developments or some new
7 information arising out of New Westminster. Some
8 meetings had been held and some other
9 investigative avenues had been pursued with
10 ultimately the investigators determining that it
11 would be appropriate to try surveillance again,
12 and my involvement was necessary to provide the
13 necessary financial approval for Coquitlam to bear
14 the cost of New West PD riders during the course
15 of that surveillance.

16 Q All right. We are going to come to that in a
17 moment. So at that stage you become aware of the
18 Pickton photograph being shown in February of 1999
19 to 130 sex trade workers on the Downtown Eastside;
20 is that correct?

21 MR. MOULTON: That's correct.

22 Q You also become aware of more aerial photography
23 in March of 1999?

24 MR. MOULTON: I believe so, yes.

25 Q And you become aware of him being checked and

1 being -- checked on the New Westminster stroll and
2 being suspected of an attack on a sex trade worker
3 in New Westminster in March of 1999?

4 MR. MOULTON: That's correct, although I believe the
5 information went slightly farther than the fact
6 the -- in terms of his being a suspect. He had
7 been taken out of that by virtue of a picture not
8 being identified.

9 Q That is correct. The victim did not identify him
10 as the person; in fact, I believe identified
11 somebody else?

12 MR. MOULTON: That's my recollection.

13 Q So, in any event, it was decided to conduct some
14 surveillance; is that correct?

15 MR. MOULTON: That's correct.

16 Q Why?

17 MR. MOULTON: Again in an attempt to establish associates, his
18 lifestyle, etcetera, and gather whatever
19 information we could about Mr. Pickton.

20 Q Now, I understand that in this climate of
21 Chretien/Martin fiscal restraint there was a
22 problem with New Westminster coming up with
23 surveillance resources; is that correct?

24 MR. MOULTON: Certainly they had a difficulty bearing the
25 financial cost of overtime to provide riders for

1 us, yes.

2 Q And a rider is somebody with file knowledge that
3 directs the surveillance team; is that correct?

4 MR. MOULTON: Yes, both file knowledge and local knowledge in
5 terms of where streets go and what connects to
6 what and those kinds of pieces of knowledge.

7 Q And in this case you needed a rider from the New
8 Westminster Police Department because they had
9 file knowledge regarding his activities in New
10 Westminster because you were dealing with that,
11 amongst other things, and local street knowledge?

12 MR. MOULTON: That's correct.

13 Q So what did you do, sir, to overcome New
14 Westminster's resource issues?

15 MR. MOULTON: I approved the payment of their overtime by
16 Coquitlam.

17 Q Is that unusual, for Coquitlam paying for New
18 Westminster's overtime?

19 MR. MOULTON: It's the only time in my experience.

20 Q All right. And I understand, unfortunately, the
21 surveillance which was conducted between May 30
22 and -- sorry, April 30 and May 11, 1999, did not
23 bear any results?

24 MR. MOULTON: It didn't provide us with any further
25 investigative avenues, no.

1 Q And again more aerial photographs were taken on
2 May the 3rd, 1999?

3 MR. MOULTON: That's my recollection.

4 Q Okay. Now, throughout this period of time, be it
5 '98, '99 or 2000, to your knowledge were any
6 members of the Coquitlam Detachment invited to any
7 meetings in Vancouver with either the Missing
8 Women Study Group or the Missing Women Review Team
9 or any aspect of the missing women investigation
10 in Vancouver?

11 MR. MOULTON: No, we were not, and we were not supplied with
12 any documentation or summaries of any of their
13 activities.

14 Q Thank you. Now, given the fact that this second
15 round of surveillance had produced nothing, I
16 gather the file, while still under investigation,
17 was not being actively pursued?

18 MR. MOULTON: That's correct.

19 Q And then in July of 1999, some two months later,
20 it became active again?

21 MR. MOULTON: Exactly, when the new information surfaced.

22 Q And you learnt in late July that the Vancouver
23 Police Department had a new source who had
24 information, secondhand information regarding
25 Pickton?

1 MR. MOULTON: That's correct.

2 Q And I understand you learnt this in late July, as
3 just stated. Do you recall the missing women
4 poster at that time?

5 MR. MOULTON: It was, I think, within -- released within days.

6 Q Well, the evidence is that it was released on
7 Friday -- or, I'm sorry, it was released on July
8 27, 1999. Does that accord with -- approximately
9 with your memory?

10 MR. MOULTON: Exactly, because my first re-involvement would
11 have been July 29th of '99.

12 Q All right. Tell us about your involvement on July
13 29, 1999.

14 MR. MOULTON: We had a meeting and a briefing of the
15 information that had been received from the
16 source. My recollection is that there had been a
17 brief and then a longer debriefing of the source,
18 which information was relayed to us on the 29th,
19 an assessment made of that information, an
20 assessment made of the investigative avenues
21 available and the resources that would be needed
22 to pursue those investigative avenues.

23 Q All right. What was your role in this meeting?
24 What were you supposed to do in terms of the
25 investigation?

1 MR. MOULTON: My role is to obtain the necessary resources from
2 both within and external sources to the Coquitlam
3 Detachment.

4 Q And these resources included surveillance
5 resources from Special "O"?

6 MR. MOULTON: That's correct, although they weren't able to
7 become immediately involved.

8 Q All right. We'll get to that in a moment. They
9 also involved electronic resources from Special
10 "I"?

11 MR. MOULTON: That's correct.

12 Q Who also weren't able to get involved because you
13 didn't have the requisite warrants; is that
14 correct?

15 MR. MOULTON: That's correct. We lacked the reasonable and
16 probable grounds to utilize those means.

17 Q And to get investigational bodies from both
18 Coquitlam, "E" Division resources, and Vancouver;
19 is that correct?

20 MR. MOULTON: That's correct.

21 Q So those were your tasks; is that correct?

22 MR. MOULTON: Yes.

23 Q What exactly was Coquitlam investigating?

24 MR. MOULTON: We were investigating the information of a
25 possible murder on the Pickton farm.

1 Q And just so that we can be sure of that, and it
2 might be useful to refer you, Officer Chapman, Ms.
3 Chapman, to Exhibit 182, tab 5. That is your
4 continuation report; is that correct?

5 MS. CHAPMAN: Yes, it is.

6 Q Or a 1624, as it's referred to.

7 MS. CHAPMAN: Yes.

8 Q And right at the very top I notice under "Re" or
9 "Objet", "PICKTON, Robert, Possible Homicide
10 Suspect"; is that correct?

11 MS. CHAPMAN: Yes.

12 Q So that's what you were investigating? That was
13 the file, correct?

14 MS. CHAPMAN: Yes, that's correct.

15 Q And just so that we're clear on this, Officer
16 Henley, if you could look at Exhibit 182 and turn
17 to tab 3. This is your partner Ballantyne's
18 continuation report or 1624?

19 MR. HENLEY: That's correct.

20 Q It notes the actions taken by you and Ballantyne?

21 MR. HENLEY: That's correct.

22 Q And what is the first line there?

23 MR. HENLEY:

24 The writer was assigned by Staff Sergeant
25 Henderson of the unsolved unit, to assist in

1 a Coquitlam investigation...

2 Q Right. And right at the very top under "Object"
3 it's "Possible Homicide - Unknown victim"?

4 MR. HENLEY: That's correct, yes.

5 Q "Suspect, Robert William Pickton"?

6 MR. HENLEY: Yes.

7 Q And it was, as we see before the August 3 entry,
8 assistance to Coquitlam Detachment regarding a
9 possible homicide?

10 MR. HENLEY: That's correct.

11 Q So I ask all four of you, were any of you at this
12 time investigating the missing women?

13 MS. CHAPMAN: No.

14 MR. POLLOCK: No.

15 MR. HENLEY: No.

16 MR. MOULTON: No.

17 Q Back to you, Mr. Moulton. July 30, Friday, July
18 30, the Friday before the August long weekend, you
19 go about trying to arrange resources; is that
20 correct?

21 MR. MOULTON: That's correct.

22 Q You learn that Special "O" is busy with another
23 operation?

24 MR. MOULTON: That's correct.

25 Q So what do you do?

1 MR. MOULTON: I contacted Mr. Peter Ditchfield, who was in
2 charge of the Strike Force in Vancouver, and
3 solicited their cooperation, which he provided. I
4 also contacted Mr. Gary Bass to have him assist in
5 getting resources as well.

6 Q And I understand that you asked Mr. Bass to
7 contact Inspector Biddlecombe to confirm that
8 Strike Force would be available?

9 MR. MOULTON: That's correct.

10 Q You also asked Mr. Bass for more investigators
11 from divisional units; is that correct?

12 MR. MOULTON: That's correct. And I should add that I believe
13 I asked in contacting Inspector Biddlecombe that
14 Mr. Bass request that they as well provide us with
15 investigators.

16 Q Thank you. And I understand that Mr. Bass agreed
17 to use the "E" Division emergency fund to fund
18 this surveillance system?

19 MR. MOULTON: That's my recollection, yes.

20 Q You also committed Coquitlam resources; is that
21 correct?

22 MR. MOULTON: Yes. We needed to commit both investigative
23 resources as well as essentially surveillance
24 resources to ensure the necessary coverage.

25 Q And so while Special "O" was unavailable,

1 Coquitlam undertook together with Vancouver
2 surveillance; is that correct?

3 MR. MOULTON: That is correct.

4 Q And that continued for a number of days until at
5 the end of the long weekend when Special "O" did
6 become available?

7 MR. MOULTON: That's correct, although I believe that relieved
8 Strike Force of their surveillance obligations but
9 the Coquitlam Detachment surveillance component
10 continued as well.

11 Q Now, let's move to the next meeting that your --
12 so just before we leave this, in terms of
13 resources -- and, actually, before I come to this,
14 did you contact Special "I"?

15 MR. MOULTON: I don't recall. Special "I" was contacted, and
16 whether that was myself that did that I don't
17 recall.

18 Q And Special "I" is the RCMP divisional unit that
19 provides electronic surveillance such as dialed
20 number recorders, tracking devices, cameras, Part
21 VI intercepts, things of that nature?

22 MR. MOULTON: That's correct. Those are the things that we
23 would term technical surveillance aids.

24 Q Right. Is there any resource, sir, that you were
25 requested to provide that you did not provide?

1 MR. MOULTON: No.

2 Q So let's now turn to -- and in terms of deploying
3 these resources in basically a day before the long
4 weekend, is that unusual?

5 MR. MOULTON: It's not as unusual as we'd all like. It's a
6 difficult task in the midsummer prior to a long
7 week-end to pull those kinds of resources
8 together.

9 Q But that was done?

10 MR. MOULTON: It was.

11 Q So let's now move to August 3, 1999. You attended
12 a meeting at the Coquitlam Detachment where there
13 were members from Vancouver, Coquitlam, the
14 Provincial Unsolved Homicide Unit, and the "E"
15 Division Major Crime Unit; is that correct?

16 MR. MOULTON: That's correct. In fact, the ICs, persons in
17 charge of each of those units were there in
18 addition to the investigators.

19 Q And is that unusual?

20 MR. MOULTON: Yes.

21 Q Why?

22 MR. MOULTON: It's quite unusual. In fact, I don't recall
23 another instance when that occurred. Ordinarily,
24 especially with division resources, they're all
25 highly experienced, very knowledgeable people and

1 are quite capable of proceeding on their own.

2 Q And so what was the purpose of this meeting?

3 MR. MOULTON: To have the experience and knowledge of Staff
4 Sergeant Rinn and Staff Sergeant Henderson at the
5 table as well as their ability to allocate
6 resources.

7 Q And what about Vancouver's involvement?

8 MR. MOULTON: I could say the same for Inspector Biddlecombe.
9 He's the person in charge of the resources that
10 are necessary to advance the file.

11 Q All right. And as I understand it, by that stage
12 there were 11 investigators and plus around-the-
13 clock surveillance teams in place?

14 MR. MOULTON: That's correct.

15 Q And how many officers would be involved in the
16 surveillance?

17 MR. MOULTON: I would think at least eight per unit, so there
18 would be at least 16, probably more.

19 Q Thank you. Then on August 4, I understand, and on
20 August 5 Mr. Connor or Sergeant Connor or Corporal
21 Connor, as he then was, approached then Regional
22 Crown Counsel Peder Gulbransen to seek warrants
23 and was told that he didn't have sufficient
24 grounds to obtain either a search warrant, a
25 general warrant, or Part VI?

1 MR. MOULTON: That's correct.

2 MR. WARD: Yes. It's Cameron Ward, counsel for the families of
3 25 missing and murdered women. I rise because I
4 listened keenly to the answer to that last
5 question. The evidence just given was what
6 Gulbransen had told Connor about the reason for
7 not granting a warrant. Thus far, and I can take
8 you to the documents later, the documentary
9 evidence produced by the Government of Canada is
10 to the effect that all communications in writing
11 or reduced to writing by Gulbransen about the
12 reasons no warrant was authorized have been
13 expunged or redacted from the record. I agree
14 obviously Mr. -- my friend Mr. Hira must have
15 adduced this evidence because he considers it
16 important. My clients certainly consider it
17 important. Just to put it in context, Mr.
18 Commissioner, and then I'll get to the point in
19 just a moment, I don't want to take up my friend's
20 time, but to put this all in context, you are here
21 investigating the missing women investigations.
22 We know based on the evidence to date they stalled
23 in 1999. Your report will undoubtedly address the
24 reasons for stalling. This is of vital concern to
25 my clients, especially those who lost loved ones

1 after 1999. My clients' position is that if the
2 investigation had been pressed forward and handled
3 effectively many of their daughters, sisters,
4 parents would still be alive today. The Crown
5 played a role, as is evident from that last bit of
6 evidence, in the investigation not being conducted
7 with all of the tools at the disposal of the
8 police, so I rise to say this, to once again ask,
9 as I've asked before, for Peder Gulbransen to be
10 called as a witness to explain to you why the
11 Crown refused the RCMP's entreaties to get the
12 warrant that would have got the RCMP on Pickton's
13 property in 1999, and further I rise to apply for
14 an immediate order that all the redactions in the
15 documents we've received that have expunged the
16 written description of what Gulbransen said be
17 removed right away so that I have those at my
18 disposal to pursue this issue further with
19 witnesses and in final argument. This is a very,
20 very important aspect of the investigations
21 generally for the reasons I've outlined, and I
22 seek those two orders. Thank you.

23 THE COMMISSIONER: All right. Thank you.

24 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias for the Government
25 of Canada. I rise to respond to Mr. Ward's

1 statements with respect to written records of Mr.
2 Gulbransen's advice. First of all, the only
3 records that exist to my knowledge have been
4 disclosed. They've been expunged. And you've
5 heard the evidence of Mike Connor that on or about
6 August the 3rd he took his file to Mr. Gulbransen
7 and that on August the 4th he had a telephone
8 conversation with him with respect to the need to
9 get a warrant for the video and the then
10 considered inadequacy of the grounds. That's the
11 extent of it. Those records have been disclosed.
12 So there's nothing expunged for me to disclose to
13 my friends. There was a time at which the
14 reference to that conversation had been redacted,
15 but that redaction was removed well before Mr.
16 Connor testified, so you don't need to make an
17 order because whatever exists on that point has
18 been disclosed.

19 THE COMMISSIONER: Okay. So as I understand it, Part VI relief
20 was sought, but Gulbransen, Mr. Gulbransen told
21 them that there wasn't enough evidence? Is that
22 what we're dealing with here?

23 MS. TOBIAS: Almost, but not precisely, Mr. Commissioner.
24 There was not a formal affidavit taken to Mr.
25 Gulbransen. On August the 3rd Mr. Connor, and I

1 don't have my documents right in front of me, but
2 my recollection is that it was on August the 3rd
3 Mike Connor took the file, which was essentially
4 his 1624s running up to that date, took a copy of
5 those to Mr. Gulbransen, left them with him.
6 After having a discussion with him Mr. Gulbransen
7 advised him that, you know, he needed the
8 documents and then followed up with a phone call
9 the next day and received the advice. So there
10 wasn't -- and the evidence that Mike Connor gave
11 was that the decision made between him and Mr.
12 Gulbransen was that a video warrant and a Part VI
13 would be applied for together at some later date
14 when it was appropriate to do so.

15 THE COMMISSIONER: Okay. So --

16 MS. TOBIAS: And that application was never put forward.

17 THE COMMISSIONER: So the RCMP didn't follow up with the
18 suggestion by Mr. Gulbransen that he needed more
19 evidence.

20 MS. TOBIAS: Well, the advice that -- Sergeant Connor's
21 testimony was that the advice that Mr. Gulbransen
22 gave him over the phone was that there was not
23 sufficient grounds at that point.

24 THE COMMISSIONER: All right. Okay.

25 MS. TOBIAS: So -- and you've heard evidence that the RCMP

1 didn't feel at any point that they had those
2 grounds.

3 THE COMMISSIONER: All right. And was that evidence disclosed
4 to all the lawyers here?

5 MS. TOBIAS: Yes. The only references that we have possession
6 of is in Mike Connor's 1624s and his logs as to
7 the incidents on August 3rd and August the 4th,
8 and, yes, those were disclosed. As I said
9 initially a long time ago, the reference to what
10 Mr. Gulbransen told him was expunged, but that was
11 later removed and he has since given evidence as
12 to those incidents.

13 THE COMMISSIONER: So after initially being expunged it was
14 disclosed?

15 MS. TOBIAS: Yes.

16 THE COMMISSIONER: I see. Okay. All right.

17 MR. HIRA: It might be -- and I'm not trying to speak for
18 either of my friends. I just care about the
19 evidence.

20 THE COMMISSIONER: Yes.

21 MR. HIRA: It might be that if we look at the exhibit that was
22 Exhibit V For Identification, tab 1, which has
23 recently been marked as a proper exhibit, at page
24 80 the expunged parts will now no longer be
25 expunged, in other words, you'll be able to see --

1 THE COMMISSIONER: Does that address Mr. Ward's concern?
2 MR. HIRA: I believe so. I'm not positive.
3 THE REGISTRAR: What's the document you're looking for? What's
4 the exhibit number now?
5 MR. HIRA: I knew you would ask me that question.
6 THE REGISTRAR: You said B or D?
7 MR. HIRA: I said what used to be Exhibit V For Identification.
8 THE REGISTRAR: V. 173.
9 MR. HIRA: 173. If I could look at tab 1, page 80, we might
10 have an answer.
11 MS. TOBIAS: Mr. Commissioner, if it's of assistance --
12 MR. HIRA: I don't believe we do.
13 MS. TOBIAS: I'm sorry, I've asked my assistant to look up on
14 the computer the record of exactly when the
15 disclosure and so forth was made and in what form,
16 so if perhaps you wish to continue for the moment
17 and when I have that information I'll give that to
18 you.
19 THE COMMISSIONER: All right. Okay.
20 MR. WARD: I do apologize for interrupting my friend's cross-
21 examination. I only did so because I perceive
22 this point is important. I wish to leave it for
23 now, but my applications will remain the same.
24 Just to be crystal clear, on behalf of my clients,
25 given the evidence, I apply, one, for an order or

1 direction that Gulbransen appear to testify about
2 declining the RCMP's requests for assistance, and,
3 two, that all records created by the Crown on this
4 issue be disclosed. I know what Connor said, and
5 I know what redactions have been removed, but that
6 doesn't address all the material evidence going to
7 this aspect of Mr. Moulton's evidence, and my
8 clients, as I say, perceive it to be quite
9 important and material for obvious reasons, and
10 I'll leave it at that for now and invite my friend
11 to carry on, but counsel can discuss this later.
12 And I note Mr. Vertlieb isn't here, but we'll
13 certainly bring it to his attention.

14 THE COMMISSIONER: All right. Thank you.

15 MR. HIRA:

16 Q So going back to this, what was your
17 understanding, Mr. Moulton, with respect to
18 whether or not you could get either a search
19 warrant, a Part VI warrant, a general warrant or
20 any warrant at this stage?

21 MR. MOULTON: To carry forward some of what has just been
22 discussed, my recollection is that the reason that
23 Mr. Connor took the file to Mr. Gulbransen was as
24 a result of the assessment of that information by
25 the people at the table on August the 3rd. My

1 recollection is that the general assessment at
2 that table, and it was certainly my assessment at
3 the time, that we did not have reasonable and
4 probable grounds necessary to support any judicial
5 process. We took the measure of ensuring that
6 that -- the information that we had at that time
7 was put before the Regional Crown to ensure that
8 we were, in fact, correct. The advice that we
9 received then, my recollection on August 4th,
10 confirmed what we already thought, and as a result
11 then the actions that subsequently were taken were
12 in an effort to augment the reasonable and
13 probable grounds in order to facilitate obtaining
14 the various judicial processes.

15 Q So the bottom line here is all these senior
16 officers on August 3 were of the view that there
17 was insufficient evidence to get a warrant but
18 wanted Crown's opinion on it; is that correct?

19 MR. MOULTON: That's correct.

20 Q The file was taken to Regional Crown Counsel; is
21 that correct?

22 MR. MOULTON: Yes.

23 Q That opinion was confirmed; is that correct?

24 MR. MOULTON: That is correct.

25 Q So other investigative avenues were now being

1 contemplated?

2 MR. MOULTON: Exactly.

3 Q And so I take you to the meeting of August 5,
4 1999. You were present at a meeting where
5 Detectives Chernoff and Lepine were also present
6 in Coquitlam?

7 MR. MOULTON: That's correct.

8 Q And it was at this meeting that one of the
9 investigative avenues was brought up, which is
10 finally getting a recorded statement from Caldwell
11 and moving him to perhaps agent or witness status?

12 MR. MOULTON: Certainly addressing that possibility, yes.

13 Q And what was Vancouver's role in this
14 investigation?

15 MR. MOULTON: I believe the actual assignment of Mr. Chernoff
16 and Mr. Lepine was as source handlers of Mr.
17 Caldwell.

18 Q Thank you. And I want to back up. By August
19 13 -- sorry, I beg your pardon -- August 5
20 Provincial Unsolved Homicide had now made a
21 commitment to assist?

22 MR. MOULTON: That's correct, both Mr. Ballantyne and Mr.
23 Henley had been confirmed available to the file.

24 Q Further, the Major Crime Unit, that is, the
25 divisional unit under the command of Gary Bass,

1 had committed a couple of people, Nash and
2 Justason?

3 MR. MOULTON: That's correct.

4 Q You had from Coquitlam deployed two other
5 officers; is that correct?

6 MR. MOULTON: Yes, I believe Mr. Brown and Mr. Clary were then
7 involved as well.

8 Q And Vancouver had Lepine and Chernoff?

9 MR. MOULTON: That's correct.

10 Q You had 13 investigators on this file plus
11 surveillance?

12 MR. MOULTON: That's correct.

13 Q All right. Now, we have evidence from Detective
14 Constable Lepine that the Caldwell interview took
15 the wind out of the -- the August 5 Caldwell
16 interview took the wind out of the sails of the
17 investigation.

18 MR. MOULTON: It certainly did. I believe it was coincident in
19 time with coming to understand Mr. Caldwell's
20 history as well.

21 Q Yes. We've had evidence of that from Officer
22 Henley in that regard?

23 MR. MOULTON: That's correct.

24 Q And I understand that you learnt that surveillance
25 on two occasions, on August 6 and August 9, had to

1 actually stop Mr. Pickton as he was in the company
2 of a child?

3 MR. MOULTON: My knowledge of that would have been about August
4 21st, 22nd after I returned from a period of
5 leave.

6 Q Right. You went on leave on August the 7th; is
7 that correct?

8 MR. MOULTON: That's correct.

9 Q And you were away until August 21?

10 MR. MOULTON: That's my recollection.

11 Q When you returned you learnt about the two
12 occasions that Pickton was stopped?

13 MR. MOULTON: Yes.

14 Q Because there was a concern regarding the safety
15 of a child in his company?

16 MR. MOULTON: That's correct.

17 Q And you also learnt that surveillance had not
18 turned up anything at that stage?

19 MR. MOULTON: That's correct.

20 Q So there we are now on August the 21st, and before
21 we go there, you weren't responsible for Connor's
22 transfer, were you, sir?

23 MR. MOULTON: No.

24 Q And as I understand it, Officer Pollock, the
25 transfer was something that occurred as a result

1 of a promotion?

2 MR. POLLOCK: That's correct.

3 Q And did -- and I am going to refer you to Exhibit
4 173, tab 1, page 173 -- sorry, 125. I beg your
5 pardon.

6 MR. POLLOCK: Sorry, what tab was that?

7 Q That's tab 1, which is a document prepared by
8 retired Sergeant Connor colloquially referred to
9 as the Connor timeline. If you would turn to page
10 125, please. And you will see an entry under
11 August 20, 1998 -- sorry, 1999.

12 MR. POLLOCK: Yes.

13 Q There's an italicized entry that starts:

14 *I should state, that prior to leaving the*
15 *Major Crime Section I spoke with the Admin*
16 *NCO in an effort to see if I could take my*
17 *promotion and then be seconded back to the*
18 *unit.*

19 MR. POLLOCK: Sorry, could you -- what page was that?

20 Q Sorry. I beg your pardon. 123. I didn't have my
21 glasses on when I read 125. I beg your pardon.

22 MR. POLLOCK: I see it now.

23 Q You see that italicized entry:

24 *I should state, that prior to leaving the*
25 *Major Crime Section I spoke with the Admin*

1 NCO in an effort to see if I could take my
2 promotion and then be seconded back to the
3 investigation. I was informed that the OIC
4 would not approve it. That when I was
5 promoted I would be expected to fill that
6 position.

7 Q Were you the admin. NCO?

8 MR. POLLOCK: No. That would have been a staff sergeant in the
9 admin. office who would work with Inspector
10 Moulton and the other officers.

11 Q So the admin. NCO would be Staff Sergeant
12 Halpenny?

13 MR. POLLOCK: No, I -- yes, Jim Tysowski.

14 Q And, of course, the OIC was Superintendent Hall?

15 MR. POLLOCK: That's correct, yes.

16 Q So the ultimate decision as to whether Connor
17 could remain was with the superintendent?

18 MR. POLLOCK: I believe it may have even gone even further to
19 Staffing and Personnel Branch in "E" Division
20 Headquarters.

21 Q So --

22 MR. POLLOCK: If Superintendent Hall would have approved, I
23 think it might have even gone even further than
24 that.

25 Q Thank you. Now, Officer Yurkiw, you took over the

1 investigation. We've heard that. Sorry, Officer
2 Chapman. Please forgive me. You took over the
3 investigation after Connor's departure?

4 MS. CHAPMAN: Yes, I did.

5 Q And I'd like you to look at Exhibit 182, which was
6 the commission's documents, tab 6.

7 MS. CHAPMAN: Yes.

8 Q Now, this is the August 26, 1999 interview of Ms.
9 Ellingsen conducted initially by you and Detective
10 Lepine?

11 MS. CHAPMAN: That's correct.

12 Q And I'd like to take you to page 12 of 36, please.

13 MS. CHAPMAN: Yes.

14 Q Now, right at the last third of the page you will
15 agree with me is the point in time where Detective
16 Constable Lepine intervenes in the interview,
17 correct?

18 MS. CHAPMAN: Yes. Yes, I see that.

19 Q And if you look at page 12, in particular page 13,
20 looking at the second last entry on page 13 under
21 Detective Lepine:

22 If you were us, if you we us, and you're
23 investigating something like we are, uh, you
24 know (INDECIPHERABLE) investigating a
25 specific incident uh, in Coquitlam, but we're

1 investigating a sort of a bigger picture of
2 several people (INDECIPHERABLE).

3 Do you see that?

4 MS. CHAPMAN: Yes.

5 Q At this point I am going to suggest to you that
6 you had been talking about whether or not Pickton
7 was responsible for a particular murder in
8 Coquitlam that Caldwell said she, that is
9 Ellingsen, had been a witness to partially,
10 correct?

11 MS. CHAPMAN: She had been a witness to which?

12 Q Or had seen the body hanging in the barn --

13 MS. CHAPMAN: Yes.

14 Q -- correct?

15 MS. CHAPMAN: Yes.

16 Q That's what your questioning had been involved
17 with up to this point?

18 MS. CHAPMAN: That's correct.

19 Q And it was Detective Constable Lepine that
20 introduced the concept of the entire missing women
21 investigation being involved in the matter now?

22 MS. CHAPMAN: That's correct.

23 Q And this is what caused the flare-up with Ms.
24 Ellingsen; is that fair to say?

25 MS. CHAPMAN: It appears it led to that, yes.

1 Q As we're not talking about one incident, but all
2 of the missing, correct?

3 MS. CHAPMAN: Yes, from what Lepine has introduced.

4 Q Thank you. Now, the interview ends with an
5 arrangement for a polygraph on August 31?

6 MS. CHAPMAN: Yes.

7 Q She fails to appear for the polygraph?

8 MS. CHAPMAN: Correct.

9 Q So there's a meeting held with Lepine, Chernoff,
10 Pollock, and yourself to discuss next options?

11 MS. CHAPMAN: Yes.

12 Q And the option that you come up with given that
13 you've dealt with Caldwell, you've dealt with
14 Yelds, you've dealt with Menard, you are going
15 nowhere with Ellingsen, you don't have a warrant,
16 is to go and interview Pickton?

17 MS. CHAPMAN: Yes.

18 Q And on September 1 at 7:15 in the morning you meet
19 at the Coquitlam Detachment with Lepine and
20 Chernoff, that is, you and Daryll Pollock,
21 correct?

22 MS. CHAPMAN: Yes.

23 Q Again the object being to interview Pickton?

24 MS. CHAPMAN: Yes.

25 Q Now, we've heard evidence of the various attempts

1 to interview Pickton. We've heard evidence about
2 September 1, September 9, September 22, October 5.
3 Those were dates on which attempts to contact
4 Pickton were made?

5 MS. CHAPMAN: Yes.

6 Q In addition to trying to contact Pickton you
7 attended from time to time at the farm to see what
8 was happening?

9 MS. CHAPMAN: Yes. I didn't enter his property, but I did
10 drive up to it.

11 Q And the reason for that was what?

12 MS. CHAPMAN: To observe whether I could see him coming or
13 going or identify vehicles and identify from their
14 plates who was coming and going.

15 Q Again, to get grounds for a warrant?

16 MS. CHAPMAN: Yes, eventually.

17 Q You did that on October 4, October 15 and on some
18 other dates; is that correct?

19 MS. CHAPMAN: Yes.

20 Q You also tried to contact Ms. Ellingsen in
21 October, correct?

22 MS. CHAPMAN: Yes.

23 Q And you were unsuccessful in getting her?

24 MS. CHAPMAN: That's correct.

25 Q Did you have the ability to compel Ms. Ellingsen

1 or Mr. Pickton in any way to submit to an
2 interview?

3 MS. CHAPMAN: I didn't believe so at the time, no.

4 Q Now, did you have any grounds to arrest them?

5 MS. CHAPMAN: I didn't believe so.

6 Q Thank you. Now, you were able to connect Ms. Gina
7 Houston to Mr. Pickton, correct?

8 MS. CHAPMAN: Yes.

9 Q And were able to arrange an interview with Mr.
10 Pickton?

11 MS. CHAPMAN: Yes.

12 Q And you met with Mr. Moulton on January the 12th,
13 2000, to discuss the interview?

14 MS. CHAPMAN: Yes.

15 Q We've heard your version of that. Mr. Moulton,
16 what was the purpose of that meeting, and what
17 were you hoping to achieve in the Pickton
18 interview?

19 MR. MOULTON: My recollection is that it was part of Ruth's
20 preparations before that interview to ascertain
21 what we could reasonably expect to come out of
22 that interview and, therefore, how to shape how --
23 what kind of an approach would be taken. I
24 believe we agreed that we had no basis to expect
25 that there would be any sort of an inculpatory

1 statement made, and, therefore, it was approached
2 as an exculpatory statement. We also addressed
3 other aspects of the file, and a particular issue
4 I believe that ultimately we held jointly was the
5 consideration of whether we could establish
6 significant other people in Mr. Pickton's life in
7 the manner that Miss Houston and Miss Yelds and
8 Miss Ellingsen seemed to take and that we needed
9 to understand who those individuals might be
10 across time.

11 Q So you wanted to figure out who other people that
12 had interaction with Pickton were so that you
13 could interview them and perhaps develop evidence;
14 is that fair to say?

15 MR. MOULTON: That's correct.

16 Q And why would you want an exculpatory statement?

17 MR. MOULTON: So that we could obtain statements that we could
18 prove to be false and then use those falsehoods to
19 come back again to Mr. Pickton.

20 Q So you didn't expect him to give you an
21 inculpatory statement admitting the offence, but
22 you were hoping to get objective lies that you
23 could use for grounds for a search warrant?

24 MR. MOULTON: That's correct, and, of course, the assessment of
25 the likelihood was made on Mr. Pickton's actions

1 and statements made around the file that arose in
2 1997.

3 Q Thank you. Now, you also committed further
4 resources?

5 MR. MOULTON: Yes, I -- we had had a vacant constable position
6 in the Senior Crime Unit for approximately a year.
7 I made the decision to move Constable Cater from
8 his duties on youth detail over to Senior Crime
9 Unit so that he could participate in the Pickton
10 file.

11 Q All right. Now --

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

13 MR. HIRA: 15 minutes at the most.

14 THE COMMISSIONER: Oh. Because you're over your limit.

15 MR. HIRA: I know I am, but I think this is --

16 THE COMMISSIONER: I know that you had an interruption, but --
17 all right.

18 MR. HIRA: I think this is helpful to you.

19 THE COMMISSIONER: Yeah. No, no. Yeah, I think -- all right.
20 Okay.

21 MR. HIRA: I'm trying to do it as fast I can.

22 THE COMMISSIONER: No, I'm sure. Everybody does. All right.

23 MR. HIRA:

24 Q In any event, the interview occurred on the 19th
25 of January, is that correct, Ms. Chapman?

1 MS. CHAPMAN: Yes, that's correct.

2 Q And you took further steps after the 19th. You
3 went to his property again on the 4th of February,
4 correct?

5 MS. CHAPMAN: Yes.

6 Q And you noted shifts in landscape?

7 MS. CHAPMAN: Yes.

8 Q You requested aerial surveillance?

9 MS. CHAPMAN: That's correct.

10 Q Or aerial photography?

11 MS. CHAPMAN: Yes.

12 Q You met on the 9th with Corporal McCartney?

13 MS. CHAPMAN: Yes.

14 Q And he's with what unit?

15 MS. CHAPMAN: He was my direct supervisor in Serious Crime
16 Unit.

17 Q And you were again discussing Part VI and
18 profiling and photographs?

19 MS. CHAPMAN: Yes.

20 Q There was a meeting at the Major Crime Unit --
21 sorry, the Serious Crime Unit or the GIS section
22 in Coquitlam on February the 10th that was devoted
23 to Pickton, correct?

24 MS. CHAPMAN: Yes.

25 Q And Mr. Cater was assigned to do a profile of

1 Pickton?

2 MS. CHAPMAN: That's correct.

3 Q And you were hoping that photographs would help
4 with a Part VI application?

5 MS. CHAPMAN: Yes.

6 Q Profilers were contacted on February the 11th?

7 MS. CHAPMAN: I'll have to take your word for it. I don't
8 recall that.

9 Q Fair enough. And so as far as you were concerned
10 you were trying to move the file forward?

11 MS. CHAPMAN: Yes.

12 Q Thank you. Now, going back to you, Mr. Moulton --
13 before we get to you, Mr. Moulton, on March 20,
14 Mr. Pollock, you attended a Major Crime
15 conference; is that correct?

16 MR. POLLOCK: That's correct.

17 Q And at the Major Crime conference you had all the
18 major senior investigators in British Columbia,
19 correct?

20 MR. POLLOCK: Well, there was quite a few. It was actually --
21 it was a national conference, so there was
22 actually Major Crime investigators from across the
23 country.

24 Q And you made a presentation regarding Pickton,
25 correct?

1 MR. POLLOCK: That's correct.

2 Q What was the reaction of the senior investigators
3 regarding the Pickton file and what other steps
4 you could take?

5 MR. POLLOCK: The objective of me making this presentation was
6 to get a perspective of other members, other
7 investigators as to what we could possibly do, and
8 the result was that I didn't get any help. There
9 was no suggestions that we could use that came out
10 of that presentation.

11 Q All right. Now, I understand that aerial photos
12 were taken on May the 15th?

13 MS. CHAPMAN: That's correct.

14 Q And there was further information received about
15 Ms. Ellingsen?

16 MS. CHAPMAN: I --

17 Q Fighting with Ms. Best?

18 MS. CHAPMAN: Yes.

19 Q Did you try to contact Ms. Ellingsen? If you
20 don't recall, that's fine.

21 MS. CHAPMAN: I don't specifically recall.

22 Q Fair enough. And a personality profile was put
23 forward by Mr. Cater to the profilers?

24 MS. CHAPMAN: Yes, it was.

25 Q And that was in May?

1 MS. CHAPMAN: Yes.

2 Q Thank you. And you, that is Mr. Moulton, got
3 promoted in June of 2000 and left Coquitlam?

4 MR. MOULTON: That is correct.

5 Q So let's address specific issues that come up in
6 the LePard and Evans report. First, undercover
7 operations.

8 MR. MOULTON: Yes.

9 Q And we've had some evidence yesterday about
10 undercover operations. Were there other
11 undercover operations back in August of 1999 that
12 had been approved by the undercover shop but were
13 waiting to be executed?

14 MR. MOULTON: Yes, there were. There was, I know, from
15 Coquitlam, and I'm certainly aware that there were
16 a multitude of others from other detachments.

17 Q Let's take the one from Coquitlam. Was it
18 executed?

19 MR. MOULTON: Eventually, yes.

20 Q When?

21 MR. MOULTON: As I recall, it was right around the time that I
22 got transferred or shortly before --

23 Q So --

24 MR. MOULTON: -- it began.

25 Q So this operation that was in the hopper in August

1 of 1999 didn't get executed until the spring of
2 2000?

3 MR. MOULTON: At least, yes.

4 Q Thank you. You were asked by Mr. Vertlieb
5 yesterday as to whether you requested any of your
6 investigators to interview Mr. Hiscox. Your
7 answer was no. Why did you not make that request,
8 and was it something that was necessary?

9 MR. MOULTON: At the time I certainly didn't view it as
10 necessary, but it would be highly inappropriate to
11 direct contact with the informant of another
12 police force.

13 Q So Caldwell and Hiscox were VPD informants?

14 MR. MOULTON: Yes.

15 Q And they are to be handled by the VPD?

16 MR. MOULTON: Yes.

17 Q And is it protocol or policy or procedure or
18 whatever the right word is that one police agency
19 does not interfere with the sources of another
20 police agency without permission?

21 MR. MOULTON: That's the absolute practice.

22 Q Thank you.

23 THE COMMISSIONER: So if you had one police force, that
24 wouldn't take place, that problem wouldn't exist,
25 right?

1 MR. MOULTON: You would still have the problem that you
2 wouldn't have other police officers dealing with
3 somebody else's informant.

4 THE COMMISSIONER: No, I appreciate that, but let's assume for
5 a minute there's one regional police force. That
6 issue wouldn't arise then, would it?

7 MR. MOULTON: That would be correct.

8 THE COMMISSIONER: Yes. All right.

9 MR. HIRA:

10 Q Now, did Coquitlam have the -- was Coquitlam aware
11 of the fact that on August 21, 1998, Ms. Anderson
12 told Ms. Shenher or Detective Constable Shenher
13 that Mr. Pickton frequented the Downtown Eastside
14 every other Friday?

15 MR. MOULTON: No, we were not.

16 Q Were you aware that in August of 19 -- sorry,
17 April of 19 -- I beg your pardon -- April of 2000
18 Mr. Pickton's photograph was shown on the Downtown
19 Eastside and identified on at least four occasions
20 by sex trade workers?

21 MR. MOULTON: No, we were not.

22 Q Would that have had any influence on the
23 investigative techniques used?

24 MR. MOULTON: Absolutely. We would have other people who had
25 been associated with Mr. Pickton in whatever

1 manner resulted in them identifying him, and that
2 would then lead you into yet other associates. It
3 would provide you with time frames, actions,
4 etcetera.

5 Q Thank you.

6 MR. MOULTON: It would also lead to redoing the, as I recall,
7 130 people who looked at his photograph together
8 or, I think, two tranches. You would then
9 recognize the need to do that on an individual
10 basis, and you wouldn't be making any assumptions
11 about the non-identification that had occurred
12 previously.

13 Q So you'd go back to the 130?

14 MR. MOULTON: Absolutely.

15 Q Thank you. Now, just going back for a moment to
16 the Pickton statement of January 19, you saw that
17 statement, did you not, Mr. Moulton?

18 MR. MOULTON: I read the transcript of it whenever it was
19 prepared, shortly thereafter.

20 Q I have two questions arising from the statement.
21 Did you see any handwritten notations on the
22 statement regarding the VPD?

23 MR. MOULTON: I have since that time seen a handwritten note
24 that -- and the gist of it is copied to Sergeant
25 Field.

1 Q That is on the statement?

2 MR. MOULTON: That's on the front page of the statement.

3 Q Thank you. The second question that I have
4 regarding the statement is in your opinion based
5 on your experience did you have sufficient grounds
6 for a consent search?

7 MR. MOULTON: We weren't even -- not even close. It -- no.

8 Q The next suggestion that -- investigative
9 suggestion that arises is using Caldwell as either
10 an agent or an undercover operative. Was that
11 feasible, possible, probable --

12 MR. MOULTON: It was completely --

13 Q -- or reasonable?

14 MR. MOULTON: -- completely foreclosed by his history, by his
15 own actions during the course of the interviews
16 undertaken by the VPD personnel, and certainly the
17 cumulative effect of those in my assessment and my
18 experience in managing agent-type files would be
19 that they would have -- there would be no
20 possibility any assessment of his likely
21 presentation of evidence on any subsequent file
22 would have built a file on such a completely
23 unsupportable foundation.

24 Q Thank you. The next issue raised by Evans and
25 LePard is using -- is doing an undercover

1 operation. You've addressed part of that
2 yesterday. Was an undercover operation possible
3 without a Part VI warrant in place --

4 MR. MOULTON: Absolutely.

5 Q -- or possible at all?

6 MR. MOULTON: It wouldn't have got past my desk because without
7 a Part VI you have no -- even with a Part VI the
8 issues of addressing safety are so extensive that
9 I have yet to be able to imagine an operational
10 plan of action that would begin to meet the safety
11 needs even if you include a Part VI, and there was
12 no way we were close to obtaining that.

13 Q The next suggestion made is arresting Pickton and
14 subjecting him to an interrogation. LePard makes
15 that suggestion in his report.

16 MR. MOULTON: That's disappointing to hear that from a senior
17 police officer because essentially that's a
18 suggestion that you would be arresting somebody
19 without reasonable and probable grounds, which
20 would be illegal, and obviously anything that
21 resulted would be rejected at trial.

22 Q A suggestion that is made by LePard and/or Evans
23 or Evans and/or LePard is arresting Ellingsen.
24 It's certainly a suggestion made by Hunter.
25 What's your view on that, sir?

1 MR. MOULTON: Again, we lacked entirely the necessary
2 reasonable and probable grounds to do so.

3 Q What about, you know, arresting her, putting her
4 under pressure, trying to force her to give you
5 evidence? Can't you do that?

6 MR. MOULTON: That would ensure that your subsequent trial
7 would fail.

8 THE COMMISSIONER: What would fail?

9 MR. MOULTON: Any subsequent trial.

10 THE COMMISSIONER: Oh.

11 MR. MOULTON: Because the evidence that would result from an
12 illegal arrest would, in my opinion, not be
13 allowed as evidence.

14 THE COMMISSIONER: But this isn't an illegal arrest against an
15 accused. This is an illegal arrest against a
16 witness.

17 MR. MOULTON: At the time our view of Ms. Ellingsen --

18 THE COMMISSIONER: Yes.

19 MR. MOULTON: -- was that we had no basis to conclude that she
20 was only and solely a witness, that, in fact, she
21 would be likely at least a party to an offence --

22 THE COMMISSIONER: Okay.

23 MR. MOULTON: -- and that to treat her as a witness would be to
24 create or recreate the Homolka mistake.

25 THE COMMISSIONER: So you say she was potentially a party to an

1 offence here?

2 MR. MOULTON: Absolutely.

3 MR. HIRA:

4 Q Mr. LePard notes in his report that Coquitlam RCMP
5 senior management failed -- well, is there
6 anything else you could have done here, sir? What
7 other investigative techniques were available to
8 you?

9 MR. MOULTON: I've thought about that for 14 years. There were
10 none. I've addressed that question to a variety
11 of people, some in this room, and no suggestion of
12 a viable investigative means have ever been made.

13 Q Officer LePard suggests that Coquitlam abandoned
14 the Pickton investigation. Did you?

15 MR. MOULTON: The documentation within the body of the LePard
16 report demonstrates that's false.

17 Q Officer LePard says that back in 1999, that is,
18 July, August, you should have gone to the Crown
19 and had the Anderson file reopened.

20 MR. MOULTON: Again, that's a really --

21 MR. HERN: I just want counsel --

22 THE COMMISSIONER: Sorry.

23 MR. HERN: Sorry, Sean Hern for the VPD. Counsel needs to ask
24 these questions in a manner which presents the
25 LePard report fairly. He doesn't say -- he

1 doesn't say you should do that. He specifically
2 has always said these are issues that should be
3 considered, so I just want that clarified.

4 THE COMMISSIONER: In fairness, he said that they could have
5 done some of those steps, but --

6 MR. HIRA: I'm happy to have those words substituted --

7 THE COMMISSIONER: All right.

8 MR. HIRA: -- for "should have".

9 THE COMMISSIONER: All right.

10 MR. HIRA:

11 Q Could you have gone to the Crown, as LePard has
12 suggested, back in July, August of 1999 and
13 reopened -- had the stay lifted and proceeded with
14 that matter?

15 MR. MOULTON: In my understanding that would be a legal
16 impossibility as it would be past the one year
17 possibility of reopening after a stay.

18 Q Officer LePard suggests searching the Pickton
19 property with or without a warrant. Well, without
20 a warrant because you couldn't get one. What's
21 your response?

22 MR. MOULTON: Again, it's highly disappointing that Mr. LePard
23 would advocate doing something that in my mind (a)
24 would be illegal and that would inevitably, in my
25 mind, result in the evidence not being available

1 for trial. The courts have been very consistent
2 in their view of pretext searches done in order to
3 develop grounds, which we lacked at the time.

4 MR. HERN: Again, Sean Hern for the VPD. Counsel has
5 mischaracterized that again. The suggestion was
6 to pursue the consent search. It's at page 314 of
7 the report. And I would ask that he present the
8 questions to the witness --

9 THE COMMISSIONER: So what did LePard say on that?

10 MR. HERN: He said that the consent search ought to have been
11 considered and pursued if it was viable. He did
12 not say that anybody should go and conduct an
13 illegal search of the Pickton farm.

14 THE COMMISSIONER: Yeah, I didn't think --

15 MR. HERN: He's eliciting the wrong kind of evidence because
16 the questions are inaccurate, and I'd ask that he
17 characterize correctly.

18 THE COMMISSIONER: I didn't think he said that.

19 MR. HIRA: I'll word it that way. I'm sorry. I'm trying to
20 get this done --

21 THE COMMISSIONER: I know that.

22 MR. HIRA: -- quickly. I've got page references for each and
23 every one of these things, but rather than going
24 to Exhibit 1, page so and so, I'm trying to do it
25 compendiously in three minutes.

1 Q Well, what about the consent search, sir?

2 MR. MOULTON: My view at the time, having read the transcript,
3 that there was nothing remotely approaching the
4 necessary level of informed consent to proceed
5 with a consent search. And I guess the corollary
6 along with that is the assessment of that period
7 that the likelihood of obtaining a fully informed
8 consent was, in fact, zero and that we failed or
9 did not meet the requirements for a consent search
10 under the policy of the RCMP.

11 Q Ms. Chapman, you were interviewed by Officer
12 LePard?

13 MS. CHAPMAN: Yes, I was.

14 Q What happened there?

15 MS. CHAPMAN: Well, he had contacted me. A woman that worked
16 in the office I worked in at the time, her sister
17 was a VPD member and had somehow put my name
18 forward. At the time he contacted me I thought I
19 was compelled to speak with him, that he was doing
20 a fair evaluation of the investigation into the
21 Pickton matter.

22 Q So you spoke with him?

23 MS. CHAPMAN: I did.

24 Q Did you get a chance to review your statement?

25 MS. CHAPMAN: Eventually I did. I critiqued some of the ways

1 he had written my comments. They weren't
2 verbatim. They were inaccurate, and he did not
3 correct them.

4 Q So you were under the impression that you were
5 compelled to attend the interview?

6 MS. CHAPMAN: Yes, I was.

7 Q Thank you. Now, just dealing with Evans, there's
8 a suggestion at pages 8-29 and 8-30 that you
9 ignored the Pickton file, Mr. Moulton. What do
10 you say to that?

11 MR. MOULTON: It's patently false, and the documentation within
12 the body of the Evans report illustrates that I
13 neither ignored nor -- I mean, that's just
14 entirely absent any base.

15 Q Well, you're an inspector. Is an inspector
16 supposed to be involved in the file the way you
17 were?

18 MR. MOULTON: I believe that's ultimately certainly the
19 responsibility, to ensure that things are done and
20 done properly and with the necessary resources.

21 Q At page 8-89, 8-89, she suggests that Pickton was
22 a strong person of interest in the missing women
23 investigation and essentially that it wasn't
24 pursued by Coquitlam. What do you say to that,
25 sir?

1 MR. MOULTON: Coquitlam pursued the information that we had to
2 the absolute end of possibility and continued to
3 do so. We were not doing and had no information
4 about any other possible offences regarding Mr.
5 Pickton.

6 Q At page 8-143 she suggests that there were several
7 issues regarding Coquitlam internal
8 communications. Regrettably, particulars are not
9 provided by her. Were there issues that you were
10 aware of in terms of communications within
11 Coquitlam?

12 MR. MOULTON: None.

13 Q At page 8-57 -- sorry, 8-157 of the report and
14 also suggested by commission counsel yesterday in
15 his questions there's a suggestion that you failed
16 to communicate with Vancouver regarding the
17 Pickton investigation. What do you say to that?

18 MR. MOULTON: Well, two points. One is that their personnel
19 were involved up until September the 1st, so they
20 had all of that information. My other response is
21 that there -- in my experience, there is no basis
22 to advance a suggestion that any police
23 organization advises other policing organizations
24 of ongoing investigations within your own
25 jurisdiction and that if you have an interest in

1 those investigations you reach out for that
2 information. The analogy I would use is from the
3 Internet world, is the difference between push and
4 pull technologies. Given the flood of
5 information, the only way to manage it is to reach
6 out and get the information you need, and nobody
7 else can determine what that information is, so
8 that's how it's done.

9 Q You were asked a question yesterday by commission
10 counsel as to who was responsible for informing
11 the Vancouver Police Department of the status of
12 the Pickton file regarding Pickton as a suspect in
13 the missing women investigation. Now, there are
14 two aspects to that question. Was he a suspect in
15 the missing women's investigation?

16 MR. MOULTON: To my knowledge, he was not. He was a person of
17 interest. But that was the information that was
18 communicated to us by the Vancouver Police
19 Department.

20 Q Thank you. And who was responsible for informing
21 Vancouver?

22 MR. MOULTON: Of the missing women?

23 Q Yes.

24 MR. MOULTON: It was their file. The missing women file was
25 their file.

1 Q And at page 8-152 of the Evans report she suggests
2 that the investigation stalled due to resources
3 and personnel issues. Did the investigation
4 stall, and what was the reason why the
5 investigation, if it did stall, didn't go any
6 further?

7 MR. MOULTON: It reached the logical conclusion that was --
8 that we ran into roadblocks or the inability to
9 advance the investigation further because we
10 tracked the information that we had available to
11 the extent it was possible to do so.

12 Q Thank you. Now, Inspector Moulton, you've
13 testified for half an hour longer than you were
14 supposed to. That's my fault. Do you have any
15 suggestions or comments that you wish to make for
16 the commissioner?

17 MR. MOULTON: There's one aspect that I failed to mention
18 earlier in respect of the Evans report. I've
19 noted that in reference to the January 12th
20 meeting between myself and Ms. Chapman the --
21 within the body of the report the content of her
22 note is accurately reflected. In the timeline
23 attached to the Evans report that is materially
24 altered such that in the timeline it says
25 inculpatory and removes the earlier comments noted

1 by Ms. Chapman.

2 Q That is, getting an exculpatory statement?

3 MR. MOULTON: That's correct.

4 Q So finally, sir, what more in hindsight could you
5 have done on the Pickton file?

6 MR. MOULTON: I'm not aware of any other measures we could have
7 taken.

8 MR. HIRA: Thank you, Mr. Commissioner, and thank you for the
9 indulgence. I went over my time for the first
10 time.

11 THE REGISTRAR: Mr. Commissioner, I notice on the document
12 we've marked here that there's personal
13 information on the cover. I don't think that
14 should be -- we need to do something with that.
15 Personal identification, addresses.

16 MR. HIRA: I thought that was removed. Maybe that can be
17 redacted.

18 MR. MOULTON: It's redacted on this copy.

19 MR. HIRA: Oh, I've given you the wrong copy. Why don't we get
20 that copy marked.

21 THE REGISTRAR: You hang onto that copy then. As long as I
22 have a copy that's been redacted.

23 THE COMMISSIONER: We'll adjourn.

24 THE REGISTRAR: Thank you very much. The hearing will now
25 recess for 15 minutes.

1 **(PROCEEDINGS ADJOURNED AT 11:07 A.M.)**

2 **(PROCEEDINGS RESUMED AT 11:27 A.M.)**

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

4 THE COMMISSIONER: Yes.

5 MR. HIRA: Mr. Commissioner, Mr. Ward has requested that my
6 client have before him the statements that he gave
7 to Ms. Evans and Mr. Williams, so he has them, but
8 they're marked copies with my underlining. That's
9 all I have.

10 THE COMMISSIONER: Okay. I'm not troubled by that.

11 MR. WARD: Nor am I, Mr. Commissioner. I'm grateful for Mr.
12 Hira's assistance.

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

14 Q It's Cameron Ward, counsel for the families of 25
15 murdered women, and most of my questions I expect,
16 Mr. Moulton, will be for you, starting with your
17 resume, which was placed in evidence. I believe
18 it's Exhibit 184. And, sir, just to confirm,
19 you're not currently employed by the RCMP in any
20 capacity; is that right?

21 MR. MOULTON: No, I'm not, although they've approached me to do
22 a contract out in the Valley entirely unrelated to
23 these matters.

24 Q All right. You retired, I understand, in November
25 of 2005?

1 MR. MOULTON: That's correct. My actual working date was July
2 8th of 2005.

3 Q And when you retired you held the position of
4 assistant commissioner?

5 MR. MOULTON: That's correct.

6 Q Who did you report to?

7 MR. MOULTON: The commissioner.

8 Q In Ottawa?

9 MR. MOULTON: Yes.

10 Q So you were one of the assistant commissioners who
11 were, in effect, second in command for the entire
12 Royal Canadian Mounted Police force in the
13 country?

14 MR. MOULTON: That perhaps overstates it. I was the commanding
15 officer of "F" Division. There are deputy
16 commissioners who would be in a higher rank than
17 I.

18 Q All right. You commanded all of the RCMP in
19 Saskatchewan?

20 MR. MOULTON: That's correct.

21 Q And your counterpart in BC would have held a
22 similar post, assistant commissioner for -- in BC?

23 MR. MOULTON: My counterpart would actually be a deputy
24 commissioner in British Columbia.

25 Q Thank you. And prior to that you had been

1 promoted in 2000 to the position of chief
2 superintendent?

3 MR. MOULTON: To that rank, yes.

4 Q And that was here in British Columbia?

5 MR. MOULTON: Yes.

6 Q So at that point you reported to, was it Mr. Bass?

7 MR. MOULTON: That's correct.

8 Q Who commanded all of the RCMP operations in this
9 province?

10 MR. MOULTON: No. At that time Mr. Bass was the assistant
11 commissioner in charge of criminal operations for
12 the province. My position was deputy criminal
13 operations for contract, which in a prior era was
14 known as the contract policing officer.

15 Q All right. Thank you. I see that you studied for
16 three or four years at the College of Law of the
17 University of Saskatchewan?

18 MR. MOULTON: That's correct.

19 Q Did you obtain a law degree?

20 MR. MOULTON: I did.

21 Q So you have an LLB?

22 MR. MOULTON: I do.

23 Q And just another point before I leave your resume
24 and move onto other things. You have been in the
25 past a member of the Law Amendments Committee of

1 the Canadian Association of Chiefs of Police?

2 MR. MOULTON: That's correct.

3 Q And in that capacity you have prepared at least
4 one written brief on the subject of the BC
5 Association of Chiefs of Police concern that Crown
6 counsel in this province have the power to approve
7 and stay criminal charges, correct?

8 MR. MOULTON: You're correct in identifying my interest in that
9 issue; however, the paper that I wrote was in
10 2002, which was to assist the British Columbia
11 Association of Chiefs of Police and wasn't related
12 to my later Law Amendments Committee duties.

13 Q Fair enough. So you agree that you prepared a
14 position paper on behalf of the BC Association of
15 Chiefs of Police addressing their concern that
16 Crown counsel in this province have the sole power
17 and authority to both approve and stay criminal
18 charges?

19 MR. MOULTON: That would be restricted to approving.

20 Q All right. I'll come back to that when I question
21 you about another subject later, but now I want to
22 address the evidence that you just gave, which
23 according to my notes and recollection contain
24 these segments. When my friend Mr. Hira asked you
25 about whether and, if so, why the investigation of

1 Pickton stalled in late 1999, you said, as I
2 understood you, it didn't really stall, it reached
3 its inevitable conclusion, we, the RCMP, had no
4 evidence about any other possible offences
5 committed by Mr. Pickton. Is that a fair summary
6 of what you said?

7 MR. MOULTON: I believe so, yes.

8 Q And what you were addressing, I suggest, is your
9 inability within the RCMP in late 1999 to get, as
10 you've put it elsewhere, on the ground and try to
11 ascertain exactly what might be happening on the
12 Pickton property; is that right?

13 MR. MOULTON: I would say our focus or my understanding of the
14 focus of the investigation was to develop
15 sufficient reasonable and probable grounds to
16 execute a search warrant, yes.

17 Q You recall, do you, sir, being interviewed by
18 Deputy Chief Jennifer Evans of Peel Regional
19 Police in July of last year?

20 MR. MOULTON: Yes.

21 Q And you were in the company then of -- well, let
22 me start again. I invite you to turn to the
23 document that my friend Mr. Hira has placed before
24 you, and just on the first page you can confirm
25 that on that date Jennifer Evans along with

1 Detective Sergeant Heather Ramore of Peel
2 interviewed you, and you were in the company of
3 Judy Hoffman, Rory Makosz, and Irene Klimos of the
4 Department of Justice?

5 MR. MOULTON: That's correct.

6 Q And the interview lasted all that morning, right?

7 MR. MOULTON: That's my recollection.

8 Q I want to direct your attention just on this point
9 to a passage in your statement at pages 74 and 75,
10 and I want to put this part of my questioning in
11 context. As I understand it, by August of 1999 --
12 before you start reading, sir, if you could -- by
13 August of 1999 you and, to your knowledge, many of
14 your colleagues within the Coquitlam RCMP were
15 convinced that Mr. Robert William Pickton was the
16 perpetrator in a series of murders and that he was
17 likely a serial killer, right?

18 MR. MOULTON: No, I wouldn't say that we were convinced. We
19 were certainly alert to that possibility and
20 considered him, based on his actions in '97, as a
21 possible suspect.

22 Q Well, you told Evans you were convinced. Let me
23 direct your attention back to page 38, and I'll
24 get to the other page in a minute. Page 38 of the
25 transcript. I am going to read a series of

1 questions and answers to you, sir. This is a
2 series of questions Evans asked you about how you
3 were thinking in March of 1999 once Davidson,
4 Keith Davidson had been called in to review the
5 case. All right. Just to put that in context.
6 You can see that on page 37 at line 12. This sets
7 up the series of questions I am going to read to
8 you. Do you see that?

9 MR. MOULTON: Yes.

10 Q All right.

11 MR. MOULTON: I should point out, and I just note that last
12 line on page 37, that there was some confusion
13 certainly on my part over what it was we were
14 talking about. By my recollection, there was a
15 report done that I now know about, I believe in
16 June of '99 by Mr. Davidson, and at the time I had
17 not read that, and there was -- what I thought we
18 were talking about, I believe, was that the IPA, I
19 think are the initials, that had been submitted by
20 Mr. Cater had not resulted in a report.

21 Q Okay. And just to stop there for a moment, you
22 yourself brought John Cater into the file?

23 MR. MOULTON: Yes.

24 Q Because he had an MA that he had written, MA
25 thesis that he had written on serial killers?

1 MR. MOULTON: That's correct.

2 Q And so one of the reasons you brought him in was
3 because you believed while you were investigating
4 Pickton that he was potentially a serial killer?

5 MR. MOULTON: Yes.

6 Q All right. And at line 20 of page 38 the
7 following questions and answers appear here:

8 JENNIFER EVANS: And did, uhm, the serial
9 killer theory ever get discussed in
10 Coquitlam Detachment?

11 EARL MOULTON: Oh, yes.

12 EVANS: And who did you have those
13 discussions with?

14 MOULTON: That would be in those meetings
15 with, uhm, "E" Division, Unsolved, Serious
16 Crime, ourselves, VPD.

17 EVANS: Okay.

18 Just stopping there, we've heard that those
19 meetings, some of them at least, took place in
20 August of 1999.

21 MR. MOULTON: Yes.

22 Q All right. You were asked those questions, you
23 gave those answers, and they were true?

24 MR. MOULTON: To that point, yes.

25 Q All right. Over on the next page, 39:

1 EVANS: Okay

2 MOULTON: The, the other thing that, that's
3 in play there is, is, during that
4 timeframe, at some point, uhm, I think a
5 number of us became -- "convinced" is
6 maybe not the right word -- but we were of
7 the opinion that Piggy was responsible for
8 some murders.

9 EVANS: Right.

10 MOULTON: What that number was, nobody ever
11 could or would have assigned a number.

12 EVANS: Right.

13 MOULTON: But we were very convinced that he
14 was responsible for the, the deaths of
15 some people.

16 MR. MOULTON: Yes.

17 Q You were asked those questions, you gave those
18 answers, and those answers were true?

19 MR. MOULTON: Yes.

20 Q Just stopping there, the "we" refers to the three
21 people sitting at the dais with you as well as
22 other investigators who were working on the file
23 in the Coquitlam RCMP, correct?

24 MR. MOULTON: I can't speak for their opinions, but I believe
25 the people that I had in mind at this time would

1 have certainly included Mr. Connor.

2 Q And you've given two numbers -- certainly Mr.
3 Connor, yes, but you've given two numbers in
4 evidence, as I recall your evidence, about the
5 number of investigators working on Pickton in '99.
6 I heard 14 yesterday, and I heard 11 this morning.

7 MR. MOULTON: That --

8 MR. HIRA: I think the numbers were 11 and 13. 11 on August 3,
9 13 by August 5.

10 MR. WARD: Thank you.

11 Q That's an accurate summary of your evidence?

12 MR. MOULTON: Yes.

13 Q So by August the 5th you had 13 investigators
14 under your supervision working on the theory that
15 Robert William Pickton was responsible for some
16 murders, you couldn't tell how many, correct?

17 MR. MOULTON: I would state that what we were doing was
18 attempting to corroborate the information of Mr.
19 Caldwell to the extent that that could be done.

20 Q All right. And you agree that when you referred
21 to Piggy in that series of questions and answers I
22 read you you meant Robert William Pickton?

23 MR. MOULTON: Yes.

24 Q Or Willie Pickton, as you also knew him?

25 MR. MOULTON: Yes.

1 Q All right. So you've got Caldwell by August 1999
2 and his information?

3 MR. MOULTON: Yes, and Mr. Hiscox's from the year prior.

4 Q Now, you said in the interview with Evans, as I
5 understood what you were telling her, that in this
6 time frame, late 1999, you were essentially
7 preoccupied with how you were going to get this
8 guy, Pickton or Piggy; is that fair?

9 MR. MOULTON: She was preoccupied with that within her
10 statement, but we had in that time frame certainly
11 many other matters ongoing.

12 Q No, no, no. You. I'm suggesting you in August
13 1999 were so preoccupied with getting Mr. Pickton,
14 your suspect in some murders, that when you were
15 driving three hours a day back and forth from home
16 to work you were thinking about it, how you were
17 going to do it?

18 MR. MOULTON: Absolutely I was doing that, and I was also
19 thinking about other matters as well, like the
20 Kianipour or the other things that were emerging.
21 Like, we had a shaken baby file that month as
22 well.

23 Q Thank you. Appreciate that. Let's go to page 75
24 of your transcript. Again, the interview with
25 Evans. I am going to read another series of

1 questions and answers to you. Moulton -- after
2 Evans calls the Pickton file or tip box -- the
3 file box the elephant in the room -- do you see
4 that in the preceding passage? Bottom of page 74.
5 I'll just read it. Line 25.

6 MR. MOULTON: Yes.

7 Q

8 EVANS: Were you aware of this elephant in
9 the room?

10 She's referring back to, we'll just call it the
11 file box relating to Pickton or the tip box,
12 right?

13 MR. MOULTON: I'm certainly aware of the file.

14 Q All right. So she's referring to the file. She
15 asked you whether you were aware of it, and you
16 say over on the next page, and I'll read this
17 series of answers -- or answers to questions:

18 MOULTON: Absolutely. I mean, I drove three
19 hours a day commuting thinking about this.
20 What in the hell are we going to do?

21 EVANS: Hm-hmm.

22 MOULTON: It was a constant in everybody's
23 mind, and beyond plainclothes. I mean,
24 the uniform people were aware this was a
25 huge issue, that they'd be constantly

1 aware of.

2 EVANS: So --

3 MOULTON: And ultimately, that's what breaks
4 it, is the awareness of the rest of the
5 detachment. It's not Evenhanded. It's
6 Coquitlam resources --

7 EVANS: Hm-hmm.

8 MOULTON: -- continuing to be aware and of
9 the importance of finally getting
10 information that gets us on the ground.
11 You were asked that question about being aware of
12 the file, and you gave that answer?

13 MR. MOULTON: That's correct.

14 Q And that answer was true?

15 MR. MOULTON: It was. And I would add that, in fact, the same
16 impetus is reflected in the actions of Lori Greig
17 in November of '98, a uniformed officer who
18 attended at that place and made her observations.

19 Q And let me just -- I'm glad you mentioned that
20 because I had a question about that, and I'll just
21 deal with it really quickly. Constable Chapman
22 spoke to Greig about the possibility of a police
23 officer getting into Willie's trailer, getting
24 onto the property and having a look around, and
25 Lori Greig, who I believe was Surrey RCMP --

1 MR. MOULTON: Not at that time. She was --

2 Q I'm sorry.

3 MR. MOULTON: She had different roles during this time frame.

4 Her original role was a uniformed officer and then
5 subsequently had an investigative role on the file
6 ultimately.

7 Q And she went into the trailer back then, '99
8 sometime?

9 MR. MOULTON: No, I believe it was shortly after the Hiscox,
10 October or November of '98.

11 Q All right. So even earlier she went into the
12 trailer, and I suggest to you based on your
13 involvement in this file she saw something in the
14 trailer that neither you nor any of your RCMP
15 colleagues have ever seen before, which is a
16 stuffed horse's head in his bedroom, right?

17 MR. MOULTON: I don't know what she saw or I don't recall that.

18 Q Ms. Chapman, you recall that?

19 MS. CHAPMAN: Yes, she did tell me that.

20 Q Yes, she did, because, and this is for you, Ms.
21 Chapman, she was astonished and disturbed by
22 seeing a stuffed horse's head in a man's bedroom,
23 wasn't she?

24 MS. CHAPMAN: Yes, because she herself was a horsewoman, and
25 that affected her from that aspect.

1 MR. MOULTON: If I may, Mr. Ward.

2 Q Yes.

3 MR. MOULTON: I now recall the context in which I first
4 encountered that information, which was in the IPA
5 or -- yeah, I think it's the IPA submitted by Mr.
6 Cater.

7 Q All right. That's -- you'd have to agree with me
8 stuffing a horse's head and putting it on the wall
9 of the bedroom would be by any standard of human
10 behaviour weird or bizarre, right?

11 MR. MOULTON: Certainly.

12 Q Certainly. All right. So you knew as early as
13 '98 that this Willie Pickton was a pretty bizarre
14 character?

15 MR. MOULTON: I believe we probably adopted or knew something
16 of that nature by '97.

17 Q Agreed. And I am going to take you in the limited
18 time I have to statements in evidence to suggest
19 that you knew even earlier, '96, certainly by '97,
20 and by you I mean you, sir, and your colleagues in
21 the RCMP, that the Pickton brothers were involved
22 in a cesspool of illegal activity. Do you accept
23 that?

24 MR. MOULTON: No.

25 Q All right. I'm going to come back to that. Don't

1 worry. Anyway, in the passage I just read to you
2 there are two components I want to focus on right
3 now. Firstly, in August of 1999 I suggest you
4 were so involved in thinking about how to get
5 Pickton, the likely perpetrator of some murders,
6 that possible solutions were going through your
7 head for three hours a day while you were
8 commuting, right?

9 MR. MOULTON: I may have overestimated, but certainly those
10 were the considerations that I had while I was
11 commuting.

12 Q And that's what you told Evans?

13 MR. MOULTON: Absolutely.

14 Q And you also told Evans it was a constant in
15 everybody's mind, right?

16 MR. MOULTON: That was my belief.

17 Q That the 13 investigators on the case were
18 constantly thinking then, in August of 1999, of
19 ways to bring this man to justice and stop him
20 from committing any more murders, right?

21 MR. MOULTON: Yes.

22 Q All right. The second aspect of what I read you,
23 and I'll read it again so you don't have to take a
24 note, but you can if you want, I'll read it again.
25 ...ultimately, that's what breaks it, is

1 the awareness of the rest of the
2 detachment. It's not Evenhanded. It's
3 Coquitlam resources...continuing to be
4 aware and of the importance of finally
5 getting information that gets us on the
6 ground.

7 That's what you told Evans?

8 MR. MOULTON: That's correct.

9 Q That was true?

10 MR. MOULTON: I believe so.

11 Q What you're referring to there is from August of
12 '99 onward until February 5th, 2002, when one of
13 the Coquitlam officers, a rookie named Nathan
14 Wells, prepares a search warrant, it was your
15 efforts that enabled you to get on the ground on
16 that day, February 5th, 2002, and ultimately break
17 the case open, right?

18 MR. MOULTON: I would extend the time frame back into '98
19 because I recall efforts made by Corporal Connor
20 to keep as many personnel within Coquitlam
21 informed as we could.

22 Q Okay. Now, Nathan Wells. It's true, I suggest to
23 you, that he was focused on the issue of the
24 missing women and Willie Pickton probably being
25 responsible for their murders that motivated him

1 to take some information he obtained as a means to
2 get on the ground or get on the property and see
3 if his hunch was correct, right?

4 MR. MOULTON: I have --

5 MR. HIRA: Well --

6 THE COMMISSIONER: One minute.

7 MR. HIRA: There are two problems with that question: one, my
8 client wasn't there; two, he's being asked to
9 comment on the --

10 THE COMMISSIONER: Someone else's motivation.

11 MR. HIRA: Right. State of mind.

12 THE COMMISSIONER: Well, I know, but he might well be able to
13 answer that. It's cross-examination. You're
14 right that normally it's difficult for one person
15 to say what motivated someone else, but he's the
16 commanding officer, and he might well know that,
17 so --

18 MR. HIRA: But he wasn't.

19 THE COMMISSIONER: Are you able to answer that?

20 MR. HIRA: He wasn't the commanding officer at the time.

21 THE COMMISSIONER: Okay. Well, he was in a position where he
22 might be able to answer that. It's cross-
23 examination.

24 MR. WARD:

25 Q Can you answer that?

1 MR. MOULTON: I've never met Mr. Wells. Mr. Wells was not a
2 member of Coquitlam Detachment, to my knowledge,
3 when I left, and I have no understanding or
4 knowledge of his motivation.

5 Q Well, all right, let's come back to your quote.
6 In part of the passage I read to you you seem to
7 say that Evenhanded's work played no role in
8 breaking the case; do you agree?

9 MR. MOULTON: In obtaining the necessary reasonable and
10 probable grounds to get on the ground, yes.

11 Q So you agree?

12 MR. MOULTON: That was my understanding.

13 Q Evenhanded, which had been working on something
14 since the previous spring, 2001, had made no
15 progress whatsoever in getting on the ground at
16 the Pickton property to get information that might
17 lead to a prosecution?

18 MR. MOULTON: My understanding from the briefings I obtained at
19 the time and of what I've read since is that
20 Evenhanded were pursuing much more than that.

21 Q Now, you've said in your interview with Evans, and
22 I'll find it if you need to see it, that what
23 helped break the case in '02 was Gina, right?

24 MR. MOULTON: I'm afraid you'll have to find that.

25 Q Well, rather than spend a moment to -- well, maybe

1 I will.

2 MR. MOULTON: Do you mean Gina Houston?

3 Q You just gave a first name. Page 106. Oh, I'm
4 sorry, I've misinterpreted a statement you made.
5 My fault. You refer to Gina but in a different
6 context. Let me come back to the point. February
7 of '02 Nathan Wells you know writes up a search
8 warrant and gets on the ground, so to speak,
9 right?

10 MR. MOULTON: I believe after a second try, yes. That's my
11 understanding of the eventual --

12 Q What do you mean after a second try?

13 MR. MOULTON: My understanding is that the initial Form 1
14 didn't result in a warrant and that he was
15 required to provide further information due to --
16 again, this is my recollection from a long time
17 back, that there was an issue with recency and
18 that that needed to be solved prior to the
19 issuance of the search warrant. That's a very
20 frail memory from a long time ago.

21 Q You do know that the information he used to get
22 the search warrant that enabled the RCMP and
23 ultimately the members of Evenhanded to get on the
24 property February 5th, 2002, was not new
25 information to the RCMP because it was completely

1 consistent with what Caldwell had told you back in
2 the summer of 1999, agreed?

3 MR. MOULTON: No, I've never seen the ITO. I don't know what
4 was in it.

5 Q Well, you agree that Caldwell in '99 described to
6 you and the RCMP, and I'm speaking of you
7 collectively now, that Pickton had a number of
8 guns on his property, right?

9 MR. MOULTON: I believe that to be the case.

10 Q All right. And if, in fact, that's essentially
11 the information that Nathan Wells used, then you
12 could have got on the ground with that information
13 in '99?

14 MR. HIRA: Well, that question is un --

15 THE COMMISSIONER: Sorry?

16 MR. HIRA: That question framed -- that question framed that
17 way is unfair and argumentative. He -- this
18 witness has not seen the ITO. What is being put
19 to him is Mr. Ward's conclusion or position
20 vis-a-vis the ITO. For him to then ask the
21 question the way it's been asked --

22 THE COMMISSIONER: I understand. The point here, Mr. Ward, is
23 he hasn't agreed with the first part of your
24 premise --

25 MR. WARD: Fair enough.

1 THE COMMISSIONER: -- therefore, you can't get into the second
2 part of it.

3 MR. WARD: Fair enough.

4 Q I'll ask all four of you this, and any of you feel
5 free to jump in. It's an informal process, I
6 understand, and we're dealing with you four at a
7 time, so this question is posed to all of you?

8 THE COMMISSIONER: Well, it's not an informal process, I can
9 tell you that.

10 MR. WARD: Well, you told me that yesterday, sir.

11 THE COMMISSIONER: It's not --

12 MR. WARD: All right. Let me just carry on.

13 THE COMMISSIONER: Yes.

14 MR. WARD:

15 Q All four of you, whoever wants to answer, what
16 research did Nathan Wells do about the missing
17 women that gave him their names so that when he
18 put his search warrant material together and got
19 on the ground he was able to ascertain that there
20 was evidence pertaining to some of them there at
21 Pickton's? Anybody?

22 MR. MOULTON: I'll attempt an answer. I have no, as I say, no
23 knowledge of what was contained in the ITO that
24 ultimately resulted in Mr. Wells' search warrant.
25 I can say that the degree to which you're

1 adverting to the information from Mr. Caldwell had
2 been assessed by myself and many others and by Mr.
3 Peder Gulbransen and that that evidence or the
4 information, rather, received from Mr. Caldwell
5 did not support the issuance of process, and there
6 was certainly no -- in my recollection, there was
7 nothing in Mr. Caldwell's information which
8 reflected a firearms offence.

9 Q All right. I'll just stop you there if you're
10 finished. Anybody else?

11 MR. POLLOCK: I have no idea what was in Nathan Wells' ITO.

12 Q Anybody know what Nathan Wells was thinking?

13 MR. HENLEY: I have no idea. I never had anything to do with
14 the search, never seen the ITO. I have actually
15 no idea what you're talking about at this point.

16 Q You see, the investigations we're inquiring into
17 conclude when this rookie, Nathan Wells, takes
18 some steps, thinking who knows what, to get a
19 search warrant that gets him on the property. You
20 all agree that that's the case, right?

21 MS. CHAPMAN: I retired at that time. I have no idea what the
22 case was.

23 Q I'm asking you these questions because I applied
24 in December for Nathan Wells to be a witness. I
25 basically begged for him to come in and be a

1 witness, but I can't get him on the stand, haven't
2 been able to, and we've only got three days left,
3 so I'm forced to ask you did you have any
4 conversations with him about what was going
5 through his mind that caused him to go out there
6 and search the premises?

7 MR. POLLOCK: I was transferred out of the detachment prior to
8 that search. I barely recall Nathan Wells, and I
9 have never been given any information whatsoever
10 as to what was in the ITO.

11 Q All right. Coming back to you, Mr. Moulton.
12 Sorry.

13 MR. MOULTON: If --

14 Q I have limited time. I've got to stop you. I'm
15 sorry.

16 MR. MOULTON: Fair enough.

17 Q I'm sorry. I've used one-third of my time
18 already. I've got more than two hours of
19 questions just for you, so I've got to really
20 proceed at pace. Caldwell told you in '99 that
21 Pickton and his Filipino friends were running
22 cockfights on the farm every weekend in the
23 summer, right?

24 MR. MOULTON: I recollect there was information about
25 cockfights, yes.

1 Q All right. And cockfights are illegal in this
2 country under the Criminal Code of Canada?

3 MR. MOULTON: That's correct.

4 Q And the RCMP on the West Coast takes cockfights
5 very seriously, and, in fact, the preceding year,
6 '98, had busted a cockfighting ring in Burnaby,
7 adjacent to Coquitlam?

8 MR. MOULTON: I wasn't aware of that.

9 Q I want to read you some passages from *The Globe*
10 *and Mail* February 1998, if I may. And I don't
11 have the hard copy here in my hands, but I'll have
12 it at lunch. All right. Well, I'll put the --
13 I'll put the article in front of you at lunch
14 because it's only fair that you see it too, but
15 here's what happened in February of 1998 according
16 to *The Globe and Mail*, that on the 31st of
17 January, 1998 in Burnaby, British Columbia the
18 RCMP, your police force, laid 39 charges when they
19 discovered a cockfighting ring on a rural property
20 in Burnaby, the community adjacent to Coquitlam.
21 Do you have any knowledge of that, any one of you?

22 MR. MOULTON: I don't.

23 MR. POLLOCK: No.

24 MR. HENLEY: No.

25 Q Will you be prepared to concede that consequently

1 by that time, '98, '99, the RCMP in the Lower
2 Mainland was concerned about violations of the
3 Criminal Code relating to cockfighting?

4 MR. MOULTON: Apparently Burnaby was.

5 MR. POLLOCK: Yeah. I wasn't.

6 Q You weren't concerned?

7 MR. POLLOCK: Well, no, it was not at the top of my list of
8 priorities. I didn't know that much about it.

9 Q But you knew something about it?

10 MR. POLLOCK: I knew that it was in the Criminal Code. That's
11 what I knew.

12 Q No, but you knew the Picktons were engaged in
13 cockfighting?

14 MR. POLLOCK: I'd heard information that there had been
15 cockfights.

16 Q From where?

17 MR. POLLOCK: I don't know where.

18 Q Okay. Now, this is -- for the benefit of the
19 reporter, this is Mr. Pollock who's offered this
20 evidence. And I want to just follow that through
21 a bit, sir. In your NCIS career --

22 MR. POLLOCK: Are you talking about NSIS?

23 Q NSIS. You worked with NSIS?

24 MR. POLLOCK: That's correct.

25 Q That's one of Canada's intelligence services?

1 MR. POLLOCK: No, it wasn't an intelligence service.

2 Q Isn't it the National Security Intelligence
3 Service?

4 MR. POLLOCK: National Security Information Section.

5 Q All right. It's an information section.

6 MR. POLLOCK: Investigation section, yeah.

7 Q All right. While you worked with NSIS you were
8 posted to the Lower Mainland, right?

9 MR. POLLOCK: That's correct.

10 Q And in your work with the NSIS you, please correct
11 me if I'm wrong, worked on Operation Governor?

12 MR. POLLOCK: No.

13 Q You didn't?

14 MR. POLLOCK: Never heard of it.

15 Q All right. Did you work on an operation that was
16 targeting skinheads and extremists in Coquitlam
17 and Port Coquitlam?

18 MR. POLLOCK: Targeting that type of a group was part of our
19 mandate, but we actually never did any work on
20 them.

21 Q You didn't do any work on them?

22 MR. POLLOCK: No.

23 Q And you didn't encounter the Pickton brothers
24 through that --

25 MR. POLLOCK: Never heard of them until I got to Coquitlam.

1 Q You never heard of them until you got to
2 Coquitlam?

3 MR. POLLOCK: That's correct.

4 Q Is that your evidence?

5 MR. POLLOCK: Yes.

6 Q All right. Coming back to you, Mr. Moulton, when
7 you got to Coquitlam 1996 you immediately, within
8 a few months, learned about the Picktons?

9 MR. MOULTON: I was -- I learned that they were operating the
10 booze can known as Piggy's Palace, yes. That
11 would be within the first nine months.

12 Q And for a couple of years you worked with the City
13 of Port Coquitlam to try to shut it down through
14 legal process?

15 MR. MOULTON: The detachment personnel did. I had no further
16 involvement in that.

17 Q Well, you wrote some memos and other faxes and the
18 like?

19 MR. MOULTON: Not that I recall.

20 Q Mr. Giles, I only have two at the moment. I'll
21 get a third later. I'm showing you, sir, a
22 binder, which I've indexed and titled City of Port
23 Coquitlam Documents Relating to Piggy's Palace,
24 which have been disclosed to us in Concordance as
25 POCO-001, 1 and subsequent numbers. This is the

1 entire file that was disclosed to us. Could I get
2 you, please, to turn to tab 3. And first of all
3 I'll just flip through the first few pages. The
4 file contained photographs of the interior of
5 Piggy's Palace. Do you see that?

6 MR. MOULTON: Yes.

7 Q If you could skip on, and the documents are
8 sequentially numbered in the upper right, to
9 document 000038. Do you have it?

10 MR. MOULTON: Yes, I do.

11 Q All right. My copy, and I hope it's the same as
12 yours, Concordance number again is
13 POCO-001-000038.

14 MR. MOULTON: Yes.

15 Q Dated October 24, 1996, facsimile transmittal from
16 the RCMP, Name Insp. R.E. Moulton to the City
17 Clerk of the City of Port Coquitlam. Do you have
18 it?

19 MR. MOULTON: I do.

20 Q All right. Now that you see this with your
21 signature on the bottom of the next page, do you
22 agree that you wrote at least this memo to the
23 City in connection with your concerns about
24 Piggy's Palace?

25 MR. MOULTON: I would agree certainly that I signed it. It

1 would not be unusual in my position to sign
2 documents that had been prepared by others, and
3 I'm attempting to scan it --

4 Q Take your time.

5 MR. MOULTON: -- to see the content of it. Yeah, I certainly
6 haven't any independent recollection of the memo.

7 Q All right. Well, having had a chance to scan it,
8 and take more time if you need it, you would agree
9 with me that shortly after arriving in Coquitlam
10 in 1996 you had concerns about Piggy's Palace
11 stemming from the fact that they were holding
12 gatherings there involving motorcyclists, right?

13 MR. MOULTON: I think my concern more accurately would be
14 stated as that they were running a booze can that
15 was an after-hours club running without any sort
16 of licensing.

17 Q And you knew obviously within a few months of
18 arriving in Port Coquitlam that this corner of
19 Port Coquitlam -- I'm sorry, I misspoke -- within
20 a few months of arriving in Coquitlam, which
21 policed Port Coquitlam, you knew that this corner
22 of PoCo, also called the Dominion triangle, was a
23 hotbed of Hells Angels Motorcycle Club activity
24 wherein members of that organization frequented
25 Piggy's Palace and other locations in and around

1 the Pickton's property, correct?

2 MR. MOULTON: No. Your use of the term something triangle,
3 that's the first I've heard that term. I was
4 certainly aware of the booze can, and my personal
5 involvement was with, and I see the name here, Mr.
6 Malone.

7 Q All right. And you were aware that motorcyclists,
8 and more specifically motorcyclists who sported
9 Hells Angels colours, frequented Piggy's Palace?

10 MR. MOULTON: I did not have that information. The state of my
11 belief at the time would be that any booze can run
12 like this would be with their knowledge.

13 Q Well, let's turn ahead, please, to
14 POCO-001-000062. This appears to be a memorandum
15 written January 1st, 1999, by Staff Sergeant Done
16 or Done of the RCMP, Coquitlam Detachment, copied
17 to yourself and Superintendent Hall. Do you have
18 that document, two-page document?

19 MR. MOULTON: I do.

20 Q Piggy's Palace New Year's Eve party?

21 MR. MOULTON: Yes.

22 Q Let me just read this passage. Third paragraph
23 down, second sentence:

24 PICKTON was concerned that he was not allowed
25 to have a birthday party, he stated that

1 there were about 47 East End boys already on
2 the property and it was one of them who was
3 having a birthday.

4 Do you see that?

5 MR. MOULTON: Yes.

6 Q And you knew him to be -- when you saw this memo,
7 in light of your knowledge by this point, January
8 1st, '99, and what was going on down there in that
9 corner of Port Coquitlam, was that the reference
10 to the East End boys was reference to the Hells
11 Angels motorcycle members and their associates,
12 right?

13 MR. MOULTON: At this point I would assume so, yes.

14 Q All right. And you testified earlier about --

15 MR. HIRA: Well, before my friend leaves this line of
16 questioning --

17 MR. WARD: I'm not leaving.

18 MR. HIRA: -- he should clarify that it's Dave Pickton.

19 THE REGISTRAR: Speaker, please.

20 THE COMMISSIONER: Sorry?

21 MR. WARD: Sure.

22 Q The reference to Pickton in caps here is Dave
23 Pickton, correct?

24 MR. MOULTON: I believe so.

25 Q All right. And you knew Dave Pickton to be a

1 co-owner with Robert Pickton and Bill Malone of
2 the Piggy's Palace operation at 2552 Burns Road,
3 Port Coquitlam?

4 MR. MOULTON: I knew that -- the state of my knowledge was that
5 I'd seen a *Society's Act* list of directors, and
6 those names were on that. The ownership I don't
7 know.

8 Q I am going to put this document away in just a
9 minute, but before I do I just want to ask you to
10 confirm a couple of other things that emerge from
11 this binder, that you worked with the City of Port
12 Coquitlam from 1996 until December 31st, 1998,
13 trying to shut down Piggy's Palace, ultimately the
14 BC Supreme Court granted Port Coquitlam an order,
15 and you were unsuccessful in getting Crown counsel
16 to assist you, the RCMP, in enforcing that order
17 later, right?

18 MR. MOULTON: I don't recall those circumstances. The matter
19 would have been in the hands of one of the other
20 members of Coquitlam Detachment.

21 Q If you could turn, please, to tab 5.

22 MR. MOULTON: Yes.

23 Q This is a letter written by, if you have it --

24 MR. MOULTON: I do.

25 Q -- Concordance number in the top right 001-000069,

1 a letter from lawyer Graham J. Underwood of the
2 Ministry of Attorney General, Province of British
3 Columbia, to the RCMP referencing this file
4 Pickton, D.F., David Francis, and the Piggy Palace
5 Good Times Society. Do you see that?

6 MR. MOULTON: Yes.

7 Q Essentially this letter constitutes confirmation
8 that the Crown considered the matter a civil
9 matter and would not be pursuing any criminal
10 charges. Do you see that?

11 MR. MOULTON: I see that. I also see that it's 18 months after
12 I left Coquitlam Detachment.

13 Q Fair enough. So that accounts for why you
14 wouldn't have learned of this?

15 MR. MOULTON: Yes.

16 Q All right. And the last thing I just want you to
17 confirm, perhaps either by your recollection or by
18 referring to some of these documents, is that the
19 law firm of Crossin & Scouten, the law firm in
20 which David Crossin, QC was a partner, represented
21 the Pickton brothers and the society throughout
22 the two-year litigation?

23 MR. MOULTON: I have no knowledge of that.

24 Q I'll just show you an example. The reason you
25 would have no knowledge was that you weren't the

1 lawyer -- you weren't obviously dealing with
2 lawyers, you were just doing the investigative
3 work to help the City of Port Coquitlam, right?

4 MR. MOULTON: My members would have been doing the
5 investigative foundation of that, yes.

6 MR. WARD: All right. There's plenty of documents. One
7 example, we can see back in November '96 at tab 25
8 Crossin & Scouten file the notice to produce and
9 then there's correspondence in here that I see no
10 reason to take you to now. So I'll put that to
11 one side, but I would like it marked as the next
12 exhibit, please.

13 THE COMMISSIONER: All right.

14 MR. HIRA: This isn't a matter of my interest. I only rise
15 because Mr. Crossin isn't here. It should be
16 noted that my client has no knowledge of any of
17 these matters. He said so. I don't know the
18 nexus between Mr. Crossin's involvement in a file
19 15 years ago or 13 years ago and this inquiry. If
20 there is such a nexus, maybe somebody should put
21 it on the record, otherwise it is a bit
22 irrelevant.

23 THE COMMISSIONER: Mr. Ward.

24 MR. WARD: I'm just seeking to have the City of Port Coquitlam
25 documents marked as the next exhibit NR because

1 nobody's taken the time to redact it as far as I
2 understand. The witness has referred to a
3 memorandum he wrote and one he received. It
4 constitutes the entire file dealing with the Piggy
5 Palace Good Time Society and the efforts to shut
6 it down. I just identified for the purposes of
7 the public record that Mr. Crossin's firm acted
8 for the Pickton brothers and Piggy's Palace
9 throughout that two-year period for whatever
10 import that might have, and I'm not seeking to
11 mark the documents for that purpose. I only noted
12 a confirmation of it in the documents.

13 THE COMMISSIONER: All right.

14 MR. WARD: But that document should be marked, in my respectful
15 submission, because it discloses the efforts of
16 the City to shut down this operation and the
17 reasons therefore, and it will be my contention
18 and certainly in final submissions and when I
19 continue my cross-examination that Coquitlam RCMP
20 knew that Piggy's Palace was a cesspool of illegal
21 activity involving the distribution of drugs,
22 prostitution, Hells Angels Motorcycle Gang
23 members, and the extent of their knowledge is
24 greater than the evidence thus far would reveal to
25 you, but I'll carry on with that questioning as

1 soon as I get the opportunity.

2 THE COMMISSIONER: There's an objection here.

3 MR. HERN: I think Mr. Hira's point was well taken, and Mr.

4 Ward has successfully ignored it by putting on the
5 record a statement by counsel as to Mr. Crossin's
6 firm's involvement, and I think it should be noted
7 again, if we're noting things on the record, that
8 Mr. Crossin isn't here to clarify what his firm's
9 involvement was, if any, and so Mr. Ward's
10 statement just stands as a statement of counsel.

11 THE COMMISSIONER: Well, it's not Mr. Ward's duty to ensure
12 that Mr. Crossin should be here. Mr. Ward says
13 the documents are relevant in pursuing his
14 argument, and I am going to let him file them.

15 MR. HERN: I don't have an issue with the filing. I just
16 wanted to note that it's simply counsel's
17 statement on the record as to Mr. Crossin's firm's
18 involvement, and anything further than that he can
19 speak to.

20 THE COMMISSIONER: I recognize that.

21 MR. WARD: So I'd ask that it be marked as the next exhibit
22 with an NR so that it can be redacted, as the
23 protocol has demanded.

24 THE REGISTRAR: That will be Exhibit No. 185NR.

25 **(EXHIBIT 185NR: City of Port Coquitlam documents**

1 **regarding Piggy's Palace)**

2 MR. WARD:

3 Q Thank you. Sir, could you please turn to Exhibit
4 2A, which I have placed in front of you, and by
5 "sir" I mean Mr. Moulton. And just before you --
6 before I ask you questions about that I want to
7 show you two maps. The first one has been marked
8 as Exhibit 63 and the second as Exhibit 57. I'll
9 show you these two maps in that order. Exhibit
10 63, I'll bring it over there in a moment, if I
11 may, depicts the respective locations of the
12 Pickton brothers' so-called farm at 953 Dominion
13 Avenue, Piggy's Palace at 2552 Burns Road, and a
14 house across the street from the Picktons'
15 property at 930 Dominion Avenue. Can you confirm
16 that that's what the map shows?

17 MR. MOULTON: That accords certainly with my recollection.

18 Q All right. And --

19 MR. MOULTON: I would just -- there's -- again according to my
20 recollection, there's more there than was at the
21 time, I think.

22 Q You can certainly see the Carnoustie Golf Club?

23 MR. MOULTON: Yes.

24 Q Which assists in pinpointing these locations.

25 MR. MOULTON: I make the point because I think there's been

1 development that's showing there that wasn't in
2 that time frame.

3 Q Yes. And I should say that when these exhibits
4 were tendered it was pointed out that they were
5 current at the time they were tendered. In other
6 words, they've been generated within the last year
7 or so.

8 MR. MOULTON: Oh. Certainly.

9 Q And the second one, Exhibit 57, is just a similar
10 overhead map, current map of the Lower Mainland,
11 which sets out the respective locations of the
12 Coquitlam RCMP detachment, the Picktons'
13 residential property at 953 Dominion Avenue, and
14 the Maple Ridge RCMP Detachment. Does that look
15 about right?

16 MR. MOULTON: It does. Just for the commissioner's sake,
17 during this time frame, of course, the physical
18 relocation of the Coquitlam Detachment occurred in
19 March of 1998.

20 Q Okay. Thank you. Thank you, Mr. Hira, for
21 assisting. If I could ask you, please, to turn to
22 Exhibit 2A, tab Q, pages 10 and 11.

23 MR. MOULTON: I believe I have them.

24 Q I want to -- you understand this to be a copy of
25 the transcript of a statement made over the

1 telephone -- sorry, let me get the right one here.
2 Should be on the first page a statement of you
3 described as Chief Superintendent Earl Moulton.
4 It looks like it was made in person to Kevin
5 Simmill and Inspector Bob Williams back in
6 September of 2002, September 27th.

7 MR. MOULTON: Yes.

8 Q If you could turn to page 10, please.

9 MR. MOULTON: Yes.

10 Q I want to read you a passage from the transcript,
11 bottom paragraph. This is your statement:

12 When I first got to Coquitlam was when
13 Piggy's Palace which is on the Burns Road
14 site had just or was in the process of being
15 developed by the PICKTON brothers as a...as a
16 booze can essentially and would...they would
17 also occasionally have larger functions where
18 they'd get liquor permits and have a dance or
19 a social of whatever nature...the nature of
20 their clients and such was that we didn't
21 want that going on and we took some steps
22 to...interfere and we seized a bunch of kegs
23 of beer and things.

24 Just stopping there, you gave that statement?

25 MR. MOULTON: I did.

1 Q And it was true in 2002?

2 MR. MOULTON: Yes.

3 Q All right. The phrase "the nature of their
4 clients and such" was a reference to your
5 knowledge during the period of time you were
6 trying to shut this illegal booze can down that
7 Piggy's Palace was being frequented by members of
8 the Hells Angels Motorcycle Club and sex trade
9 workers from the survival sex trade of the
10 Downtown Eastside of Vancouver, right?

11 MR. MOULTON: I don't have an independent recollection of that.
12 My -- my recollection at this point in time is
13 that it was -- my concern was about a large number
14 of underage individuals attending those functions.

15 Q You certainly became aware prior to 2002 as
16 commander of the Coquitlam Detachment that there
17 was a Hells Angels presence in Port Coquitlam?

18 MR. MOULTON: Oh, absolutely, and the Vancouver club's head
19 chapter was in -- on Brunette in Coquitlam.

20 Q Yes. And you referenced the raid on that premises
21 in '98?

22 MR. MOULTON: No, it wasn't a raid. It was an operation
23 surrounding their celebration of a social
24 occasion.

25 Q Okay. And Hells Angels members had a grow-op in

1 the house across from 953 Dominion, where the
2 Picktons lived, the very house that Anderson, the
3 victim of the '97 assault, ran to, correct?

4 MR. MOULTON: I don't have knowledge of whose it was. I do
5 know that there was a grow-op directly across, and
6 my recollection is that, in fact -- and, again,
7 frailty of a 14-year memory, but my recollection
8 is that there was actually a second grow-op
9 located in that residence around the time of the
10 execution of the February 5th, 2002 search
11 warrant.

12 Q Okay. Now, of course the RCMP was involved in
13 monitoring Hells Angels activities in the Lower
14 Mainland in 19 -- in the period between 1997 and
15 2002, right?

16 MR. MOULTON: I'd agree with that.

17 Q All right. It would be foolish from a public
18 safety perspective not to?

19 MR. MOULTON: I would agree.

20 Q All right. And this activity was the province of
21 CLEU, perhaps, or the Special Forces Enforcement
22 Unit or, as it later became, the Organized Crime
23 Agency of BC, right?

24 MR. MOULTON: That would be my recollection, yes.

25 Q And you know from all your work in the RCMP that

1 Inspector Peter Ditchfield, your contact on
2 seeking Special "O" help on the Pickton file, was
3 in charge of Project Nova?

4 MR. MOULTON: I don't know that, and I don't know that project
5 name.

6 Q All right. I put it to you that Ditchfield's
7 Project Nova resulted in the execution of 57
8 search warrants and 76 people being charged with
9 offences who were either members of or associates
10 of the Hells Angels Motorcycle Club in the 1990s.
11 Don't know?

12 MR. MOULTON: I don't know that, no. In the 1990s?

13 Q Mm-hmm.

14 MR. MOULTON: No, I'm sorry, I don't.

15 Q Any -- well, let me back up.

16 MR. MOULTON: I wonder if you're referring to a matter that may
17 have arisen ultimately out of Mr. Ditchfield's
18 association with OCABC --

19 Q No.

20 MR. MOULTON: -- subsequently. Then I have no idea.

21 Q Okay. Based on your experience with the RCMP you
22 would expect that the monitoring efforts directed
23 to Hells Angels in the Lower Mainland would
24 include wiretapping, surveillance, agents, and
25 undercover operators, right?

1 MR. MOULTON: I would expect that within particular time frames
2 those avenues would be undertaken.

3 Q Now, when you spoke to Ditchfield did he tell you
4 of the efforts his organization had undertaken
5 with respect to the monitoring, surveillance,
6 infiltration of Hells Angels in Port Coquitlam?

7 MR. MOULTON: No.

8 Q You would expect given your senior position in the
9 RCMP that his organization would have maintained
10 records of that surveillance activity, agent
11 activity, undercover operation activity?

12 MR. MOULTON: I can only speak to the practice that I know
13 within the RCMP, and we would retain records of
14 that nature for a certain period of time.

15 Q And do I take it from your previous answers that
16 you have no knowledge, zero, of the extensive
17 operation conducted by Ditchfield that resulted
18 ultimately in the successful conviction of two men
19 named Pires, P-i-r-e-s, and Lissing,
20 L-i-s-s-i-n-g, Hells Angels, respecting a series
21 of offences?

22 MR. MOULTON: That's correct.

23 MR. WARD: You know nothing. All right.

24 THE COMMISSIONER: I think we'll stop there.

25 MR. WARD: Okay. Thank you.

1 THE REGISTRAR: The hearing will now adjourn until 1:45.

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

3 (PROCEEDINGS RESUMED AT 1:45 P.M.)

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

5 MR. WARD:

6 Q Mr. Pollock, are you familiar with Inspector Peter
7 Ditchfield's work on Project Nova?

8 MR. POLLOCK: No.

9 Q Now, Mr. Moulton, coming back to a statement of
10 yours to Inspector Williams that I read to you
11 earlier, I'll just read it again because it's been
12 a while since I read it. It's from page 10 of
13 Exhibit 2A, tab Q. You said this:

14 When I first got to Coquitlam was when
15 Piggy's Palace which is on the Burns Road
16 site had just or was in the process of being
17 developed by the PICKTON brothers as a...as a
18 booze can essentially and would...they would
19 also occasionally have larger functions where
20 they'd get liquor permits and have a dance or
21 a social of whatever nature...the nature of
22 their clients and such was that we didn't
23 want that going on and we took some steps
24 to...interfere and we seized a bunch of kegs
25 of beer and things.

1 And you've confirmed you gave that statement to
2 Inspector Williams and Staff Sergeant Simmill back
3 in September of 2002?

4 MR. MOULTON: That's correct.

5 Q Okay. So when you said you didn't want that going
6 on, what was it that you didn't want going on at
7 Piggy's Palace?

8 MR. MOULTON: The organized booze can on sort of a consistent
9 basis.

10 Q So was it just the illegal liquor consumption you
11 were concerned about?

12 MR. MOULTON: And all of the activities around that.

13 Q Okay. And all of the activities around that
14 included, to your knowledge, activities of members
15 and associates of the Hells Angels Motorcycle Club
16 and the activities of survival sex trade workers
17 from the Downtown Eastside, correct?

18 MR. MOULTON: No. The highest watermark, if you will, of my
19 knowledge would be that persons as you described
20 would have attended at that place.

21 Q All right. So you knew as you were attempting to
22 shut down Piggy's Palace that the attendees
23 included members of the Hells Angels and their
24 associates as well as sex trade workers from
25 Vancouver's Downtown Eastside?

1 MR. MOULTON: I agree with the former. I'm not certain of the
2 latter.

3 Q Okay. And you were aware as well that there was
4 drug dealing and drug consumption on those
5 premises at Piggy's Palace as well?

6 MR. MOULTON: I have no specific knowledge of that, but I would
7 expect that that activity would be going on.

8 Q And also in the statement you said you took some
9 steps to interfere. What steps did you take to
10 interfere with the activities that were going on
11 there?

12 MR. MOULTON: I think in the context there the -- we seized all
13 of the paraphernalia of the commercial dispensing
14 equipment as well as some alcohol that time and
15 then turned the matter largely over to PoCo Fire
16 to pursue the -- I think ultimately an injunction
17 or some process.

18 Q Okay. Now, I put it to all four of you that by
19 say February of 2000 the Pickton brothers and
20 their illegal activities were well known to each
21 of you. Do you agree?

22 MR. HENLEY: No. I had no knowledge of the Pickton brothers
23 being involved in illegal activity.

24 THE COMMISSIONER: All right. Mr. Moulton?

25 MR. MOULTON: I had knowledge of the Pickton brothers. The

1 knowledge of their activities was restricted to
2 what I've said in relation to Piggy's Palace.

3 Q Okay. Mr. Pollock?

4 MR. POLLOCK: I was aware of Piggy's Palace.

5 Q And what were you aware of that was going on
6 there?

7 MR. POLLOCK: That it was a booze can.

8 Q And Ms. Chapman?

9 MS. CHAPMAN: I was only aware of Piggy's Palace and that it
10 was a booze can. I didn't have any other
11 knowledge.

12 Q I put it to you that the Picktons by that point,
13 February of 2000 say, were well known to the RCMP
14 because they were known to be engaged in illegal
15 activities. Do you agree with that, Mr. Moulton,
16 just speaking generally?

17 MR. MOULTON: No, I think that that puts -- no, I don't agree
18 with that.

19 Q All right. You had an employee, a civilian
20 employee working in the detachment named Bev
21 "Puff" Hyacinthe, correct?

22 MR. MOULTON: That's correct.

23 Q How long had she worked for Coquitlam RCMP
24 Detachment?

25 MR. MOULTON: I don't know, but certainly throughout my tenure

1 she was employed there. She was a radio room
2 employee.

3 Q And, Mr. Pollock, you raised that fact when you
4 spoke with Inspector Williams, correct?

5 MR. POLLOCK: I don't believe so.

6 Q Could you turn to Appendix P of Exhibit 2A,
7 please, page 10?

8 MR. POLLOCK: Sorry, could you repeat which appendix?

9 THE REGISTRAR: P.

10 MR. WARD:

11 Q P as in Pollock or P as in Puff. Have you got it?

12 MR. POLLOCK: Yes.

13 Q Have you found the transcript of the telephone
14 interview statement you gave to Inspector Bob
15 Williams and Staff Sergeant Kevin Simmill on
16 October 2nd, 2002, at 1650 hours?

17 MR. POLLOCK: Yes, I'm on page 10.

18 Q On page 10 let me read it to you. You said
19 basically there were two issues, and this is in
20 answer to the gap between September 1999 and
21 November 27, 2000, the apparent gap identified by
22 Staff Sergeant Simmill in Coquitlam's
23 investigative efforts. Do you see that?

24 MR. POLLOCK: Yes.

25 Q You say this:

1 Basically there was two issues. Number one,
2 well I'm sure you're aware that you know we
3 had someone also in the office who was very
4 familiar with the PICKTON's and everybody
5 that lived in that area and we felt that
6 there was no possibility of,
7 blacked out,

8 which there was limited possibility of that
9 anyways, but any unusual activity it would be
10 very difficult to get a camera like that
11 installed without arising...or raising
12 suspicion.

13 Do you see that?

14 MR. POLLOCK: Yes.

15 Q All right. And that's a reference to Beverly
16 "Puff" Hyacinthe, right?

17 MR. POLLOCK: I believe it was. Now, I'm not a hundred per
18 cent sure I knew what her name was.

19 Q Ah. This woman, Ms. Hyacinthe, was employed by
20 the Coquitlam RCMP Detachment from a time sometime
21 in the past before any of you arrived there,
22 correct?

23 MR. MOULTON: I believe so, yes.

24 MR. POLLOCK: I believe so.

25 MS. CHAPMAN: Yes.

1 MR. HENLEY: Don't know the lady.

2 Q All right. She herself had known the Pickton
3 brothers for over 20 years. That's your
4 understanding, Mr. Moulton?

5 MR. MOULTON: Yes.

6 Q Her husband, Tom Hyacinthe, had known the Pickton
7 brothers for his entire life having gone to
8 elementary school with both of them?

9 MR. MOULTON: That's not something I knew.

10 Q All right. Their son Brad worked for the Picktons
11 at 953 Dominion Avenue?

12 MR. MOULTON: I don't recall that.

13 Q And the Hyacinthes themselves, Mr. and Mrs., lived
14 just down the road from the Picktons?

15 MR. MOULTON: I knew they were in the vicinity.

16 Q Mr. Pollock, your statement to Williams was in
17 effect saying to him that one of the issues
18 affecting your investigation and causing it to
19 lapse was that Ms. Hyacinthe, a family friend of
20 the Picktons, was likely to leak information to
21 them and compromise the investigation, right?

22 MR. POLLOCK: No.

23 Q Well, that's what you were getting at?

24 MR. POLLOCK: No, it's not.

25 Q Well, you said number one, this is number one

1 reason why it lapsed:

2 ...we had someone also in the office who was
3 very familiar with the PICKTON's and
4 everybody that lived in that area and we felt
5 that there was no possibility of,
6 police investigative technique blacked out. Let
7 me stop there and I'll let counsel -- give counsel
8 the opportunity to rise. Mr. Commissioner, I want
9 to know what's under that blacked out bit, and I
10 feel we're entitled to know.

11 THE COMMISSIONER: All right.

12 MR. MAKOSZ: Yes, Mr. Commission, Rory Makosz for the
13 Government of Canada.

14 THE COMMISSIONER: Sorry. Yes.

15 MR. MAKOSZ: There's been a vetting protocol in place since the
16 outset with respect to these disclosures. As to
17 what exactly the purpose for that particular
18 redaction is, I'm afraid I don't have personal
19 knowledge of that.

20 THE COMMISSIONER: You don't have personal knowledge?

21 MR. MAKOSZ: No. I can make inquiries, but the vetting
22 protocol was agreed with the commission at the
23 outset.

24 THE COMMISSIONER: I recognize there's been a protocol, but,
25 you know, if it's -- if it's relevant. In any

1 event, you don't know?

2 MR. MAKOSZ: I don't know offhand. I can make inquiries and
3 see --

4 THE COMMISSIONER: Okay.

5 MR. MAKOSZ: -- if the reason for the redaction is somehow
6 dispelled by this point.

7 THE COMMISSIONER: Okay. I'd want you to do that.

8 MR. MAKOSZ: All right. Thank you.

9 MR. WARD:

10 Q So, Mr. Pollock, what you said to Williams was,
11 "Because we've got this long-time employee who's
12 very familiar with the Picktons, there's no
13 possibility of us, the RCMP, embarking on a
14 particular type of investigative technique to
15 follow the investigation forward," right?

16 MR. POLLOCK: I agree with that part of your statement, yes.

17 Q All right. And you know from working in the same
18 small detachment with Ms. Hyacinthe, she was a
19 conduit of information from the Picktons to
20 yourselves in the RCMP and back again from the
21 RCMP to the Picktons, right?

22 MR. POLLOCK: No. I can answer the question if you want, but
23 that's not the correct -- that's not my view of
24 it. My view of it was, was that information from
25 her was that as soon as we tried to do something

1 everybody in the neighbourhood would know because
2 everybody knows everything that's going on in
3 there, and if we were to put strange vehicles or
4 whatever, strange equipment, everybody would know.
5 It had nothing to do with her passing information
6 back and forth.

7 Q Okay.

8 MR. POLLOCK: To my knowledge.

9 Q Thank you. So Ms. Hyacinthe told you, an RCMP
10 member in the detachment --

11 MR. POLLOCK: Ms. Hyacinthe told me nothing.

12 Q You learned somehow that -- well, help me with
13 this. How did you know that everybody in the
14 neighbourhood knew what was going on at the
15 Picktons?

16 MR. POLLOCK: I believe it was from Corporal Connor.

17 Q And he acquired that information from Ms.
18 Hyacinthe?

19 MR. POLLOCK: You'd have to ask him. I believe so.

20 Q All right. I think I did. Now, you saw Ms.
21 Hyacinthe every day you were in the office while
22 she was working there?

23 MR. POLLOCK: No.

24 Q Mr. Moulton?

25 MR. MOULTON: No.

1 Q You talked to her from time to time?

2 MR. MOULTON: Very occasionally.

3 Q All right. Now, here -- we know now what Ms.
4 Hyacinthe knew about the Picktons, and I am going
5 to list some things, because she was interviewed.
6 I'll list them for you and then I'll ask the
7 questions.

8 MR. HIRA: For the record, Ravi Hira. Could my friend specify
9 when he says she was interviewed what interview
10 he's referring to?

11 THE COMMISSIONER: All right.

12 MR. WARD: I've got about a dozen.

13 THE COMMISSIONER: A dozen interviews?

14 MR. WARD: Let me find them. I have to -- there's several.

15 THE COMMISSIONER: Okay.

16 MR. WARD: I've got seven. Pardon me. Seven. I misspoke.
17 Seven interviews of the Hyacinthe family
18 concerning their knowledge of the Picktons. And
19 I'll cite from -- firstly from an interview
20 conducted of her February 10th, 2002. Just for
21 counsel's reference, Concordance number
22 RCMP-029-000002. Mr. Commissioner, I'm asking
23 these questions and putting them in this way
24 because these four individuals worked with this
25 woman. This woman was in possession of the

1 following information, and my attempts to have the
2 woman testify to tell you and the rest of us about
3 what she knew about the Pickton brothers'
4 activities, especially the illegal activities, has
5 failed. I applied for that --

6 THE COMMISSIONER: Yes.

7 MR. WARD: -- back in December.

8 Q All right. First thing, and note this is just in
9 the order she disclosed this when she was
10 interviewed the first time on that date of
11 February 10th, that he, Pickton, was associated
12 with a large group of Filipino people, including
13 Pat Casanova, and they had cockfights on the farm.
14 Next thing, he, Willie Pickton, had pit bulls, and
15 he'd make them crazy into a frenzy that when they
16 would attack people. Next thing is that years
17 earlier her husband Tom and the Pickton brothers
18 had buried stolen vehicles on the property. Next
19 thing, and this is germane, most germane to what
20 I'm asking you about, that Ms. Hyacinthe herself
21 had been to the parties at Piggy's Palace and
22 described that it was like a zoo with the people
23 in attendance. There were Hells Angels, there
24 were people off the streets, and it was a strange
25 group of people. And that Willie would bring

1 dates to those parties. Next thing, that on
2 December the 31st, 1999, Willie brought a date to
3 one of the parties at Piggy's Palace, who she
4 three weeks later, when she saw the front page --
5 a few weeks later, pardon me, a few weeks later
6 when she saw the front page of the *Vancouver*
7 *Province* immediately recognized as one of the
8 missing women from the Downtown Eastside. Give
9 you that date again. December 31st, '99, she is
10 at a Piggy's Palace New Year's Eve party, and she
11 sees Willie Pickton in the company of a woman who
12 was later determined to have been murdered by
13 Willie, later tentatively identified as either
14 Mona Wilson or Dawn Crey, both of whom are lost
15 loved ones of my clients. She said in the same
16 interview with the RCMP she could produce photos
17 of that evening upon request. She said that her
18 son was in Willie's truck one time and there was
19 bloody clothing in it that stunk. She said that
20 her son reported to her while he was working with
21 Willie about lots of women that were there, must
22 be, and I apologize for the terminology, must have
23 had another hooker out today. Now, I put it to
24 you that in your little, and I don't mean this
25 disparagingly, but your relatively small

1 detachment, where Bev Hyacinthe had worked for
2 many, many years, long before you arrived, it was
3 common knowledge in the detachment of her
4 observations to that effect of the Picktons.
5 Agreed?

6 MR. MOULTON: Absolutely not. The only --

7 MR. POLLOCK: No, I don't agree.

8 MR. MOULTON: -- information with which I'm familiar is in
9 respect of the cockfight incident, which I believe
10 came from Mr. Caldwell, and all I can say is if
11 this is the state of Puff's knowledge at some
12 earlier point, I sure wish she'd made it known to
13 us.

14 Q So does the families of Mona Wilson and Dawn Crey,
15 but I put it to you she did, she told you.

16 MR. MOULTON: She did not.

17 Q You, Mr. Henley?

18 MR. HENLEY: Just for the record, your honour, I never worked
19 at Coquitlam Detachment. I have no idea who this
20 lady is, and I have no knowledge of any of this
21 information that Mr. Ward is presenting to me.

22 Q Fair enough, sir, and I apologize. You're on this
23 panel with the other three, and I thought there
24 was some connection between you all that caused
25 this panel to be structured this way, and I lost

1 sight of the fact you weren't with Coquitlam, so
2 I'm leaving you out of this for now. Mr. Pollock,
3 you were at Coquitlam?

4 MR. POLLOCK: I was not aware of that information from Bev.

5 Q Ms. Chapman?

6 MS. CHAPMAN: I've never heard that before today.

7 Q Can you tell me whether the RCMP ever got
8 photographs of the 1999 New Year's Eve party that
9 Ms. Hyacinthe volunteered?

10 MR. MOULTON: The proper person to address that question to
11 would be the person that took the statement after
12 February 10th, 2002, which I expect would be the
13 people involved with Project Evenhanded.

14 Q Or Ms. Hyacinthe?

15 MR. MOULTON: That would be correct.

16 Q All right. Let me tell you on this point what she
17 said. She said in her next statement -- for Mr.
18 Hira and others' benefit, it's taken by Sergeant
19 652 Cope on April the 2nd, 2002, 1400 hours. She
20 knew this to be the New Year's Eve party for the
21 year 2000. That's the Millenium. That was in
22 everybody's mind. So it was December 31st, 1999.
23 And then -- and I'll read a direct quote.
24 Actually, I won't. She identified the woman and
25 described her and described a limp and described

1 the fact that she stuck out in her mind and then
2 that she saw her photo in the newspaper as one of
3 the missing women just a few weeks later on the
4 front page. She brought that to your attention?
5 She must have.

6 MR. MOULTON: She did not. And as to December 31st, '99, that
7 was the last midnight shift I ever worked, and I
8 don't recollect our attendance at Piggy's that
9 night.

10 Q You know, all three of you, aside from Mr. Henley,
11 that members of the Coquitlam Detachment
12 frequented the Piggy's Palace parties when they
13 were off duty, don't you?

14 MR. MOULTON: Absolutely not.

15 Q Mr. Pollock?

16 MR. POLLOCK: No.

17 MS. CHAPMAN: I've never heard that before.

18 Q Mr. Caldwell was produced by Sergeant Jim Brown,
19 right?

20 MR. MOULTON: My recollection of that period is that Mr.
21 Caldwell was in custody on a matter that I have no
22 idea what it was. He requested to speak to the
23 Vancouver Police Department, and Mr. Brown
24 facilitated that contact.

25 Q Mr. Brown, I suggest to you, to your knowledge was

1 acquainted with Ross Caldwell from their mutual
2 acquaintance with the Pickton brothers arising out
3 of attendances at Piggy's Palace gatherings. Do
4 you agree?

5 MR. MOULTON: No.

6 Q How do you know Mr. Brown didn't go to Piggy's
7 Palace?

8 MR. MOULTON: I don't know that. I have no knowledge of it.

9 Q Have you looked at the photos that were taken of
10 the parties there, such as the ones that Ms.
11 Hyacinthe volunteered to give to the RCMP?

12 MR. MOULTON: No.

13 Q So you can't say whether or not he or other
14 members of the RCMP were at that particular New
15 Year's Eve party, can you?

16 MR. HIRA: Well, this --

17 MR. MOULTON: That wasn't your question.

18 THE COMMISSIONER: No, no.

19 MR. WARD: I asked whether you -- that's fine.

20 MR. HIRA: This is like the question when did you stop beating
21 your wife.

22 THE COMMISSIONER: Yes.

23 MR. WARD: All right. I'll move on.

24 THE COMMISSIONER: I agree.

25 MR. WARD: I appreciate that. Mr. Commissioner, I ask that Mr.

1 Brown attend as a witness. I ask again for, I
2 don't know, the sixth time perhaps that Ms.
3 Hyacinthe attend as a witness because she's got
4 highly relevant information, in my respectful
5 submission, going to why the RCMP failed to act on
6 the information in their possession that they had
7 in 2000.

8 Now, I touched on cockfights, and I promised
9 you I'd bring *The Globe and Mail* article. I have
10 that now. Mr. Commissioner, you don't see the
11 date at the top of the page, but I've got a copy
12 of the page that shows it. I can advise --

13 THE COMMISSIONER: Why don't you just tell us what it is?

14 MR. WARD: This is February 4th, 1998, and the copy verifies it
15 that I have, and counsel can look at that.

16 Q Now, former Assistant Commissioner Moulton and
17 former Deputy Superintendent Moulton, this article
18 that appeared in *The Globe and Mail* under Miro
19 Cernetig's byline on February the 4th, 1998,
20 refers to the RCMP arresting 39 people in Burnaby,
21 and let me just read you a couple of passages.
22 Partway down the left-hand column just under the
23 cut line of the photograph this appears:

24 The RCMP, in fact, stumbled onto the
25 weekend's alleged cockfights by accident.

1 They had been called to the front of the farm
2 by neighbours after two men were fighting in
3 the street. They quickly discovered dozens
4 of people, most of them immigrants from the
5 Philippines, where cockfighting is a big
6 sport, at the back of the farm around a ring
7 where the RCMP believes the fighting took
8 place.

9 And then there's a quote from the SPCA.

10 "When you get 39 people arrested for
11 cockfighting in one place, it's safe to say
12 there's more of this going on," Mr. Wilson
13 said. "I'd be inclined to think this is not
14 an isolated case. There have to be more of
15 these cockfights taking place."

16 And then the journalist refers to experts in
17 British Columbia who talks about -- or, sorry,
18 experts, one of whom was from Washington State,
19 and she referred to the fact that cockfighting was
20 very popular in the Philippines and immigrants
21 bring it with them to their new culture and so on.
22 In the middle there's an excerpt from Criminal
23 Code section 447, subsections 1 and 2, which makes
24 cockfighting illegal, a criminal offence. Towards
25 the end of the article this appears:

1 ...SPCA officials are wondering if an even
2 uglier illegal sport is also taking place in
3 the Vancouver area: pit-bull fighting. Dogs
4 in the area are often stolen, which police
5 have suspected might be related to illegal
6 dog-fighting rings. Suddenly that prospect
7 seems much more plausible.

8 And then dog fighters are referred to as being the
9 scum of the earth.

10 Now, in the adjacent community of Burnaby, at
11 least according to this article, the RCMP, your
12 police organization, and I'm referring these
13 questions to you, former Deputy Superintendent,
14 busted a ring and laid 39 cockfighting criminal
15 charges. A year before, a year and a bit before
16 Caldwell reported to you that Willie Pickton had
17 cockfighting events every weekend in the summer-
18 time on his property at 953 Dominion Avenue,
19 right?

20 MR. MOULTON: You're right that Mr. Caldwell reported that
21 activity.

22 Q All right. And I'm right that the article reveals
23 that just a year and a bit earlier, a year and a
24 half earlier, call it, the RCMP in the adjacent
25 municipality of Burnaby arrested 39 people and

1 charged them with offences?

2 MR. MOULTON: You appear to be right in that, but you're not
3 right that I knew that.

4 Q Fair enough. Fair enough. But you are presumed
5 to know that cockfighting is a criminal offence?

6 MR. MOULTON: Yes.

7 Q And you don't dispute that?

8 MR. MOULTON: No.

9 Q So here's the point. You said in your testimony
10 this morning -- I'll get the quote right so I
11 don't misstate -- misspeak. I took a careful note
12 of it.

13 We had no evidence about any other possible
14 offences by Mr. Pickton.

15 But, in fact, in July of 1999, the middle of the
16 summer, Mr. Caldwell, who had lived on Pickton's
17 property, reported to you that he had these
18 cockfighting events every weekend in the summer-
19 time, right?

20 MR. MOULTON: He reported that, yes.

21 Q So it follows that you had information from a
22 firsthand observer that Criminal Code offences
23 were occurring on the Pickton property at 953
24 Dominion Avenue in July of '99, right?

25 MR. MOULTON: We had that information from Mr. Caldwell.

1 Q And you were always looking, especially on those
2 three-hour commutes back and forth, for ways to
3 get on the ground, to get on the property and see
4 if, in fact, Mr. Pickton was murdering women
5 there, if there was any evidence of that, right?

6 MR. MOULTON: That's correct.

7 Q I put it to you, sir, you had what you needed in
8 July of '99 to get on the property. You had
9 firsthand evidence of a breach of section 447 of
10 the Criminal Code, these cockfighting events, a
11 serious criminal offence that was occurring every
12 weekend?

13 MR. MOULTON: A, I would not view it as a serious criminal
14 offence. B, the extent of our knowledge was the
15 expression by a single individual. There was no
16 supporting evidence going to that issue.

17 Q Well, Bev Hyacinthe, as you've conceded through
18 your knowledge of what she told Mike Connor, said
19 everybody in the area knew what was going on at
20 the property and the Filipinos that frequented the
21 place would come for the cockfights on the
22 weekend?

23 MR. MOULTON: That -- the allocation of those words to Ms.
24 Hyacinthe or to Mike Connor I am not aware of.

25 Q This place, you agree, was three and a half miles

1 down the Lougheed Highway, down I mean east, the
2 Lougheed Highway from your detachment building,
3 wasn't it?

4 MR. MOULTON: Yes.

5 Q Port Coquitlam, pretty small place in 1999?

6 MR. MOULTON: Approximately 40 to 50,000 residents.

7 Q Piggy's Palace was notorious in the community,
8 right?

9 MR. MOULTON: I don't know that.

10 Q Well, you, you spent some time trying to shut it
11 down?

12 MR. MOULTON: Exactly.

13 Q You knew that --

14 MR. MOULTON: For the liquor permit reasons.

15 Q Well -- and I put it to you, I put it to all three
16 of you, other than Mr. Henley, who, I don't know,
17 is on this panel but wasn't at Coquitlam, I put it
18 to all three of you that the Pickton brothers were
19 well known to the police by 1999, 2000. Agreed?

20 MR. MOULTON: They were known for having a booze can.

21 Q All right. I'm showing you next a document I
22 received this morning after some considerable
23 effort.

24 THE REGISTRAR: I have to let you know you're over your time,
25 Mr. Ward. Thank you.

1 MR. WARD:

2 Q Earlier in this proceeding, just so you know --
3 this is an offline CPIC search for David Francis
4 Pickton. It was given to me this morning. Just
5 so you know, Deputy Chief Evans from Peel reported
6 on the -- reported to us or testified to us about
7 the value of offline CPIC searches. Would you
8 agree, Mr. Moulton, that they reveal the extent to
9 which someone is known by the police insofar as
10 they contain a record of each time a person's name
11 was searched on the police computers?

12 MR. MOULTON: I would agree, and, in fact, offline searches
13 were done during the course of our investigation.

14 Q And you can go to the files themselves and find
15 out why the offline search was conducted or
16 perhaps you can go to the person who made the
17 search and find out what the investigation
18 entailed, right?

19 MR. MOULTON: You can do so. The unfortunate reality is often
20 the reason for the query is difficult to
21 ascertain.

22 Q All right. Well, I've got here, I've produced
23 here a record or a document I was given after
24 requesting it for some time, and the first five
25 pages -- I apparently don't have time. I'm over

1 my time, I'm told. But the first five pages
2 appear to contain, I don't know, it looks like
3 over a hundred hits on the name David Pickton,
4 David Francis Pickton prior to the search of the
5 property in February -- on February 5th of 2002 by
6 law enforcement agencies, many of which were done
7 by Coquitlam. Do you see that?

8 MR. MOULTON: Certainly there's lots of queries there, and who
9 they were done by would take a little longer to
10 sort out.

11 Q I put it to you, I put it to you that the SPCA in
12 Port Coquitlam made frequent reports to the RCMP
13 concerning both cockfights and pit bull fights
14 occurring on Robert William Pickton's property.
15 Do you know about that?

16 MR. MOULTON: No. I welcome if you'd show me one, please.

17 Q Well, I can't because I don't have information
18 behind these. Do you know what all these
19 Coquitlam queries are about?

20 MR. MOULTON: Not at the moment.

21 Q What would happen in your tenure there, Mr.
22 Moulton, when the Coquitlam or Port Coquitlam,
23 pardon me, SPCA lodged reports with you about
24 animal cruelty?

25 MR. MOULTON: They would be handled in the manner of any other

1 file.

2 Q So a file would be opened?

3 MR. MOULTON: That would be my assumption.

4 Q A complaint would be recorded?

5 MR. MOULTON: Exactly.

6 Q Has anybody at Coquitlam checked the files for
7 SPCA complaints about dog fighting or cockfighting
8 allegations against the Picktons?

9 MR. MOULTON: I have no idea.

10 MR. WARD: I'd ask that this document, offline search, be
11 marked as the next exhibit, please, and *The Globe*
12 and *Mail* article marked as well.

13 THE REGISTRAR: Those are open documents, are they?

14 THE COMMISSIONER: Yes.

15 MR. MAKOSZ: Mr. Commissioner, Rory Makosz for the Government
16 of Canada. That CPIC offline search was prepared
17 in a fairly rushed manner this morning. I'm
18 wondering if that might be marked NR just for the
19 time being.

20 MR. WARD: Fine with me.

21 THE REGISTRAR: The CPIC document? Is that the CPIC document
22 you were speaking of?

23 MR. MAKOSZ: Right.

24 THE REGISTRAR: That will be marked as 186NR.

25 MR. WARD: Thank you.

1 **(EXHIBIT 186NR: CPIC Printout on Investigation**
2 **Evenhanded)**

3 THE REGISTRAR: And your other document is a news --

4 MR. WARD: News article.

5 THE REGISTRAR: That will be 187.

6 **(EXHIBIT 187: Document entitled "Cockfighting**
7 **charges cause a flap" - news article)**

8 MR. WARD: And I have one -- I'm told I'm out of time, but I
9 have one important last area I'd like to try to
10 cover, Mr. Commissioner, with your leave.

11 THE COMMISSIONER: All right.

12 MR. WARD:

13 Q This concerns the 1997 incident and the charges of
14 attempted murder, forcible confinement, assault
15 with a weapon, and aggravated assault lodged
16 against Robert William Pickton. You, Mr. Moulton,
17 are familiar with those -- that matter, right?

18 MR. MOULTON: Yes.

19 Q All right. They're very serious charges, agreed?

20 MR. MOULTON: I agree.

21 Q Attempted murder was not something you dealt with
22 in Coquitlam every day?

23 MR. MOULTON: Not every day, no.

24 Q And you know from having an overview of the file
25 at least while Mike Connor was working on it that

1 the alleged incident involved the near killing of
2 a woman who was half aboriginal and worked as a
3 survival sex trade worker on Vancouver's Downtown
4 Eastside, right?

5 MR. MOULTON: I didn't know her ethnic origin, but I did know
6 that she was a sex trade worker.

7 Q And a survival sex trade worker, one of the women
8 who operate in a small radius around Main and
9 Hastings?

10 MR. MOULTON: I'm not sure if that was the state of my
11 knowledge then, but I would certainly say that my
12 knowledge now would suggest that is the case.

13 Q All right. Now, you -- when I mean you now, I
14 mean the RCMP. Corporal Connor, to your
15 knowledge, did everything in furtherance of the
16 investigation of that matter with his colleagues
17 under your supervision that the Crown asked them
18 to do, right?

19 MR. MOULTON: I believe so.

20 Q For instance, when the Crown asked for
21 investigative materials for the purpose of
22 disclosure to the defence --

23 MR. MOULTON: That would be the practice, certainly.

24 Q -- that was done?

25 MR. MOULTON: Absolutely.

1 Q All right. And you in the RCMP, Connor, the
2 others who were working on the file, and you
3 yourself did everything you could to bring this
4 man, Robert William Pickton, to justice as a
5 result of this very serious allegation, when he
6 attempted to murder this woman, didn't you?

7 MR. MOULTON: I believe so.

8 Q And you did everything you could to keep the
9 community safe from further such activities by
10 him?

11 MR. MOULTON: That was our intention.

12 Q You did everything you could to put him behind
13 bars for a long time?

14 MR. MOULTON: Yes.

15 Q What happened was that without any prior
16 consultation with you Crown counsel stayed those
17 four charges, right?

18 MR. MOULTON: That is my belief, yes.

19 Q It wasn't a situation where the Crown sought any
20 advice or input from you, the RCMP, who had
21 investigated the matter?

22 MR. MOULTON: Certainly not from myself or from my review of
23 the file, no.

24 Q And it did that, stayed the charges and then told
25 Mike Connor it had done so, one week before the

1 scheduled trial date?

2 MR. MOULTON: That's my recollection.

3 Q January 26, 1998, when the trial was scheduled to
4 start February 2nd?

5 MR. MOULTON: That time frame certainly.

6 Q You've worked with the Crown throughout your
7 police career?

8 MR. MOULTON: Yes.

9 Q And from your perspective on this particular file
10 it's obvious to you that the Crown had failed to
11 properly prepare the case for trial, isn't it?

12 MR. MOULTON: No, I would not adopt that statement.

13 Q Certainly you know they hadn't interviewed any
14 police witnesses?

15 MR. HIRA: Well, his evidence is that he became familiar with
16 this matter, that is, he became familiar with the
17 stay of proceedings when the Hiscox information
18 came to light. He's being asked to provide
19 opinion evidence regarding a Crown file. I don't
20 know whether he's seen the Crown file, and I don't
21 know whether he's in a position to provide opinion
22 evidence regarding Crown preparation. Certainly
23 the foundation for this type of questioning hasn't
24 been laid.

25 THE COMMISSIONER: I think you're right. I think if you lay

1 the foundation. I think I know where you're
2 going, but Mr. Hira is quite right, there has to
3 be a foundation laid for it.

4 MR. WARD:

5 Q Well, as a matter of fact, based on your
6 involvement with the investigators on the case who
7 had been subpoenaed to attend the trial, you know
8 that with a week to go before trial none of them
9 had been called in for interviews?

10 MR. MOULTON: No, I don't know that for --

11 Q You don't know that?

12 MR. MOULTON: That wouldn't be an unusual circumstance.

13 Q All right. Now, you met, as I saw in one of your
14 statements, bi-weekly with Crown counsel Richard
15 Romano?

16 MR. MOULTON: That might be -- I don't think it was every two
17 weeks. It would have been a month, every two
18 months, and then there would be a period where I
19 would have met with him more frequently in
20 relation to the Port Coquitlam courthouse being
21 a -- the word escapes me, but it was a pilot
22 project, yeah, a pilot project for JUSTIN.

23 Q In any of your meetings with Richard Romano prior
24 to January 26, 1998, did he ever give you any
25 inkling that the Crown was considering dropping

1 the case of attempted murder, forcible
2 confinement, assault with a weapon, and aggravated
3 assault against Robert William Pickton?

4 MR. MOULTON: I don't recall having a conversation with any
5 member of Crown at any time around that file.

6 Q So you didn't ask him in any of your meetings
7 later why the charges had been dropped?

8 MR. MOULTON: No.

9 Q Part of your job within the RCMP and part of the
10 job of your colleagues is to ensure that important
11 Crown witnesses are ready, willing, and able to
12 testify when needed by the Crown? It's something
13 you do from time to time?

14 MR. MOULTON: I'm certainly very well aware it's something that
15 we'll facilitate when requested to do so. My
16 activities of late, I'm well aware of that.

17 Q You -- coming back to your work with the BC
18 Association of Chiefs of Police, your view is that
19 it's both bizarre and wrong for the Crown to have
20 the ability to lay charges and to stay them,
21 right?

22 MR. MOULTON: I believe my view is that there's no legal basis
23 for the charge approval regime in British
24 Columbia. That's a separate issue from staying,
25 which I believe is the province of the Crown.

1 Q Did you read the April 2012 article in the *Blue*
2 *Line* publication about this very issue written by
3 Doug Stead?

4 MR. MOULTON: I'm very well familiar with Mr. Stead and his
5 position on the matter.

6 Q All right. I just want to ask you if this
7 confirms it. I'm showing you, sir, an article
8 retrieved today from the *Blue Line* magazine April
9 2012, a police publication entitled "The Long Arm
10 of Political Control" said to be the cover story
11 written by Doug Stead, which outlines what I
12 understand to be the BC Chiefs' position on
13 abandoning the current charge approval process.

14 MR. MOULTON: It would be Mr. Stead's position.

15 Q All right. If I --

16 MR. MOULTON: He has no law enforcement background.

17 Q If I could just turn -- direct your attention to
18 page 6.

19 MR. MOULTON: I have it.

20 Q Just under -- above the heading "The police
21 position".

22 MR. MOULTON: Yes.

23 Q There is a sentence that reads this way:

24 The BC Association of Chiefs of Police
25 (BCACP) provided written briefs to both

1 inquiries strongly arguing in favour of
2 abandoning the charge approval process.

3 Do you see that?

4 MR. MOULTON: Yes.

5 Q And do I understand correctly that you wrote one
6 of those briefs, one or more of those briefs?

7 MR. MOULTON: No, these were referring to inquiries that were
8 done prior to my time, but I quoted portions of
9 the results of those inquiries in my paper.

10 Q When did you write your brief?

11 MR. MOULTON: 2002.

12 MR. WARD: I'm just trying to find the statement you made to
13 Evans. If you'd just bear with me for a moment.
14 Page 108 of Evans' -- Mr. Commissioner, I'd ask
15 that the *Blue Line* document be marked as an
16 exhibit.

17 THE COMMISSIONER: All right.

18 MR. WARD: As it will be of assistance.

19 MR. HIRA: Well, why don't we just start marking anything that
20 anybody brings up. I mean, there's absolutely no
21 basis for --

22 THE COMMISSIONER: I don't know how relevant it is. This
23 author has a problem with who lays the charges.

24 MR. WARD:

25 Q Let me make a different request, and I'm happy if

1 this one is abided by, to have this document
2 marked in its stead. Mr. Moulton, you would have
3 no difficulty in producing the brief you wrote
4 about the Crown counsel's power and ability to lay
5 charges for consideration by this inquiry?

6 MR. MOULTON: Certainly not.

7 MR. WARD: I'd ask that you produce a copy of that to the
8 commission through its counsel and further that it
9 be marked as an exhibit when it's received.

10 MR. HIRA: Well, I'd like to see it first before that occurs.
11 If that is the process that I am going to be put
12 through, why don't we mark the Stead document. It
13 just seems to me that --

14 THE COMMISSIONER: I don't know why it's so relevant.

15 MR. WARD: Well, I'm getting to the relevance, if I may, with
16 the next question.

17 THE COMMISSIONER: Okay. All right.

18 MR. WARD:

19 Q Could you turn to page -- and I'm going fast, and
20 I know I'm going fast. I apologize to the court
21 reporter, but I feel highly pressured by time.
22 Page -- it's not the way I like to work, Mr.
23 Commissioner. Page 108 of your interview by
24 Evans.

25 MR. MOULTON: I have that.

1 Q Okay. I am going to read the passage -- your
2 answers to questions she posed about the '97
3 charges being stayed. That question starts over
4 on the preceding page, line 20. So she's asking
5 you about the stay of the attempted murder charge
6 in '97 by the Crown. You respond on line 4 of
7 page 108:

8 EARL MOULTON: They don't involve,
9 it should be "us".

10 They don't involve us in the decision-
11 making process. Notified well after the
12 fact. And the bizarre or the non-
13 intuitive aspect of that is, the very same
14 Crown that laid -- that made the stay is
15 the one that made the decision to go
16 ahead. It wasn't the police laid the
17 charge in the first place --

18 "Mm-hmm," says Evans.

19 MOULTON: -- and that somehow it was lacking.
20 And, and that's -- we have a -- I have a
21 paper on charge approval and I have a
22 well-known view of it but it's, it's
23 wrong.

24 MR. MOULTON: I recall --

25 Q You gave that evidence --

1 MR. MOULTON: I recall making that statement.

2 Q -- or gave that statement, and it's true?

3 MR. MOULTON: Yes.

4 Q So what you're saying here is it's wrong, in your
5 view, for the Crown to have stayed the charge it
6 laid without involving you, the police, in the
7 decision-making process?

8 MR. MOULTON: I think the point that I'm trying to make here,
9 and it was a general point not specific to the '97
10 matter, is that absent intervening information it
11 is anti-intuitive that a decision would be made to
12 proceed with the charge and then not to.

13 Q It's counterintuitive?

14 MR. MOULTON: That's correct.

15 Q Now, sir, your evidence is that by July of '99 you
16 did everything you, the RCMP, could to further the
17 Pickton investigation but despite your work no
18 steps were taken until February 5th, 2002?

19 MR. MOULTON: No, there would be --

20 MR. HIRA: August.

21 MR. WARD:

22 Q Sorry, August.

23 MR. MOULTON: Actually, I would say September.

24 Q All right.

25 MR. MOULTON: And I would point out that there were steps taken

1 after that as well in pursuit of the remaining
2 avenues, including interviewing Mr. Pickton and
3 Ms. Ellingsen, and that ultimately those were
4 followed up on.

5 Q Now, with respect to the 1997 attempted murder
6 charges, you said in one of your interviews, and
7 I'll find it in a moment, that the RCMP approached
8 the Crown to try to get the '97 charges
9 reinstated, right?

10 MR. MOULTON: I believe that to be the case, and it would be in
11 respect -- that would have occurred in the summer
12 of '98.

13 Q So in the summer of '98, once you got the
14 information brought forward by Bill Hiscox that
15 this Port Coquitlam pig farmer named Willie
16 Pickton may be responsible for Sarah de Vries and
17 other women's disappearances, you, the RCMP,
18 approached the Crown to try to get the '97 stayed
19 charges reinstated?

20 MR. MOULTON: I recall the discussion that we needed to look at
21 that stay and whether or not the charge could be
22 reactivated because -- or at least in my feelings
23 at the time that might provide us with perhaps a
24 release document that would then have control over
25 the body of Mr. Pickton.

1 Q And the intent then is to fulfil your duty to try
2 to keep the community safe, try to get this man
3 brought to justice and prevent him from possibly
4 killing other people?

5 MR. MOULTON: Certainly to keep the community safe, yes.

6 Q Now, just one last thing here, and that is I think
7 you accept by September 1999, you, Mr. Moulton,
8 are in possession of the following information
9 about Robert William Pickton and his possible
10 involvement in the murders of some people, namely,
11 sex trade workers from Vancouver. You have the
12 file relating to the 1997 attempted murder of
13 Anderson?

14 MR. MOULTON: Yes.

15 Q You have the information brought forward by Bill
16 Hiscox in July and August of 1998?

17 MR. MOULTON: Yes, and we have the information that resulted
18 from attempting to corroborate Mr. Hiscox.

19 Q Yes. And you have the new information that's
20 consistent with Hiscox's information brought
21 forward by another associate of Pickton's named
22 Ross Caldwell in July of '99?

23 MR. MOULTON: Yes.

24 Q And then you get information from other unrelated
25 informants, Leah Best and Ron Menard, that is

1 corroborative of the first two informants'
2 information?

3 MR. MOULTON: I would say it's not corroborative. It's
4 consistent, but it's not corroborative as it is
5 sourced back to somebody else. The -- both of
6 those go back to the same source.

7 Q And you've learned by this time -- no. Sorry.
8 Yeah. You've learned by this time that Willie
9 Pickton uses the services of sex trade workers
10 from the Downtown Eastside?

11 MR. MOULTON: We've had that information, but our attempts
12 through surveillance on three occasions failed to
13 corroborate that.

14 Q Now, here's the thing that I want to ask you about
15 in closing given the limited time I've had. We've
16 heard evidence early in this inquiry process that
17 women engaged in the survival sex trade on the
18 streets in and around the Main and Hastings area
19 of downtown Vancouver don't go very far away from
20 that place, that they perform sexual services for
21 very small amounts of money, they get into men's
22 cars, they're taken somewhere, they're brought
23 right back. Did you, Mr. Moulton, and I'll ask
24 the question of the other two Coquitlam officers,
25 former officers as well, did you in the entire

1 course of your career in Coquitlam know of any
2 other person in Port Coquitlam who was using,
3 regularly using the services of survival sex trade
4 workers from the Downtown Eastside of Vancouver in
5 Port Coquitlam?

6 MR. MOULTON: I can't think of any.

7 Q How about you, Mr. Pollock?

8 MR. POLLOCK: No, I can't think of any.

9 Q How about you, Ms. Chapman?

10 MS. CHAPMAN: No.

11 Q Mr. Registrar, could you just give the witnesses a
12 quick look at Exhibit 35, please. Or give them
13 Exhibit 35 and I'll ask you to take a quick look
14 at it. The exhibit I'm showing you is a
15 collection of local newspaper articles, many of
16 them from the front pages of *The Vancouver Sun* and
17 the *Vancouver Province* '97 through to 2000. This
18 issue of missing sex trade workers from the
19 Downtown Eastside was the subject of a great deal
20 of media attention according to Exhibit 35; do you
21 accept that?

22 MR. MOULTON: Yes.

23 Q So when you're there in August of '99, September
24 of '99 and you know pig farmer Willie Pickton is
25 using sex trade workers from the Downtown Eastside

1 regularly, that he got away scot-free with nearly
2 killing one in '97, that four informants have come
3 forward to you suggesting that he's killed one
4 woman by hanging her up in the barn and skinning
5 her and maybe more, why don't you either rule him
6 out as a suspect or take steps to charge him?

7 THE COMMISSIONER: Don't answer. Yes.

8 MR. HIRA: I don't have a problem with the last three
9 propositions. The first proposition has been
10 denied by my client.

11 THE COMMISSIONER: The first one being?

12 MR. HIRA: That he's a known user of sex trade workers.

13 THE COMMISSIONER: Oh, yeah. All right.

14 MR. HIRA: My client said that was not corroborated. So if my
15 friend wants to word the question with the last
16 three propositions, I don't have a problem with
17 it.

18 MR. WARD:

19 Q All right. I'll -- I have something somewhere on
20 that first one, but I'll let it go for now. Given
21 your knowledge that he attempted to murder a sex
22 trade woman from the Downtown Eastside of
23 Vancouver March 23, 1997, got away with it, given
24 Hiscox's information, Caldwell's information,
25 Best's information, Menard's information, leaving

1 aside what Bev Hyacinthe has said she knew about
2 Willie's activities, leaving that aside,
3 nonetheless, given the media coverage of the
4 problem of the women going missing from the
5 Downtown Eastside and their bodies not being found
6 and the like, the public concern, why didn't you
7 ensure in a timely way that Robert William Pickton
8 was ruled out as a suspect or confirmed to be the
9 perpetrator of these crimes?

10 MR. MOULTON: And I would -- my answer would be that is exactly
11 what we did. We did so at an extraordinary cost
12 of resources. We committed resources beyond any
13 other file that we had. The agreement to pay the
14 costs of another police force is without precedent
15 in my knowledge. We pursued the available
16 information to the degree that we could, and our
17 attempt to rule him in or rule him out is exactly
18 why the file was still open.

19 Q And that led to Nathan Wells ultimately, for
20 reasons he knows, making two separate attempts to
21 prepare search warrant information and getting
22 onto the property, where he recognized the inhaler
23 belonging to Sereena Abotsway?

24 MR. MOULTON: That's my understanding.

25 Q And again just coming back to that, you must have

1 had some chats with Nathan Wells in the interim
2 about the research he did into the missing women
3 cases that prompted him to get the search warrant?

4 MR. MOULTON: I have never met Mr. Wells.

5 Q All right. And your evidence, Mr. Moulton, as I
6 understand it, on taking the investigation to the
7 next level or next step was that you had
8 conversations with Peter Ditchfield with respect
9 to bringing Special "O" into it; is that right?

10 MR. MOULTON: I don't understand in terms of taking it to the
11 next level.

12 Q Well, getting a full-scale operation mounted
13 against Pickton.

14 MR. MOULTON: Which is what was in place as of August 3rd with
15 all of the surveillance and the investigators.

16 Q But the surveillance was over a few days during
17 the daytime?

18 MR. MOULTON: My understanding or recollection was that it
19 would have at least been till the people doing the
20 surveillance were entirely comfortable that he was
21 down for the night, as the phrase would be, and
22 that that went on for, again a frail memory after
23 14 years, but I think it was approximately two
24 weeks. And that would be in addition to the '98
25 surveillance and the spring '99 surveillance.

1 Q And Ditchfield would have been the guy to put an
2 undercover operation in place?

3 MR. MOULTON: No. His mandate, as I understand it, at the time
4 was the officer in charge of Strike Force and
5 whatever other units might fall under that, I
6 suppose, in Vancouver.

7 THE COMMISSIONER: Mr. Ward, you're at two hours.

8 MR. WARD: Which means I'm a half hour over my time, Mr.
9 Commissioner.

10 THE COMMISSIONER: Yes.

11 MR. WARD: I have to because of your direction, and most
12 reluctantly, sit down. I've asked virtually no
13 questions of the other three witnesses on this
14 panel.

15 THE COMMISSIONER: Well, you asked for two hours, and we
16 allocated an hour and a half, and I gave you a
17 half hour more than that, which means you cut into
18 other people's time.

19 MR. WARD: All right. I appreciate your indulgence. I
20 apologize to my colleagues, but I reiterate that
21 the time allotted was never going to be enough to
22 enable me to fulfil my duties to my clients and
23 the deprivation of an ample amount of time to
24 cross-examine these four witnesses constitutes a
25 breach of the rules of natural justice and the

1 principles of procedural fairness, and I again
2 lodge my objection to being stopped. Those are my
3 questions. Thank you, gentlemen and lady.

4 THE COMMISSIONER: Yes. Mr. Gratl.

5 MR. GRATL: Yes, Mr. Commissioner. It's just about time for
6 the break, but before we step out for the break
7 I'd like to expedite matters a little bit and --
8 by filing a number of documents as exhibits.

9 THE COMMISSIONER: Okay.

10 MR. GRATL: The first is interview notes of Corporal Connor on
11 the interview with Menard, then there's an
12 interview of Leah Best and the two interviews of
13 Lynn Ellingsen. And in addition to that there's
14 an interview of Caldwell, the one from August the
15 10th, and also some excerpts from some RCMP
16 policies and procedures dealing with undercover
17 operations and agents and informants.

18 THE COMMISSIONER: Do you want to do that now?

19 MR. GRATL: I'd prefer to do that now and we can deal with some
20 of that on the break --

21 THE COMMISSIONER: All right.

22 MR. GRATL: -- the marking and filing and so forth, and then
23 maybe I can get to the questions after the break.

24 MR. VERTLIEB: I just wanted to confirm that we did have an
25 estimate for Mr. Ward of two hours.

1 THE COMMISSIONER: Sorry?

2 MR. VERTLIEB: Mr. Ward did give an estimate of two hours for
3 this panel.

4 THE COMMISSIONER: I know he did.

5 MR. VERTLIEB: Mr. Commissioner, perhaps at the break I'll just
6 canvass with the remaining questioners. There are
7 two hours scheduled, so we're obviously going to
8 be needing to sit late, but I will canvass with
9 the three remaining examiners if there's any
10 shortening of that time. So perhaps it is a good
11 time for the break.

12 THE COMMISSIONER: All right. We'll adjourn.

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

14 **(PROCEEDINGS ADJOURNED AT 2:50 P.M.)**

15 **(PROCEEDINGS RESUMED AT 3:12 P.M.)**

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

17 MR. GRATL: So, Mr. Commissioner, Jason Gratl for Downtown
18 Eastside interests. Given the very brief time
19 allocated to me I've had to triage, and so what
20 I've decided to do is to concentrate on former
21 Corporal Henley --

22 THE COMMISSIONER: Okay.

23 MR. GRATL: -- and what he knew and why he did what he did, but
24 I may go into other areas.

25 THE COMMISSIONER: Okay.

1 MR. GRATL: I understand from Mr. Giles that the five documents
2 to which I wanted to mark as exhibits are numbered
3 188 for Menard.

4 THE REGISTRAR: I haven't given you any numbers yet, but we can
5 commence there. 188 for Menard.

6 MR. GRATL: And then 189 for the Best statement.

7 THE REGISTRAR: 189 for best.

8 MR. GRATL: And 190 for the interview of Ross Caldwell.

9 THE REGISTRAR: 190.

10 MR. GRATL: So August the 10th. And then 191 for both of the
11 Ellingsen interviews, the first one being the 10th
12 and the second being --

13 THE REGISTRAR: 191.

14 MR. GRATL: -- the 26th of August, 1999. And then 192 for the
15 RCMP operational policy manual.

16 THE REGISTRAR: 192. Now, any of those to be NR?

17 MR. GRATL: I don't believe so, but I'll let my friends from
18 the DOJ, who are very NR oriented --

19 MR. MAKOSZ: Mr. Commissioner, Rory Makosz for the Government
20 of Canada. I think most of these are in the
21 record already.

22 THE COMMISSIONER: That's what I thought.

23 MR. MAKOSZ: But they would have gone through the NR protocol
24 to get into their current forms on the website if
25 they have gotten that far. My concern is largely

1 with the ECO policies my friend is looking at, and
2 I don't know that they've had previous treatment.
3 I'd ask that they at least be marked as exhibits
4 NR.

5 THE REGISTRAR: That will be 192NR then.

6 THE COMMISSIONER: What's wrong with them being marked as
7 exhibits?

8 MR. GRATL: The privacy commissioner of Canada, Mr.
9 Commissioner, has indicated that all operational
10 policies of the RCMP are presumptively public.

11 THE COMMISSIONER: The policies are presumptively -- are
12 public, but I know that the commission is
13 precluded from examining the policies for their
14 correctness or otherwise. I recognize that.
15 Surely we have to know what the policies are.
16 We've already had reference to the policies.

17 MR. MAKOSZ: That may be sensible. Perhaps -- my friend Mr.
18 Hern has suggested that the entire package be NR
19 for the moment. I'm not sure what the nature of
20 the redactions may have been between the
21 disclosure states to the participants and to the
22 public with respect to exhibits that have already
23 gone in otherwise. I don't wish to complicate the
24 matter.

25 THE COMMISSIONER: But you are.

1 MR. MAKOSZ: Yes, I can see that.

2 THE COMMISSIONER: I mean, I thought we were going ahead.

3 MR. HERN: Mr. Commissioner, not really. They're going in as
4 exhibits, they're just not being posted on the web
5 until --

6 THE COMMISSIONER: Sorry?

7 MR. HERN: They're going in as exhibits, they're just not being
8 posted on the web until we've had a look at them.

9 THE COMMISSIONER: That's fine. Okay.

10 THE REGISTRAR: Well, I can mark them not necessarily NR but
11 just not to be released pending.

12 MR. GRATL: That's fine.

13 (EXHIBIT 188: Corporal CONNOR timeline records of
14 MENARD)

15 (EXHIBIT 189: Statement of Leah Claudette BEST)

16 (EXHIBIT 190: Interview of Ross CALDWELL)

17 (EXHIBIT 191: Interviews of Lynn ELLINGSEN)

18 (EXHIBIT 192: Excerpt from R.C.M.P. Operational
19 Manual)

20 THE COMMISSIONER: Go ahead.

21 THE REGISTRAR: Thank you.

22 MR. GRATL: All right, Mr. Commissioner, I have 3:14.

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

24 Q Mr. Henley, you arrived in Port Coquitlam on the
25 26th of July, 1999; is that correct?

1 MR. HENLEY: I don't know what you're referring to. Why did I
2 arrive there? I don't understand.

3 Q Sorry. You appreciate that you were involved in
4 an investigation of Robert William Pickton in the
5 summer of 1999?

6 MR. HENLEY: That's correct.

7 Q Do you remember that?

8 MR. HENLEY: Yes.

9 Q Okay. So I'm saying you arrived there.

10 MR. HENLEY: Actually, I wasn't involved so much in the
11 investigation of Robert Pickton. I was involved
12 in listening to Ross Caldwell's information,
13 asking about my opinion of and assessing his
14 information and then going and finding Lynn
15 Ellingsen.

16 Q Okay. We heard evidence from Ron Lepine of the
17 Vancouver Police Department that there were daily
18 briefings. Were you in attendance for those daily
19 briefings?

20 MR. HENLEY: I was there -- I recall being there for one
21 briefing in particular, but I don't recall the
22 date. If you have -- if you have the notes of it,
23 then I'll have a look at them.

24 Q Did you take --

25 MR. HENLEY: But I definitely was there for a meeting.

1 Q You were there for one meeting; that's your
2 evidence, is it?

3 MR. HENLEY: As we sit here now. I don't -- I don't recall the
4 dates of the other meetings. I actually don't
5 recall the specific date of that meeting. It was
6 shown to me, I think yesterday, in Bruce
7 Ballantyne's log --

8 Q Did you have a chance to review --

9 MR. HENLEY: -- in August.

10 Q -- any documents before you came here to testify
11 today?

12 MR. HENLEY: I looked at some of the documents, yes.

13 Q What documents did you review in preparing to give
14 evidence today?

15 MR. HENLEY: I reviewed Lynn Ellingsen's statement.

16 Q Yes. Which one, or both?

17 MR. HENLEY: The one in Coquitlam Detachment.

18 Q Did you review the August 10th, 1999 transcript?

19 MR. HENLEY: That's the one that -- is that the one in
20 Coquitlam Detachment?

21 Q All right. That's the one in the Whalley Sub-
22 Office.

23 MR. HENLEY: Yes, I did review that.

24 Q Okay. That's the August 10th one, just to help
25 you out there.

1 MR. HENLEY: Thank you.

2 Q And then the one in the Coquitlam Detachment --
3 sorry, the August 26th interview taken on -- taken
4 by Constable Yurkiw and Detective Lepine and then
5 yourself, that's labelled Coquitlam Detachment?

6 MR. HENLEY: I've watched that interview, and I've read the
7 transcript, that's correct.

8 Q Okay. Now, anything else, did you review anything
9 else in preparing to give evidence today?

10 MR. HENLEY: I read the report of DC Evans. I looked at a note
11 that I had made, I believe it was in March of '99,
12 when I spoke with Willie Pickton.

13 Q That's a handwritten note, is it?

14 MR. HENLEY: That's correct.

15 Q Okay. Anything else?

16 MR. HENLEY: I know over various meetings with DOJ we discussed
17 my involvement, but those are -- those are
18 essentially the documents that I'm familiar with,
19 are the ones that I just told you about.

20 Q You can't recall reading any other documents in
21 preparing to give evidence today?

22 MR. HENLEY: No.

23 Q Okay. Did you take any handwritten notes of your
24 time working at the Coquitlam Detachment on this
25 Pickton investigation?

1 MR. HENLEY: No. My partner took the notes.
2 Q You didn't take any handwritten notes at all?
3 MR. HENLEY: No.
4 Q Why would that be?
5 MR. HENLEY: Because my partner took the notes.
6 Q Okay. So you didn't -- you understand yourself to
7 have an independent obligation to take notes?
8 MR. HENLEY: No.
9 Q Okay. You thought it was okay in a partnership
10 for just one person to take the notes?
11 MR. HENLEY: Yes, I did.
12 Q Okay. And where did you learn that?
13 MR. HENLEY: Throughout my service.
14 Q You didn't keep -- did you keep a notebook at that
15 time at all?
16 MR. HENLEY: I'm sure I had a notebook at that time, yes.
17 Q Where is it now?
18 MR. HENLEY: It's destroyed.
19 Q Okay. Why did you destroy it?
20 MR. HENLEY: Because I'm no longer in the RCMP.
21 Q So you decided -- did you burn it, or what did you
22 do?
23 MR. HENLEY: Probably threw it out. I'm not really sure what I
24 did with it.
25 Q And when did you throw it out?

1 MR. HENLEY: Couldn't tell you that either. I left the force
2 in '02. I imagine it would be two or three years
3 after that.

4 Q Sure. Before or after Robert William Pickton was
5 arrested?

6 MR. HENLEY: It would have been after, I suppose.

7 Q Okay. So you discarded or destroyed your notes
8 after Pickton was arrested?

9 MR. HENLEY: Yes.

10 Q Even though you had notes dating back to your time
11 investigating Robert William Pickton?

12 MR. HENLEY: The only notes I had about the investigation of
13 Robert Pickton that I was involved in were the
14 logs and notes kept by my partner and the one
15 entry in the notebook that I supplied to DOJ.

16 Q All right. So when you arrived -- so you say you
17 can only remember a single -- a single meeting in
18 Port Coquitlam Detachment; is that right?

19 MR. HENLEY: I actually only have personal knowledge that I can
20 relate to of being at one meeting and then of
21 being at Coquitlam Detachment for the Lynn
22 Ellingsen interview, and I believe there was --
23 that there was a subsequent meeting after that.
24 Those two times are what I can recall.

25 Q All right. So when you arrived, if I put it to

1 you it was August -- or July 26th, 1999, you -- I
2 take it you weren't the first officer on the
3 scene? By that time you had members of the RCMP
4 General Investigation Section involved?

5 MR. MAKOSZ: Rory Makosz --

6 THE COMMISSIONER: Yes.

7 MR. MAKOSZ: -- for the Government of Canada. I'm objecting to
8 that question just because of the date that my
9 friend has referenced as July 26th, 1999.

10 THE COMMISSIONER: Yes.

11 MR. MAKOSZ: I think the record shows it would have been around
12 August 3rd or 4th that Mr. Henley was first
13 assigned to Coquitlam to assist in that
14 investigation, and I think he has testified to
15 that to this point. So I just want it to be clear
16 as to when he was first actually dispatched to
17 Coquitlam.

18 THE COMMISSIONER: Why don't you straighten that out, Mr.
19 Gratl.

20 MR. GRATL:

21 Q I'll find the reference. I'll find the reference.
22 When you arrived, of course there are members of
23 the Coquitlam Detachment already dealing with the
24 case, correct?

25 MR. HENLEY: That's correct.

1 Q And who were they?

2 MR. HENLEY: Probably --

3 Q We know about Yurkiw, Constable Yurkiw, and
4 Pollock and Moulton. They were all involved,
5 right?

6 MR. HENLEY: I didn't know Constable -- at that time Constable
7 Yurkiw. I had never met her before. I had never
8 met Sergeant Pollock. The only person at the
9 meeting that sort of stuck out in my mind as being
10 sort of the lead investigator was Mike Connor
11 because I had -- I had had previous dealings in
12 years past with Mike. I knew who he was.

13 Q All right. That doesn't -- I'm not asking you
14 whether you knew them before. I'm asking you
15 whether they were involved.

16 MR. HENLEY: As far as I knew they were involved. They were --

17 Q So we've got Connor, Yurkiw, Pollock, Moulton,
18 Coquitlam, correct?

19 MR. HENLEY: Yes.

20 Q Anybody else from Coquitlam Detachment to your
21 knowledge?

22 MR. HENLEY: I can't think of anybody else.

23 Q All right.

24 MR. HENLEY: I can't name them for you.

25 Q And Vancouver Police Department we know about

1 Chernoff and Lepine. They were involved, correct?

2 MR. HENLEY: Yes, I know Chernoff, and I know Lepine.

3 Q All right. And aside from that -- but I'm not
4 asking you whether you knew them. I'm just asking
5 whether they were involved, to your knowledge, in
6 this Port Coquitlam based investigation?

7 MR. HENLEY: To my knowledge, they were.

8 Q Okay. And aside from that, Sergeant Field showed
9 up?

10 MR. HENLEY: I don't have any recollection of Sergeant Field
11 being there.

12 Q Okay. Anybody else from the Vancouver Police
13 Department?

14 MR. HENLEY: No one that I can recall.

15 Q All right. From the General Investigation Section
16 of the RCMP?

17 MR. HENLEY: I believe Russ Nash and Nels Justason were the
18 division -- were the headquarters Serious Crime
19 Section, I recall.

20 Q All right. Anybody else at all?

21 MR. HENLEY: No.

22 Q A profiler, Keith Davidson?

23 MR. HENLEY: I don't recall Keith being there.

24 Q All right. And those three sets of officers, the
25 Coquitlam, the VPD, and the General Investigation

1 Section officers, were already assigned once you
2 got there, correct?

3 MR. HENLEY: Yes, as far as I know.

4 Q All right. And what I'm putting to you is that
5 your assignment, you and Ballantyne were assigned
6 to this investigation by Doug Henderson, correct?

7 MR. HENLEY: We were asked to go to Coquitlam to see if we
8 could assist Coquitlam. I wouldn't say we were
9 assigned to the investigation, no. We were asked
10 to go there and to sit in on the meeting and to
11 see if we could assist Coquitlam in their
12 investigation.

13 Q Okay. You were assigned to Port Coquitlam because
14 there was some type of problem, correct?

15 MR. HENLEY: I wasn't assigned. I was asked to go and sit in
16 on the meeting to see if I could offer some
17 assistance.

18 Q All right. So you were sent to Port Coquitlam
19 because there was some kind of problem, correct?

20 MR. HENLEY: There was no indication to me that there was a
21 problem if you are going to use the word
22 "problem". I wasn't really told and I don't have
23 any specific recollection what Henderson told us
24 specifically. He needed us to go there, sit in on
25 the meeting, see if we could assist in some

1 manner.

2 Q All right. I put it to you that you told Deputy
3 Chief Evans when she interviewed you that you were
4 just sort of sent there to see what was going on
5 because you maybe had a sense that there was some
6 problems, and I don't know what those problems
7 were. But you weren't sent there to go and work
8 there until the case was solved; isn't that right?

9 MR. HENLEY: I believe I just said that.

10 Q And you indicated to Deputy Chief Evans that he,
11 meaning Doug Henderson, may have been getting some
12 feedback that maybe there's a little friction or
13 something?

14 MR. HENLEY: Maybe. Maybe he was. I don't know why he sent me
15 there. I just told you. He sent us out there to
16 assist, to see if we could offer them some help.

17 Q Okay. But what I'm suggesting to you is that you
18 -- when Deputy Chief Evans asked you why did you
19 go there you said you were sent by Henderson,
20 there may -- he may have been getting a little
21 feedback that maybe there's a little friction or
22 something, you don't know.

23 MR. HENLEY: Mm-hmm.

24 Q Is that right?

25 MR. HENLEY: That's what I said to her.

1 Q Okay. Is that correct? Is that accurate?

2 MR. HENLEY: If that's what I said to her, yes, I guess, yeah.

3 Q Then it is accurate?

4 MR. HENLEY: I'm not sure what your point is. Is your point
5 that --

6 Q My point is that I would like you to answer the
7 question, please.

8 THE COMMISSIONER: Don't worry about the point. Just listen to
9 the question and answer it.

10 MR. HENLEY: Okay. Ask me the question one more time, please,
11 and then I will answer it.

12 MR. GRATL:

13 Q Well --

14 MR. HENLEY: Because I'm still not quite sure what you're
15 asking.

16 Q Did you understand that Doug Henderson had been
17 getting some feedback that there was a little
18 friction out in Port Coquitlam?

19 MR. HENLEY: Yes.

20 Q All right. Now, when Deputy Chief Evans asked you
21 about that, she said friction between who, of
22 course, because that's an interesting topic, and
23 you responded:

24 I'm not sure if it was Coquitlam and
25 Vancouver or Coquitlam and the Unsolved Unit

1 because we wouldn't send a whole tribe over
2 there to help. I don't know. I said I was
3 just told to go there, go to the meeting, see
4 what's going on, report back.

5 Isn't that right?

6 MR. HENLEY: That's correct.

7 Q Okay. So you've already got these three groups of
8 people there, but you're sent there on behalf of
9 the Unsolved Homicide Unit to report back to Doug
10 Henderson what's going on?

11 MR. HENLEY: That's correct.

12 Q And you're not sure where there was friction, but
13 there seemed to be some kind of interdepartmental
14 friction?

15 MR. HENLEY: I thought there may be.

16 Q Okay. And it could have even been friction
17 between the other units and the Unsolved Homicide
18 Unit because you wouldn't devote sufficient
19 resources there?

20 MR. HENLEY: That may very well have been it, yes.

21 Q Okay. Now, did you know which one of those it
22 was?

23 MR. HENLEY: No, I did not.

24 Q All right. But you appreciated that your role was
25 different than what it usually is in terms of

1 being seconded to assist in an investigation?

2 MR. HENLEY: Yes. I'd have to say yes to that.

3 Q And you appreciate as well that you weren't -- the
4 investigation you were being sent to report back
5 to Doug Henderson about, it wasn't just a single
6 murder investigation, it involved the
7 disappearances of many missing women, correct?

8 MR. HENLEY: No.

9 Q Okay. Now, I'd like to show you the interview of
10 Lynn Ellingsen -- that's Exhibit 191 -- which took
11 place in Surrey at the Whalley Sub-Office on
12 August the 10th. You were in attendance at that
13 meeting, correct?

14 MR. HENLEY: That's correct.

15 Q You and your partner, Ballantyne?

16 MR. HENLEY: That's correct.

17 Q Now, Ballantyne opens the interview there. I
18 guess you wanted him to take the lead because you
19 say, "Go ahead, Bruce," and the first thing your
20 partner says is:

21 Don't let this intimidate you. Lynn, we've
22 been talking for a little while, you've come
23 in voluntarily. Thanks very much. I know
24 there's another matter to deal with, but
25 we'll get that dealt with and out of the way.

1 As we told you originally we're homicide
2 investigators, we're dealing with the missing
3 thirty-one odd girls from the Vancouver area.
4 Through a tip the name PICKTON has come up,
5 your name had come up and we thought that
6 perhaps we would talk to you to see if you
7 could tell us anything about Willy PICKTON
8 which you have done.

9 Do you see that?

10 MR. HENLEY: Yes.

11 Q Yeah. I take it your partner's accurately
12 reflecting what you're doing there, which is
13 you're dealing with the missing 30 odd -- 31 odd
14 girls from the Vancouver area; isn't that correct?

15 MR. HENLEY: That's what it says.

16 Q Well, that's accurate, isn't it?

17 MR. HENLEY: Yes.

18 Q Okay. So it wasn't just a single murder
19 investigation that you were in Coquitlam to deal
20 with, it was dealing with the missing 31 odd girls
21 from the Vancouver area, correct?

22 MR. HENLEY: That's not entirely correct, no.

23 Q Okay. So why then would your partner, Ballantyne,
24 tell that to Ms. Ellingsen?

25 MR. HENLEY: You'd have to ask him.

1 Q Well, you were sitting right beside him when he
2 did that?

3 MR. HENLEY: Yes.

4 Q And you didn't speak up anywhere during this
5 interview and say, "Hey, that's not right. We're
6 just dealing with a single murder"?

7 MR. HENLEY: I didn't even think we had a murder at that time.

8 Q Okay. Do you get the import of the question
9 there, Mr. Henley?

10 MR. HENLEY: Yes.

11 Q You know what I'm talking about?

12 MR. HENLEY: Yes.

13 Q Why did your partner tell Ellingsen that you were
14 dealing with 31 odd girls from the Vancouver area?

15 MR. HENLEY: I can't answer for my partner. He's not here.

16 Q Okay. But you'll see that you and he have a
17 sybiotic function, correct? You're working
18 together --

19 MR. HENLEY: That's correct.

20 Q -- on an interview, correct?

21 MR. HENLEY: Yes.

22 Q He's taking notes for you?

23 MR. HENLEY: Yes.

24 Q He's your handwriting memory function, correct?

25 MR. HENLEY: You're being facetious, but okay. Correct.

1 Q I'm not being facetious. That's your testimony.

2 You say he is taking notes for you?

3 MR. HENLEY: In that one instance.

4 Q All right. So you're one mind, I guess, if you're

5 happy to have him take notes for you. That's a

6 high level of symbiosis for partners, correct?

7 MR. HENLEY: Correct.

8 Q And you're saying what Ballantyne told Lynn

9 Ellingsen's false?

10 MR. HENLEY: No, I'm not.

11 Q Okay. Well, didn't Ballantyne tell Ellingsen that

12 you were there, the both of you, dealing with the

13 missing 31 odd girls from the Vancouver area?

14 MR. HENLEY: I was originally sent to Coquitlam Detachment to

15 assist because someone had come forward, namely

16 Mr. Caldwell, and had brought forward information,

17 thirdhand information that Lynn Ellingsen had gone

18 into a barn on the Pickton property and that she

19 had seen a woman's body hanging. I'm not sure

20 where Bruce got the 30 odd -- some odd women from.

21 I'm not.

22 Q You really had no idea is what you're saying, you

23 just hadn't heard of that before, and he just

24 totally caught you off guard, but you just decided

25 not to mention anything? That's your evidence?

1 MR. HENLEY: He was conducting the interview.

2 Q So you're saying that was false, that he told Lynn
3 Ellingsen something that was inaccurate?

4 MR. HENLEY: I'm not saying anything's false.

5 Q Your business with Ellingsen didn't have anything
6 to do with 31 missing women?

7 MR. HENLEY: It's written right here. He told her that. I
8 don't -- I don't know what was in his mind when he
9 told her that.

10 Q All right. But you're agreeing that it was
11 inaccurate, it was a deception?

12 MR. HENLEY: It may have been.

13 Q And what was the purpose of that deception?

14 MR. HENLEY: Quite often when you take statements or you
15 interview people you don't always tell them the
16 truth. You throw things at them to see what kind
17 of response you are going to get.

18 Q All right. And so I take it there Ballantyne
19 says, "Don't let this intimidate you," at the
20 beginning of that paragraph because he appreciates
21 that it may well intimidate her if we're talking
22 about the disappearance of 31 missing women,
23 correct?

24 MR. HENLEY: Absolutely.

25 Q So was it his purpose then to intimidate her by

1 giving her false information?

2 MR. HENLEY: I don't know. I don't think it was ever his
3 intention to intimidate her in any way. I don't
4 know why he said that.

5 Q Didn't you have direction from Corporal Connor to
6 take the soft approach?

7 MR. HENLEY: I don't think we had any direction from Corporal
8 Connor, none that I am aware of.

9 Q There wasn't any consensus from anybody within the
10 circle of investigators that you are to take a
11 soft approach to Ellingsen?

12 MR. HENLEY: It was our idea Bruce decided to take the soft
13 approach on her. I don't recall any specific
14 conversation with any other members about how an
15 interview should be conducted with Ellingsen.
16 That's just something that Bruce and I thought
17 that we would do in preparation to turn her over
18 to Coquitlam Detachment.

19 Q Well, you weren't supposed to reveal the
20 information that you had, were you?

21 MR. HENLEY: Why does it matter?

22 Q Can you answer the question, please, Mr. --

23 MR. HENLEY: Nobody told us not to. I'm sorry. Nobody told us
24 not to.

25 Q All right. Did you make the decision jointly to

1 tell her about the information you had received?

2 MR. HENLEY: I would have to say so because obviously I didn't
3 intervene in Bruce's questioning.

4 Q Okay. So you did then jointly, you and Bruce
5 Ballantyne agreed to tell her about the
6 information that was received from Caldwell?

7 MR. HENLEY: I would have to answer yes to that.

8 Q All right. And did you jointly decide that you
9 were going to tell her that it related to the 31
10 odd missing girls from the Vancouver area?

11 MR. HENLEY: I don't recall specifically that conversation, but
12 it's here, and he said it, so --

13 Q Well, I'm saying --

14 MR. HENLEY: -- I have to.

15 Q I'm asking you whether you take responsibility for
16 that statement?

17 MR. HENLEY: Well, I have to. I don't recall specifically
18 having that conversation, but it's here. I was
19 sitting there while it was being taken, and
20 obviously I didn't question it, so my answer would
21 be yes.

22 Q All right. So let's take an inventory of the
23 information that was available to you up until
24 August 26th, the second Ellingsen interview. You
25 appreciate that the Hiscox information was out

1 there?

2 MR. HENLEY: I don't recall that information.

3 Q Okay. So you appreciate there were people at the
4 table there who knew about the Hiscox information?

5 MR. HENLEY: I know that now.

6 Q You're saying that that information wasn't shared
7 as between all the investigators for some reason?

8 MR. HENLEY: I don't recall that information. I only -- I only
9 recall the information that I heard from Ross
10 Caldwell.

11 Q Well, I'm just thinking that if you bring a whole
12 bunch of investigators into a room, many of whom
13 come from different organizations or different
14 sections of the organizations, you would have a
15 briefing. Isn't that the ordinary practice?

16 MR. HENLEY: Yes.

17 Q Okay. And a briefing would involve telling
18 everybody in the room the information you have so
19 that mistakes aren't made based on absence of
20 information?

21 MR. HENLEY: Yes.

22 Q Okay. You're saying that didn't happen in this
23 context?

24 MR. HENLEY: I'm saying the only thing I recall about that
25 meeting that stands out in my mind was Ross

1 Caldwell's information about Lynn Ellingsen seeing
2 a body.

3 Q All right. So you're saying that you went in to
4 interview Lynn Ellingsen without being fully
5 briefed on all the background information; is that
6 correct?

7 MR. HENLEY: Yes.

8 Q All right. Now, the March 1999 sighting of Lynn
9 Ellingsen and Robert William Pickton in New West
10 trying to pick up a sex worker, that information
11 would have been available to you, correct?

12 MR. HENLEY: I believe it was.

13 Q Corporal Connor knew that. He had pulled it off
14 of PIRS and relayed that to you, correct?

15 MR. HENLEY: It probably came up during the meeting.

16 Q Okay. So that information sort of corroborates
17 Caldwell's statement, correct?

18 MR. HENLEY: I don't know what part of his statement it
19 corroborates.

20 Q Well, that Lynn Ellingsen is driving around with
21 Pickton helping him pick up sex workers. It's a
22 partial corroboration, isn't it?

23 MR. HENLEY: I would agree to that, yeah.

24 Q And it strengthens the Hiscox -- it strengthens
25 the Caldwell information, correct?

1 MR. HENLEY: To a certain degree.

2 Q To a certain degree. Now, you've got statements
3 from Caldwell made on August the 4th. You
4 remember that was the episode when he was too high
5 to be helpful, correct?

6 MR. HENLEY: That's correct.

7 Q But aside from that there's another interview that
8 takes place six days later on August the 10th.
9 That's a detailed and cogent, helpful recitation
10 of information; isn't it? Correct?

11 MR. HENLEY: I don't believe I've read that statement or seen
12 it.

13 Q Okay. Well, surely you would have asked, "Well,
14 how did Caldwell do on his second interview"?

15 MR. HENLEY: Not necessarily, no.

16 Q Okay. You had already made up your mind about
17 Caldwell based on the first interview, and at that
18 point you weren't interested in finding anything
19 else about what Caldwell had to say?

20 MR. HENLEY: No, I was only interested in finding Lynn
21 Ellingsen because Caldwell's information was
22 thirdhand, and his information was that she had
23 the information, that she had seen the incident,
24 so, therefore, I was only interested in Lynn
25 Ellingsen at that time.

1 Q All right. You appreciate that Caldwell gave a
2 statement on August 10th and you didn't go in to
3 talk to anybody about how that statement went?

4 MR. HENLEY: Not that I recall, no.

5 Q And you went into your August 26th interview with
6 Lynn Ellingsen, you're saying, not knowing how the
7 August 10th interview went?

8 MR. HENLEY: That's correct.

9 Q Not knowing any of the new information or new
10 details from the August 10th interview?

11 MR. HENLEY: No, I don't recall anything about that.

12 Q Okay. So once again you interview Ellingsen
13 without having all the proper information, without
14 being properly briefed?

15 MR. HENLEY: My purpose in going into -- first of all, I didn't
16 really interview Lynn. If you watch the tape or
17 you read the statement, Constable then Yurkiw and
18 Ron Lepine did, and I came into the room very late
19 into the statement hoping perhaps to get her to
20 calm down and to focus on Constable Yurkiw.

21 Q Without being briefed is my question. Without
22 being briefed?

23 MR. HENLEY: Briefed on the second Caldwell statement?

24 Q Yes, that's correct.

25 MR. HENLEY: That's correct.

1 Q Okay. And you'll appreciate that standard
2 practice for anybody conducting an interview or
3 interrogation is to be properly briefed before you
4 commence?

5 MR. HENLEY: Yes.

6 Q That's something that you didn't follow? That's a
7 protocol, a practice you didn't follow when it
8 came to Ellingsen?

9 MR. HENLEY: I was not aware of Caldwell's second statement
10 when I went in there, no.

11 Q Okay. And so the same with the first statement.
12 You weren't properly briefed for the first
13 statement, and you weren't properly briefed for
14 the second statement, correct?

15 MR. HENLEY: Correct.

16 Q All right. Now, you appreciate that Leah Best
17 came into an RCMP detachment apparently with a
18 friend on August the 6th and then had a full-on
19 interview on August the 7th, correct?

20 MR. HENLEY: I have no knowledge of that, and I didn't have any
21 knowledge of that.

22 Q She corroborates some of the information provided
23 by Caldwell?

24 MR. HENLEY: I have no knowledge of that.

25 Q You're saying that you didn't talk to any of the

1 other investigators, correct?

2 MR. HENLEY: That's correct.

3 Q About information that would corroborate what
4 Caldwell had to say?

5 MR. HENLEY: That's correct.

6 Q Weren't there meetings, Mr. Henley, weren't there
7 meetings where you criticized the Caldwell
8 information, the veracity of it and its
9 reliability?

10 MR. HENLEY: I believe at the first meeting, yes.

11 Q Any other meetings?

12 MR. HENLEY: When I went to watch him give his statement I was
13 probably critical of his condition and the
14 condition that he gave the statement in.

15 Q Inspector Moulton, didn't you have a meeting with
16 Mr. Henley in which Mr. Henley criticized the
17 utility, veracity, credibility of the Caldwell
18 information?

19 MR. MOULTON: I don't recall one, no.

20 Q You don't recall one?

21 MR. MOULTON: No.

22 Q All right. So again then, you didn't know the
23 Best information when you conducted the interview
24 of Ellingsen?

25 MR. HENLEY: That's correct.

1 Q Because you didn't, I take it again, you didn't
2 contact the lead investigator, Connor, to find out
3 whether there'd been any new information prior to
4 starting your interview of Ellingsen?

5 MR. HENLEY: Which interview are you talking about?

6 Q Well, either one of them. Best comes in on August
7 the 7th. You do your first interview of Ellingsen
8 on the 10th and the second on the 26th, correct?

9 MR. HENLEY: Yeah. The first one I wasn't in contact with
10 Coquitlam Detachment, and that's correct. Nor was
11 I in contact with Corporal Connor. I was sort
12 of -- I was beating the streets in Surrey to try
13 and find Lynn Ellingsen.

14 Q All right.

15 MR. HENLEY: We took her into the sub-office, and I believe
16 you've heard that evidence of where we found her
17 and why we took her in.

18 Q Sure. Constable Yurkiw, you were there to pick up
19 Ellingsen, correct?

20 MS. CHAPMAN: On which day are you referring to?

21 Q The 10th of August.

22 MS. CHAPMAN: No, on that date -- I was not involved in that
23 file until the 24th of August.

24 Q Were you there on the 26th of August to pick up
25 Yurkiw?

1 MS. CHAPMAN: To pick up?

2 Q Or, sorry, to pick up Ellingsen?

3 MS. CHAPMAN: No. I was at the Coquitlam Detachment. I
4 believe Mr. Henley picked her up from Surrey and
5 brought her to the Coquitlam Detachment.

6 Q All right. How about you, Mr. Pollock? Were you
7 involved in picking up Ellingsen from her
8 residence?

9 MR. POLLOCK: I was with Constable Yurkiw on August 25th and
10 August 31st when we attempted to look for her, but
11 I was never involved in picking her up.

12 Q All right. So on the 25th you and Yurkiw and
13 Corporal Henley, you all travelled around trying
14 to locate Ellingsen, correct?

15 MR. POLLOCK: That's correct.

16 Q And, of course, you, Mr. Pollock, you knew about
17 the Best interview, correct?

18 MR. POLLOCK: No, I didn't.

19 Q All right. And you didn't talk to Connor about
20 the interview with Leah Best?

21 MR. POLLOCK: Not that I recall. I don't have any notes to
22 that effect.

23 Q All right. And then you didn't talk to -- you
24 didn't talk to Connor about any of the other
25 information that had been obtained prior to the

1 25th of August?

2 MR. POLLOCK: I talked to Connor periodically over the course
3 of several months in short spurts, but I don't
4 recall having an in-depth conversation with him
5 about the various evidence.

6 Q Were there daily briefings on this file?

7 MR. POLLOCK: No.

8 Q Constable Yurkiw, were there daily briefings on
9 this file?

10 MS. CHAPMAN: No, there were not.

11 Q And, Inspector Moulton, were there daily briefings
12 on the file?

13 MR. MOULTON: Not to my knowledge.

14 Q All right. And how many briefings did you attend
15 in August? Do you have your notes with you?

16 MR. MOULTON: I don't.

17 Q Do you have notes?

18 MR. MOULTON: No.

19 Q All right.

20 MR. MOULTON: From my review of the material, I believe I was
21 at meetings on the 29th of July, the 30th of July,
22 the 3rd of August, the 5th of August, and then I
23 was on holidays from the 7th to the 21st of August
24 and returned, I believe, on the 22nd, and then on
25 my return I would have been caught up to date.

1 Q All right. Mr. Henley, you appreciate there was
2 surveillance of Pickton to the West Coast
3 Reduction plant in Vancouver on August the 4th?

4 MR. HENLEY: I was aware that there was -- that there was
5 surveillance -- as a result of sitting in on the
6 first meeting that there was surveillance on
7 Willie. I didn't know to what extent or where
8 they were following him or what was going on with
9 it.

10 Q All right. So you didn't bother checking in to
11 find out what the product of the surveillance was
12 before interviewing Ellingsen on either occasion?

13 MR. HENLEY: No.

14 Q Why not?

15 MR. HENLEY: I didn't feel it was necessary. I was looking for
16 Lynn Ellingsen. I wasn't running the file. I was
17 merely assisting.

18 Q All right. Assisting with an interview of a key
19 witness in a murder case?

20 MR. HENLEY: We didn't have a murder case. There was no
21 murder. We had --

22 Q What kind of case was it to your mind?

23 MR. HENLEY: We had information from an unreliable source, in
24 my opinion, that Lynn Ellingsen had told this
25 third party that she had seen a body hanging in

1 Willie's barn.

2 Q What's that, an assault, to your mind?

3 MR. HENLEY: Well, if the body was hanging and being gutted, it
4 would have been a murder, but it wasn't a murder
5 investigation.

6 Q What was it to your mind?

7 MR. HENLEY: It was -- it was unsubstantiated thirdhand
8 information.

9 Q About a murder?

10 MR. HENLEY: A possible murder.

11 Q Okay. You don't appreciate that there's
12 sufficient cause here, the information's good
13 enough to bring in Coquitlam, VPD, the General
14 Investigation Section, and Unsolved Homicide?
15 You're saying just unsubstantiated information,
16 not a murder investigation?

17 MR. HENLEY: That's how I viewed Ross Caldwell's information,
18 yes.

19 Q All right. So you didn't know about the
20 surveillance that took place on August 4th?

21 MR. HENLEY: I didn't know specifically where he had gone or
22 where they had followed him. I knew he was under
23 surveillance. That was mentioned at the meeting.

24 Q And you didn't bother checking into how the
25 surveillance was going --

1 MR. HENLEY: No, I did not.

2 Q -- you say because it wasn't a serious enough
3 investigation? Do I have that right?

4 MR. HENLEY: I think you're wrong when you say it wasn't a
5 serious enough investigation. It wasn't my
6 investigation. I was there to assist. My
7 assistance was to find Lynn Ellingsen.

8 Q And interview her?

9 MR. HENLEY: As it turns out, I did interview her.

10 Q Okay. So your assignment then was not to
11 interview her, you just decided to do it? Nobody
12 had assigned interviewing to you, just get her,
13 find her, get her, somebody else will interview
14 her, and you decided on your own to interview her;
15 is that right?

16 MR. HENLEY: I was never told that somebody else was going to
17 interview her. We took her into Surrey
18 Detachment, and I am not -- I don't have a full
19 recollection of what led -- led us to take it to
20 that level to actually take a statement from her,
21 but we did, and it's recorded.

22 Q Okay. You didn't have instructions to do that is
23 what you're admitting?

24 MR. HENLEY: I had no specific instructions.

25 Q So you acted without orders to interview a witness

1 that you weren't fully briefed on? That's what
2 you're telling us?

3 MR. HENLEY: Yes.

4 Q Yes.

5 MR. HENLEY: I don't know what you mean by orders, but, yes, I
6 did interview her. Bruce and I interviewed her.

7 Q Well, Connor is in charge of the investigation,
8 correct?

9 MR. HENLEY: I guess he was, yes.

10 Q And he didn't ask you to interview her?

11 MR. HENLEY: I don't specifically recall him asking me, no.

12 Q All right. So you just decided on your own to
13 interview her without having direction from the
14 lead investigator?

15 MR. HENLEY: I would say that's correct.

16 Q And you weren't briefed properly at the time?

17 MR. HENLEY: In hindsight, no, we weren't.

18 Q Well, I'm not saying in hindsight. I'm saying you
19 would have known that before you started the
20 interview because you know what it is to be
21 briefed, you're an experienced officer?

22 MR. HENLEY: I don't understand your question.

23 Q Well, you say, "In hindsight I wasn't properly
24 briefed." I'm saying you knew at the time that
25 you commenced the interview of Ellingsen on August

1 the 10th that you weren't properly briefed because
2 you know what it is to be properly briefed?

3 MR. HENLEY: Well, I had no knowledge of -- I think you
4 mentioned Hiscox. Was it Hiscox and somebody else
5 coming forward? I didn't know any of that.

6 Q Yes. So you weren't properly briefed?

7 MR. HENLEY: I guess I wasn't. You're right.

8 Q You hadn't even taken steps to inquire whether
9 there was other information important for an
10 interview?

11 MR. HENLEY: That's correct.

12 Q All right. So you understood going into your
13 interview with Ellingsen that you weren't properly
14 briefed then?

15 MR. HENLEY: I can't agree with that.

16 Q All right. You don't have to agree. Now, did you
17 know that Robert William Pickton was a suspect at
18 the time of a sexual assault in New Westminster?

19 MR. HENLEY: I don't believe I was aware of that, no.

20 Q Did you -- were you aware that there was a profile
21 of Robert William Pickton prepared by a profiler?

22 MR. HENLEY: No.

23 MR. HIRA: There are two propositions, two propositions of fact
24 put forward: one, that he was a suspect of a
25 sexual assault in New Westminster; two, that there

1 was a profile prepared. The fact is that on
2 August -- sorry, April 21, 1999, his photograph
3 was shown to the woman --

4 THE COMMISSIONER: In New Westminster.

5 MR. HIRA: -- and she did not identify him and identified
6 another party.

7 MR. GRATL: This is --

8 MR. HIRA: Two --

9 MR. GRATL: My friend is testifying here.

10 MR. HIRA: Two --

11 MR. GRATL: It's not an objection.

12 THE COMMISSIONER: Wait a minute. Let's listen to the
13 objection first.

14 MR. HIRA: It's been put to this witness that there was a
15 profile of Robert William Pickton prepared. I'd
16 like to know what evidence there is about a
17 profile of Robert William Pickton that existed in
18 August of 1999. I don't believe there is any.

19 THE COMMISSIONER: Okay. Mr. Gratl.

20 MR. GRATL: I would respond, but I didn't hear an objection.

21 THE COMMISSIONER: Well, the objection is twofold: one, there
22 was no profile; and secondly, the New Westminster
23 incident that you speak of involves a photograph
24 being put but no one identifying.

25 MR. GRATL: Well, I think --

1 THE COMMISSIONER: In other words, there are two --

2 MR. GRATL: -- the evidence, though -- and I don't want to get
3 into this, Mr. Commissioner, because the evidence
4 is that the witness was unwilling to cooperate for
5 reasons that we don't fully understand because she
6 is not called as a witness and nor are the people
7 who interviewed her, so we've got --

8 THE COMMISSIONER: No, but the objection here is that the
9 premises that you've put to the witness are
10 incorrect. Well, that's what Mr. Hira's objection
11 is.

12 MR. GRATL: All right.

13 THE COMMISSIONER: That there's no factual basis for the
14 proposition that you're putting to him.

15 MR. GRATL: I'm just relying on the affidavit, the draft
16 affidavit for the -- in support of the wiretap
17 application prepared by Corporal Connor.

18 THE COMMISSIONER: Okay. What does it say?

19 MR. GRATL: Where he describes Pickton as a suspect in a sexual
20 assault investigation.

21 THE COMMISSIONER: Okay, but that's not really the objection
22 here. But, anyway, carry on.

23 MR. GRATL: All right.

24 Q Now, you've said, you've testified that Caldwell
25 was -- you have experience using human sources,

1 correct?

2 MR. HENLEY: That's correct.

3 Q And so you appreciate that when a human source
4 gets used by the RCMP a human source file is
5 created for that individual, correct?

6 MR. HENLEY: That's correct.

7 Q And the human source file has lots of uses, but
8 among them is the advantage that if they come
9 forward to be -- to offer information again any
10 member of the RCMP can go back and have a look at
11 their performance as a human source in the past,
12 correct?

13 MR. HENLEY: I believe that to be true.

14 Q All right. And you have experience going through
15 human source files?

16 MR. HENLEY: Yes, I do.

17 Q And you have experience adding to human source
18 files authoring documents, correct?

19 MR. HENLEY: That's correct.

20 Q So you appreciate that when an individual -- that
21 one of the important steps in assessing an
22 individual's information is to conduct a
23 comprehensive review of their past provision of
24 information, correct?

25 MR. HENLEY: That would be my practice.

1 Q Sure. And you didn't pursue that practice in this
2 case, did you?
3 MR. HENLEY: With Mr. Caldwell?
4 Q Of course with Mr. Caldwell.
5 MR. HENLEY: Well, I'm just asking. No, I did not.
6 Q And why was that?
7 MR. HENLEY: He was not my source. I was there again in the
8 capacity of assistance, and my assistance was to
9 find Lynn Ellingsen.
10 Q He doesn't need to be your source in order for you
11 to review the human source file, does he?
12 MR. HENLEY: It would never be my practice to interview any
13 human source file that wasn't my file without
14 first notifying the source handler.
15 Q Sure. You can find the source handler, though,
16 can't you?
17 MR. HENLEY: And then getting permission from the source
18 handler.
19 Q Fine. You can do that, can't you?
20 MR. HENLEY: And then going to headquarters and reviewing the
21 file.
22 Q Sure. That's how it's done. You ask the handler
23 if it's okay to review the source file, correct?
24 MR. HENLEY: That's right.
25 Q You didn't do that in this case, did you?

1 MR. HENLEY: No.

2 Q There's a way within the RCMP you can track down
3 who the handler is, correct?

4 MR. HENLEY: Yes.

5 Q For any given individual, correct?

6 MR. HENLEY: Yes.

7 Q You didn't do that in this case?

8 MR. HENLEY: No, I did not.

9 Q You took the position that Caldwell's information
10 was unreliable, and you made that known within the
11 group meetings that you attended, correct?

12 MR. HENLEY: Mr. Caldwell's information was thirdhand, would
13 not stand a test in court, was meaningless without
14 some corroboration. That's the stand I took.

15 Q You also distributed information that Caldwell had
16 on previous occasions distributed unreliable
17 information, correct?

18 MR. HENLEY: I was informed by then Corporal Nash.

19 Q Did you or did you not distribute that
20 information?

21 MR. HENLEY: To who?

22 Q To the other people involved in the Port Coquitlam
23 investigation of Pickton?

24 MR. HENLEY: I'm sure it was discussed.

25 Q By you?

1 MR. HENLEY: Amongst us.

2 Q By you?

3 MR. HENLEY: Well, I'm sure I told somebody that I had
4 information that he was unreliable, if that's the
5 question you're asking.

6 Q All right then. You heard that information from
7 Corporal Nash, correct?

8 MR. HENLEY: That's correct.

9 Q And at that point you had an opportunity to go
10 back to the source file and review the source file
11 to check it out to see if it was accurate,
12 correct?

13 MR. HENLEY: Why would I doubt Corporal Nash's -- pardon me --
14 information to me?

15 THE REGISTRAR: Mr. Gratl, you're now over your time.

16 MR. HENLEY: Why would I go --

17 MR. GRATL:

18 Q It's not a question of whether you doubt it. It's
19 a question of confirming it.

20 MR. HENLEY: I did not confirm it.

21 Q And why was that?

22 MR. HENLEY: I didn't -- I didn't see the need to confirm it.

23 Q All right. Now, the information provided to you
24 by Caldwell was that Ms. Ellingsen was an
25 accomplice of Pickton, correct?

1 MR. HENLEY: The information that he provided to the two VPD
2 members and that was provided to them when I was
3 listening to the interview was that -- exactly
4 what you said.

5 Q Yes, that she's an accomplice, correct?

6 MR. HENLEY: I don't recall him saying she was an accomplice.
7 I recall him saying that she advised him that she
8 had seen a body hanging in the barn. That's all I
9 recall at this time.

10 Q Not that there was any assistance rendered to
11 Pickton in picking her up? You don't recall that?

12 MR. HENLEY: Assistance rendered to Pickton to pick her up?

13 Q Picking up the victim who was killed by Pickton.

14 MR. HENLEY: I'm sorry, you're going to have to ask that
15 question again. I'm sorry.

16 Q All right. So the information from Caldwell was
17 that Lynn Ellingsen assisted Pickton in picking up
18 this woman, correct?

19 MR. HENLEY: It may be. Again, I'd have to look at the
20 statement. If you say that's the information and
21 it's contained in the statement, then it's
22 correct.

23 Q All right. When you spoke to Lynn Ellingsen --

24 THE COMMISSIONER: What's the problem here?

25 MR. MAKOSZ: Sorry, Mr. Commissioner. Rory Makosz. I was just

1 about to suggest what Mr. Henley has indicated,
2 that if my friend has a reference in the
3 statement, that might assist.

4 THE COMMISSIONER: All right.

5 MR. GRATL:

6 Q Lynn Ellingsen, when you spoke to her, and you
7 dealt with this in both of your interviews with
8 Ellingsen, she confirmed that she was paid \$150 by
9 Robert William Pickton, correct?

10 MR. HENLEY: Yes.

11 Q She denied that she had assisted Pickton in
12 picking up the woman, correct?

13 MR. HENLEY: Yes, I believe that's correct.

14 Q And that aspect contradicted the Caldwell
15 information, correct? Isn't that right?

16 MR. HENLEY: Again, if I don't have the statement in front of
17 me -- I don't have that statement memorized.

18 Q All right.

19 THE COMMISSIONER: Why don't you put the statement in front of
20 him if you are going to cross-examine him on it,
21 in fairness.

22 MR. GRATL: I just want to go through these little pieces one
23 at a time because they're confirming evidence.

24 THE COMMISSIONER: No, but the fact is it's unfair to the
25 witness to make reference to a statement that he

1 doesn't have in front of him, so if you're going
2 to cross-examine him on it, put the statement in
3 front of him.

4 MR. GRATL: All right. I think I'd prefer to go to the
5 witness's own statement, his own interview with
6 Mr. Simmill.

7 THE COMMISSIONER: Okay. So how much longer are you going to
8 be?

9 MR. GRATL: Ten minutes, if that's all right.

10 THE COMMISSIONER: All right.

11 MR. GRATL:

12 Q When you spoke -- you remember speaking with Staff
13 Sergeant Kevin Simmill?

14 MR. HENLEY: Vaguely, yes.

15 Q Did you review your interview with him when
16 preparing to give evidence?

17 MR. HENLEY: I think I looked at it probably six or seven
18 months ago. I just sort of breezed through it. I
19 don't have a great recollection of it, and I can't
20 quote you anything from it.

21 Q All right. It's tab 30 of the commission counsel
22 brief.

23 THE REGISTRAR: 176.

24 MR. GRATL: 176.

25 THE REGISTRAR: 182.

1 MR. GRATL:

2 Q You'll see on page 7 of 35 you got Ms. Ellingsen
3 to admit that she and her boyfriend, Ross, were
4 trying to blackmail Willie Pickton?

5 MR. HENLEY: Mm-hmm.

6 Q Yes?

7 MR. HENLEY: I see it, yes.

8 Q And then over on page 8 you'll see that Mike
9 Connor said to you that he told you -- sorry, that
10 Mike Connor told you that Willie and Lynn had been
11 checked in New Westminster on a certain date by
12 the New Westminster City Police?

13 MR. HENLEY: That's correct.

14 Q And it looked like they were trying to pick up a
15 hooker, correct?

16 MR. HENLEY: That's correct.

17 Q Now, and then over on page -- on page 9, what you
18 inferred from that is not that Pickton was
19 murdering the women but rather you thought he was
20 a bad trick; is that right?

21 MR. HENLEY: That's what it says.

22 Q Well, that's what you believed, right? Isn't --

23 MR. HENLEY: That's correct.

24 Q -- that accurate?

25 MR. HENLEY: At the time, yes.

1 Q You said you believed that Lynn Ellingsen was
2 assisting Robert William Pickton in picking up
3 girls, but not to kill them, just because Willie
4 had a reputation as a bad trick?

5 MR. HENLEY: That's correct.

6 Q And why would you assume that he wasn't killing
7 them?

8 MR. HENLEY: I didn't know he was killing them. I didn't know
9 that he was a murderer. Nobody had shown me any
10 proof whatsoever that Willie was killing women.

11 Q You'll appreciate that you had the option of
12 searching out all the corroborating information,
13 the information that corroborated Caldwell's
14 story, correct?

15 MR. HENLEY: That's not correct.

16 Q You didn't have that option?

17 MR. HENLEY: No, I wouldn't -- I wouldn't have exercised that
18 option. It wasn't my file. After my -- after my
19 short involvement with them I went back to work at
20 the Unsolved Unit.

21 Q Now, in -- you knew Doug Henderson then, did you?
22 You continued to work with him after the -- after
23 you stopped working on this file?

24 MR. HENLEY: That's correct.

25 Q And who made the decision that you and Ballantyne

1 would no longer work at the Port Coquitlam
2 Detachment on this file?

3 MR. HENLEY: I would say it was probably -- to the best of my
4 recollection, it was probably a discussion that I
5 would have had with Henderson saying that this
6 particular file did not meet the mandate of the
7 Unsolved Homicide Unit.

8 Q All right. And I take it that the reliability of
9 the Caldwell information was central to that
10 decision; is that correct?

11 MR. HENLEY: No, it did not meet, the file itself did not meet,
12 the investigation did not meet the criteria that
13 we had to meet as the Unsolved Unit.

14 Q Were those written down, those criteria?

15 MR. HENLEY: They would have been in our policy, yes.

16 Q What was the policy? What were the criteria?

17 MR. HENLEY: I cannot parrot verbatim the policy, but it was
18 our practice when we were investigating an
19 unsolved homicide we generally had -- let's for
20 simplification say there had been a murder in
21 1985. A person had been shot.

22 Q That's historical, you're saying?

23 MR. HENLEY: This is historic.

24 Q Okay. This wasn't historical.

25 MR. HENLEY: All my cases were historical.

1 Q Okay.

2 MR. HENLEY: That's -- yeah, rather than taking more time.

3 Q You knew that from day one, though, when you
4 arrived --

5 MR. HENLEY: Yeah.

6 Q -- that it was not a historical homicide, didn't
7 you?

8 MR. HENLEY: Well, I assume -- I didn't even know we had a
9 homicide. We had information that I felt was
10 unreliable because it wasn't substantiated of a
11 body hanging --

12 Q And it wasn't historical?

13 MR. HENLEY: -- in the barn.

14 Q It wasn't historical in any sense of the word, was
15 it?

16 MR. HENLEY: No, it wasn't.

17 Q All right. So why didn't you go back right away
18 to Henderson and say it's not historical? What
19 did you do there? Why did you go and interview
20 Ellingsen twice? Why did you inveigle yourself
21 into this investigation?

22 MR. HENLEY: During the course of the meeting Lynn Ellingsen's
23 name was brought up because of Caldwell's
24 information. Nobody in the room knew Lynn
25 Ellingsen but me. I probably had the best chance

1 of finding her very quickly, so I offered my
2 services and said that I knew her and that I was
3 pretty sure I could find her in very short time.

4 Q Your boss, Doug Henderson, knew that Project
5 Evenhanded had started, didn't he?

6 MR. HENLEY: I don't know the answer to that.

7 Q All right. You say that you spoke to Doug
8 Henderson?

9 MR. HIRA: There's a factual problem. August 1999. To be more
10 specific, it's around August 5, 1999.

11 THE COMMISSIONER: Yes.

12 MR. HIRA: Project Evenhanded hasn't been conceived in
13 anybody's mind's eye.

14 THE COMMISSIONER: I know that. Project Evenhanded didn't
15 start till --

16 MR. GRATL: November --

17 MR. HIRA: Of 2001.

18 MR. GRATL: -- of 2000.

19 THE COMMISSIONER: 2001.

20 MR. GRATL: 2000.

21 MR. HIRA: 2000. I beg your pardon.

22 THE COMMISSIONER: Sorry. Yes.

23 MR. HIRA: February of 2001 it became a project.

24 MR. GRATL:

25 Q Your boss, Doug Henderson, knew about Project

1 Evenhanded when it started, correct?

2 MR. HENLEY: If he was involved in it, he would have known
3 about it.

4 Q All right. Did you know that he knew about it?
5 Did he talk to you about it?

6 MR. HENLEY: No.

7 Q Okay. When you went to speak to Robert William
8 Pickton, it was March the 30th of 2000, correct?

9 MR. HENLEY: Yes, I believe it was. No.

10 Q Sorry, March the 30th of 2001.

11 MR. HENLEY: 2001, yes.

12 Q All right. You say you went to speak to him
13 because you wanted to look at a man that you
14 believed might have been a serial killer, correct?

15 MR. HENLEY: That's correct.

16 Q All right. So somehow between the time that you
17 left the Coquitlam investigation and March 30th of
18 2001 you decided that he might well be a serial
19 killer?

20 MR. HENLEY: No. I went to see Willie because of the
21 horrendous -- even to me after all those years in
22 homicide, that somebody would kill a woman and
23 hang her body up in the barn and the information
24 that a woman had seen it but she wouldn't come
25 forward, I found all of that almost mind boggling,

1 and because I had -- because I had read a couple
2 of John Douglas's books and had an interest in
3 profilng I wanted to go see if this guy, who was
4 perhaps involved in the murder of this woman and
5 hung her body up, fit at all the description of
6 what the FBI profilers said he would, see how he
7 would react.

8 Q Now, it's not clear from some of your statements.
9 Did you say that you had talked to Doug Henderson
10 before going to talk to Pickton or did you talk to
11 Henderson after or both, or is it neither?

12 MR. HENLEY: I talked to him before very briefly, asked him if
13 it would be a problem, would I be interfering in
14 anything if I just dropped by and paid this guy a
15 social visit, and at the end of my visit, which
16 essentially was a social visit with Willie, I told
17 him that I had gone and spoken to him and that I
18 could offer no opinion.

19 THE COMMISSIONER: Mr. Gratl, you've had another 20 minutes.

20 MR. GRATL: Sorry, I just want --

21 MR. HENLEY: I could offer no opinion if the man was capable of
22 doing this sort of terrible act.

23 Q You told him that Caldwell and Ellingsen had
24 provided information about him, correct?

25 MR. HENLEY: I may have.

1 Q You did or you didn't?

2 MR. HENLEY: I don't recall. I don't recall those
3 conversations that I had with Doug at that time.
4 I didn't make a note of them. It was just a very
5 informal sit-down in his office.

6 Q You did make a note of your conversation with
7 Pickton, and your note refers to -- do you have
8 your note with you now?

9 MR. HENLEY: No.

10 Q Your note refers to Ellingsen and Caldwell. You
11 obviously discussed Ellingsen and Caldwell with
12 Pickton; isn't that correct?

13 MR. HENLEY: Yes, I did. Yes, I did.

14 Q All right. And you appreciate that giving the
15 names of confidential informants to individuals is
16 strictly prohibited by the RCMP?

17 MR. HENLEY: Ellingsen was not a confidential informant.

18 Q She wasn't an informant at all about Pickton,
19 correct?

20 MR. HENLEY: Not to my way of thinking, no. She didn't offer
21 us any information at all when she was approached.

22 Q Yes, and so it makes it doubly curious about why
23 you would tell Pickton that she had provided
24 information that he had been killing women if she,
25 in fact, hadn't even done that.

1 MR. HENLEY: I wanted to get a reaction from him.

2 Q All right. So you were --

3 THE COMMISSIONER: Okay, Mr. Gratl.

4 MR. GRATL: All right. Those -- that's my time, Mr.

5 Commissioner. That's my time.

6 THE COMMISSIONER: Ms. Narbonne.

7 MS. NARBONNE: I'm just going to get set up. Thank you, Mr.

8 Commissioner.

9 **CROSS-EXAMINATION BY MS. NARBONNE:**

10 Q I'm counsel for the aboriginal interest. My
11 questions are going to be primarily directed
12 towards Ms. Chapman, so I'll try not to repeat
13 things you've already been asked and stay within
14 my timelines. Now, I understand that officially
15 you take over the file September 30th of 1999; is
16 that correct?

17 MS. CHAPMAN: I don't know if that's the exact date. I got
18 involved in the file in August of 1999.

19 Q Does it matter what the official date was?

20 MS. CHAPMAN: No, it doesn't.

21 Q Okay. And when you got involved in the file, what
22 was the file? What were you asked to take over?

23 MS. CHAPMAN: The investigation of a possible homicide that had
24 occurred on the farm owned by Robert Pickton.

25 Q Okay. And was it your understanding that this

1 file had previously been handled by Connor?

2 MS. CHAPMAN: Yes.

3 Q Now, in terms of your background, had you ever --
4 firstly, did you at this point have any
5 understanding that this potentially related to a
6 sex trade worker? I guess you must have because
7 you knew that it was a woman who had been brought
8 to the farm?

9 MS. CHAPMAN: Yes, that was about as much as I knew about there
10 being a sex trade worker there.

11 Q Okay. And did you have any, at that point, any
12 training respecting sex trade workers' lifestyles
13 or habits?

14 MS. CHAPMAN: No, nothing specific.

15 Q What about training respecting missing persons?
16 Did you ever have any training in that regard?

17 MS. CHAPMAN: No, nothing specific.

18 Q Your experience at that time, as I understand it,
19 was you had experience attending a lot of serious
20 matters, right?

21 MS. CHAPMAN: Correct.

22 Q But you had no experience as being the lead
23 investigator on any homicide cases?

24 MS. CHAPMAN: Now, I don't know that that's correct. It's
25 simply that I don't recall from the early '90s

1 when I was in Burnaby Detachment what files I
2 carried there. I was definitely investigating
3 serious crimes, but my memory fails for that.

4 Q Okay. You spoke with Evans? You did an
5 interview; is that right?

6 MS. CHAPMAN: Yes.

7 Q And did you get a chance to review that evidence,
8 your interview prior to testifying?

9 MS. CHAPMAN: I have seen a part of her report as it applies to
10 me, but I have not recently looked at it.

11 Q Okay. And I'm not talking about her report but
12 the actual interview you gave her. Did you know
13 there was a transcript of that interview?

14 MS. CHAPMAN: I don't know if I've ever seen that or not.

15 Q Okay. Well, let me try to put something to you.
16 I don't have an extra copy, and I don't know if
17 someone does, but I'll put parts to you and see if
18 that assists respecting whether or not you had
19 ever been the lead investigator on a homicide.
20 And this is, for anyone who has a copy, is at page
21 8 in that interview. And I'll just read to you
22 the questions and answers and see if this helps
23 refresh your memory. Jennifer Evans says to you
24 at line 3:

25 Had you ever worked a homicide file before

1 prior to Pickton?

2 And you said:

3 As assisting with exhibits, surveillance,
4 that nature of thing. I was never the
5 primary interrogator. I had done
6 interviews and that nature of thing, but I
7 was not the primary.

8 Do you remember that?

9 MS. CHAPMAN: Yes, being the primary interrogator is not the
10 same as being the file coordinator or lead
11 investigator.

12 Q Okay. So the person who does exhibits and
13 surveillance, that nature of thing, might be the
14 prime investigator?

15 MS. CHAPMAN: Depending on what the nature of the file was, but
16 I'm not saying as doing surveillance that on that
17 file I would be the lead investigator.

18 Q Okay. You never took any homicide courses at all
19 until you actually started on this file, correct?

20 MS. CHAPMAN: I don't have my CV in front of me. That sounds
21 about right.

22 Q Okay. Now, you started with the RCMP in '78?

23 MS. CHAPMAN: Yes.

24 Q Okay. And you remained a constable with them
25 until you left the RCMP; is that right?

1 MS. CHAPMAN: That's correct.

2 Q And that was what year that you left?

3 MS. CHAPMAN: 2001.

4 Q And then you went on as an investigator, but not
5 with the RCMP; is that right?

6 MS. CHAPMAN: That's correct.

7 Q So in this investigation that you were involved in
8 in Coquitlam Detachment who were the other people
9 who worked under you if you were the lead? Who
10 were you in charge of?

11 MS. CHAPMAN: I was the sole investigator on the Pickton file.

12 Q Oh, okay. So you had no one that you supervised
13 or anything like that?

14 MS. CHAPMAN: No.

15 Q And these other people who you ended up working
16 with, for example, Mr. Henley, I take it outranked
17 you; is that right?

18 MS. CHAPMAN: Yes.

19 Q Now, would you agree with me that when you
20 actually took over this file you didn't even know
21 that there was an issue respecting missing women
22 in Vancouver?

23 MS. CHAPMAN: I don't know that it related to Robert Pickton.

24 I don't recall what I knew about missing women in
25 Vancouver at that time.

1 Q Okay. Well, I'll try to refresh your memory.
2 This is from that same interview at page 5. This
3 is again you being interviewed by Ms. Evans back
4 on August 24th, 2011. Maybe I'm -- I'll just read
5 to you what she said to you.

6 When did you first become aware of the
7 fact that there was an issue with missing
8 women from Vancouver, like an increasing
9 number?

10 And your answer is:

11 It would be in August of 1999.

12 And then you go on about that's when you took over
13 the file. Now --

14 MS. CHAPMAN: Yeah, and I don't know that that's accurate or
15 not. I'm not referring to any notes or anything
16 else at that point, and I can't honestly say that
17 that's accurate.

18 Q Okay. When you gave that interview, what was --
19 what did you understand the purpose of it to be?

20 MS. CHAPMAN: She was doing a review of the investigation of
21 the missing women.

22 Q Okay. And you understood the importance of you
23 telling her what you knew, right?

24 MS. CHAPMAN: Yes.

25 Q And of telling her what you didn't know?

1 MS. CHAPMAN: Yes.

2 Q And to the best of your ability you answered her
3 honestly?

4 MS. CHAPMAN: Yes, but we're talking about 10 years after the
5 fact here, so I'm still relying on memory when I'm
6 talking to her.

7 Q Okay. Did you say to her, "I'm not sure what I
8 knew or when I knew it"?

9 MS. CHAPMAN: I'm sure I did at times.

10 Q So if you weren't sure, you told her that?

11 MS. CHAPMAN: I would think I did.

12 Q Okay. Now, do you know why you were handed this
13 file?

14 MS. CHAPMAN: I think I've already said that. Because I was
15 newer to the section and had the least amount of
16 caseload and I had seniority as working on a
17 plainclothes section and had dealt with
18 documentation.

19 Q Okay. And you described yourself to Evans as
20 probably the only one in the office who didn't
21 know anything about the file but that you had the
22 lightest caseload; is that correct?

23 MS. CHAPMAN: That's correct.

24 Q All right. Now, I know that commission counsel
25 has asked you about how you familiarized yourself

1 with the file, and I won't take you through that
2 again, but I will ask you, my friend referred to
3 an affidavit that Connor prepared, the draft
4 affidavit. Did you ever see it?

5 MS. CHAPMAN: I saw his 1624s. I can't specifically recall
6 anything in the form of an affidavit.

7 Q Were you aware that Connor at least believed there
8 was a connection between the missing women in
9 Vancouver and Pickton?

10 MS. CHAPMAN: In 1999 I don't know that I believed that. I
11 think --

12 Q I'm not asking what you believe. Did you think
13 Connor thought --

14 MS. CHAPMAN: I don't know what he thought.

15 Q Well, you got his notes, right?

16 MS. CHAPMAN: No, I didn't get his notes. I got his 1624s.

17 Q Anything he had done on the file was in that big
18 file that you talked about, right?

19 MS. CHAPMAN: As far as I know.

20 Q Okay. So would an investigator put their draft
21 affidavit in the Pickton file?

22 MS. CHAPMAN: I don't know if it was in the file or on a
23 computer.

24 Q Okay. So you don't know if you ever saw his
25 affidavit?

1 MS. CHAPMAN: No, I can't say one way or the other.

2 Q Okay. And Connor, was he still there when you
3 took over the file?

4 MS. CHAPMAN: He was working general duty at that point, yes.

5 Q Okay. So he was available to you?

6 MS. CHAPMAN: Not specifically because he worked shift work.

7 Q Oh, so he was unavailable to you?

8 MS. CHAPMAN: At times.

9 Q Well, was he ever available to you?

10 MS. CHAPMAN: Probably at times.

11 Q Okay. And you took over the file from him, right?

12 MS. CHAPMAN: Correct.

13 Q So if you wanted to know what he knew on it, you
14 could ask, right?

15 MS. CHAPMAN: And I'm sure he was asked at times by myself, but
16 I don't recall the conversations.

17 Q Okay. Well, let's talk about what you actually
18 did on the file. You walk into the file, and
19 what's the first thing that you actually can tell
20 us you did?

21 MS. CHAPMAN: I can't say that because I don't have specific
22 recollection.

23 Q Let me ask that differently. In -- what's the
24 first thing that you actually remember that you
25 did?

1 MS. CHAPMAN: I don't remember what I did for the first time on
2 that file.

3 Q Okay. You remember you did the Ellingsen
4 interview, right?

5 MS. CHAPMAN: Yes.

6 Q Do you specifically remember anything that you did
7 before then?

8 MS. CHAPMAN: No, I don't.

9 Q Okay. So the first thing that you remember doing
10 on the file is the Ellingsen interview; would that
11 be an accurate statement?

12 MS. CHAPMAN: Yes. I have referred to my notes, and I know for
13 a fact that I was involved prior to that.

14 Q I'm not suggesting otherwise. I'm just asking
15 what your recollection is. Okay. Now, when you
16 get the Ellingsen interview do you know that she's
17 just been interviewed a couple weeks prior?

18 MS. CHAPMAN: I think I knew that.

19 Q Okay.

20 MS. CHAPMAN: I think Henley had said something about
21 previously speaking with her.

22 Q Okay. Did you get to see that interview or listen
23 to it or anything?

24 MS. CHAPMAN: No, I didn't see that interview transcript or
25 hear it.

1 Q Okay. So she is -- as I understand it, she's
2 the -- she's not the tip, but she's the person who
3 supposedly saw this whole event, right?

4 MS. CHAPMAN: Correct.

5 Q She's important to the very investigation that you
6 are conducting, correct?

7 MS. CHAPMAN: Yes.

8 Q In fact, the only -- the main thing that you're
9 investigating is this alleged homicide at the
10 Pickton farm, correct?

11 MS. CHAPMAN: Yes.

12 Q This is the investigation, right?

13 MS. CHAPMAN: Yes.

14 Q Okay. And one thing you had done a lot of in the
15 course of your work as an RCMP officer is
16 interviewing, right?

17 MS. CHAPMAN: Yes.

18 Q In fact, you had a specialty in sexual offences --

19 MS. CHAPMAN: Yes.

20 Q --correct, in investigating those, and you even
21 taught that, right?

22 MS. CHAPMAN: Interviewing techniques for children.

23 Q Right. And I appreciate there are different
24 techniques for different people, right?

25 MS. CHAPMAN: Yes.

1 Q And you were also aware of the fact that there are
2 specific kinds of techniques depending on who
3 you're interviewing, right?

4 MS. CHAPMAN: Yes.

5 Q So why wouldn't you listen to the interview of
6 this most important person before you walk in and
7 interview her?

8 MS. CHAPMAN: It wasn't made available to me, and Henley
9 himself was there and provided some information
10 about what he knew about Ms. Ellingsen.

11 Q Well, what do you mean it wasn't made available to
12 you?

13 MS. CHAPMAN: Just exactly what I said.

14 Q Did you ask?

15 MS. CHAPMAN: I don't --

16 Q Did you say, "Hey, can I listen to that"?

17 MS. CHAPMAN: I don't recall.

18 Q Well, it's pretty important, don't you think, that
19 you actually hear the way she interacts? I mean,
20 if I'm preparing a trial, I don't just read a
21 transcript. I watch the interview. Don't you
22 find that a useful tool to see how a person
23 answers questions?

24 MS. CHAPMAN: I don't believe it was videotaped.

25 Q Okay, but how they -- listening to how they are

1 speaking, you don't think that's helpful?

2 MS. CHAPMAN: I'm sure it's helpful, but that wasn't available.

3 Q Well, it was available.

4 MS. CHAPMAN: How so?

5 Q How could it not be available? It existed, right?

6 MS. CHAPMAN: I don't know.

7 Q Well, you've seen a transcript since, right?

8 MS. CHAPMAN: Yes, since I've been here in this hearing, yes.

9 Q And you don't doubt that that transcript comes
10 from an interview that occurred prior to your
11 interview? You don't doubt that, do you? You
12 don't think someone made this up, do you?

13 MS. CHAPMAN: No, I'm not even suggesting that.

14 Q Okay. So you know it existed, right?

15 MS. CHAPMAN: Yes, correct.

16 Q Okay. And you're all RCMP officers, right?

17 MS. CHAPMAN: Yes, correct.

18 Q And you're all working in this case on the exact
19 same thing, right?

20 MS. CHAPMAN: Yes.

21 Q So you could have asked for that tape, right?

22 MS. CHAPMAN: Quite conceivably.

23 Q Okay. And you didn't ask for that tape? You're
24 not telling us someone wouldn't give it to you,
25 are you?

1 MS. CHAPMAN: No.

2 Q Okay. So you just didn't ask for it; is that
3 right?

4 MS. CHAPMAN: It wasn't something I thought of at the time.

5 Q Okay. And you didn't ask for it?

6 MS. CHAPMAN: Correct.

7 Q Okay. This was the only -- this was the witness?
8 You never tried to interview Caldwell, did you?

9 MS. CHAPMAN: No, I had no contact with him at any time.

10 Q Okay. So your plan was to interview Ellingsen?
11 That was definitely on the priority list, right?

12 MS. CHAPMAN: Yes.

13 Q Okay. And you knew, at least you told Evans that
14 you didn't think Henley believed the Ellingsen
15 story, right?

16 MS. CHAPMAN: Yes.

17 Q And you were in Connor's camp. You believed the
18 Ellingsen story?

19 MS. CHAPMAN: I don't know that I was a hundred per cent in
20 Connor's camp, but I leaned more that way than I
21 did not believing her.

22 Q Okay. So when you're getting a report from Henley
23 about an interview, he's not telling you verbatim
24 what happened, right?

25 MS. CHAPMAN: No.

1 Q Okay. And you know you're getting a report from
2 someone who's already got a view on the evidence,
3 right, the quality of the evidence?

4 MS. CHAPMAN: Yes.

5 Q Okay. But notwithstanding all those things you
6 decide to just walk into this interview and
7 interview her, right?

8 MS. CHAPMAN: Yes.

9 Q Okay. And do you have any idea what you used to
10 prepare for that interview?

11 MS. CHAPMAN: I sat and made notes. I spoke with -- I'm sure I
12 spoke with Daryll Pollock and others. I made a
13 number of -- I think I even spoke with Earl
14 Moulton about how -- what information needed to be
15 extracted from her.

16 Q Okay. And you made notes somewhere on that; is
17 that right?

18 MS. CHAPMAN: That's correct.

19 Q Okay. And we have those notes somewhere; is that
20 right?

21 MS. CHAPMAN: Yes, you do.

22 Q Okay. So all the notes you made on that are in --
23 are they in evidence here in this hearing?

24 MS. CHAPMAN: I would think so. They're in the Department of
25 Justice's binder.

1 Q Okay. Now, this interview with Ms. Ellingsen,
2 there were no particular time constraints, were
3 there?

4 MS. CHAPMAN: Not that I'm aware of, no.

5 Q From your perspective there were none?

6 MS. CHAPMAN: No.

7 Q You were there to conduct a full interview?

8 MS. CHAPMAN: Yes.

9 Q You've heard Henley's evidence that he felt this
10 interview was best handled by a woman?

11 MS. CHAPMAN: That a woman should be present, yes.

12 Q Okay. And did you agree with that?

13 MS. CHAPMAN: Yes.

14 Q Okay. So Henley's advice was to let her talk,
15 right?

16 MS. CHAPMAN: Yes.

17 Q So you go into this interview with this woman,
18 right?

19 MS. CHAPMAN: Mm-hmm. Yes.

20 Q And at some point Lepine leaves and it's just you
21 and Ellingsen, right?

22 MS. CHAPMAN: That's correct.

23 Q And you're calming her down because she's not very
24 happy right now?

25 MS. CHAPMAN: Trying to, yes.

1 Q And do you agree with me that you actually seemed
2 to be getting her back to a place where you needed
3 her?

4 MS. CHAPMAN: Yes, I thought so.

5 Q And it -- you were building that rapport that you
6 need to actually have a proper interview with her?

7 MS. CHAPMAN: That was the attempt, yes.

8 Q And then Henley walks in?

9 MS. CHAPMAN: Yes.

10 Q Had you asked -- had that been a plan, a strategic
11 plan?

12 MS. CHAPMAN: No.

13 Q Were you expecting him to walk in the door?

14 MS. CHAPMAN: No.

15 Q And that -- do you agree with me that that pretty
16 much abbreviated that interview?

17 MS. CHAPMAN: Yes.

18 Q And that interview went nowhere, right?

19 MS. CHAPMAN: Yes. We didn't get any useful information.

20 Q And after that you tried a couple times to call
21 Ellingsen, and she clearly wasn't interested in
22 talking to you?

23 MS. CHAPMAN: Correct.

24 Q That was the end of that --

25 MS. CHAPMAN: Yes.

1 Q -- from your perspective?

2 MS. CHAPMAN: Up to that point, yes.

3 Q Now, you did do the thing for the polygraph person
4 in the hope that he would be able to do the
5 polygraph? You continued, right?

6 MS. CHAPMAN: Yes.

7 Q But in terms of Ellingsen, you never dealt with
8 her professionally again on this file?

9 MS. CHAPMAN: No, I didn't.

10 Q Did you think that was helpful that Henley walked
11 in when you were just building your rapport?

12 MS. CHAPMAN: No, I didn't.

13 Q Now, after that I describe the next large step is
14 the Pickton interview. Do you agree?

15 MS. CHAPMAN: Yes.

16 Q And, again, I'm not suggesting you didn't do other
17 things. I just -- we're not going to go piece by
18 piece through everything, and you, quite frankly,
19 don't remember each piece anyhow, right?

20 MS. CHAPMAN: Right.

21 Q Now, the Pickton interview, he's the suspect,
22 right?

23 MS. CHAPMAN: Yes.

24 Q Okay. So he's not the witness, he's the suspect
25 if there's a homicide, the thing --

1 MS. CHAPMAN: Yes.

2 Q -- that you're investigating?

3 MS. CHAPMAN: Yes, you're correct.

4 Q Okay. And I appreciate this is all a big if, was
5 there a homicide, is this a valid tip, is there
6 something useful we can make of this, right?

7 A Correct.

8 Q But you can't look at -- I would suggest you don't
9 look at it in a vacuum, right? You say what else
10 is there out there on this guy?

11 MS. CHAPMAN: Yes, keep an open mind.

12 Q Okay. And by this point you know there's missing
13 women in Vancouver's Downtown Eastside, right?

14 MS. CHAPMAN: Yes, but that wasn't the focus of my
15 investigation.

16 Q We'll get there.

17 MS. CHAPMAN: Okay.

18 Q But clearly you want to know as much as you can
19 about Pickton going into the interview with him;
20 is that fair to say?

21 MS. CHAPMAN: Yes.

22 Q All right. So you've clearly, I think, conceded
23 that that -- that didn't go well at all?

24 MS. CHAPMAN: No, it -- firstly, I was surprised that he
25 actually -- or Gina Houston and he actually showed

1 up at the detachment. I never expected that they
2 would carry out the appointment.

3 Q Okay. Let me take you back to that because --
4 like, I want to stop you there. You hoped to get
5 an interview in with him, though, right?

6 MS. CHAPMAN: Yes.

7 Q I mean, that was a goal?

8 MS. CHAPMAN: Yes.

9 Q And you had gone by the property, and there had
10 been back-and-forth discussions, right?

11 MS. CHAPMAN: Yes.

12 Q And you hoped at some point that you were actually
13 going to get to interview him, right?

14 MS. CHAPMAN: Yes.

15 Q And there was a date set for an interview?

16 MS. CHAPMAN: Yes.

17 Q So, yeah, he -- I don't think he's going to show,
18 but didn't you think it would be useful to prep
19 just in case he did show?

20 MS. CHAPMAN: Well, I can't specifically recall because I
21 didn't make notes of it, but I believe in the time
22 prior to that I had discussed the interview with
23 Mr. Pollock, and, unfortunately, other things
24 occurred prior to that interview date --

25 Q Yes.

1 MS. CHAPMAN: -- and then Mr. Pollock wasn't available to
2 assist on the interview, and it didn't -- I didn't
3 have a written plan by that point, and it
4 didn't -- it didn't go well.

5 Q Okay. So the expectation was that Mr. Pollock
6 would kind of take the lead in the interview?
7 Well, someone needed a written plan, right?

8 MS. CHAPMAN: Yeah. I don't know if we had come that far and
9 decided who would do that because I had -- you
10 generally do that, you decide who's going to take
11 the lead, and that opportunity hadn't been done or
12 that hadn't been done.

13 Q Well, how long in advance of this interview was
14 the interview scheduled?

15 MS. CHAPMAN: Close to a week, six days ahead, something like
16 that.

17 Q Okay. So you had six days to come up with a game
18 plan?

19 MS. CHAPMAN: Yes, if I hadn't been involved in other matters.

20 Q You could also call Pickton and say -- because you
21 had clearly done this before where, oh, no, this
22 date doesn't work for whatever reason. You could
23 have called him and said, "Hey, can we
24 reschedule," right?

25 MS. CHAPMAN: Yes, I -- yeah, you're right.

1 Q And this is now, like from your perspective,
2 pretty much the most important thing left to do on
3 this investigation based on where you are?

4 MS. CHAPMAN: Yes.

5 Q But you walked into that interview without proper
6 preparation, right?

7 MS. CHAPMAN: Without written preparation, yes. In my mind I
8 thought I had a plan and --

9 Q Right. But you are investigating a homicide,
10 right?

11 MS. CHAPMAN: Yes.

12 Q Okay. Whether or not there was one I appreciate
13 we don't know, but the goal was to see if there
14 was a homicide, and if there was, this was going
15 to be a pretty crucial interview --

16 MS. CHAPMAN: Yes.

17 Q -- right?

18 And I don't know -- I mean, maybe I've just
19 seen different kinds of police work, but I
20 understood police officers tend to have a general
21 idea of where they're going and it's actually
22 written out. Don't you normally do that?

23 MS. CHAPMAN: Yes, and it unfortunately didn't happen. That is
24 my practice to do that, and I can't go back and
25 understand why it wasn't done ahead of time.

1 Q Okay.

2 MR. MAKOSZ: Rory Makosz for the Government of Canada. I'm
3 just interjecting. I note this witness is having
4 trouble with her recall, and it may be helpful for
5 her to refer to her notes, which are in Canada's
6 binder for this panel, and in relation to her
7 planning for this interview she was taken to them
8 yesterday by my colleague Ms. Tobias, and they're
9 at tab 5C of that binder, and about halfway
10 through there's a set of documents that are
11 numbered out of 20, and there's a page that is 14
12 of 20 dated January 12th of 2000, and that refers
13 to a meeting with Mr. Moulton and her on that date
14 with respect to this interview. So I just wanted
15 the witness to have the benefit --

16 MS. NARBONNE: Ours aren't numbered the same way as theirs are.
17 If my friend wants to go look at that, I won't
18 jump up and down, but I don't think that has
19 anything to do with what I've asked her.

20 MR. MAKOSZ: It's just she was struggling, Mr. Commissioner,
21 and I think it would be only fair or agreeable to
22 refer her to her notes to refresh her memory with
23 respect to each of these events in sequence.

24 THE COMMISSIONER: She hasn't asked to refresh her memory, but
25 I agree with you that if she's exhausted it she

1 should have the right to refresh.

2 MS. NARBONNE: Mr. Commissioner, there's nothing in this note
3 that relates to what I just asked her.

4 THE COMMISSIONER: Oh, I see. All right.

5 MS. NARBONNE: But -- she doesn't have prep notes and I've been
6 hiding them or something like that.

7 MR. MAKOSZ: Well, Mr. Commissioner, I think that's actually
8 contrary to what Ms. Chapman testified to
9 yesterday with respect to that particular note and
10 a meeting with Inspector Moulton on January the
11 12th, which does refer to Pickton and talks -- and
12 appears to relate to a plan with respect to that
13 interview, so I think it is quite important.

14 MS. NARBONNE: Why don't we have her flip to it because I don't
15 want to waste my time arguing.

16 THE COMMISSIONER: Sorry?

17 MS. NARBONNE: I have no problem with her flipping to it. I
18 don't want to waste the little time I have on an
19 argument about whether or not this is relevant.

20 MR. MAKOSZ: If it takes time, I can provide the witness with
21 my copy.

22 MS. NARBONNE: Sure, that sounds good to me, and we can talk
23 about the missing prostitutes that it refers to.

24 Q Does that in some way help to refresh your memory
25 as to whether you prepared notes to examine

1 Pickton with?

2 MS. CHAPMAN: Yes.

3 Q Okay. So you brought -- sorry, go ahead.

4 MS. CHAPMAN: I can't explain why there was no written plan.

5 Q Okay. There was no written plan, right? This is
6 a note of a meeting with someone?

7 MS. CHAPMAN: Yes.

8 Q And you didn't bring this note to your interview
9 with Pickton and use it to interview him, right?

10 MS. CHAPMAN: Correct.

11 Q Okay. And this note, since my friend has very
12 helpfully directed you to it, talks about the
13 timeline of missing prostitutes in the plural; is
14 that right?

15 MS. CHAPMAN: Yes.

16 Q Okay. That's plural, not singular?

17 MS. CHAPMAN: Yes.

18 Q Okay. Let's talk about that because I don't -- I
19 know I'm going to run out of time here, and I
20 think we need to -- all of you -- well, you have
21 certainly said this was not a missing women
22 investigation, right? This was an investigation
23 into an alleged homicide or suspected homicide of
24 one person?

25 MS. CHAPMAN: For this -- yes.

1 Q Okay. That's what you were working on?

2 MS. CHAPMAN: Yes.

3 Q Okay. And you weren't working on a missing women
4 investigation?

5 MS. CHAPMAN: No.

6 Q Okay. Now, Mr. Gratl put one of your colleagues
7 -- to one of your colleagues the issue respecting
8 Mr. Ballantyne's comment about it being a
9 missing -- there being missing women that are
10 being investigated. Do you recall that evidence
11 earlier on?

12 MS. CHAPMAN: Yes. Yeah.

13 Q And did you have any thoughts on whether you
14 believed this was an investigation into missing
15 women based on what Ballantyne said to Ellingsen?

16 MS. CHAPMAN: Well, the Vancouver City Police were
17 investigating missing women.

18 Q Mm-hmm.

19 MS. CHAPMAN: We were investigating this one particular
20 incident, and if it turned out to relate to the
21 missing women, that would certainly be expanded
22 upon.

23 Q Of course, but you weren't investigating missing
24 women?

25 MS. CHAPMAN: No.

1 Q And did you ever change your mind on that --

2 MS. CHAPMAN: No.

3 Q -- in the course of your investigation?

4 MS. CHAPMAN: No.

5 Q Okay. Now, I am going to just take you to -- I am
6 just going to ask you about some of these things.

7 Do you have the commission's binder 182NR there?

8 THE REGISTRAR: I think so.

9 Q Do you have that there then?

10 MS. CHAPMAN: Yes, I have it.

11 Q I am going to ask you to look at tab 3. And this
12 is not your note. This is Detective Ballantyne's
13 note. Are you there? Continuation report.

14 MS. CHAPMAN: Yes.

15 Q And it's dated August 3rd, '99, at the top. It
16 says:

17 The writer,

18 which I assume is Ballantyne,

19 was assigned by Staff Sergeant Henderson of
20 the unsolved homicide unit, to assist in a
21 Coquitlam investigation in which it was
22 thought the suspect may be responsible for
23 the murder and disappearance of several women
24 in the Lower Mainland.

25 Do you see that?

1 MS. CHAPMAN: Yes.

2 Q Now, did you understand that that was what
3 Ballantyne was there to do?

4 MS. CHAPMAN: No, and I haven't seen this document before now.

5 Q Right. I'm just wondering if that helps -- if
6 that was your understanding. So it was not your
7 understanding; is that right?

8 MS. CHAPMAN: That's correct.

9 Q Okay. And then if you could flip to tab 7 in that
10 same -- I am going to stay in this binder, and
11 that is a memo signed by Jim Hunter. Is that the
12 polygrapher?

13 MS. CHAPMAN: Yes.

14 Q Okay. And in that August 31st, '99:
15 POLYGRAPH SET FOR THIS DATE WITH "POTENTIAL"
16 WITNESS/SUSPECT...
17 That must be the Ellingsen polygraph, right?

18 MS. CHAPMAN: I would think so.

19 Q
20 ...IN REGARDS TO INFORMATION THAT APPEARS TO
21 HAVE COME FROM HER THAT PICTON MAY BE
22 INVOLVED IN KILLING OF WOMEN,
23 and then it goes on. Do you see that?

24 MS. CHAPMAN: Yes.

25 Q And did you understand that Hunter was supposed to

1 be doing a polygraph about an investigation of
2 missing women?

3 MS. CHAPMAN: No. And this document, again, I haven't -- I
4 didn't see until this commission.

5 Q Okay. Why don't I take you to a document that you
6 did see. Tab 17. This is your memo, right?

7 MS. CHAPMAN: Yes.

8 Q And that's a request for analysis, Project
9 Elderberry, and page 1 we're dated 00-02-10, so
10 that's February 10th, '00; is that right?

11 MS. CHAPMAN: Yes.

12 Q The first page is the only place I could find a
13 date.

14 MS. CHAPMAN: Yes.

15 Q And this one, it says:

16 The captioned Project is an investigation of
17 missing females, specifically sex trade
18 workers.

19 And then it goes on. Is this a point where things
20 have changed or --

21 MS. CHAPMAN: No, because we're still just investigating the
22 homicide, but we're alive to the fact that missing
23 women may be involved. We don't have any evidence
24 of that.

25 Q Okay. What's Project Elderberry?

1 MS. CHAPMAN: I don't remember.

2 Q Okay.

3 MR. MOULTON: Perhaps I could assist.

4 Q Okay.

5 MR. MOULTON: My recollection, having looked at that note the
6 other day and the use of the project acronym,
7 Elderberry would indicate it would be an "E"
8 Division file, and my sense is --

9 Q Yes. Obviously.

10 MR. MOULTON: -- that Project Elderberry would relate to the
11 Valley murders.

12 Q Okay. This is your request, Ms. Chapman, for
13 aerial photographs of the Pickton farm?

14 MS. CHAPMAN: Yes.

15 Q Right. And you weren't -- were you investigating
16 the Valley murders too?

17 MS. CHAPMAN: I think we had been asked to provide cast-off
18 bandages for DNA comparison.

19 Q Okay. But this is your request for the Forensic
20 Imaging Section to do photographs?

21 MS. CHAPMAN: Yes.

22 Q Okay. And you're relating -- you're relating that
23 you asked them to do this because of its
24 investigation of missing females, specifically sex
25 trade workers. So do you have any recollection of

1 what you were writing this for?

2 MS. CHAPMAN: No. I probably did at the time. I don't know
3 now.

4 Q Was there any reason why you weren't allowed to
5 suggest that this investigation be expanded?
6 Like, your role, was it simply to investigate this
7 homicide, if there had been one, and then stop
8 there? I mean, you're seeing Pickton's name come
9 up in other things, right?

10 MS. CHAPMAN: Yes. If we had been successful and had Lynn
11 Ellingsen cooperate and it had led to that, it
12 probably would have expanded into other things,
13 but without any evidence we didn't have that
14 perspective.

15 Q Okay. So you stayed on this project or on this
16 investigation, if we can call it that, until when,
17 May of 2000 or --

18 MS. CHAPMAN: Until I retired.

19 Q Until you retired. And was there not a time where
20 you had to take some remaining sick leave or
21 something like that so you weren't actually in the
22 office?

23 MS. CHAPMAN: No, vacation time.

24 Q Vacation. Sorry. Vacation time. And how long
25 was that?

1 MS. CHAPMAN: About three weeks, maybe.

2 Q Oh, okay. So what was the last day in the office?

3 MS. CHAPMAN: Sometime in July.

4 Q All right. And during that time you were
5 investigating this file?

6 MS. CHAPMAN: Now, I can't recall because Mike Connor came back
7 to the unit, and I don't recall if he then started
8 working the file.

9 Q Okay. Now, did you ever do any investigation into
10 the other tips, like the Hiscox tip or anything
11 like that, or even read about any of those things?

12 MS. CHAPMAN: I heard the name Hiscox. I can't remember what I
13 knew about what his information was. I had known
14 about the information from Caldwell. Menard I'm
15 not sure. I can't recall what my use of the
16 information was.

17 Q Okay. Well, let's -- ultimately it turns out that
18 the Ellingsen evidence probably was accurate,
19 right?

20 MS. CHAPMAN: Probably.

21 Q Right. And the investigation just failed to
22 uncover that, right?

23 MS. CHAPMAN: Yes.

24 Q And the investigation, as far as I can tell,
25 consisted primarily of an interview with Ellingsen

1 where you didn't review her earlier interview and
2 where you got interrupted halfway through, right?

3 MS. CHAPMAN: Yes.

4 Q And then an interview with Pickton that you didn't
5 prepare because you thought he might not show up
6 and the police officer who was going to help you
7 wasn't available, right?

8 MS. CHAPMAN: That's oversimplifying it, but close.

9 Q And then you agree that you were a lot of the time
10 not available to work the file because of other
11 obligations, right?

12 MS. CHAPMAN: That's correct.

13 Q There's a December 29th memo, 1999, where you say,
14 "I haven't worked the file for two months because
15 I've been busy on other things," that sort of
16 thing, right?

17 MS. CHAPMAN: Yes.

18 MS. NARBONNE: Those are my questions.

19 THE COMMISSIONER: Thank you.

20 MR. HERN: Do you want to take a short break, Commissioner, for
21 five minutes and then we'll start? We've been at
22 it for a while.

23 THE COMMISSIONER: How long are you going to be?

24 MR. HERN: I've got 40 minutes, and I'll be 40 minutes.

25 THE COMMISSIONER: All right.

1 THE REGISTRAR: The hearing will now recess for five minutes.

2 (PROCEEDINGS ADJOURNED AT 4:50 P.M.)

3 (PROCEEDINGS RESUMED AT 4:55 P.M.)

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

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

6 Q Sean Hern, counsel for the VPD. Mr. Moulton, I
7 heard you to testify this morning that you had
8 thought about the Pickton investigation that was
9 undertaken in Coquitlam over the years since he
10 was arrested and that your view today is that the
11 Coquitlam RCMP really couldn't have done anything
12 more to advance the Pickton investigation while it
13 was under your command; is that fair?

14 MR. MOULTON: Yes.

15 Q All right. And, Ms. Chapman, is that your view as
16 well?

17 MS. CHAPMAN: Yes.

18 Q And you were interviewed by Deputy Chief LePard in
19 2004, correct?

20 MS. CHAPMAN: Yes.

21 Q And you said this morning that you thought you
22 were compelled to give that statement?

23 MS. CHAPMAN: Yes. I was led to believe other RCMP members
24 were being required to provide the statement. I
25 had not spoken to any other RCMP members, and I

1 regret speaking to him now.

2 Q I see.

3 THE COMMISSIONER: You regret what?

4 MS. CHAPMAN: I regret speaking to him now without having had
5 advice first.

6 THE COMMISSIONER: Oh.

7 MR. HERN:

8 Q Now, in 2004 you had been retired for three years,
9 right?

10 MS. CHAPMAN: That's correct.

11 Q And you were -- at that time you were retired from
12 the RCMP, but you were working for the College of
13 Physicians & Surgeons as an investigator?

14 MS. CHAPMAN: That's correct.

15 Q And so did you think that other RCMP officers were
16 being compelled to give evidence as well?

17 MS. CHAPMAN: Yes.

18 Q And so that's interesting given that in your 23
19 years of policing I take it you have more than a
20 passing familiarity with when a witness is
21 compelled to give evidence or not give evidence?

22 MS. CHAPMAN: Yes. I'm here because I've just been asked. I
23 haven't been subpoenaed to be here. I'm
24 cooperating, but I feel compelled to be here.

25 Q Sorry, you feel?

1 MS. CHAPMAN: I feel compelled to be here.

2 Q I see. Are you saying that you felt compelled to
3 give evidence or speak with Deputy Chief LePard or
4 that you thought that there was some piece of
5 legislation or rule that was compelling you?

6 MS. CHAPMAN: No, I didn't think there was a piece of
7 legislation or rule.

8 Q You felt morally compelled to speak with him?

9 MS. CHAPMAN: I thought he was doing an unbiased review of the
10 investigation to further prevent any errors that
11 might have happened at the time.

12 Q I see. And you knew he was a Vancouver Police
13 Department inspector at the time?

14 MS. CHAPMAN: Yes.

15 Q And you didn't think it was useful to speak to
16 anybody from the RCMP as to whether Deputy Chief
17 LePard -- or, sorry, Inspector LePard, then
18 Inspector LePard had been appointed by the RCMP to
19 do this?

20 MS. CHAPMAN: I didn't keep in touch with anyone from the RCMP
21 once I retired.

22 Q So given that -- nevertheless that you felt
23 compelled to give that statement, I take it that
24 the evidence that you gave was true?

25 MS. CHAPMAN: Yes.

1 Q All right. And I heard you also to say this
2 morning that you didn't have an opportunity to
3 review and amend the statement?

4 MS. CHAPMAN: I don't -- I don't recall specifically what
5 happened with all of that. I had a number of
6 stressors I was dealing with at the time, and I
7 don't have specific memory of those events.

8 Q All right. Well, you recall that Deputy -- or
9 that Inspector LePard was typing notes of what you
10 were saying to him --

11 MS. CHAPMAN: Yes.

12 Q -- on his laptop computer in the room, right?

13 MS. CHAPMAN: Yes, he was making notes, yes.

14 Q And he put that into a statement, which I can
15 suggest -- I suggest to you that he e-mailed to
16 you for your review?

17 MS. CHAPMAN: Yes, which I would not have a copy of because it
18 was on the e-mail that I used while I was an
19 employee at the college.

20 Q I see. All right. Well, let me -- and so you
21 don't recall amending that statement and e-mailing
22 it back to him?

23 MS. CHAPMAN: I don't have specific recollection, but I've been
24 told since about it, and that probably did happen,
25 but I don't specifically remember it.

1 Q I see. Who told you about it?

2 MS. CHAPMAN: I think Department of Justice mentioned it
3 because they had spoken to you.

4 Q I see. So when you said this morning that you
5 didn't have an opportunity to amend it, in fact
6 you're just not sure about that?

7 MS. CHAPMAN: Well, I don't think that's what I said, I didn't
8 have an opportunity. I think I said I made some
9 corrections and that they weren't implemented. I
10 think that's what I said this morning.

11 Q I see. Okay. Well, let's look at -- let me show
12 you the record on that. So, Ms. Chapman, if you
13 could turn to tab 2 of the binder I've just put in
14 front of you, which has a few documents that I'll
15 reference today. Do you recognize that as your
16 e-mail back to Inspector LePard?

17 MS. CHAPMAN: Yes, it's got my name and everything on it. I
18 don't --

19 Q You don't have any reason to doubt that?

20 MS. CHAPMAN: Yeah, that's correct.

21 Q So this is April 26, 2004, and you indicate that
22 you've made changes to the attached document, and
23 behind the green piece of paper is the attachment
24 to that e-mail, and the only difference between
25 the actual attachment and the paper copy is that

1 the individual that we've named Anderson, her name
2 has been redacted by myself in pen out of this
3 attachment.

4 MS. CHAPMAN: Okay.

5 Q So apart from that the attachment is unchanged.

6 MS. CHAPMAN: Okay.

7 Q And this is your corrected statement that you
8 e-mailed back to Inspector LePard, and on tab 3,
9 if you turn over there, you'll see an e-mail back
10 from -- well, I guess he was deputy chief by 2004,
11 actually, so an e-mail back from Deputy Chief
12 LePard to yourself indicating that the changes
13 that you had made were acceptable and he would
14 carry on with those. Do you see that?

15 MS. CHAPMAN: Yes, but I later heard that he didn't make some
16 changes.

17 Q All right. So the statement that you had made the
18 changes to, though, is the one that you had
19 approved?

20 MS. CHAPMAN: Yes. I don't know that I went through it word by
21 word. I don't recall.

22 Q You've read the interview statement since?

23 MS. CHAPMAN: No.

24 Q Okay. And so I don't have time to allow you to
25 read this entire statement --

1 MS. CHAPMAN: No.

2 Q -- here today, but given that -- if I -- if this
3 is indeed the statement that you have amended, I
4 take it you'll stand by the comments that you've
5 made in that statement as being accurate at the
6 time of 2004 given that you considered yourself
7 compelled to provide the statement?

8 MS. CHAPMAN: Yes.

9 Q All right. So in this statement there are a
10 number of comments that you make. I am going to
11 take you to a couple of them. And the gist of it
12 is that there are many comments that you make that
13 more could have been done in the Coquitlam
14 investigation?

15 MS. CHAPMAN: Mm-hmm.

16 Q And so, for example, and now I'm looking at the
17 one at tab 2 behind the green piece of paper, so
18 those -- these page numbers all referenced here
19 are from that document. If you turn to tab 4.

20 MS. CHAPMAN: Yes.

21 Q Sorry, page 4, and look seven paragraphs down.

22 MS. CHAPMAN: Yes.

23 Q You'll see there's a paragraph that starts, "We
24 didn't think he was responsible..." Do you see
25 that paragraph?

1 MS. CHAPMAN: Yes.

2 Q And the last sentence in that says:

3 There were a lot of things that we should
4 have followed up on but we couldn't get
5 approval.

6 MS. CHAPMAN: Yes.

7 Q For example. And if you flip over the page, in
8 the top first paragraph on page 5 you say:

9 Regarding arresting him as a strategy, we did
10 talk about arresting him,

11 meaning Pickton,

12 like to throw him with a cell mate. But we
13 wanted someone experienced, like a Don Adam,
14 and that never went beyond chatter into an
15 official plan.

16 MS. CHAPMAN: Yes.

17 Q And you say:

18 There were so many things that should have
19 been done in hindsight and they just didn't
20 get the priority.

21 Do you see that?

22 MS. CHAPMAN: Yes.

23 Q And then in the next paragraph you state:

24 We should have done more surveillance on him.
25 He never did anything when we were

1 surveilling him, never saw him go downtown.

2 We should have been on him more.

3 MS. CHAPMAN: Yes.

4 Q And so on. And I won't take you to all of them.

5 The statement has many comments about more things

6 that could have been done to advance the

7 investigation. You will agree with me on that?

8 MS. CHAPMAN: Yes, but I think that's already been provided

9 here by Inspector Moulton, of why those things

10 couldn't have been done, that we didn't get the

11 approval for all those things, that the section

12 that handled interrogations and interviews had

13 certain criteria that weren't met by this

14 investigation. I mean, in speaking here I'm

15 speaking quite freely and openly. Those are all

16 things I wish could have been done, but given what

17 was available, what actually happened on the file,

18 that was not a possibility. We didn't have the

19 criteria for the interview team. We didn't have

20 the availability of Special "O" to do any more

21 surveillance. Logistically we couldn't use

22 Special "I". We didn't have the information to

23 get a Part VI or do any of those kinds of things

24 that could further an investigation.

25 MR. HIRA: Mr. Commissioner, I'm waiting until this answer is

1 finished --

2 THE COMMISSIONER: Yes.

3 MR. HIRA: -- because I just want to understand something. Is
4 the situation that the statement at tab 2 of this
5 brief is the final LePard statement and that the
6 statement at tab 1 of this brief, which has a
7 Concordance number -- I note the statement at tab
8 2 doesn't -- is the original LePard statement, we,
9 of course, not being exposed to anything but the
10 original LePard statement? I stand here, I might
11 add, close to my friend Mr. Ward not to make his
12 type of objection but just to seek some
13 clarification.

14 MR. HERN: They're the same statement. They're the same
15 statement, but what this witness has --

16 THE COMMISSIONER: I've never seen this before, so I can't
17 answer that.

18 MR. HERN: The witness has just stated that she's not had an
19 opportunity to compare the two, so that's why I'm
20 using the one that's attached to her e-mail, so
21 the witness is comfortable that the one that I'm
22 referring to in going through this evidence is the
23 one that she had amended, and if you wish to
24 compare the two, please do so.

25 MR. HIRA: I don't. I just want some clarification. I didn't

1 want you to think just because I was standing
2 close to Mr. Ward that I was joining him.

3 MR. HERN:

4 Q So what I'm hearing you say --

5 MR. WARD: Now I rise. Cameron --

6 MR. HIRA: There was a twinkle in my eyes. Let's not eat up
7 the --

8 MR. WARD: No, no, no, I don't rise to say anything about what
9 you just said but only to point this out. In
10 addition to what my friend Mr. Hira has said --
11 and it's Cameron Ward, counsel for the family of
12 25 murdered women -- we are getting access now to
13 the first time -- for the first time, pardon me,
14 to documents that appear to have been passed back
15 and forth between LePard and people he was
16 interviewing, in this case an e-mail and revised
17 document from one of these witnesses. We
18 shouldn't be seeing this for the first time. It
19 should have been produced long ago, and I just
20 point that out again.

21 MR. HERN: Well --

22 THE COMMISSIONER: All right.

23 MR. HERN: Deputy Chief LePard testified that this was the
24 process that he underwent with the witnesses.
25 None of the other witnesses -- we've not produced

1 every document relating to his review because this
2 is not an inquiry into his review, and that was
3 made clear by me in our production to the
4 commission and to all the parties throughout.
5 Now, this is the first witness who has said that
6 she didn't think that she had amended it and
7 approved it, and so --

8 THE COMMISSIONER: Okay. Go ahead.

9 MR. HERN: -- that's why the document is here, and since we're
10 past that I don't see that as a basis for an
11 objection.

12 Q So, Ms. Chapman, if I understand you correctly,
13 your feeling that you -- your views that you
14 expressed to Deputy Chief LePard in 2004 were that
15 things should have been done or could have been
16 done, but on reflection today on listening to and
17 discussing, I take it, the file with other members
18 of the Coquitlam RCMP, including Mr. Moulton, your
19 view is that it would have been nice to do those
20 things, but you were precluded from doing them; is
21 that fair?

22 MS. CHAPMAN: Well, firstly, I haven't discussed anything prior
23 to this with Mr. Moulton. I haven't seen him in
24 12 years. I'm going by what he gave as evidence,
25 which is true, about the ability to obtain

1 surveillance and that when I gave my interview to
2 Mr. LePard I was speaking freely as a retired
3 member and what I would have hoped could have
4 happened not taking into account policy,
5 procedure, the dynamics of the entire
6 investigation.

7 Q All right. So is it your evidence today that you
8 could not have done more surveillance on Pickton?

9 MS. CHAPMAN: It would have been nice to have done that, but it
10 wasn't available to us.

11 Q That's not the question, though. Could you
12 have -- could you not have done it leaving
13 aside -- was it not -- was it precluded in some
14 way from doing more surveillance?

15 MS. CHAPMAN: There wasn't the manpower to do it.

16 Q All right. So as a matter of resources you
17 couldn't do more surveillance?

18 MS. CHAPMAN: Right.

19 Q So are you factoring into the analysis of what
20 could have been done in the investigation to
21 advance the Pickton investigation, are you
22 factoring in whether resources were available or
23 not?

24 MS. CHAPMAN: I did not factor that in in making these
25 statements. I'm just saying what would have

1 been -- what could have helped put it forward.

2 Q Well, I'm asking about your evidence today.

3 You're saying that because resources weren't

4 available to do surveillance that was not an

5 available option to advance the Pickton

6 investigation? Is that what you're saying?

7 MS. CHAPMAN: At the time, that's correct.

8 Q All right. Was it not possible to ask other

9 police agencies, such as the VPD, for assistance

10 with doing surveillance?

11 MS. CHAPMAN: I don't know what the policy was about that.

12 Q All right. So that's a possible avenue that could

13 have been pursued but wasn't?

14 MS. CHAPMAN: I don't know.

15 Q You don't know whether you could have asked

16 another agency for assistance?

17 MS. CHAPMAN: Correct.

18 Q All right. 23 years with the RCMP and you're the

19 lead investigator on the Pickton investigation and

20 you're not aware of whether that kind of option

21 was available to you?

22 MS. CHAPMAN: I don't remember. I've been out of the force for

23 over 11 years. I don't remember.

24 Q All right. Well -- so leaving that aside, Mr.

25 Moulton, I'd like to ask you a few questions about

1 options that were available, and you have
2 testified that after the Ellingsen interviews had
3 resulted in unsuccessful advancement of the
4 investigation you said that, as I heard you, the
5 investigation effectively hit a wall and that from
6 that point on the only remaining avenue of
7 investigation was to interview Pickton, and that's
8 what you were pursuing, your department was
9 pursuing in September and October of 1999; is that
10 fair?

11 MR. MOULTON: That's correct. I'm trying to remember, at the
12 start of your question there was something I
13 didn't quite agree with, but certainly the -- oh,
14 I know. It was the Ellingsen issue. It wasn't
15 simply that that was unsuccessful. It was that it
16 took us backwards from obtaining reasonable and
17 probable grounds, among other issues.

18 Q All right. But following the second Ellingsen
19 interview your view was that the only way to
20 advance the investigation was to interview Pickton
21 at that point?

22 MR. MOULTON: That was the view of the people that were
23 handling the file, and I did not disagree, and
24 I've not seen anything since that time to say
25 otherwise.

1 Q All right. And then after the Pickton
2 investigation or interview was unsuccessful in
3 advancing the case against Pickton, at that
4 point -- from that point forward the case -- the
5 investigation had really run out of avenues to
6 explore in your mind; is that right?

7 MR. MOULTON: Yes, with two exceptions. I guess one is that we
8 were successful in obtaining indicia of deception
9 during that interview, and parts of that interview
10 were utilized I believe by Mr. Cater to provide
11 the IPA to Mr. Davidson.

12 Q All right. The IPA?

13 MR. MOULTON: I'm sorry, that's -- that was the document to
14 generate a profile, and ultimately our information
15 regarding -- as I recollect, our information
16 regarding Mr. Pickton was inadequate to actually
17 prepare a profile.

18 Q All right. And your lawyer had put to you some
19 suggestions that Deputy Chief LePard had made in
20 his report as to avenues, other avenues that might
21 have been explored, and have you actually read
22 that report?

23 MR. MOULTON: Yes.

24 Q And one of the avenues that he had put to you was
25 the possible arrest of Pickton for the alleged

1 murder in the Pickton farm. Do you recall that?

2 MR. MOULTON: I recall that question being put.

3 Q And you had given evidence that you had considered
4 that to be an illegal arrest and you were
5 disappointed in Deputy Chief LePard for thinking
6 that that was an option?

7 MR. MOULTON: Yes.

8 Q Now, if you've read that analysis, you'll see that
9 Deputy Chief LePard drew a distinction between the
10 threshold for arresting a suspect and the
11 threshold for charging and drew from the *Storey*
12 case from the Supreme Court of Canada and other
13 sources in distinguishing those things and coming
14 to the conclusion that arrest may have been an
15 option?

16 MR. MOULTON: My recollection of reading that part of the
17 report is that the cases that he cited in fact say
18 that you need reasonable and probable grounds to
19 effect an arrest.

20 Q All right. And the threshold for charging an
21 individual?

22 MR. MOULTON: You need reasonable and probable grounds to lay
23 an information.

24 Q Okay. And, in fact, if you read that section of
25 his analysis, he speaks specifically to the need

1 for reasonable and probable grounds to arrest an
2 individual.

3 MR. MOULTON: And we did not have those.

4 Q All right.

5 MR. MOULTON: I admitted -- or omitted this morning or whenever
6 it was in addressing the issue around the advice
7 received from Mr. Gulbransen that that was, as I
8 recollect, dated August 4th and that his
9 assessment was of the state of the information at
10 a time that would be a high watermark for that --
11 for the information.

12 Q And did you ever consider whether it was possible
13 to arrest Pickton for that information or was it
14 simply something that was -- didn't even cross
15 your mind?

16 MR. MOULTON: Certainly it would cross our mind.

17 Q All right. As to whether you had enough grounds
18 to arrest?

19 MR. MOULTON: Yes.

20 Q All right. And so what you're saying here is that
21 you disagreed with LePard's analysis of the law on
22 that point as to whether that was an option?

23 MR. MOULTON: Absolutely. And, in fact, we were advised by
24 counsel that we did not have reasonable and
25 probable grounds.

1 Q Well, that was in the context of obtaining a Part
2 VI, right?

3 MR. MOULTON: Exactly.

4 Q Not in the context -- you didn't present to
5 Gulbransen the question of whether it was possible
6 to arrest him for the purposes of interviewing him
7 and seeing if you could get a jailhouse cell mate
8 in with him? Different question to Gulbransen.

9 MR. MOULTON: I'd agree.

10 Q Okay. Now, I heard you this morning testify that
11 one of the things that would have been helpful and
12 potentially productive would be to work the
13 strolls in the Downtown Eastside and perhaps New
14 West to show Pickton's photo around and see if any
15 other witnesses could be identified who could
16 identify his photo, for example, and provide some
17 more information about him?

18 MR. MOULTON: That's correct.

19 Q All right. And that, in fact, was something that
20 was done when Corporal Connor was running the
21 investigation in the summer?

22 MR. MOULTON: Yes.

23 Q That earlier that year, earlier in 1999 Pickton's
24 photo was shown, and that was going to be a joint
25 effort by Coquitlam and Vancouver, right?

1 MR. MOULTON: It was, and I believe that our members were
2 unable to assist with that, and I believe that the
3 photos of Mr. Pickton were shown to groups of
4 individuals.

5 Q That's right. And then the information was
6 provided back to Corporal Connor as to the results
7 of that?

8 MR. MOULTON: That's correct.

9 Q And why wasn't that an option in the fall of 1999
10 and the spring of 2000?

11 MR. MOULTON: It was our belief that there had not been an
12 identification.

13 Q Well, I understand that, but how -- you're not
14 going to find out if there's any other people out
15 there who can identify if you don't get out and
16 try, right?

17 MR. MOULTON: We believed we had.

18 Q You believed that the one effort earlier in 1999
19 was sufficient?

20 MR. MOULTON: I believe that the effort canvassed some 130
21 people.

22 Q And that was sufficient in your mind?

23 MR. MOULTON: Yes.

24 Q No longer a viable option in early 2000?

25 MR. MOULTON: We were not receiving any information to suggest

1 that there were people that knew Mr. Pickton on
2 the stroll.

3 Q Now, what about more surveillance?

4 MR. MOULTON: We had conducted surveillance on three separate
5 occasions and had been unable to see -- or get any
6 information that assisted the investigation.

7 Q So is it your evidence that more surveillance
8 would have been pointless or that more
9 surveillance was not an option?

10 MR. MOULTON: Both.

11 Q Okay. Why would it not be an option?

12 MR. MOULTON: From a resourcing point of view. Given the state
13 of the information, given the work that we had
14 done to try and corroborate it that had been
15 unsuccessful, the state of the information then to
16 make a request for Special "O" would not have been
17 accorded much -- or just wouldn't have been
18 successful.

19 Q So if you had the resources, it was an option?

20 MR. MOULTON: If I had those resources, they would most likely
21 have been deployed in some other fashion.

22 Q If you had the resources and they weren't deployed
23 in some other fashion such that they were
24 available to you, it was an investigative option
25 to do more surveillance on Pickton in 2000?

1 MR. MOULTON: The -- yeah, if I was that fortunate.

2 Q All right. Well, I'm trying to distinguish
3 between whether you're saying you can't do
4 something because you're somehow precluded from it
5 and whether it's a matter of resourcing or whether
6 you just think it's pointless. I'm trying to
7 understand your decision making. When you lump
8 those three things together, it makes it confusing
9 as to whether you considered something a viable
10 option and you simply couldn't do it or whether it
11 wasn't an option at all. Do you see what I'm
12 getting at?

13 MR. MOULTON: Your use of the word "viable" I guess is perhaps
14 the most useful. I did not see it as a viable
15 option.

16 Q All right. And that's because you thought it was
17 both pointless and you thought that you didn't
18 have the resources for it?

19 MR. MOULTON: That's correct.

20 Q All right. So more surveillance in your mind was
21 not going to assist the investigation, and,
22 similarly, showing the photo and proactively
23 talking to sex trade workers on the strolls in
24 2000 was also not a viable option because you
25 didn't think it would advance the investigation?

1 MR. MOULTON: No, because we thought it had already been done.

2 Q Oh, okay. So it could have advanced the
3 investigation, but it was pointless because you
4 had tried it once and didn't get a hit?

5 MR. MOULTON: That's not the way I would put it, but --

6 Q Well, I'm trying to understand what you're saying.
7 You're saying it had been done once so it never
8 needed to be done again, showing around the
9 photos, talking to sex trade workers, looking for
10 more witnesses? Is that your evidence?

11 MR. MOULTON: It had been done to 130 people unsuccessfully.
12 That's my evidence.

13 Q Like a year prior?

14 MR. MOULTON: No, that would be about four months prior.

15 Q I'm talking about early 2000. It would have been
16 about a year prior that those photos were shown
17 around the Downtown Eastside?

18 MR. MOULTON: My recollection is the showing of the photos to
19 the groups was done in February, March of 1999 or
20 perhaps into April of '99.

21 Q Correct.

22 MR. MOULTON: So that would be four months.

23 Q And so in early 2000 you thought that a year --
24 the photo shown a year prior was sufficient to
25 rule that out as a useful investigative option?

1 Is that what your evidence is?

2 MR. MOULTON: Yes.

3 Q All right. Now, in -- and so let's just look at
4 that binder that I provided to Ms. Chapman. If
5 you flip to tab 5 of that binder, I am going to
6 suggest to you that your own department and other
7 members of the RCMP in fact think of a number of
8 options to advance the investigation. All right.
9 Do you have that in front of you?

10 MR. MOULTON: Yeah, I have the binder. Which tab?

11 Q Switch to tab 5, sir.

12 MR. MOULTON: I have that.

13 Q And you'll see a letter from David McCartney, who
14 was a corporal above Constable then Yurkiw,
15 correct?

16 MR. MOULTON: Yes.

17 Q And so he was part of the Pickton investigation,
18 correct?

19 MR. MOULTON: That's correct. He supervised Constable Yurkiw
20 during that time.

21 Q Yes. And so this letter's written in May 7, 2002,
22 but it's referring back to some information that
23 he had from February 2000 that he was providing to
24 Sergeant Connor for the purposes of Sergeant
25 Connor's timeline that he was preparing after the

1 arrest of Pickton, right?

2 MR. MOULTON: That's correct.

3 Q So if you look at this, you can see that he says:

4 I have gone through my notebooks and inserted

5 any relevant files on the pages marked with

6 green tags. I had completely forgotten two

7 meetings we had in February 2000. The first

8 was February 9th after I had done a complete

9 review of the file for Ruth. We had a

10 "gameplan" meeting to arrange,

11 and then you can see there's a list of things that

12 were thought to assist in the investigation. Do

13 you see that?

14 MR. MOULTON: Yes.

15 Q Do you accept that those things would be useful

16 steps to take to advance the investigation?

17 MR. MOULTON: My recollection goes back, in fact, to the 1624s

18 from which Dave would be remembering, which would

19 be from February 9th and February 10th. There

20 were a number of other items, I believe, on that

21 1624. We were, in fact, continuing to locate Ms.

22 Ellingsen. Val I don't know. I know that we

23 discussed or I had discussed with Constable Yurkiw

24 on January 12th the production of a timeline. We

25 had gone to ViCLAS and, in fact, proceeded -- or

1 Constable Cater developed the IPA for precisely
2 that reason, and that reflects the contact to
3 Keith Davidson. My recollection is that, in fact,
4 Lorna Humphries was interviewed. And the redacted
5 affidavit, which is -- I'm assuming to be the
6 reference from 1624s to a Part VI, was, in fact --
7 as I recall, Dave McCartney went down that road
8 and very soon discovered that we lacked the
9 necessary grounds.

10 Q All right. Flip over a couple of pages. You'll
11 see a 1624 continuation report. It's probably the
12 one you're referring to. There are suggestions
13 from a group that was looking at the file dated
14 February 14, 2000?

15 MR. MOULTON: Yes.

16 Q And do you see that there's:

17 Send the handcuffs seized from the attempted
18 murder...to the lab in an effort to recover
19 DNA?

20 MR. MOULTON: Yes.

21 Q And then 2:

22 Source information suggests PICTON developed
23 a strong hatred...following the attempted
24 murder of,
25 Anderson.

1 Obtain a list of victims from Detective
2 Constable Lori Shenher...of the women who
3 have gone missing since...1997.

4 Do you see that?

5 MR. MOULTON: Yes.

6 Q And then, "Determine if (Anderson) is still
7 alive"?

8 MR. MOULTON: Yes.

9 Q "Determine if ELLINGSEN is still alive," and
10 discussing that she is apparently still extorting
11 money. That relates to the usefulness of
12 re-interviewing Ellingsen, right?

13 MR. MOULTON: Yes.

14 Q And then:

15 A review of the 1997 attempted murder and IPA
16 information may be useful for the affidavit.

17 MR. MOULTON: Yes.

18 Q So this is all setting out ideas, this is
19 brainstorming and setting out ideas about how to
20 get -- how to move the investigation forward?

21 MR. MOULTON: I agree they're brainstorming ideas.

22 Q And they're good ideas, correct?

23 MR. MOULTON: Well, the -- I believe there was a technical
24 issue with the first in respect of DNA. The
25 second, I'm not aware of source information that

1 indicated the strong hatred of prostitutes. I
2 believe we had the list of victims.

3 Q You're not aware of Lori Shenher ever being
4 contacted?

5 MR. MOULTON: For the list of victims?

6 Q Correct.

7 MR. MOULTON: I believe we would have had the -- or had
8 available to us, and certainly Mr. Davidson did
9 from ViCLAS, the list. The determination if the
10 victim from the '97 incident -- I'm not sure what
11 the nexus would be. We had her statement.

12 Q Consideration of re-interviewing Ellingsen and re-
13 interviewing Anderson?

14 MR. MOULTON: That was -- that was part of the file reviews in
15 both August --

16 Q Yes.

17 MR. MOULTON: And that's why we continued to look for Ms.
18 Ellingsen.

19 Q Those are good ideas and things that weren't done,
20 correct?

21 MR. MOULTON: We continued to look for Ms. Ellingsen. And to
22 call them a good idea elevates them beyond the
23 likelihood or the probability of having any
24 success with them, and the later interviews with
25 Ms. Ellingsen by Project Evenhanded would confirm

1 that.

2 Q Was it an option to advance the investigation?

3 MR. MOULTON: It was, and we were trying to do so.

4 Q It was a possibility to pursue?

5 MR. MOULTON: Exactly.

6 Q All right. What I'm troubled by, sir, is that it
7 seems that other members of the team are
8 developing ideas about how to advance the
9 investigation and your view as you sit here today
10 was simply there was nothing we could do, nothing
11 Port Coquitlam could do that could change the
12 inevitable result that this investigation would
13 fail until Constable Wells gets on the property in
14 February 2002.

15 MR. MOULTON: I don't take that to be my evidence at all. We
16 attempted to corroborate the evidence that we had
17 and had taken those measures to do so, and we were
18 left with going to Pickton and going to Ellingsen,
19 and we continued to go down that road.

20 Q And that's the extent of the options that you
21 thought or you think were available to you, and
22 absent getting a lucky break, this was never going
23 to be solved?

24 MR. MOULTON: No. My evidence was also that the activities
25 begun in 1998 by Mr. Connor of ensuring that the

1 personnel of Coquitlam Detachment were aware of
2 this file so that we were able to action any
3 information in respect of the Picktons that might
4 come in.

5 Q So waiting for new information?

6 MR. MOULTON: Correct.

7 Q All right. Now, you have all stated that you
8 weren't investigating the missing women case at
9 large, and the VPD doesn't suggest otherwise, but
10 as Mr. Moulton later clarified with Ms. Tobias,
11 while Coquitlam was investigating the specific
12 information of murder on the pig farm, it was well
13 understood that Pickton was a person of interest
14 for the -- for multiple homicides of sex trade
15 workers potentially, right?

16 MR. MOULTON: I can speak to that. I have a recollection from
17 the -- it would have to be the August 3rd meeting
18 that -- and although I cannot attribute it to a
19 specific member of Vancouver Police Department, I
20 do recall being told that Mr. Pickton was a person
21 of interest of approximately a half a dozen and he
22 was not the best suspect or the most -- he wasn't
23 the best one forward is my recollection of the
24 language.

25 Q You knew he was potentially responsible for

1 multiple homicides, not simply necessarily only
2 one homicide?

3 MR. MOULTON: Absolutely.

4 Q All right. And, Ms. Chapman, is that your
5 evidence as well?

6 MS. CHAPMAN: Yes, I'd have to agree.

7 Q All right. Now, Mr. Henley, after -- you
8 testified this morning that after Caldwell's
9 interview on August 5 you said:

10 I thought that we should dry Ross out and get
11 him over the drugs. This was not agreed to
12 by the Vancouver members, although they
13 believed in him anyway.

14 That's not accurate, is it?

15 MR. HENLEY: I believe it is, yes.

16 Q It wasn't you who suggested that we just needed to
17 dry Caldwell out and he might become a credible
18 witness?

19 MR. HENLEY: I recall having that conversation with someone.

20 Q You recall raising that as a suggestion and the
21 Vancouver members weren't -- Chernoff and Lepine
22 weren't interested in helping Caldwell through his
23 drug issues so that he would become a credible
24 witness?

25 MR. HENLEY: Oh, I would never say that.

1 Q All right.

2 MR. HENLEY: I don't think that's correct. I'm sure that they
3 were interested in drying him out, helping him
4 through his drug issues.

5 Q All right. And, in fact, that's --

6 MR. HENLEY: Make him more credible.

7 Q And, in fact, they brought him back on August 10
8 hoping that he would perform better in the second
9 interview?

10 MR. HENLEY: I wasn't aware of that interview.

11 Q All right. Now, you had said this morning that as
12 a result of the Ellingsen interview you didn't
13 know whether she was telling the truth or not. Do
14 you recall that?

15 MR. HENLEY: Yes, I do.

16 Q And you didn't feel that she was going to tell the
17 truth with you after the second interview, and
18 that's why you wanted to get her in front of --
19 into a polygraph situation?

20 MR. HENLEY: That's correct.

21 Q And then you clarified that Jim Hunter was more
22 than just a -- I guess it's a polygraphist, a
23 polygraph expert, he was also an expert
24 interrogator?

25 MR. HENLEY: Yes.

1 Q And is it correct that you felt that even if a
2 polygraph was refused an expert interrogation
3 could have made the difference?

4 MR. HENLEY: Yes, I did feel that way.

5 Q And you, in fact, felt that you, with your
6 relationship with Ellingsen, that you could have
7 got her back in to get that polygraph done or get
8 that expert interrogation if you had stayed on the
9 file?

10 MR. HENLEY: I hoped that I could have.

11 Q Well, you said that you could have in your
12 interview with Deputy Chief Evans.

13 MR. HENLEY: Well, I would have hoped that I could have got her
14 in.

15 Q All right. And you would have done that through
16 a -- to get her in the first time you used the
17 outstanding warrant that she had as a means of
18 encouraging her to cooperate, right?

19 MR. HENLEY: That's correct.

20 Q And so would you have employed some kind of
21 similar strategy to gain some leverage or some
22 cooperation from her?

23 MR. MOULTON: I would have had -- I would have had to have a
24 plan, definitely.

25 Q All right. But instead you went back to the

1 Unsolved Homicide Unit, and Ms. Chapman had to
2 pursue that avenue?

3 MR. HENLEY: That's correct.

4 Q Okay. Now, Ms. Chapman, in your interview with
5 Deputy Chief LePard you stated that the problem
6 with the interviews of the witnesses in the summer
7 of 1999 was that Mr. Henley didn't believe Mr.
8 Caldwell. Do you recall that?

9 MS. CHAPMAN: I don't recall it from memory, but I think that's
10 what's in the file.

11 Q And that was your view at the time?

12 MS. CHAPMAN: I think so.

13 Q All right. And Mr. Henley's disbelief in
14 Caldwell's information created problems for the
15 investigation because any search warrant
16 application, for example, or any application for a
17 warrant, that would have to be disclosed, that one
18 or more of the members of the investigating unit
19 did not believe the witness to be credible?

20 MS. CHAPMAN: In the big picture, but Mr. Henley wasn't part of
21 the investigation team at the time. He had been
22 called in for the purposes of the unsolved
23 homicide aspect, but I guess it was important that
24 we all believe the source.

25 Q Do you consider as a matter of advancing that

1 investigation that consensus needed to be reached
2 on whether the source was credible?

3 MS. CHAPMAN: Not always. I mean, just because one person has
4 some issues doesn't mean you can't operate through
5 that.

6 Q All right. So you believed Caldwell's
7 information?

8 MS. CHAPMAN: I don't recall whether I did or did not believe
9 it.

10 Q All right. And did you believe that Ellingsen was
11 lying?

12 MS. CHAPMAN: I believed she was being deceptive. I felt she
13 was hiding things.

14 Q So you were on the fence in that regard?

15 MS. CHAPMAN: Yes.

16 Q All right. Why did you not pursue a further
17 interview with Mr. Caldwell if you were unsure as
18 to whether his evidence was to be believed or not?

19 MS. CHAPMAN: Mr. Caldwell was the source of the Vancouver
20 member, and I wouldn't have gone and contacted him
21 independently.

22 Q No, you would have contacted Chernoff or Lepine
23 and asked them to continue that and bring Caldwell
24 in again, right?

25 MS. CHAPMAN: And I'm not so sure that that wasn't being done

1 whether it's recorded or not, but I had hoped that
2 they were pursuing that.

3 Q Okay. Now, Mr. Moulton, you are aware that from
4 November of 1998 Staff Sergeant Giles of the VPD
5 had offered assistance, financial assistance or
6 investigative assistance with the Pickton file?

7 MR. MOULTON: I became aware of that in the last few months. I
8 wasn't aware of it at the time.

9 Q And the VPD contributed surveillance assistance in
10 the summer of '99. We know that?

11 MR. MOULTON: Yes.

12 Q And then Chernoff and Lepine assisted with the
13 handling of the source Caldwell, right?

14 MR. MOULTON: That's correct.

15 Q And so whenever you asked VPD for assistance on
16 the file you got it?

17 MR. MOULTON: That's correct.

18 Q And you didn't ask for more help from the VPD in
19 terms of resources after the fall of 1999?

20 MR. MOULTON: No, I did not.

21 Q And you didn't ask RCMP Serious Crime for
22 additional resources?

23 MR. MOULTON: I did not, no.

24 Q And you didn't ask UHU for additional resources?

25 MR. MOULTON: No, I did not.

1 Q All right. And you didn't make those requests
2 notwithstanding that this file was a high priority
3 file within your department and it wasn't being
4 worked on?

5 MR. MOULTON: My recollection is we had approximately 20
6 unsolved homicides, all of which would be a
7 priority of some nature that we --

8 Q And this was a high priority file?

9 MR. MOULTON: Yes.

10 Q But additional resources were not requested from
11 other agencies to assist with moving it along
12 notwithstanding it was being worked on very little
13 in your department?

14 MR. MOULTON: That would reflect my understanding of the
15 workloads and resource restrictions on those other
16 units.

17 Q On the other agencies?

18 MR. MOULTON: Yes.

19 Q You mean your view was that it was pointless to
20 ask for more resources because they wouldn't be
21 forthcoming?

22 MR. MOULTON: That based on the information that we had that
23 there would not be, no.

24 MR. HERN: Okay. In view of the time, I think I've run out, so
25 thank you.

1 THE COMMISSIONER: All right. Thank you.

2 MR. HIRA: I have some re-examination.

3 THE COMMISSIONER: All right. We'll adjourn.

4 MR. HIRA: Mr. Commissioner, I have some re-examination.

5 MR. MAKOSZ: I don't --

6 MR. HIRA: I will not be very long.

7 THE COMMISSIONER: Okay. All right.

8 MR. WARD: Cameron Ward, counsel for the families of 25

9 murdered women. While my friends are getting
10 ready, I would very much like to know exactly what
11 we are doing on Friday. I'm told there's a
12 hearing. I'm told this day was reserved for some
13 VPD evidence. I'd like to know exactly what it is
14 that is being contemplated. I haven't been -- I
15 know my friend Mr. Hira is aware of something to
16 do with this, and I believe my friend Mr. Hern is
17 as well, but I'm in the dark.

18 MR. HERN: I'm obviously aware of it, and as I've told Mr.

19 Ward, he's getting --

20 THE COMMISSIONER: VPD response evidence, whatever that is.

21 MR. HERN: And Mr. Ward, as I've told him just this afternoon,
22 the "will say" of the witnesses who will be there,
23 which will be Deputy Chief LePard and Constable
24 Hammell, will be circulated as soon as this
25 hearing's over.

1 MR. WARD: Well, this is just astounding because it seems again
2 like the police can just bring in witnesses on a
3 whimsical basis. I haven't been involved in any
4 witness scheduling. I've tried and tried and
5 tried on behalf of my clients to bring witnesses
6 in who I have considered have material evidence to
7 give. That's been a very frustrating and
8 difficult endeavour and ultimately largely
9 unsuccessful. It seems as though the VPD can
10 just, well, ask and they shall receive the
11 opportunity. I had no idea LePard was coming
12 until now.

13 THE COMMISSIONER: Well, I don't know either. I don't know
14 either.

15 MR. WARD: And this is Tuesday, and I hear LePard is coming
16 back on Friday. This is news. It must have been
17 in planning for some considerable time. I've been
18 out of the loop again. I had no idea that LePard
19 was coming up. I don't know who the other witness
20 is at all. And I'm -- I can barely contain my
21 frustration with this process. Those are my
22 remarks.

23 THE COMMISSIONER: Everybody, every lawyer has a right to bring
24 witnesses that they think are witnesses that are
25 material, so that's the way it goes.

1 MR. HERN: The difference is, is that respondents within an
2 inquiry under the act, as Mr. Ward well knows,
3 because I've discussed it with him, have
4 procedural rights that exceed people who are not
5 respondents, and the family members are
6 participants, they're not respondents. As you
7 pointed out, they don't have specific allegations
8 made against them.

9 THE COMMISSIONER: I want to say something.

10 MR. WARD: I don't accept any of that. I don't accept that.

11 THE COMMISSIONER: Well, you may not accept it, but the fact --

12 MR. WARD: As a position of law.

13 THE COMMISSIONER: Well, of course there's a position in law.

14 MR. WARD: The VPD --

15 THE COMMISSIONER: No. No, no, no. It's not VPD or anything
16 else. The fact is there are -- in this inquiry
17 what has happened is that for the last seven or
18 eight months there have been allegations made
19 about police mistakes upon police mistakes and
20 further mistakes, so they have to have the
21 opportunity to reply to those mistakes. I don't
22 want to call them defendants, but that's what it
23 feels like because all of the allegations here are
24 what did they do, what didn't they do, and were
25 these mistakes that were material. So that's the

1 reason they are respondents. And you know that.

2 That's the law.

3 MR. WARD: That may be the case --

4 THE COMMISSIONER: Yes.

5 MR. WARD: -- but I infer that some planning has gone into
6 arranging LePard's attendance on Friday.

7 THE COMMISSIONER: Okay.

8 MR. WARD: My concern is as counsel trying to prepare for busy
9 days ahead that three days from now I had no idea
10 LePard was showing up --

11 THE COMMISSIONER: Okay.

12 MR. WARD: -- until a few minutes ago. I had no idea.

13 THE COMMISSIONER: Okay. Well, let's calm down here for a
14 minute.

15 MR. WARD: I'm calm, but I'm very unhappy.

16 THE COMMISSIONER: Okay. Well, let --

17 MR. WARD: LePard was considered by Mr. Vertlieb to be a very
18 important witness. He spent four and a half days
19 or so with him in chief, and now I hear a few
20 minutes ago that he's coming back on Friday. I'm
21 sitting here on Thursday -- on Wednesday and
22 Thursday in the hearings, and I'm expected to not
23 only prepare for those witnesses but prepare for
24 the return of --

25 THE COMMISSIONER: Okay.

1 MR. WARD: -- Doug LePard. This is an unsatisfactory and
2 untenable set of circumstances.

3 THE COMMISSIONER: Why don't we find out -- before you get all
4 upset about this, why don't we find out why LePard
5 is coming back and what his expected evidence will
6 be. Can you not -- just a minute, Mr. Ward.
7 Can't you -- you know, we've got to calm down here
8 a bit. Why don't you -- are you able to get
9 together with Mr. Ward and tell him today what
10 LePard is expected to say?

11 MR. HERN: I'm circulating a "will say" this evening, but let
12 me say here he's coming not to give evidence at
13 large. It's not evidence that's been covered
14 already. What it's to deal with, along with this
15 Constable Hammell, is specific allegations that
16 have been made usually on the spur of the moment
17 with no notice to us by various witnesses,
18 including some family members, where the VPD is
19 able to identify the incident that's being spoken
20 about and can pull its records, review that
21 particular file, unrelated generally to the
22 missing women, can review that file and respond as
23 to what from their perspective occurred. So, for
24 example, Rae-Lynn Dicks testified about the
25 adolescent individual who phoned from the gas

1 station and had been raped by a tennis racket and
2 was bleeding and so on. You may remember that
3 incident. Well, that incident came up out of
4 nowhere for me, but we have been able to identify
5 exactly what it is and can speak to the actual
6 investigation and demonstrate that all of the
7 material points that Ms. Dicks raised about it
8 were wrong. And so it's going to be very narrow,
9 it's going to be very specific, it's going to
10 include five specific areas, and Mr. Ward will see
11 that on the "will say", and I don't anticipate or
12 expect that any testimony at large will be
13 introduced by LePard or subject to cross-
14 examination. It should be narrow, focused, and
15 we'll be done with it. And it just happens that
16 LePard has a link to three of the incidents that
17 are referenced by these other witnesses, and so
18 it's him only because of that. I would have
19 expected it to be somebody else, but he's reviewed
20 those files, and he's going to speak to it.
21 That's all it is.

22 THE COMMISSIONER: All right. Okay. So, anyway, you're going
23 to tell Mr. Ward what all that evidence is all
24 about?

25 MR. HERN: All participants will have the "will say" and

1 they'll have access to the documents shortly.

2 THE COMMISSIONER: And you're telling me that these are -- this
3 evidence, this testimony is in response to other
4 evidence that's come up that you didn't know
5 about?

6 MR. HERN: Completely.

7 THE COMMISSIONER: All right. Okay.

8 MR. WARD: And I accept the explanation, and I accept the
9 proposition that there should be the opportunity
10 to adduce evidence if it's material. What I do
11 not accept and have not accepted from the
12 beginning of this process is that I have been
13 constantly surprised as a result of not being
14 involved in discussions between commission counsel
15 and counsel for the law enforcement interests on
16 procedural matters, and there have been a host of
17 those circumstances from the very beginning,
18 despite my clear expression that I wanted to be
19 included in such discussions, negotiations or
20 communications, just as I would be if I were
21 participating in a courtroom proceeding, that I
22 should be in the loop because I was counsel for a
23 participant. Unfortunately, that has never been
24 the case, and there has been much that has gone on
25 out of my knowledge behind closed doors, I expect,

1 between commission counsel and counsel for the
2 various police interests that have affected my
3 ability to participate properly in these
4 proceedings.

5 THE COMMISSIONER: Well, I don't know what's gone on.

6 MR. WARD: Well, there's been a lot. And I'd like to finish.
7 Mr. Gratl, Ms. Narbonne and I have formally
8 applied in writing to have Deputy Chief Evans
9 return to give evidence.

10 THE COMMISSIONER: Yes.

11 MR. WARD: We consider her a critical witness, as well as Mr.
12 Boddie, to address the published reports that Mr.
13 Boddie collaborated with her in order to get her
14 report completed. We don't yet have the result of
15 that application. We seem to be running out of
16 time.

17 THE COMMISSIONER: Because it hasn't been heard yet.

18 MR. WARD: Well, we were under the understanding -- I don't
19 know if it's going to be heard or when, but we
20 were under the understanding that there would be
21 no hearing in this room on that issue. We
22 submitted an application in writing. We consider
23 that a very, very important issue in light of the
24 importance that commission counsel placed on that
25 report. We seem to be running out of time. And

1 the problem is this, and I'm sorry for getting
2 excited or expressing frustration, I have been out
3 of the loop, even though I'm counsel for a
4 participant, and commission counsel and the police
5 interests, RCMP, VPD, Criminal Justice Branch,
6 know a heck of a lot more about what's happening
7 from one day to the next than I ever do. And this
8 introduction of LePard as a witness on Friday came
9 right out of the blue this afternoon, and I'm
10 sure, I'm confident that Mr. Vertlieb and Mr. Hern
11 have been in discussions about this matter for
12 some time.

13 THE COMMISSIONER: Why don't you make this allegation when Mr.
14 Vertlieb's here?

15 MR. WARD: He's hardly ever here these days. I wish he were
16 here.

17 THE COMMISSIONER: Well, he was here and he just left a while
18 ago because he had -- he's got -- just a minute.
19 He had to go to the Law Society meeting. He
20 left --

21 MR. WARD: Well, that may be well and good, but I've told Mr.
22 Vertlieb how disappointed I have been in his
23 conduct of these proceedings repeatedly, and I
24 continue to be extremely disappointed in his
25 efforts.

1 MR. HIRA: Mr. Commissioner, I'm mindful of the reporter. I
2 wonder whether I could just deal quickly with my
3 re-examination. It's pretty short.

4 THE COURT: Yes. All right.

5 MR. HIRA: Thank you.

6 MR. HERN: I just want to speak to something before we go --
7 before we move on because it is not fair to the
8 commission counsel to suggest that they have been
9 somehow working with me to put this together.
10 There's such a thing in the act called notices of
11 misconduct. I'm speaking -- they're confidential.
12 They're issued when the commission considers that
13 it's going to be critical of parties, and the act
14 provides certain rights to participants who
15 receive those. That is something that the
16 commission has to provide some participants, and
17 the participants are allowed to respond to those.
18 They don't -- it doesn't have to be something
19 that's shared with the commission as to how they
20 are going to do that. So in fairness to Mr.
21 Vertlieb and his staff, it is not correct to
22 suggest that he's been working with me. All that
23 they've provided is said here's the bit of time
24 you can use to deal with those things you need to
25 deal with, Mr. Hern, and that's all that's gone

1 on. So it's just unfair to suggest that there's
2 been some collaboration.

3 THE COMMISSIONER: I know it's unfair to say that because the
4 areas regarding misconduct under the law are not
5 open to publication. That's the law. And I don't
6 know if there are notices of misconduct. I don't
7 know. Commission counsel knows that better than I
8 do. But the fact is if there have been notices of
9 misconduct, then those matters by law, by law, are
10 not made public. I don't know why that's so
11 mysterious. Mr. Hira.

12 MR. HIRA: I hope you're not inviting me to address that legal
13 issue. I just want to deal with my --

14 THE COMMISSIONER: Yes. All right.

15 MR. HIRA: -- re-examination. And I am going to deal with a
16 couple of matters brought up by Mr. Ward, one
17 matter brought up by Ms. Narbonne, and four
18 matters brought up by Mr. Hern.

19 **CROSS-EXAMINATION CONTINUED BY MR. HIRA:**

20 Q My questions are directed to you, Mr. Moulton.
21 First, regarding Bev Hyacinthe, as I understand it
22 there were no reports of missing women after
23 January 1999 and until sometime in the spring or
24 summer of 2001. Is that your understanding?

25 MR. MOULTON: Yes.

1 Q So turning to the information from Bev
2 Hyacinthe -- if you could turn your mike on.

3 MR. MOULTON: My apologies.

4 Q That is, that there was a person at a party, New
5 Year's Eve party in December 1999, December 31,
6 1999, that was missing a few months later in 2000
7 and part of the photos in *The Province*. Does that
8 information follow from your knowledge of the
9 file?

10 MR. MOULTON: No.

11 Q If you had the information from Ms. Hyacinthe in
12 August of 1999, would you have acted on it?

13 MR. MOULTON: We'd have pursued it, absolutely.

14 Q Next. Cockfighting I understand, and I've got a
15 1999 code here, is in section 347 of the Criminal
16 Code and is a summary conviction offence. I'll
17 give you that, if I may. Given the information
18 that you had from Caldwell in July, August of 1999
19 about being on the farm sometime in April of 1999,
20 did you have sufficient recency to get a warrant
21 for the summary conviction offence of
22 cockfighting?

23 MR. MOULTON: I wouldn't believe so.

24 Q Next, moving on to Ms. Narbonne and tab 17 of
25 Exhibit 182, and let me use my copy for -- you've

1 got it right there. There's reference to Project
2 Elderberry, a February 10, 2000 request for aerial
3 surveillance and a reference to Project
4 Elderberry. Do you see that?

5 MR. MOULTON: I do.

6 Q That was a divisional project, an "E" Division
7 project?

8 MR. MOULTON: That would be the connotation of there being a
9 project name, yes.

10 Q Thank you. And it was trying to determine whether
11 Pickton was linked to the Valley murders?

12 MR. MOULTON: That's my understanding.

13 Q Right. Now, moving on to Mr. Hern, if I may, you
14 said to Mr. Hern that Ellingsen -- "her denials
15 took us backwards in obtaining reasonable and
16 probable grounds". What did you mean by that,
17 sir?

18 MR. MOULTON: That the denial by the person who was the
19 ostensible source of the information brings the
20 information into disrepute, for lack of a better
21 word occurring to me.

22 Q And you would be required to disclose that denial
23 in any information to obtain a search warrant,
24 correct?

25 MR. MOULTON: Absolutely, and in the same time frame the

1 purported originator of the information brought to
2 us by Mr. Hiscox, Ms. Yelds, was interviewed, and
3 exactly the same thing had occurred.

4 Q So that would detract from your grounds?

5 MR. MOULTON: That is correct.

6 Q Now, Mr. Hern asked you about reasonable and
7 probable grounds in the context of arresting and
8 the context of laying charges. You have before
9 you a 1999 code. Would you turn to section 495 of
10 that code.

11 MR. MOULTON: I have it.

12 Q Is that the section that you refer to in terms of
13 being able to effect an arrest, specifically
14 495(1) (a)?

15 MR. MOULTON: That's correct.

16 Q And that requires reasonable and probable grounds?

17 MR. MOULTON: It does.

18 Q Would you turn to section 503 of the Criminal
19 Code.

20 MR. MOULTON: I have it.

21 Q Is that the section that deals with the grounds to
22 lay a charge or to swear an information?
23 Hopefully I've given you the right reference. Let
24 me just walk over.

25 MR. MOULTON: It seems to deal with release.

1 Q I'm sorry, I've written it down wrong. If I may
2 have a very brief moment. Sorry. It was 504 as
3 opposed to 503. Is that the section that deals
4 with the basis for laying a criminal charge?

5 MR. MOULTON: It is.

6 Q And what is the test for doing so?

7 MR. MOULTON: Reasonable grounds.

8 Q Thank you. Now, you were asked -- so, in essence,
9 you have to have reasonable grounds for both, that
10 is, arrest or laying a charge, reasonable grounds
11 that an indictable offence has been committed,
12 correct?

13 MR. MOULTON: It's precisely the same wording.

14 Q Thank you. Now, you were asked about 2000, early
15 2000, why didn't you show the photos again, why
16 didn't you conduct further surveillance. In the
17 context of having conducted surveillance in 1998,
18 in 1999 in May, in 1999 in August, why didn't you
19 conduct further surveillance?

20 MR. MOULTON: There was no rationale to do so. What we had
21 done had not resulted in any useful results, and
22 there was no new information or nothing to
23 indicate that we would obtain any different result
24 if we did that again.

25 Q All right. And why didn't you go out and show the

1 photo again?

2 MR. MOULTON: Exactly the same would apply.

3 Q Finally, you were asked why didn't you ask for
4 more resources. Sir, what more resources could
5 you have obtained, and what would you have
6 deployed them to do?

7 MR. MOULTON: I don't know that having more resources in
8 respect of this file would have made a difference
9 at that point. We were doing what we thought was
10 available, pursuing Mr. Pickton and Ms. Ellingsen.

11 THE COMMISSIONER: He's already given that evidence in any
12 event.

13 MR. HIRA: That was my last question, Mr. Commissioner.

14 THE COMMISSIONER: Yes.

15 MR. MAKOSZ: Mr. Commissioner, I just have just two areas on
16 re-direct and then two housekeeping matters. I'll
17 be very quick.

18 THE COMMISSIONER: Okay.

19 **CROSS-EXAMINATION CONTINUED BY MR. MAKOSZ:**

20 Q And this -- first I'm going to go to a point
21 raised by Mr. Ward with respect to information
22 that was given after February 5th, 2002, by Ms.
23 Hyacinthe, and the panel has heard that
24 information, and Mr. Moulton was asked by my
25 friend Mr. Hira about whether he was aware of that

1 information prior to February 5th, 2002. I have
2 that same question for the other members of the
3 panel. I'll start with Ms. Chapman. Were you
4 aware of that information prior to February 5th,
5 2002?

6 MS. CHAPMAN: No. This is the first I've heard of it today.

7 Q Mr. Pollock?

8 MR. POLLOCK: Not until today.

9 Q Mr. Henley?

10 MR. HENLEY: Not until today.

11 Q Thank you. The second area I'd like to touch upon
12 relates to you, Mr. Henley. You may recall that
13 Mr. Gratl suggested to you that when you spoke
14 with Robert Pickton on March 30th of 2001 that you
15 told her that -- sorry, you told him that Lynn
16 Ellingsen had been an informant or had spoken with
17 the police. Do you recall that suggestion being
18 made to you?

19 MR. HENLEY: Yes, I do.

20 Q Do you have an independent recollection of telling
21 Robert Pickton that Ms. Ellingsen had spoken to
22 the police?

23 MR. HENLEY: I do not. I do not have an independent
24 recollection of that. I can't recall if that's in
25 my notes or not.

1 Q Could you -- I was going to just take you to that.
2 Could you turn to Exhibit 183. This is AGC's book
3 of documents for this panel.

4 MR. HENLEY: Again the tab, please.

5 Q Tab 8.

6 MR. HENLEY: Thank you.

7 Q And if you could turn to page 2 of that tab. And
8 that contains your note, does it not, of that
9 date?

10 MR. HENLEY: Yes.

11 Q Can you have a read through that note and let me
12 know if there's any indication in there that you
13 communicated that information to Robert Pickton?

14 MR. HENLEY: Willie communicated the information to me that
15 Lynn Ellingsen and Ross had just used him and took
16 advantage of his generosity.

17 Q And that reference to Lynn Ellingsen suggests that
18 Mr. Pickton was somehow aware of her nexus, but if
19 you have no independent recollection of telling
20 him that and it's not in your notes, is it open to
21 possibility, in your estimation, that he found
22 that out through other means?

23 MR. HENLEY: Yes, it is.

24 MR. MAKOSZ: And finally two points, Mr. Commissioner, that
25 have come up with respect to queries my friend Mr.

Ward has had. First with respect to the advice given by Peder Gulbransen on or about August 4th of 1999. That information had been redacted from certain documents. Unredacted versions of those documents were communicated to the commission on October 5th of 2011. I've checked one of the exhibits where that information is contained, Exhibit 2A at tab M and pages 44 to 47, and I've confirmed at least in that exhibit that information does appear unredacted in the record.

THE COMMISSIONER: All right.

MR. MAKOSZ: The second issue related to a redaction that was contained in Mr. Pollock's statement to Mr. Simmill. That redaction I can tell you relates to police investigative practices, it does not contain the names of any informants or witnesses, and it is our position that it should remain subject to redaction because it relates to sensitive investigative techniques.

THE COMMISSIONER: All right. Thank you.

MR. MAKOSZ: Thank you.

MR. HERN: Can I just mark my binder as an exhibit?

THE REGISTRAR: Yes. That will be marked as Exhibit 193NR.

MR. HIRA: I object to that.

THE REGISTRAR: Thank you.

1 MR. HERN: Well, Mr. Hira is objecting for some reason.

2 THE REGISTRAR: I'm sorry.

3 MR. HIRA: Certainly one part of it hasn't been referred to.

4 Those parts of the LePard statement by Yurkiw that

5 have been -- sorry.

6 MS. CHAPMAN: Doesn't matter.

7 MR. HIRA: -- that have been adopted of course are in evidence.

8 She hasn't adopted the entire statement.

9 MR. HERN: That's not correct. She said it was true at the

10 time that she made it.

11 THE COMMISSIONER: Does she have to adopt it if the report has

12 gone in in any event?

13 MR. HERN: She's adopted -- she said it's true at the time.

14 MR. HIRA: You know --

15 MR. HERN: The report, it's an exhibit.

16 MR. HIRA: -- this battle at this time --

17 THE COMMISSIONER: Pardon me?

18 MR. HIRA: This battle at this time isn't worth dealing with

19 since you've had everything else marked.

20 THE COMMISSIONER: It's all been marked.

21 MR. HIRA: I know.

22 THE COMMISSIONER: Marked back in October.

23 MR. HIRA: Fair enough.

24 THE COMMISSIONER: Okay.

25 MR. HERN: You gave it a number? You didn't retract the

1 number?

2 THE REGISTRAR: I didn't retract the number yet. I was just
3 waiting until you guys settle what you want to do
4 with it. That will be marked as 193NR.

5 MR. HERN: Yes, NR.

6 (EXHIBIT 193NR: VPD Book of Documents for the
7 Cross of the Port Coquitlam Panel)

8 THE COMMISSIONER: I want to thank all of you for coming. I
9 know it's difficult to come back and testify at
10 these things, but this inquiry is important. I'm
11 sure you know that.

12 MS. CHAPMAN: Yes.

13 MR. POLLOCK: Yes.

14 THE COMMISSIONER: And I just want you to know that speaking on
15 behalf of everybody here your attendance here has
16 been very much appreciated. I want to thank you
17 sincerely.

18 MS. CHAPMAN: Thank you.

19 MR. POLLOCK: Thank you.

20 (WITNESSES EXCUSED)

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

23 (PROCEEDINGS ADJOURNED AT 6:08 P.M.)

24

25

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3 I hereby certify the foregoing to
4 be a true and accurate transcript
5 of the proceedings transcribed to
6 the best of my skill and ability.
7

8 Leanna Smith

9 Official Reporter

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19
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21
22
23
24
25

INDEX OF PROCEEDINGS

| | PAGE |
|--|------|
| Ruth Chapman, Daryll Pollock, Frank Henley, Earl Moulton (for the Commission) | |
| Cross-exam by Mr. Hira | 2 |
| Cross-exam by Mr. Ward | 69 |
| Cross-exam by Mr. Gratl | 162 |
| Cross-exam by Ms. Narbonne | 213 |
| Cross-exam by Mr. Hern | 246 |
| Cross-exam by Mr. Hira (cont'd) | 293 |
| Cross-exam by Mr. Makosz (cont'd) | 298 |

EXHIBITS

| NO. | DESCRIPTION | PAGE |
|-----|---|------|
| | (EXHIBIT 184: Curriculum Vitae of R. Earl Moulton, B.A., LLB, Assistant Commissioner (Ret'd) Royal Canadian Mounted Police) | 10 |
| | (EXHIBIT 185NR: City of Port Coquitlam documents regarding Piggy's Palace) | 105 |
| | (EXHIBIT 186NR: CPIC Printout on Investigation Evenhanded) | 139 |
| | (EXHIBIT 187: Document entitled "Cockfighting charges cause a flap" - news article) | 139 |
| | (EXHIBIT 188: Corporal CONNOR timeline records of MENARD) | 162 |
| | (EXHIBIT 189: Statement of Leah Claudette BEST) | 162 |
| | (EXHIBIT 190: Interview of Ross CALDWELL) | 162 |
| | (EXHIBIT 191: Interviews of Lynn ELLINGSEN) | 162 |
| | (EXHIBIT 192: Excerpt from R.C.M.P. Operational Manual) | 162 |
| | (EXHIBIT 193NR: VPD Book of Documents for the Cross of the Port Coquitlam Panel) | 303 |

| | | | | | |
|-----------|--|--|--|--|--|
| \$ | 10th ^[19] - 50:22, 123:20, 124:11, 127:12, 158:15, 160:10, 160:11, 164:18, 164:24, 175:12, 184:8, 185:2, 185:7, 185:10, 188:8, 188:21, 195:1, 241:10, 270:19 11 ^[7] - 20:22, 29:12, 78:6, 78:8, 107:22, 259:23 11:07 ^[1] - 69:1 11:27 ^[1] - 69:2 11th ^[1] - 51:6 12 ^[4] - 43:12, 43:19, 75:6, 257:24 123 ^[1] - 41:20 125 ^[3] - 41:4, 41:10, 41:21 12:30 ^[1] - 113:2 12th ^[5] - 47:12, 67:19, 235:12, 236:11, 270:24 13 ^[9] - 38:19, 39:10, 43:19, 43:20, 78:8, 78:9, 78:13, 84:17, 103:19 130 ^[5] - 18:19, 56:7, 56:13, 265:20, 268:11 139 ^[2] - 2:10, 2:12 14 ^[5] - 60:9, 78:6, 156:23, 235:11, 271:14 14-year ^[1] - 110:7 1400 ^[1] - 127:19 15 ^[6] - 1:2, 8:1, 46:17, 49:13, 68:25, 103:19 15th ^[3] - 5:10, 15:12, 52:12 16 ^[1] - 29:18 162 ^[6] - 1:7, 2:14, 2:16, 2:17, 2:18, 2:19 1624 ^[4] - 24:6, 24:18, 270:21, 271:11 1624s ^[6] - 33:4, 34:6, 220:5, 220:16, 270:17, 271:6 1650 ^[1] - 117:16 17 ^[2] - 241:6, 294:24 173 ^[5] - 1:12, 35:8, 35:9, 41:4 176 ^[2] - 204:23, 204:24 18 ^[1] - 102:11 182 ^[6] - 11:12, 24:3, 24:16, 43:5, 204:25, 294:25 182nr ^[1] - 239:7 | 183 ^[2] - 11:9, 300:2 183nr ^[1] - 11:10 184 ^[4] - 10:14, 10:15, 69:18, 2:5 185nr ^[3] - 105:24, 105:25, 2:8 186nr ^[3] - 138:24, 139:1, 2:10 187 ^[3] - 139:5, 139:6, 2:12 188 ^[4] - 160:3, 160:5, 162:13, 2:14 189 ^[4] - 160:6, 160:7, 162:15, 2:16 19 ^[4] - 55:16, 55:17, 56:16, 110:14 190 ^[4] - 160:8, 160:9, 162:16, 2:17 191 ^[5] - 160:10, 160:13, 162:17, 175:10, 2:18 192 ^[4] - 160:14, 160:16, 162:18, 2:19 192nr ^[1] - 161:5 193nr ^[4] - 301:23, 303:4, 303:6, 2:21 1977 ^[1] - 4:25 1981 ^[1] - 16:8 1985 ^[1] - 207:21 1990 ^[1] - 14:12 1990s ^[2] - 111:10, 111:12 1991 ^[1] - 4:10 1993 ^[1] - 5:20 1995 ^[2] - 6:23, 7:18 1996 ^[5] - 10:20, 96:7, 97:15, 98:10, 101:12 1997 ^[10] - 7:8, 16:11, 16:18, 49:2, 110:14, 139:13, 150:5, 151:12, 154:23, 272:15 1998 ^[22] - 11:19, 15:12, 17:3, 17:10, 17:13, 17:14, 17:21, 41:11, 55:11, 93:10, 93:15, 93:17, 101:12, 107:19, 130:14, 130:19, 142:3, 143:24, 151:16, 274:25, 281:4, 297:17 1999 ^[77] - 17:24, 18:1, 18:5, 18:18, 18:23, 19:3, 20:22, 21:2, 21:19, 22:8, 22:13, 28:11, 30:23, 31:1, 31:13, 38:4, 41:11, 43:8, 53:11, 54:1, 60:17, 61:12, | 73:1, 73:9, 74:11, 74:13, 75:3, 76:20, 79:1, 79:6, 79:13, 84:3, 84:18, 89:2, 99:15, 117:20, 125:2, 127:8, 127:22, 133:15, 135:5, 135:19, 151:7, 160:14, 162:25, 163:5, 164:18, 168:1, 168:9, 183:8, 196:2, 196:18, 209:9, 209:10, 213:15, 213:18, 218:11, 220:10, 245:13, 260:9, 264:23, 265:9, 265:18, 268:19, 279:7, 281:19, 293:23, 294:5, 294:6, 294:12, 294:15, 294:18, 294:19, 296:9, 297:18, 301:3 19th ^[2] - 49:24, 50:2 1:45 ^[2] - 113:1, 113:3 1st ^[3] - 65:19, 99:15, 100:8 | 2 2 ^[10] - 7:13, 11:17, 131:23, 250:13, 252:17, 255:4, 255:8, 271:21, 300:7, 1:5 20 ^[10] - 8:1, 41:11, 51:13, 76:6, 119:3, 148:4, 211:19, 235:11, 235:12, 282:5 2000 ^[36] - 6:11, 9:14, 13:6, 13:24, 21:5, 47:13, 53:3, 54:2, 55:17, 71:1, 115:19, 116:13, 117:21, 127:21, 130:7, 135:19, 153:17, 209:18, 209:20, 209:21, 210:8, 235:12, 243:17, 265:10, 265:24, 266:25, 267:24, 268:15, 268:23, 269:23, 270:7, 271:14, 294:6, 295:2, 297:14, 297:15 2001 ^[10] - 87:14, 209:17, 209:19, 209:23, 210:10, 210:11, 210:18, 217:3, 293:24, 299:14 2002 ^[23] - 9:17, 72:10, 85:12, 85:16, | 88:24, 108:6, 109:1, 109:15, 110:10, 110:15, 114:3, 117:16, 123:20, 127:12, 127:19, 137:5, 146:11, 149:18, 269:21, 274:14, 298:22, 299:1, 299:5 2003 ^[2] - 6:14, 9:18 2004 ^[7] - 8:5, 246:19, 247:8, 250:21, 251:10, 252:6, 257:14 2005 ^[3] - 6:19, 69:25, 70:2 2006 ^[1] - 7:19 2011 ^[2] - 218:4, 301:6 2012 ^[3] - 1:2, 145:1, 145:9 21 ^[3] - 40:9, 55:11, 196:2 213 ^[1] - 1:8 21st ^[3] - 40:4, 40:20, 190:23 22 ^[1] - 46:2 22nd ^[2] - 40:4, 190:24 23 ^[3] - 154:23, 247:18, 259:18 24 ^[1] - 97:15 246 ^[1] - 1:9 24th ^[3] - 17:13, 188:23, 218:4 25 ^[6] - 30:3, 69:14, 80:5, 103:7, 256:12, 283:8 2552 ^[2] - 101:2, 106:13 25th ^[3] - 189:9, 189:12, 190:1 26 ^[4] - 43:8, 142:3, 143:24, 250:21 26th ^[9] - 160:14, 162:25, 165:3, 168:1, 168:9, 181:24, 185:5, 188:8, 188:24 27 ^[2] - 22:8, 117:21 27th ^[1] - 108:6 28 ^[1] - 6:11 29 ^[1] - 22:13 293 ^[1] - 1:10 298 ^[1] - 1:11 29th ^[4] - 22:11, 22:18, 190:21, 245:13 2:50 ^[1] - 159:14 2a ^[5] - 106:4, 107:22, 113:13, 117:6, 301:8 |
|-----------|--|--|--|--|--|

| | | | | |
|--|--|--|--|---|
| 2nd [3] - 117:16, 127:19, 142:4 | 4:55 [1] - 246:3 4th [12] - 32:7, 34:7, 37:9, 50:3, 130:14, 130:19, 168:12, 184:3, 191:3, 192:20, 263:8, 301:2 | 8-30 [1] - 64:8 8-57 [1] - 65:13 8-89 [2] - 64:21 80 [2] - 34:24, 35:9 8th [1] - 70:2 | absolutely [3] - 109:18, 146:20, 294:13 Academy [1] - 8:16 accept [10] - 83:22, 151:7, 153:21, 270:15, 285:10, 285:11, 289:8, 289:11 acceptable [1] - 251:13 accepted [1] - 289:11 access [2] - 256:12, 289:1 accident [1] - 130:25 accomplice [3] - 201:25, 202:5, 202:6 accord [1] - 22:8 accorded [1] - 266:17 according [5] - 72:23, 93:15, 106:19, 132:11, 153:20 accords [1] - 106:17 account [1] - 258:4 accounts [1] - 102:13 accurate [13] - 78:11, 173:1, 173:3, 176:16, 201:11, 205:24, 218:14, 218:17, 222:11, 244:18, 252:5, 276:14, 304:4 accurately [3] - 67:22, 98:13, 176:11 accused [1] - 59:15 achieve [1] - 47:17 achieving [1] - 7:23 acquaintance [1] - 129:2 acquainted [1] - 129:1 acquired [1] - 122:17 acronym [1] - 242:6 Act [1] - 101:5 act [5] - 130:5, 211:22, 285:2, 292:10, 292:13 acted [3] - 104:7, 193:25, 294:12 action [2] - 58:10, 275:2 actions [7] - 24:20, 37:11, 48:25, 56:3, 57:15, 74:20, 81:16 active [1] - 21:20 actively [1] - 21:17 activities [17] - 20:9, 21:13, 110:13, 114:12, 114:13, | 114:14, 114:16, 115:10, 115:20, 116:1, 116:15, 124:4, 141:9, 144:16, 155:2, 274:24 activity [11] - 83:22, 98:23, 104:21, 110:20, 112:10, 112:11, 115:7, 115:23, 118:9, 132:21 actual [5] - 38:15, 70:1, 215:12, 250:25, 288:5 Adam [1] - 253:13 add [3] - 26:12, 81:15, 255:11 added [1] - 1:16 adding [1] - 198:17 addition [6] - 15:17, 28:18, 46:6, 156:24, 158:13, 256:10 additional [3] - 281:22, 281:24, 282:10 address [8] - 30:23, 35:1, 36:6, 53:5, 72:22, 127:10, 290:12, 293:12 addressed [4] - 11:19, 48:2, 58:1, 60:10 addresses [2] - 11:25, 68:15 addressing [5] - 38:12, 58:8, 72:15, 73:8, 263:6 adduce [1] - 289:10 adduced [1] - 30:15 adjacent [4] - 93:7, 93:20, 132:10, 132:24 adjourn [4] - 68:23, 113:1, 159:12, 283:3 adjourned [1] - 303:21 Adjourned [5] - 69:1, 113:2, 159:14, 246:2, 303:23 Admin [2] - 41:15, 41:25 admin [3] - 42:7, 42:9, 42:11 admit [1] - 205:3 admitted [1] - 263:5 admitting [2] - 48:21, 193:23 adolescent [1] - 287:25 adopt [2] - 142:12, 302:11 adopted [5] - 9:22, |
| 3 | 5 | 9 | | |
| 3 [10] - 8:23, 24:17, 25:7, 28:11, 37:16, 78:8, 97:2, 215:24, 239:11, 251:8 30 [7] - 20:21, 20:22, 25:17, 25:18, 176:13, 178:20, 204:21 303 [1] - 2:21 30th [6] - 190:21, 210:8, 210:10, 210:17, 213:15, 299:14 31 [9] - 45:5, 176:13, 176:20, 177:14, 178:13, 179:6, 179:22, 181:9, 294:5 314 [1] - 62:6 31st [8] - 93:16, 101:12, 125:2, 125:9, 127:22, 128:6, 189:10, 240:14 34 [1] - 1:7 347 [1] - 294:15 35 [4] - 153:12, 153:13, 153:20, 205:2 36 [1] - 43:12 37 [2] - 75:6, 75:12 38 [3] - 74:23, 74:24, 76:6 39 [6] - 76:25, 93:18, 130:20, 131:10, 132:14, 132:25 3:12 [1] - 159:15 3:14 [1] - 162:22 3rd [12] - 17:13, 21:2, 32:6, 32:25, 33:2, 34:7, 36:25, 156:14, 168:12, 190:22, 239:15, 275:17 | 5 [16] - 11:20, 17:21, 24:3, 29:20, 38:3, 38:19, 39:15, 46:2, 78:9, 101:21, 209:10, 218:2, 253:8, 269:5, 269:11, 276:9 50 [1] - 13:3 50,000 [1] - 135:6 503 [2] - 296:18, 297:3 504 [1] - 297:2 57 [3] - 106:8, 107:9, 111:7 5c [1] - 235:9 5th [12] - 78:13, 85:12, 85:16, 88:24, 110:10, 137:5, 149:18, 190:22, 298:22, 299:1, 299:4, 301:6 | 9 [5] - 4:22, 4:24, 39:25, 46:2, 205:17 930 [1] - 106:15 953 [6] - 106:12, 107:13, 110:1, 119:11, 132:18, 133:23 9:30 [2] - 1:3, 303:22 9th [4] - 17:14, 50:12, 270:8, 270:19 | | |
| | 6 | A | | |
| | 6 [3] - 39:25, 43:6, 145:18 60 [1] - 13:3 63 [2] - 106:8, 106:10 652 [1] - 127:19 69 [1] - 1:6 6:08 [1] - 303:23 6th [1] - 186:18 | a...as [2] - 108:15, 113:17 abandoned [1] - 60:13 abandoning [2] - 145:13, 146:2 abbreviated [1] - 229:16 abided [1] - 147:1 ability [8] - 29:5, 46:25, 144:20, 147:4, 219:2, 257:25, 290:3, 304:6 able [19] - 15:7, 23:6, 23:12, 34:25, 47:6, 47:9, 58:9, 86:12, 86:19, 86:22, 90:19, 92:2, 144:11, 230:4, 275:2, 287:8, 287:19, 288:4, 296:13 aboriginal [5] - 3:14, 5:3, 7:2, 140:2, 213:10 Aboriginal [1] - 9:19 aboriginals [2] - 7:6, 7:24 Abotsway [1] - 155:23 absence [1] - 182:19 absent [3] - 64:14, 149:10, 274:22 absolute [2] - 54:21, 65:2 Absolutely [14] - 55:24, 56:14, 58:4, 60:2, 79:18, 80:18, 84:13, 126:6, 128:14, 140:25, 179:24, 263:23, 276:3, 295:25 | | |
| | 7 | | | |
| | 7 [3] - 205:2, 240:9, 269:21 74 [2] - 74:9, 80:4 75 [2] - 74:9, 79:23 76 [1] - 111:8 7:15 [1] - 45:18 7th [4] - 40:6, 186:19, 188:7, 190:23 | | | |
| | 8 | | | |
| 4 | 8 [4] - 4:22, 205:8, 215:21, 300:5 8-143 [1] - 65:6 8-152 [1] - 67:1 8-157 [1] - 65:13 8-29 [1] - 64:8 | | | |
| 4 [5] - 29:19, 46:17, 148:6, 252:19, 252:21 40 [4] - 12:6, 135:6, 245:24 44 [1] - 301:8 447 [2] - 131:23, 134:9 46 [1] - 6:14 47 [2] - 100:1, 301:8 49 [1] - 6:19 495 [1] - 296:9 495(1)(a) [1] - 296:14 4:50 [1] - 246:2 | | | | |

83:15, 302:7, 302:8, 302:13
advance [14] - 29:10, 65:22, 67:9, 233:13, 246:12, 254:6, 258:21, 259:5, 260:20, 267:25, 269:8, 270:16, 274:2, 274:8
advanced [2] - 9:21, 268:2
advancement [1] - 260:3
advancing [2] - 261:3, 279:25
advantage [2] - 198:8, 300:16
advertising [1] - 91:1
advice [10] - 32:2, 33:9, 33:20, 33:21, 37:8, 141:20, 228:14, 247:5, 263:6, 301:1
advise [1] - 130:12
advised [3] - 33:7, 202:7, 263:23
advises [1] - 65:23
advocate [1] - 61:23
aerial [9] - 17:20, 17:23, 18:22, 21:1, 50:8, 50:10, 52:11, 242:13, 295:2
affected [2] - 82:25, 290:2
affecting [1] - 119:18
affidavit [10] - 32:24, 197:15, 197:16, 220:3, 220:4, 220:6, 220:21, 220:25, 271:5, 272:16
afraid [2] - 87:24, 120:18
after-hours [1] - 98:15
afternoon [2] - 283:21, 291:9
Agc's [1] - 300:2
age [3] - 6:14, 6:17, 6:19
agencies [5] - 10:6, 137:6, 259:9, 282:11, 282:17
Agency [1] - 110:23
agency [3] - 54:18, 54:20, 259:16
agent [4] - 38:11, 57:10, 57:18, 112:10
agent-type [1] - 57:18
agents [2] - 111:24, 158:17

aggravated [2] - 139:15, 144:2
Aging [1] - 11:16
ago [9] - 34:9, 88:20, 103:19, 204:18, 256:19, 286:12, 286:20, 291:18
agree [41] - 30:13, 43:15, 72:13, 78:20, 83:7, 87:8, 87:11, 89:5, 91:20, 97:22, 97:25, 98:8, 110:16, 110:19, 115:1, 115:21, 116:15, 116:17, 121:16, 126:7, 129:4, 129:24, 134:25, 136:8, 136:12, 139:20, 183:23, 195:15, 195:16, 217:19, 228:12, 229:1, 229:15, 230:14, 235:25, 245:9, 254:7, 260:13, 264:9, 272:21, 276:6
agreeable [1] - 235:21
Agreed [3] - 83:17, 126:5, 135:19
agreed [8] - 26:16, 47:24, 89:2, 89:23, 120:22, 139:19, 181:5, 276:11
agreeing [1] - 179:10
agreement [1] - 155:13
ahead [10] - 99:13, 148:16, 162:2, 162:20, 175:19, 233:15, 234:25, 237:3, 257:8, 286:9
aids [1] - 27:23
alcohol [1] - 115:14
alert [1] - 74:19
alive [4] - 31:4, 241:22, 272:7, 272:9
allegation [2] - 141:5, 291:13
allegations [5] - 138:8, 285:7, 285:18, 285:23, 287:15
alleged [5] - 130:25, 140:1, 223:9, 237:23, 261:25
allocate [1] - 29:5
allocated [2] - 157:16, 159:19
allocation [1] - 134:23
allotted [1] - 157:21

allow [1] - 251:24
allowed [4] - 59:13, 99:24, 243:4, 292:17
Almost [1] - 32:23
almost [2] - 5:2, 210:25
altered [1] - 67:24
amend [2] - 249:3, 250:5
amended [3] - 252:3, 255:23, 257:6
amending [1] - 249:21
Amendments [2] - 71:25, 72:12
amount [2] - 157:23, 219:15
amounts [1] - 152:21
ample [1] - 157:23
analogy [1] - 66:2
analysis [5] - 241:8, 258:19, 262:8, 262:25, 263:21
Anderson [8] - 55:11, 60:19, 110:2, 151:13, 251:1, 271:25, 272:6, 273:13
Angels [16] - 15:11, 98:23, 99:9, 100:11, 104:22, 109:8, 109:17, 109:25, 110:13, 111:10, 111:23, 112:6, 112:20, 114:15, 114:23, 124:23
animal [1] - 137:24
anniversary [1] - 15:12
answer [26] - 30:4, 35:10, 54:7, 81:12, 81:14, 86:13, 86:19, 86:22, 86:25, 90:15, 90:22, 117:20, 121:22, 154:7, 155:10, 173:6, 173:9, 173:11, 177:15, 180:22, 181:7, 181:20, 209:6, 218:10, 254:25, 255:17
answered [1] - 219:2
answers [13] - 75:1, 76:7, 76:23, 77:18, 78:21, 80:1, 80:17, 112:15, 148:2, 215:22, 224:23
anti [1] - 149:11
anti-intuitive [1] - 149:11
anticipate [1] -

288:11
anyhow [1] - 230:19
anyway [3] - 197:22, 276:13, 288:22
Anyway [1] - 84:1
anyways [1] - 118:9
apart [1] - 251:5
apologies [1] - 294:3
apologize [5] - 35:20, 125:22, 126:22, 147:20, 157:20
apparent [1] - 117:21
appear [7] - 36:1, 45:7, 76:7, 133:2, 137:2, 256:14, 301:10
appearance [1] - 1:15
appeared [1] - 130:18
Appendix [1] - 117:6
appendix [1] - 117:8
application [7] - 33:16, 51:4, 197:17, 279:16, 290:15, 290:22
applications [1] - 35:23
applied [4] - 33:13, 91:23, 124:5, 290:8
applies [1] - 215:9
apply [3] - 31:13, 35:25, 298:2
appointed [1] - 248:18
appointment [1] - 232:2
appreciate [19] - 55:4, 129:25, 157:19, 163:3, 175:3, 181:25, 182:3, 185:1, 186:1, 186:16, 191:1, 192:11, 198:3, 198:20, 206:11, 212:14, 223:23, 231:4, 234:12
Appreciate [1] - 79:23
appreciated [2] - 174:24, 303:16
appreciates [1] - 179:20
approach [4] - 47:23, 180:6, 180:11, 180:13
approached [6] - 29:21, 48:1, 69:21, 150:7, 150:18, 212:21
approaching [1] - 63:3
appropriate [2] -

18:11, 33:14
approval [7] - 18:13, 144:23, 145:13, 146:2, 148:21, 253:5, 254:11
approve [3] - 42:4, 72:6, 72:17
approved [5] - 20:15, 42:22, 53:12, 251:19, 257:7
approving [1] - 72:19
April [13] - 17:24, 18:1, 18:5, 20:22, 55:17, 127:19, 145:1, 145:8, 196:2, 250:21, 268:20, 294:19
area [15] - 7:25, 118:5, 120:4, 132:3, 132:4, 134:19, 139:9, 152:18, 176:3, 176:14, 176:21, 177:14, 178:13, 181:10, 299:11
areas [4] - 159:24, 288:10, 293:4, 298:15
arguing [2] - 146:1, 236:15
argument [3] - 31:19, 105:14, 236:19
argumentative [1] - 89:17
arise [1] - 55:6
arisen [1] - 111:17
arises [2] - 16:5, 57:9
arising [4] - 17:2, 18:7, 56:20, 129:2
arising...or [1] - 118:11
Arm [1] - 145:9
arose [2] - 2:3, 49:1
around-the [1] - 29:12
arrange [3] - 25:19, 47:9, 270:10
arrangement [1] - 45:5
arranging [1] - 286:6
arrest [15] - 47:4, 59:12, 59:14, 59:15, 261:25, 262:4, 262:14, 262:19, 263:1, 263:13, 263:18, 264:6, 270:1, 296:13, 297:10
arrested [5] - 131:10, 132:25, 167:5, 167:8, 246:10
arresting [9] - 58:13,

58:18, 58:23, 59:3,
130:20, 253:9,
253:10, 262:10, 296:7
arrive [1] - 163:2
arrived [8] - 118:21,
126:2, 162:24, 163:9,
167:16, 167:25,
168:22, 208:4
arriving [3] - 98:9,
98:18, 98:20
article [12] - 93:13,
130:9, 130:17,
131:25, 132:11,
132:22, 138:12,
139:4, 139:7, 145:1,
145:7, 2:13
articles [1] - 153:15
Arts [1] - 4:6
ascertain [4] - 47:20,
73:11, 90:19, 136:21
aside [8] - 128:10,
155:1, 155:2, 170:3,
170:8, 184:7, 258:13,
259:24
aspect [10] - 14:19,
21:9, 31:20, 36:7,
67:17, 82:25, 84:22,
148:13, 203:14,
279:23
aspects [2] - 48:3,
66:14
assault [9] - 110:3,
139:14, 139:15,
144:2, 144:3, 192:2,
195:18, 195:25,
197:20
Assembly [1] - 8:3
assessed [1] - 91:2
assessing [2] -
163:13, 198:21
assessment [11] -
15:19, 22:19, 22:20,
36:24, 37:1, 37:2,
48:24, 57:17, 57:20,
63:6, 263:9
assigned [11] -
24:24, 50:25, 77:11,
168:13, 171:1, 171:5,
171:9, 171:13,
171:15, 193:12,
239:19
assignment [3] -
38:15, 171:5, 193:10
assist [22] - 15:23,
24:25, 26:4, 38:21,
72:10, 101:16,
168:13, 171:8,
171:11, 171:25,
172:16, 175:1,
178:15, 193:6, 203:3,

233:2, 239:20, 242:3,
265:2, 267:21,
270:12, 282:11
assistance [17] -
25:8, 35:11, 36:2,
69:12, 146:18,
171:17, 193:7, 199:8,
202:10, 259:9,
259:16, 281:5, 281:6,
281:9, 281:15
Assistance [1] -
202:12
assistant [5] - 35:13,
70:4, 70:10, 70:22,
71:10
Assistant [4] - 10:16,
11:22, 130:16, 2:6
assisted [4] -
202:17, 203:11,
266:6, 281:12
assisting [4] -
107:21, 191:17,
206:2, 216:3
Assisting [1] -
191:18
assists [2] - 106:24,
215:18
associate [1] -
151:21
associated [2] -
55:25, 124:11
associates [6] -
19:17, 56:2, 100:11,
111:9, 114:15, 114:24
association [2] -
17:16, 111:18
Association [8] -
9:20, 9:23, 72:1, 72:5,
72:11, 72:14, 144:18,
145:24
assume [5] - 55:4,
100:13, 206:6, 208:8,
239:18
assuming [1] - 271:5
assumption [1] -
138:3
assumptions [1] -
56:10
astonished [1] -
82:21
astounding [1] -
284:1
attached [3] - 67:23,
250:22, 255:20
attachment [4] -
250:23, 250:25,
251:3, 251:5
attack [2] - 19:2,
124:16
attempt [4] - 19:17,

90:22, 155:17, 229:7
attempted [12] -
139:14, 141:6, 144:1,
148:5, 150:5, 151:12,
154:21, 189:10,
271:17, 271:23,
272:15, 274:16
Attempted [1] -
139:21
attempting [4] -
78:18, 98:3, 114:21,
151:18
attempts [5] - 45:25,
46:3, 124:1, 152:11,
155:20
attend [5] - 64:5,
130:1, 130:3, 143:7,
190:14
attendance [6] -
124:23, 128:8,
163:18, 175:12,
286:6, 303:15
attendances [1] -
129:3
attended [7] - 4:8,
28:11, 46:7, 51:14,
81:18, 114:20, 200:11
attendeess [1] -
114:22
attending [2] -
109:14, 214:19
attention [6] - 36:13,
74:8, 74:23, 128:4,
145:17, 153:20
Attorney [1] - 102:2
attribute [1] - 275:18
augment [1] - 37:12
August [100] - 25:7,
25:18, 28:11, 29:19,
29:20, 32:6, 32:7,
32:25, 33:2, 34:7,
36:25, 37:9, 37:16,
38:3, 38:18, 38:19,
39:15, 39:25, 40:3,
40:6, 40:9, 40:20,
41:11, 43:8, 45:5,
53:11, 53:25, 55:11,
55:16, 60:18, 61:12,
74:11, 74:13, 76:20,
78:8, 78:9, 78:13,
79:1, 79:12, 84:3,
84:18, 85:11, 149:20,
149:22, 151:16,
153:23, 156:14,
158:14, 160:10,
160:14, 164:9,
164:18, 164:24,
165:3, 168:1, 168:12,
175:12, 181:24,
184:3, 184:8, 185:2,

185:5, 185:7, 185:10,
186:18, 186:19,
188:6, 188:21,
188:23, 188:24,
189:9, 189:10, 190:1,
190:15, 190:22,
190:23, 191:3,
192:20, 194:25,
196:2, 196:18, 209:9,
209:10, 213:18,
218:4, 218:11,
239:15, 240:14,
263:8, 273:15,
275:17, 276:9, 277:7,
294:12, 294:18,
297:18, 301:2
author [2] - 8:20,
146:23
authoring [1] -
198:18
authority [1] - 72:17
authorized [1] -
30:12
availability [1] -
254:20
available [32] -
14:11, 22:21, 26:8,
27:6, 38:23, 60:7,
61:25, 67:10, 155:15,
181:23, 183:11,
221:5, 221:9, 224:8,
224:11, 225:2, 225:3,
225:5, 233:1, 245:7,
245:10, 254:17,
258:10, 258:22,
259:4, 259:5, 259:21,
260:1, 266:24, 273:8,
274:21, 298:10
avenue [3] - 259:12,
260:6, 279:2
Avenue [6] - 106:13,
106:15, 107:13,
119:11, 132:18,
133:24
avenues [12] - 18:9,
20:25, 22:20, 22:22,
37:25, 38:9, 112:2,
150:2, 261:5, 261:20,
261:24
aware [57] - 16:10,
16:12, 16:20, 17:7,
17:25, 18:5, 18:17,
18:22, 18:25, 53:15,
55:10, 55:16, 65:10,
68:6, 80:8, 80:13,
80:15, 80:24, 81:1,
81:8, 81:11, 85:4,
93:8, 99:4, 99:7,
109:15, 115:3, 116:4,
116:5, 116:9, 118:2,

127:4, 134:24,
144:14, 144:16,
180:8, 186:9, 191:4,
195:19, 195:20,
218:6, 220:7, 224:1,
228:4, 259:20,
272:25, 273:3, 275:1,
277:10, 281:3, 281:7,
281:8, 283:15,
283:18, 298:25,
299:4, 300:18
awareness [2] -
81:4, 85:1

B

Ba [2] - 10:16, 2:6
baby [1] - 79:21
Bachelor [1] - 4:5
back-and-forth [1] -
232:10
background [7] -
1:24, 3:1, 3:4, 12:3,
145:16, 183:5, 214:3
backwards [2] -
260:16, 295:15
bad [2] - 205:20,
206:4
badly [1] - 4:3
Ballantyne [14] -
24:20, 38:22, 171:5,
175:15, 175:17,
176:23, 178:8,
178:11, 179:18,
181:5, 206:25,
238:15, 239:18, 240:3
Ballantyne's [4] -
24:17, 164:7, 238:8,
239:12
bandages [1] -
242:18
barely [2] - 92:8,
284:20
barn [7] - 44:12,
154:4, 178:18, 192:1,
202:8, 208:13, 210:23
bars [1] - 141:13
base [1] - 64:14
based [11] - 30:22,
57:4, 74:20, 82:12,
143:5, 170:6, 182:19,
184:17, 234:3,
238:15, 282:22
Based [1] - 111:21
basis [11] - 47:24,
56:10, 59:19, 65:21,
114:9, 144:22,
146:21, 197:13,
257:10, 284:3, 297:4
Bass [8] - 26:4, 26:6,

26:10, 26:14, 26:16,
38:25, 71:6, 71:10
battle [2] - 302:16,
302:18
Bc [10] - 1:1, 70:21,
70:22, 72:4, 72:14,
101:14, 110:23,
144:17, 145:12,
145:24
Bcaccp [1] - 145:25
bear [3] - 18:13,
20:23, 146:13
bearing [1] - 19:24
beating [2] - 129:20,
188:12
became [14] - 4:14,
5:24, 6:14, 15:3,
15:21, 17:24, 21:20,
77:5, 109:15, 110:22,
142:15, 142:16,
209:23, 281:7
become [8] - 18:17,
18:22, 18:25, 23:7,
27:6, 218:6, 276:17,
276:23
becoming [2] - 5:10,
5:14
bedroom [3] - 82:16,
82:22, 83:9
beer [2] - 108:23,
113:25
beg [8] - 2:21, 3:12,
38:19, 41:4, 41:20,
41:21, 55:17, 209:21
began [1] - 53:24
begged [1] - 91:25
begin [1] - 58:10
beginning [3] -
179:20, 289:12,
289:17
begun [1] - 274:25
behalf [5] - 35:24,
72:14, 174:8, 284:5,
303:15
behaviour [1] - 83:10
behavioural [1] -
8:18
behind [5] - 137:18,
141:12, 250:23,
252:17, 289:25
belief [4] - 84:16,
99:11, 141:18, 265:11
believes [1] - 131:7
belonging [1] -
155:23
below [3] - 12:25,
14:4, 14:13
Below [2] - 13:19,
14:2
benefit [3] - 94:18,

127:18, 235:15
beside [1] - 177:1
Best [11] - 52:17,
151:25, 158:12,
160:6, 162:15,
186:16, 187:23,
188:6, 189:17,
189:20, 2:16
best [9] - 7:20,
160:7, 207:3, 208:25,
219:2, 228:10,
275:22, 275:23, 304:6
Best's [1] - 154:25
better [3] - 277:8,
293:7, 295:20
between [24] - 8:1,
8:8, 10:25, 17:13,
20:21, 33:11, 66:3,
67:20, 103:18,
110:14, 117:20,
126:24, 161:20,
173:21, 174:17,
182:7, 210:16, 220:8,
250:24, 256:15,
262:9, 267:3, 289:14,
290:1
Bev [7] - 116:20,
126:1, 127:4, 134:17,
155:1, 293:21, 294:1
Beverly [1] - 118:15
beyond [4] - 80:23,
155:12, 253:14,
273:22
bi [1] - 143:14
bi-weekly [1] -
143:14
Biddlecombe [3] -
26:7, 26:13, 29:8
big [4] - 131:5,
220:17, 231:4, 279:20
bigger [1] - 44:1
Bill [3] - 101:1,
150:14, 151:15
binder [12] - 96:22,
101:11, 227:25,
235:6, 235:9, 239:7,
240:10, 250:13,
269:4, 269:5, 269:10,
301:22
birthday [2] - 99:25,
100:3
bit [11] - 3:7, 9:10,
31:5, 94:21, 103:21,
120:9, 132:15,
132:23, 158:7, 287:8,
292:23
bizarre [4] - 83:10,
83:13, 144:19, 148:12
blacked [3] - 118:7,
120:6, 120:9

blackmail [1] - 205:4
blamed [1] - 4:17
bleeding [1] - 288:2
bloody [1] - 125:19
blue [1] - 291:9
Blue [3] - 145:1,
145:8, 146:15
Bob [2] - 108:5,
117:14
Boddie [2] - 290:12,
290:13
bodies [2] - 23:17,
155:5
body [13] - 44:12,
60:15, 64:12, 67:21,
150:25, 178:19,
183:2, 191:25, 192:3,
202:8, 208:11,
210:23, 211:5
boggling [1] - 210:25
book [1] - 300:2
Book [2] - 303:6,
2:21
books [1] - 211:2
booze [11] - 96:10,
98:14, 99:4, 99:11,
108:16, 109:6,
113:18, 114:8, 116:7,
116:10, 135:20
boss [2] - 209:4,
209:25
bother [2] - 191:10,
192:24
Bottom [1] - 80:4
bottom [3] - 37:15,
97:21, 108:11
box [4] - 80:2, 80:3,
80:11
boyfriend [1] - 205:3
boys [3] - 4:3, 100:1,
100:10
Brad [2] - 13:25,
119:10
brainstorming [2] -
272:19, 272:21
Branch [2] - 42:19,
291:5
breach [2] - 134:9,
157:25
break [10] - 85:16,
87:23, 158:6, 158:20,
158:23, 159:5,
159:11, 245:20,
274:22
breaking [1] - 87:8
breaks [2] - 81:3,
84:25
breezed [1] - 204:18
brief [9] - 22:17,
72:4, 146:10, 147:3,

159:18, 204:22,
255:5, 255:6, 297:2
Briefed [1] - 185:23
briefed [16] - 17:4,
183:5, 185:14,
185:21, 185:22,
186:3, 186:12,
186:13, 194:1,
194:16, 194:21,
194:24, 195:1, 195:2,
195:6, 195:14
briefing [4] - 22:14,
163:21, 182:15,
182:17
briefings [7] - 87:18,
163:18, 163:19,
190:6, 190:8, 190:11,
190:14
briefly [2] - 7:6,
211:12
briefs [3] - 145:25,
146:6
bring [14] - 36:13,
84:19, 106:10,
124:25, 130:9,
131:21, 141:3,
182:11, 192:13,
237:8, 280:23, 284:2,
284:5, 284:23
bringing [1] - 156:9
brings [2] - 146:20,
295:19
British [8] - 51:18,
70:24, 71:4, 72:10,
93:17, 102:2, 131:17,
144:23
bronze [1] - 4:14
brothers [14] - 83:21,
95:23, 102:21, 104:8,
108:15, 113:17,
115:19, 115:22,
115:25, 119:3, 119:7,
124:17, 129:2, 135:18
brothers' [2] -
106:12, 124:3
brought [20] - 38:9,
75:22, 76:2, 125:2,
128:4, 150:14, 151:3,
151:15, 151:20,
152:22, 178:16,
189:5, 208:23, 214:7,
237:3, 277:7, 293:16,
293:17, 293:18, 296:1
Brown [6] - 39:6,
128:18, 128:23,
128:25, 129:6, 130:1
Bruce [7] - 164:6,
175:19, 178:20,
180:12, 180:16,
181:4, 194:6

Bruce's [1] - 181:3
Brunette [1] - 109:19
building [3] - 135:2,
229:5, 230:11
built [1] - 57:22
bull [2] - 132:3,
137:13
bulls [1] - 124:14
bunch [3] - 108:22,
113:24, 182:12
buried [1] - 124:18
burn [1] - 166:21
Burnaby [8] - 93:6,
93:17, 93:20, 94:4,
130:20, 132:10,
132:25, 215:1
Burns [4] - 101:2,
106:13, 108:13,
113:15
Bush [1] - 13:23
business [1] - 179:5
busted [2] - 93:6,
132:14
busy [3] - 25:22,
245:15, 286:8
byline [1] - 130:19

C

Caccp [1] - 9:22
Caldwell [63] - 38:10,
38:17, 39:14, 39:15,
44:8, 45:13, 54:13,
57:9, 78:19, 79:1,
89:1, 89:5, 91:1, 91:4,
92:20, 126:10,
128:18, 128:21,
129:1, 132:16,
132:20, 133:16,
133:25, 151:22,
158:14, 160:8,
162:16, 178:16,
181:6, 182:10,
183:25, 184:3,
184:14, 184:17,
184:19, 185:1,
185:23, 186:23,
187:4, 187:7, 187:17,
197:24, 199:3, 199:4,
200:15, 201:24,
202:16, 203:14,
207:9, 211:23,
212:10, 212:11,
226:8, 244:14,
276:17, 276:22,
279:8, 280:17,
280:19, 280:23,
281:13, 294:18, 2:17
Caldwell's [16] -
39:19, 91:7, 154:24,

163:12, 183:1,
183:17, 184:21,
186:9, 192:17, 200:9,
200:12, 206:13,
208:23, 276:8,
279:14, 280:6
calm [4] - 185:20,
286:13, 286:15, 287:7
calming [1] - 228:23
Cambridge [1] - 8:13
cameo [1] - 1:15
camera [1] - 118:10
cameras [1] - 27:20
Cameron [5] - 30:2,
69:14, 256:5, 256:11,
283:8
camp [2] - 226:17,
226:20
Canada [13] - 5:7,
5:11, 10:6, 30:9,
31:25, 93:2, 120:13,
138:16, 160:20,
161:8, 168:7, 235:2,
262:12
Canada's [2] - 94:25,
235:5
Canadian [6] - 9:20,
9:23, 10:17, 70:12,
72:1, 2:7
cannot [2] - 207:17,
275:18
canoe [2] - 7:5, 7:8
canoeing [1] - 7:9
canvass [2] - 159:6,
159:8
canvassed [1] -
265:20
capable [2] - 29:1,
211:21
capacity [3] - 69:20,
72:3, 199:8
caps [1] - 100:22
captioned [1] -
241:16
care [1] - 34:18
career [4] - 4:23,
94:21, 142:7, 153:1
careful [1] - 133:11
Carnoustie [1] -
106:22
carried [1] - 215:2
carry [7] - 36:11,
36:21, 90:12, 104:25,
197:22, 232:2, 251:14
cars [1] - 152:22
Casanova [1] -
124:13
case [33] - 14:5,
20:7, 75:5, 84:17,
85:17, 87:8, 87:23,

89:9, 91:20, 91:22,
131:14, 140:12,
142:11, 143:6, 144:1,
150:10, 168:24,
172:8, 191:19,
191:20, 191:22,
199:2, 199:25, 200:7,
225:18, 232:19,
256:16, 261:3, 261:4,
262:12, 275:8, 286:3,
289:24
caseload [2] -
219:16, 219:22
cases [4] - 156:3,
207:25, 214:23,
262:17
cast [1] - 242:17
cast-off [1] - 242:17
Cater [8] - 49:7,
50:25, 52:23, 75:20,
75:22, 83:6, 261:10,
271:1
caught [2] - 178:24,
190:25
caused [4] - 18:4,
44:23, 92:5, 126:24
causing [1] - 119:18
celebration [1] -
109:23
cell [2] - 253:12,
264:7
cent [4] - 8:1, 12:7,
118:18, 226:19
central [1] - 207:9
Cernetig's [1] -
130:19
certain [9] - 2:1,
112:14, 115:1, 184:1,
184:2, 205:11,
254:13, 292:14, 301:4
certainly [39] - 4:16,
6:24, 9:17, 15:13,
15:16, 30:16, 36:13,
37:2, 39:18, 53:15,
54:9, 57:16, 58:24,
64:18, 74:19, 75:13,
78:1, 78:2, 79:10,
80:13, 83:19, 84:9,
91:6, 97:25, 98:5,
99:4, 104:18, 106:17,
106:22, 109:15,
116:25, 140:11,
140:23, 142:5,
144:14, 237:21,
238:21, 260:13, 273:8
Certainly [13] -
19:24, 38:12, 83:11,
83:12, 107:8, 137:8,
141:22, 142:13,
142:22, 147:6, 151:5,

263:16, 302:3
certify [1] - 304:3
cesspool [2] - 83:22,
104:20
chair [2] - 7:14, 7:19
chance [5] - 63:24,
98:7, 164:8, 208:25,
215:7
change [2] - 239:1,
274:11
changed [2] - 1:12,
241:20
changes [4] -
250:22, 251:12,
251:16, 251:18
Chapman [350] - 2:8,
2:20, 6:7, 14:16, 24:2,
24:3, 24:5, 24:7,
24:11, 24:14, 25:13,
43:2, 43:4, 43:7,
43:11, 43:13, 43:18,
44:4, 44:11, 44:13,
44:15, 44:18, 44:22,
44:25, 45:3, 45:6,
45:8, 45:11, 45:17,
45:22, 45:24, 46:5,
46:9, 46:12, 46:16,
46:19, 46:22, 46:24,
47:3, 47:5, 47:8,
47:11, 47:14, 49:25,
50:1, 50:5, 50:7, 50:9,
50:11, 50:13, 50:15,
50:19, 50:24, 51:2,
51:5, 51:7, 51:11,
52:13, 52:16, 52:18,
52:21, 52:24, 53:1,
63:11, 63:13, 63:15,
63:23, 63:25, 64:6,
67:20, 68:1, 81:21,
82:18, 82:19, 82:21,
82:24, 91:21, 116:8,
116:9, 118:25, 127:5,
127:6, 128:17, 153:9,
153:10, 188:20,
188:22, 189:1, 189:3,
190:10, 213:12,
213:17, 213:20,
213:23, 214:2, 214:9,
214:14, 214:17,
214:21, 214:24,
215:6, 215:9, 215:14,
216:9, 216:15,
216:20, 216:23,
217:1, 217:3, 217:6,
217:11, 217:14,
217:18, 217:23,
218:14, 218:20,
218:24, 219:1, 219:4,
219:9, 219:11,
219:14, 219:23,

220:5, 220:10,
220:14, 220:16,
220:19, 220:22,
221:1, 221:4, 221:6,
221:8, 221:10,
221:12, 221:15,
221:21, 222:1, 222:5,
222:8, 222:12,
222:18, 222:20,
222:24, 223:4, 223:7,
223:11, 223:13,
223:17, 223:19,
223:22, 223:25,
224:4, 224:8, 224:13,
224:15, 224:17,
224:24, 225:2, 225:4,
225:6, 225:8, 225:13,
225:15, 225:17,
225:20, 225:22,
226:1, 226:4, 226:6,
226:9, 226:12,
226:16, 226:19,
226:25, 227:4, 227:8,
227:11, 227:18,
227:21, 227:24,
228:4, 228:6, 228:8,
228:11, 228:13,
228:16, 228:19,
228:22, 228:25,
229:4, 229:7, 229:9,
229:12, 229:14,
229:17, 229:19,
229:23, 229:25,
230:2, 230:6, 230:9,
230:12, 230:15,
230:20, 230:23,
231:1, 231:3, 231:11,
231:14, 231:17,
231:21, 231:24,
232:6, 232:8, 232:11,
232:14, 232:16,
232:20, 233:1, 233:8,
233:15, 233:19,
233:25, 234:4, 234:7,
234:11, 234:16,
234:23, 236:8, 237:2,
237:4, 237:7, 237:10,
237:15, 237:17,
237:25, 238:2, 238:5,
238:12, 238:16,
238:19, 238:25,
239:2, 239:4, 239:10,
239:14, 240:1, 240:4,
240:8, 240:13,
240:18, 240:24,
241:3, 241:7, 241:11,
241:14, 241:21,
242:1, 242:12,
242:14, 242:17,
242:21, 243:2,
243:10, 243:18,

243:23, 244:1, 244:3,
244:6, 244:12,
244:20, 244:23,
245:3, 245:8, 245:12,
245:17, 246:15,
246:17, 246:20,
246:23, 247:4,
247:10, 247:14,
247:17, 247:22,
248:1, 248:6, 248:9,
248:14, 248:20,
248:25, 249:4,
249:11, 249:13,
249:17, 249:23,
250:2, 250:7, 250:12,
250:17, 250:20,
251:4, 251:6, 251:15,
251:20, 251:23,
252:1, 252:8, 252:15,
252:20, 252:22,
253:1, 253:6, 253:16,
253:22, 254:3, 254:8,
257:12, 257:22,
258:9, 258:15,
258:18, 258:24,
259:7, 259:11,
259:14, 259:17,
259:22, 269:4, 276:4,
276:6, 279:1, 279:4,
279:9, 279:12,
279:20, 280:3, 280:8,
280:12, 280:15,
280:19, 280:25,
299:3, 299:6, 302:6,
303:12, 303:18, 1:3
chapter [1] - 109:19
character [1] - 83:14
characterize [1] -
62:17
charge [25] - 5:5,
5:24, 6:4, 10:24, 26:2,
28:17, 29:9, 71:11,
111:3, 144:23,
145:13, 146:2, 148:5,
148:17, 148:21,
149:5, 149:12,
150:21, 154:6, 157:4,
194:7, 217:10,
296:22, 297:4, 297:10
charged [2] - 111:8,
133:1
charges [21] - 16:25,
72:7, 72:18, 93:18,
102:10, 132:15,
139:7, 139:13,
139:19, 141:17,
141:24, 144:7,
144:20, 146:23,
147:5, 148:3, 150:6,
150:8, 150:19, 296:8,

2:13
charging [2] - 262:11, 262:20
chats [1] - 156:1
chatter [1] - 253:14
check [1] - 201:11
checked [5] - 18:25, 19:1, 138:6, 205:11, 301:6
checking [2] - 191:10, 192:24
Chernoff [10] - 38:5, 38:15, 39:8, 45:9, 45:20, 170:1, 170:2, 276:21, 280:22, 281:12
Cheryl [1] - 31:24
chief [4] - 6:11, 71:1, 251:10, 286:19
Chief [21] - 16:1, 73:18, 108:3, 136:5, 172:3, 172:10, 172:18, 173:20, 246:18, 248:3, 248:16, 251:11, 256:23, 257:14, 261:19, 262:5, 262:9, 278:12, 279:5, 283:23, 290:8
Chiefs [8] - 9:20, 9:24, 72:1, 72:5, 72:11, 72:15, 144:18, 145:24
Chiefs' [1] - 145:12
child [2] - 40:2, 40:15
children [1] - 223:22
Chretien/martin [1] - 19:21
Chu [3] - 15:17, 16:1, 16:2
circle [1] - 180:10
circulated [1] - 283:24
circulating [1] - 287:11
circumstance [1] - 143:12
circumstances [3] - 101:18, 287:2, 289:17
cite [1] - 123:19
cited [1] - 262:17
City [13] - 96:12, 96:22, 97:16, 97:17, 97:23, 101:11, 103:3, 103:24, 104:16, 105:25, 205:12, 238:16, 2:8
civil [1] - 102:8
civilian [1] - 116:19

clarification [2] - 255:13, 255:25
clarified [3] - 61:3, 275:10, 277:21
clarify [2] - 100:18, 105:8
Clary [2] - 14:10, 39:6
Claudette [2] - 162:15, 2:16
clean [1] - 7:23
clear [6] - 24:15, 35:24, 168:15, 211:8, 257:3, 289:18
clearly [4] - 229:21, 231:18, 231:22, 233:21
Clerk [1] - 97:17
Cleu [1] - 110:21
client [8] - 1:23, 2:12, 10:13, 69:6, 86:8, 103:16, 154:10, 154:14
client's [1] - 1:24
clients [11] - 8:2, 30:16, 30:25, 35:24, 36:8, 108:20, 109:4, 113:22, 125:15, 157:22, 284:5
clients' [1] - 31:1
climate [1] - 19:20
clock [1] - 29:13
Close [1] - 233:15
close [7] - 3:14, 12:6, 57:7, 58:12, 245:8, 255:11, 256:2
closed [1] - 289:25
closely [2] - 7:22, 7:24
closing [1] - 152:15
clothing [1] - 125:19
club [1] - 98:15
Club [5] - 98:23, 106:22, 109:8, 111:10, 114:15
club's [1] - 109:18
co [1] - 101:1
co-owner [1] - 101:1
Coast [3] - 7:11, 93:4, 191:2
cockfight [1] - 126:9
cockfighting [15] - 93:6, 93:19, 94:3, 94:13, 131:5, 131:11, 131:19, 131:24, 132:14, 132:17, 133:5, 133:18, 134:10, 138:7, 294:22
Cockfighting [3] - 139:6, 294:14, 2:12

cockfights [11] - 92:22, 92:25, 93:1, 93:4, 94:15, 124:13, 130:8, 130:25, 131:15, 134:21, 137:13
code [3] - 294:15, 296:9, 296:10
Code [8] - 93:2, 94:3, 94:10, 131:23, 133:22, 134:10, 294:16, 296:19
cogent [1] - 184:9
coincident [1] - 39:18
collaborated [1] - 290:13
collaboration [1] - 293:2
colleague [1] - 235:8
colleagues [8] - 74:14, 82:15, 83:20, 140:16, 144:10, 157:20, 238:6, 238:7
collection [1] - 153:15
collectively [1] - 89:7
College [2] - 71:16, 247:12
college [1] - 249:19
colloquially [1] - 41:8
colours [1] - 99:9
Columbia [8] - 51:18, 70:24, 71:4, 72:10, 93:17, 102:3, 131:17, 144:24
column [1] - 130:22
comfortable [2] - 156:20, 255:21
Coming [2] - 92:11, 96:6
coming [16] - 19:22, 39:19, 46:12, 46:14, 113:9, 144:17, 155:25, 195:5, 262:13, 284:11, 284:15, 284:19, 286:20, 287:5, 287:12, 303:8
command [6] - 5:9, 15:24, 16:4, 38:25, 70:11, 246:13
commanded [2] - 70:18, 71:8
commander [4] - 5:14, 6:15, 6:21, 109:16
commanding [5] - 6:3, 11:21, 70:14,

86:16, 86:20
commence [2] - 160:5, 186:4
commenced [1] - 194:25
Commencing [1] - 1:3
comment [2] - 86:9, 238:8
comments [8] - 2:1, 64:1, 67:15, 67:25, 252:4, 252:10, 252:12, 254:5
Commercial [4] - 5:5, 5:6, 5:25, 6:7
commercial [1] - 115:13
commission [21] - 1:19, 1:25, 11:12, 65:14, 66:9, 120:22, 147:8, 161:12, 204:21, 219:24, 241:4, 257:4, 289:14, 290:1, 290:24, 291:4, 292:8, 292:12, 292:16, 292:19, 301:5
Commission [3] - 120:12, 293:7, 1:4
commission's [2] - 43:6, 239:7
commissioner [7] - 67:16, 70:4, 70:7, 70:22, 70:24, 71:11, 161:8
Commissioner [226] - 1:5, 1:6, 1:17, 1:21, 10:7, 10:9, 10:16, 11:22, 30:18, 31:23, 31:24, 32:19, 32:23, 33:15, 33:17, 33:24, 34:3, 34:13, 34:16, 34:20, 35:1, 35:11, 35:19, 36:14, 49:12, 49:14, 49:16, 49:19, 49:22, 54:23, 55:4, 55:8, 59:8, 59:10, 59:14, 59:18, 59:22, 59:25, 60:22, 61:4, 61:7, 61:9, 62:9, 62:14, 62:18, 62:21, 68:8, 68:11, 68:23, 69:4, 69:5, 69:10, 69:11, 86:6, 86:10, 86:12, 86:19, 86:21, 89:15, 89:22, 90:1, 90:8, 90:11, 90:13, 100:20, 103:13, 103:23, 104:13, 105:2, 105:11, 105:20, 112:24,

115:24, 120:8, 120:11, 120:14, 120:20, 120:24, 121:4, 121:7, 123:11, 123:13, 123:15, 123:22, 124:6, 129:18, 129:22, 129:24, 129:25, 130:10, 130:13, 130:16, 138:14, 138:15, 139:10, 139:11, 142:25, 146:14, 146:17, 146:22, 147:14, 147:17, 147:23, 154:7, 154:11, 154:13, 157:7, 157:9, 157:10, 157:15, 158:4, 158:5, 158:9, 158:18, 158:21, 159:1, 159:4, 159:5, 159:12, 159:17, 159:22, 159:25, 160:19, 160:22, 161:6, 161:9, 161:11, 161:25, 162:2, 162:3, 162:6, 162:9, 162:20, 162:22, 168:6, 168:10, 168:18, 173:8, 196:4, 196:12, 196:19, 196:21, 197:1, 197:3, 197:8, 197:13, 197:18, 197:21, 202:24, 202:25, 203:4, 203:19, 203:24, 204:7, 204:10, 209:11, 209:14, 209:19, 209:22, 211:19, 213:3, 213:5, 213:6, 213:8, 235:20, 235:24, 236:2, 236:4, 236:7, 236:16, 245:19, 245:20, 245:23, 245:25, 247:3, 247:6, 254:25, 255:2, 255:16, 256:22, 257:8, 283:1, 283:3, 283:4, 283:7, 283:20, 284:13, 284:23, 285:9, 285:11, 285:13, 285:15, 286:4, 286:7, 286:11, 286:13, 286:16, 286:25, 287:3, 288:22, 289:2, 289:7, 290:5, 290:10, 290:17, 291:13, 291:17, 292:1, 293:3, 293:14, 298:11, 298:13, 298:14,

298:15, 298:18,
300:24, 301:11,
301:20, 302:11,
302:17, 302:20,
302:22, 302:24,
303:8, 303:14, 2:6
commissioner's [1] -
107:16
commissioners [2] -
70:10, 70:16
commit [1] - 26:22
commitment [1] -
38:21
committed [6] -
26:20, 39:1, 49:3,
73:5, 155:12, 297:11
Committee [4] -
9:19, 15:5, 71:25,
72:12
committing [1] -
84:20
common [1] - 126:3
communicate [1] -
65:16
communicated [4] -
66:18, 300:13,
300:14, 301:5
communications [5]
- 8:7, 30:10, 65:8,
65:10, 289:20
community [6] -
93:20, 132:10, 135:7,
141:9, 151:2, 151:5
commutes [1] -
134:2
commuting [3] -
80:19, 84:8, 84:11
company [5] - 40:1,
40:15, 73:21, 74:2,
125:11
compare [2] -
255:19, 255:24
comparison [1] -
242:18
compel [1] - 46:25
compelled [11] -
63:19, 64:5, 246:22,
247:16, 247:21,
247:24, 248:1, 248:2,
248:8, 248:23, 252:7
compelling [1] -
248:5
compendious [2] -
2:17, 2:18
compendiously [1] -
62:25
complaint [1] - 138:4
complaints [1] -
138:7
complete [1] - 270:8

completed [2] - 4:5,
290:14
completely [5] -
57:12, 57:14, 57:22,
88:25, 270:6
Completely [1] -
289:6
complicate [1] -
161:23
component [1] -
27:9
components [1] -
84:2
comprehensive [1] -
198:23
compromise [1] -
119:21
computer [4] -
15:20, 35:14, 220:23,
249:12
computers [1] -
136:11
concede [1] - 93:25
conceded [2] -
134:17, 231:22
conceivably [1] -
225:22
conceived [1] -
209:12
concentrate [1] -
159:20
concept [1] - 44:20
concern [10] - 30:24,
35:1, 40:14, 72:5,
72:15, 98:13, 109:13,
155:6, 160:25, 286:8
concerned [6] -
13:12, 51:9, 94:2,
94:6, 99:24, 114:11
concerning [2] -
123:18, 137:13
concerns [3] - 97:23,
98:10, 139:13
conclude [2] - 59:19,
91:17
conclusion [4] -
67:7, 73:3, 89:19,
262:14
Concordance [5] -
96:24, 97:12, 101:25,
123:21, 255:7
condition [2] -
187:13, 187:14
conduct [7] - 19:13,
62:12, 198:22, 228:7,
291:23, 297:16,
297:19
conducted [11] -
17:13, 20:21, 31:6,
43:9, 112:17, 123:20,

136:15, 180:15,
187:23, 266:4, 297:17
conducting [3] -
179:1, 186:2, 223:6
conduit [1] - 121:19
conference [3] -
51:15, 51:17, 51:21
confident [1] -
291:10
confidential [3] -
212:15, 212:17,
292:11
confinement [2] -
139:14, 144:2
confirm [10] - 26:7,
69:18, 73:24, 101:10,
102:17, 106:15,
158:24, 201:20,
201:22, 273:25
confirmation [2] -
102:7, 104:12
confirmed [7] -
37:10, 37:23, 38:23,
114:1, 155:8, 203:8,
301:9
confirming [2] -
201:19, 203:23
confirms [1] - 145:7
confusing [2] -
13:15, 267:8
confusion [1] - 75:12
conjunction [1] -
7:10
connect [1] - 47:6
connection [3] -
97:23, 126:24, 220:8
connects [1] - 20:5
Connor [54] - 1:9,
14:6, 17:5, 29:20,
29:21, 30:6, 32:5,
32:16, 32:25, 33:3,
33:10, 36:4, 36:23,
41:8, 41:9, 42:16,
78:1, 78:3, 85:19,
122:16, 134:18,
134:24, 139:25,
140:14, 141:1,
141:25, 158:10,
162:13, 169:10,
169:17, 180:5, 180:8,
183:13, 188:2,
188:11, 189:19,
189:24, 190:2, 194:7,
197:17, 205:9,
205:10, 214:1, 220:3,
220:7, 220:13, 221:2,
244:6, 264:20, 265:6,
269:24, 274:25, 2:14
Connor's [7] - 33:20,
34:6, 40:21, 43:3,

226:17, 226:20,
269:25
connotation [1] -
295:8
consensus [2] -
180:9, 280:1
consent [8] - 57:6,
62:6, 62:10, 63:1,
63:4, 63:5, 63:8, 63:9
consequently [1] -
93:25
consider [5] - 30:16,
263:12, 279:25,
290:11, 290:22
considerable [2] -
135:22, 284:17
consideration [2] -
48:5, 147:5
Consideration [1] -
273:12
considerations [1] -
84:10
considered [10] -
32:10, 61:3, 62:11,
74:20, 102:8, 252:6,
262:3, 267:9, 284:6,
286:17
considering [1] -
143:25
considers [2] -
30:15, 292:12
consisted [1] -
244:25
consistent [5] - 62:1,
89:1, 114:8, 151:20,
152:4
constable [2] - 49:5,
216:24
Constable [24] -
16:2, 39:14, 43:16,
44:19, 49:7, 55:12,
81:21, 165:4, 169:3,
169:6, 185:17,
185:20, 188:18,
189:9, 190:8, 269:14,
269:19, 270:23,
271:1, 272:2, 274:13,
283:23, 287:15
constables [1] -
14:13
constant [2] - 80:22,
84:14
constantly [3] -
80:25, 84:18, 289:13
constitutes [3] -
102:7, 104:4, 157:24
constraints [1] -
228:2
consultation [1] -
141:16

consumption [2] -
114:10, 115:4
cont'd [2] - 1:10,
1:11
contact [14] - 26:7,
27:14, 46:3, 46:6,
46:20, 52:19, 54:11,
111:1, 128:24, 188:2,
188:9, 188:11, 226:9,
271:2
contacted [9] - 26:1,
26:4, 27:15, 51:6,
63:15, 63:18, 273:4,
280:20, 280:22
contacting [1] -
26:13
contain [5] - 72:23,
136:10, 137:2,
284:20, 301:16
contained [5] -
90:23, 97:4, 202:21,
301:7, 301:13
containing [1] - 6:22
contains [1] - 300:8
contemplated [2] -
38:1, 283:14
content [2] - 67:21,
98:5
contention [1] -
104:17
context [13] - 30:17,
30:20, 74:11, 75:5,
83:3, 88:6, 115:12,
182:23, 264:1, 264:4,
296:7, 296:8, 297:17
continuation [3] -
24:4, 24:18, 271:11
Continuation [1] -
239:13
continue [4] - 35:16,
104:19, 280:23,
291:24
continued [8] - 27:4,
27:10, 65:2, 206:22,
230:5, 273:17,
273:21, 274:19
Continued [2] -
293:19, 298:19
continuing [3] - 8:7,
81:8, 270:21
contract [4] - 9:12,
69:22, 71:13, 71:14
contradicted [1] -
203:14
contrary [1] - 236:8
contributed [1] -
281:9
Control [1] - 145:10
control [1] - 150:24
controlled [1] - 15:6

| | | | | |
|---|--|--|--|---|
| <p>conversation [9] - 32:8, 32:14, 144:4, 180:14, 181:11, 181:18, 190:4, 212:6, 276:19</p> <p>conversations [4] - 92:4, 156:8, 212:3, 221:16</p> <p>conviction [4] - 5:4, 112:18, 294:16, 294:21</p> <p>convinced [5] - 74:15, 74:18, 74:22, 77:5, 77:13</p> <p>cooperate [3] - 197:4, 243:11, 278:18</p> <p>cooperating [1] - 247:24</p> <p>cooperation [3] - 15:8, 26:3, 278:22</p> <p>coordinator [1] - 216:10</p> <p>Cope [1] - 127:19</p> <p>copied [2] - 56:24, 99:16</p> <p>copies [1] - 69:8</p> <p>copy [19] - 2:13, 33:4, 68:18, 68:19, 68:20, 68:21, 68:22, 93:11, 97:11, 107:24, 130:11, 130:14, 147:7, 215:16, 215:20, 236:21, 249:17, 250:25, 294:25</p> <p>Coquitlam [150] - 5:11, 9:8, 10:19, 10:20, 10:24, 11:3, 11:4, 12:4, 13:8, 15:12, 18:13, 20:16, 20:17, 21:6, 23:2, 23:18, 23:23, 25:1, 25:8, 26:20, 27:1, 27:9, 28:12, 28:13, 38:6, 39:4, 43:25, 44:8, 45:19, 50:22, 53:3, 53:15, 53:17, 55:10, 60:4, 60:13, 64:24, 65:1, 65:7, 65:11, 74:14, 76:10, 77:23, 81:6, 85:3, 85:13, 85:20, 87:2, 93:7, 93:20, 95:16, 95:17, 95:25, 96:2, 96:7, 96:13, 96:23, 97:17, 98:9, 98:18, 98:19, 98:20, 98:21, 99:16, 100:9, 101:3, 101:12, 101:14, 101:20, 102:12,</p> | <p>103:3, 103:24, 104:19, 105:25, 107:12, 107:18, 108:12, 109:16, 109:17, 109:19, 112:6, 113:14, 116:23, 118:20, 126:19, 127:1, 127:3, 128:11, 135:5, 135:17, 137:7, 137:12, 137:19, 137:22, 138:6, 139:22, 143:20, 150:15, 152:24, 153:1, 153:2, 153:5, 162:24, 164:17, 164:20, 165:2, 165:5, 165:24, 167:18, 167:21, 168:13, 168:17, 168:23, 169:18, 169:20, 170:6, 170:25, 171:7, 171:8, 171:11, 171:13, 171:18, 173:18, 173:24, 173:25, 176:19, 178:14, 180:18, 188:10, 189:3, 189:5, 192:13, 200:22, 207:1, 210:17, 217:8, 239:21, 246:9, 246:11, 252:13, 257:18, 264:25, 274:11, 275:1, 275:11, 303:7, 2:8, 2:22</p> <p>Coquitlam's [1] - 117:22</p> <p>Cornell [1] - 3:25</p> <p>corner [3] - 98:18, 98:21, 100:9</p> <p>corollary [1] - 63:5</p> <p>Corporal [21] - 14:10, 29:20, 50:12, 85:19, 122:16, 140:14, 158:10, 159:21, 162:13, 180:5, 180:7, 183:13, 188:11, 189:13, 197:17, 200:18, 201:7, 201:13, 264:20, 265:6, 2:14</p> <p>corporal [1] - 269:14</p> <p>corporals [2] - 14:4, 14:13</p> <p>correct [324] - 1:11, 2:23, 3:4, 3:9, 3:15, 3:16, 3:19, 3:20, 4:1, 4:7, 4:11, 4:15, 4:19, 4:20, 4:22, 4:25, 5:1,</p> | <p>5:12, 5:13, 5:15, 5:18, 5:19, 5:23, 6:8, 6:9, 6:13, 6:20, 6:24, 7:3, 8:10, 8:14, 8:15, 8:21, 8:22, 8:25, 9:3, 9:8, 10:21, 10:22, 11:1, 11:2, 11:22, 11:23, 12:1, 12:2, 12:4, 12:5, 12:7, 12:10, 13:9, 13:20, 14:1, 14:14, 14:17, 16:3, 16:7, 16:21, 17:15, 17:18, 17:19, 18:2, 18:3, 18:20, 18:21, 19:4, 19:9, 19:14, 19:15, 19:23, 20:3, 20:12, 21:18, 22:1, 23:6, 23:11, 23:14, 23:15, 23:19, 23:20, 23:21, 24:4, 24:10, 24:13, 24:14, 24:19, 24:21, 25:4, 25:10, 25:20, 25:21, 25:24, 26:9, 26:11, 26:12, 26:21, 27:2, 27:3, 27:7, 27:22, 28:15, 28:16, 29:14, 30:1, 37:8, 37:18, 37:19, 37:21, 37:23, 37:24, 38:7, 38:22, 39:3, 39:5, 39:9, 39:12, 39:23, 40:7, 40:8, 40:16, 40:19, 41:2, 42:15, 43:11, 43:17, 44:10, 44:14, 44:18, 44:22, 45:2, 45:21, 46:18, 46:21, 46:24, 47:7, 48:15, 48:24, 49:25, 50:1, 50:4, 50:9, 50:23, 51:2, 51:15, 51:16, 51:19, 51:25, 52:1, 52:13, 53:4, 55:7, 64:3, 68:3, 70:1, 70:5, 70:20, 71:7, 71:18, 72:2, 72:7, 72:8, 74:5, 76:1, 77:23, 78:16, 81:13, 85:8, 86:3, 93:3, 94:24, 95:9, 95:10, 96:3, 99:1, 100:23, 110:3, 112:22, 114:4, 114:17, 116:21, 116:22, 117:4, 118:22, 121:23, 127:15, 134:6, 149:14, 162:25, 163:6, 165:7, 165:14, 168:24, 168:25, 169:18, 170:1, 171:2, 171:6, 171:14, 171:19, 173:1, 174:6,</p> | <p>174:11, 175:7, 175:13, 175:14, 175:16, 176:14, 176:21, 176:22, 177:17, 177:19, 177:20, 177:24, 178:6, 179:23, 183:6, 183:11, 183:14, 183:17, 183:25, 184:5, 184:6, 185:8, 185:24, 185:25, 186:14, 186:19, 187:1, 187:2, 187:5, 187:25, 188:8, 188:10, 188:19, 189:14, 189:15, 189:17, 194:8, 194:15, 195:11, 198:1, 198:2, 198:5, 198:6, 198:12, 198:18, 198:19, 198:24, 199:23, 200:3, 200:5, 200:11, 200:17, 201:7, 201:8, 201:12, 201:25, 202:5, 202:18, 202:22, 203:9, 203:12, 203:13, 203:15, 205:13, 205:15, 205:16, 205:23, 206:5, 206:14, 206:15, 206:24, 207:10, 210:1, 210:8, 210:14, 210:15, 211:24, 212:12, 212:19, 213:16, 214:24, 216:19, 217:1, 217:6, 219:22, 219:23, 223:6, 223:10, 223:20, 225:15, 225:17, 227:18, 228:22, 231:3, 240:8, 245:12, 246:19, 247:10, 247:14, 250:20, 259:7, 260:11, 264:18, 265:8, 267:19, 269:15, 269:18, 269:19, 270:2, 272:22, 273:20, 277:2, 277:20, 278:1, 278:19, 279:3, 281:14, 281:17, 292:21, 295:24, 296:5, 296:15, 297:12, 302:9</p> <p>Correct [16] - 45:8, 177:25, 178:7, 184:10, 186:15, 214:21, 221:12,</p> | <p>223:4, 226:6, 229:23, 231:7, 237:10, 259:17, 268:21, 273:6, 275:6</p> <p>corrected [1] - 251:7</p> <p>corrections [1] - 250:9</p> <p>correctly [3] - 62:17, 146:5, 257:12</p> <p>correctness [1] - 161:14</p> <p>correspondence [1] - 103:9</p> <p>corroborate [6] - 78:18, 151:18, 152:13, 187:3, 266:14, 274:16</p> <p>corroborated [2] - 154:14, 206:13</p> <p>corroborates [3] - 183:16, 183:19, 186:22</p> <p>corroborating [1] - 206:12</p> <p>corroboration [2] - 183:22, 200:14</p> <p>corroborative [3] - 152:1, 152:3, 152:4</p> <p>cost [3] - 18:14, 19:25, 155:11</p> <p>costs [1] - 155:14</p> <p>counsel [36] - 11:12, 30:2, 36:11, 60:21, 65:14, 66:10, 69:14, 72:6, 72:16, 101:15, 105:5, 105:10, 120:7, 130:15, 141:16, 143:14, 147:8, 204:21, 213:10, 219:24, 246:6, 256:11, 263:24, 283:8, 286:8, 289:14, 289:15, 289:22, 290:1, 290:24, 291:3, 291:4, 292:8, 293:7</p> <p>Counsel [4] - 29:22, 37:20, 60:23, 62:4</p> <p>counsel's [3] - 105:16, 123:21, 147:4</p> <p>counterintuitive [1] - 149:13</p> <p>counterpart [2] - 70:21, 70:23</p> <p>country [3] - 51:23, 70:13, 93:2</p> <p>couple [10] - 39:1, 96:12, 101:10, 130:21, 211:1, 222:17, 229:20, 252:11, 271:10,</p> |
|---|--|--|--|---|

293:16
course [28] - 1:7,
 1:13, 2:3, 2:15, 2:22,
 15:9, 15:23, 16:4,
 18:14, 42:14, 48:24,
 57:15, 107:17,
 110:12, 136:13,
 153:1, 168:22,
 173:22, 189:16,
 190:2, 199:4, 208:22,
 223:15, 238:23,
 239:3, 255:9, 285:13,
 302:7
courses [1] - 216:18
Court [3] - 101:14,
 262:12, 292:4
court [2] - 147:20,
 200:13
courthouse [1] -
 143:20
courtroom [1] -
 289:21
courts [2] - 7:23,
 62:1
cover [4] - 1:23,
 68:13, 139:10, 145:10
coverage [2] - 26:24,
 155:3
covered [1] - 287:13
covert [1] - 8:11
Cpic [7] - 136:3,
 136:7, 138:16,
 138:21, 139:1, 2:10
crazy [1] - 124:15
create [1] - 59:24
created [3] - 36:3,
 198:5, 279:14
credibility [1] -
 187:17
credible [5] - 276:17,
 276:23, 277:6,
 279:19, 280:2
Crey [2] - 125:14,
 126:14
crime [1] - 8:21
Crime [24] - 5:5, 5:6,
 5:25, 6:8, 12:21,
 13:11, 13:14, 13:16,
 28:15, 38:24, 41:15,
 41:25, 49:6, 49:8,
 50:15, 50:20, 50:21,
 51:14, 51:17, 51:22,
 76:16, 110:22,
 170:18, 281:21
crimes [2] - 155:9,
 215:3
criminal [11] - 71:11,
 71:12, 72:7, 72:17,
 102:9, 131:24,
 132:14, 133:5,

134:11, 134:13, 297:4
Criminal [10] - 9:1,
 93:2, 94:3, 94:10,
 131:22, 133:22,
 134:10, 291:5,
 294:15, 296:18
crisis [2] - 6:25, 12:1
criteria [5] - 207:12,
 207:14, 207:16,
 254:13, 254:19
critical [3] - 187:13,
 290:11, 292:13
criticized [2] - 187:7,
 187:16
critiqued [1] - 63:25
Cross [16] - 2:9,
 69:13, 162:23, 213:9,
 246:5, 293:19,
 298:19, 303:7, 1:5,
 1:6, 1:7, 1:8, 1:9,
 1:10, 1:11, 2:21
cross [10] - 35:20,
 86:13, 86:22, 104:19,
 157:24, 203:20,
 204:2, 263:14,
 263:16, 288:13
Cross-exam [7] -
 1:5, 1:6, 1:7, 1:8, 1:9,
 1:10, 1:11
cross-examination
 [2] - 86:13, 104:19
Cross-examination
 [7] - 2:9, 69:13,
 162:23, 213:9, 246:5,
 293:19, 298:19
cross-examine [3] -
 157:24, 203:20, 204:2
Crossin [6] - 102:19,
 102:20, 103:8,
 103:15, 105:8, 105:12
Crossin's [4] -
 103:18, 104:7, 105:5,
 105:17
Crown [35] - 16:24,
 29:22, 31:4, 31:11,
 36:3, 37:7, 37:20,
 60:18, 61:11, 72:5,
 72:16, 101:15, 102:8,
 140:17, 140:20,
 141:16, 141:19,
 142:6, 142:10,
 142:19, 142:20,
 142:22, 143:14,
 143:25, 144:5,
 144:11, 144:12,
 144:19, 144:25,
 147:4, 148:6, 148:14,
 149:5, 150:8, 150:18
Crown's [1] - 37:18
crucial [1] - 234:15

cruelty [1] - 137:24
crystal [1] - 35:24
culture [1] - 131:21
cumulative [1] -
 57:17
curious [1] - 212:22
current [4] - 107:5,
 107:10, 145:13,
 160:24
curriculum [1] - 2:11
Curriculum [2] -
 10:15, 2:5
custody [1] - 128:21
cut [2] - 130:23,
 157:17
Cv [2] - 10:8, 216:20

D

daily [5] - 163:17,
 163:18, 190:6, 190:8,
 190:11
dais [1] - 77:21
Damn [1] - 8:24
dance [2] - 108:18,
 113:20
dark [1] - 283:17
Dartmouth [2] - 3:24,
 4:2
Daryll [4] - 2:7,
 45:20, 227:12, 1:3
date [24] - 30:22,
 33:4, 33:13, 70:1,
 73:25, 124:10, 125:2,
 125:9, 130:11, 142:1,
 163:22, 164:5, 168:8,
 188:22, 190:25,
 205:11, 213:17,
 213:19, 232:15,
 232:24, 233:22,
 235:13, 241:13, 300:9
Date [1] - 240:15
dated [6] - 11:19,
 235:12, 239:15,
 241:9, 263:8, 271:13
Dated [1] - 97:15
dates [4] - 46:3,
 46:18, 125:1, 164:4
dating [1] - 167:10
daughters [1] - 31:3
Dave [5] - 100:18,
 100:22, 100:25,
 270:18, 271:7
David [6] - 102:4,
 102:20, 136:3, 137:3,
 137:4, 269:13
Davidson [7] - 75:3,
 75:4, 75:16, 170:22,
 261:11, 271:3, 273:8
Dawn [2] - 125:14,

126:14
days [12] - 15:9,
 22:5, 27:4, 92:2,
 156:16, 184:8,
 233:15, 233:17,
 286:9, 286:18, 291:15
daytime [1] - 156:17
Dc [1] - 165:10
de [1] - 150:16
deal [15] - 1:19, 2:25,
 14:19, 81:21, 153:19,
 158:19, 175:24,
 176:19, 287:14,
 292:2, 292:24,
 292:25, 293:13,
 293:15, 296:25
dealing [24] - 3:13,
 6:22, 8:20, 11:3,
 11:24, 13:10, 20:10,
 32:22, 55:2, 64:7,
 90:6, 103:1, 104:4,
 115:4, 158:16,
 168:23, 176:2,
 176:13, 176:20,
 177:6, 177:14,
 178:12, 249:6, 302:18
Dealing [1] - 4:21
dealings [1] - 169:11
deals [3] - 5:2,
 296:21, 297:3
dealt [8] - 45:13,
 45:14, 139:21,
 175:25, 203:7,
 219:17, 230:7
deaths [1] - 77:14
debriefing [1] -
 22:17
December [12] -
 10:25, 11:1, 91:24,
 101:12, 124:7, 125:2,
 125:9, 127:22, 128:6,
 245:13, 294:5
deception [3] -
 179:11, 179:13, 261:8
deceptive [1] -
 280:12
decide [3] - 181:8,
 227:6, 233:10
decided [10] - 19:13,
 159:20, 166:21,
 178:24, 180:12,
 193:11, 193:14,
 194:12, 210:18, 233:9
decision [12] - 15:19,
 33:11, 42:16, 49:7,
 148:10, 148:15,
 149:7, 149:11,
 180:25, 206:25,
 207:10, 267:7
decision-making [2]

- 15:19, 149:7
declining [1] - 36:2
deem [1] - 17:22
defence [2] - 4:2,
 140:22
defendants [1] -
 285:22
definitely [4] -
 163:25, 215:2,
 226:11, 278:24
degree [7] - 4:6,
 4:10, 71:19, 90:25,
 155:16, 184:1, 184:2
demand [1] -
 105:23
demonstrate [1] -
 288:6
demonstrates [1] -
 60:16
denial [2] - 295:18,
 295:22
denials [1] - 295:14
denied [2] - 154:10,
 203:11
Department [14] -
 14:23, 20:8, 21:23,
 66:11, 66:19, 74:4,
 128:23, 163:17,
 169:25, 170:13,
 227:24, 248:13,
 250:2, 275:19
department [4] -
 260:8, 269:6, 282:3,
 282:13
departure [1] - 43:3
depicts [1] - 106:11
deployed [4] - 39:4,
 266:21, 266:22, 298:6
deploying [1] - 28:2
deprivation [1] -
 157:23
depth [1] - 190:4
Deputy [22] - 73:18,
 130:17, 132:13,
 136:5, 172:2, 172:10,
 172:18, 173:20,
 246:18, 248:3,
 248:16, 249:8,
 251:11, 256:23,
 257:14, 261:19,
 262:5, 262:9, 278:12,
 279:5, 283:23, 290:8
deputy [4] - 70:15,
 70:23, 71:12, 251:10
describe [1] - 230:13
described [8] - 89:5,
 108:3, 114:19,
 124:22, 127:25,
 219:19
describes [1] -

197:19
Description [1] - 2:3
description [2] - 31:16, 211:5
desk [1] - 58:6
despite [2] - 149:17, 289:18
destroy [1] - 166:19
destroyed [2] - 166:18, 167:7
detachment [13] - 81:5, 85:2, 92:7, 96:15, 107:12, 116:20, 121:18, 122:10, 126:1, 126:3, 135:2, 186:17, 232:1
Detachment [38] - 5:12, 21:6, 23:3, 25:8, 27:9, 28:12, 45:19, 76:10, 87:2, 99:16, 101:20, 102:12, 107:14, 107:18, 109:16, 116:24, 118:20, 126:19, 128:11, 164:17, 164:20, 165:2, 165:5, 165:24, 167:18, 167:21, 168:23, 169:20, 178:14, 180:18, 188:10, 189:3, 189:5, 193:18, 207:2, 215:1, 217:8, 275:1
detachments [1] - 53:16
detail [1] - 49:8
detailed [1] - 184:9
details [1] - 185:10
detective [1] - 6:2
Detective [10] - 39:13, 43:9, 43:15, 43:21, 44:19, 55:12, 74:1, 165:4, 239:12, 272:1
Detectives [1] - 38:5
determination [1] - 273:9
determine [2] - 66:7, 295:10
Determine [2] - 272:6, 272:9
determined [1] - 125:12
determining [1] - 18:10
detract [1] - 296:4
develop [3] - 48:13, 62:3, 73:14
developed [5] - 8:5, 108:15, 113:17,

271:1, 271:22
developing [4] - 9:7, 15:18, 15:23, 274:8
development [1] - 107:1
developments [1] - 18:6
devices [1] - 27:20
devote [1] - 174:18
devoted [1] - 50:22
Df [1] - 102:4
dialed [1] - 27:19
Dicks [2] - 287:24, 288:7
difference [5] - 66:3, 250:24, 278:3, 285:1, 298:8
Different [1] - 264:8
different [10] - 82:3, 88:5, 146:25, 174:25, 182:13, 223:23, 223:24, 234:19, 297:23
differently [1] - 221:23
difficult [6] - 28:6, 86:14, 118:10, 136:20, 284:8, 303:9
difficulty [2] - 19:24, 147:3
diffusing [1] - 6:23
direct [8] - 2:14, 50:15, 54:11, 74:8, 74:23, 127:23, 145:17, 298:16
directed [5] - 9:16, 111:22, 213:11, 237:12, 293:20
direction [5] - 36:1, 157:11, 180:5, 180:7, 194:13
directly [1] - 110:5
director [1] - 7:14
directors [1] - 101:5
directs [1] - 20:3
disagree [1] - 260:23
disagreed [1] - 263:21
disappearance [2] - 179:22, 239:23
disappearances [2] - 150:17, 175:7
disappointed [3] - 262:5, 291:22, 291:24
disappointing [2] - 58:16, 61:22
disbelief [1] - 279:13
discarded [1] - 167:7
disclose [2] - 32:12, 295:22

disclosed [11] - 32:4, 32:11, 32:18, 34:3, 34:8, 34:14, 36:4, 96:24, 97:1, 124:9, 279:17
discloses [1] - 104:15
disclosure [3] - 35:15, 140:22, 161:21
disclosures [1] - 120:16
discovered [3] - 93:19, 131:3, 271:8
discuss [3] - 36:11, 45:10, 47:13
discussed [10] - 36:22, 76:9, 165:16, 200:24, 212:11, 232:22, 257:22, 270:23, 285:3
discussing [3] - 50:17, 257:17, 272:10
discussion [3] - 33:6, 150:20, 207:4
discussions [5] - 76:13, 232:10, 289:14, 289:19, 291:11
disparagingly [1] - 125:25
dispatched [1] - 168:16
dispelled [1] - 121:6
dispensing [1] - 115:13
disposal [2] - 31:7, 31:18
dispute [1] - 133:7
disrepute [1] - 295:20
distinction [1] - 262:9
distinguish [1] - 267:2
distinguishing [1] - 262:13
distribute [1] - 200:19
distributed [2] - 200:15, 200:16
distribution [1] - 104:21
disturbed [1] - 82:21
Ditchfield [6] - 26:1, 111:1, 112:3, 112:17, 156:8, 157:1
Ditchfield's [3] - 111:6, 111:17, 113:7
division [2] - 28:24, 170:18

Division [14] - 5:25, 9:13, 9:16, 11:20, 11:21, 12:1, 23:18, 26:17, 28:15, 42:19, 70:15, 76:15, 242:8, 295:6
divisional [4] - 26:11, 27:18, 38:25, 295:6
Dna [3] - 242:18, 271:19, 272:24
Document [2] - 139:6, 2:12
document [33] - 1:14, 1:16, 1:19, 10:10, 10:12, 35:3, 41:7, 68:11, 73:23, 97:9, 99:18, 101:8, 104:14, 135:21, 136:23, 138:10, 138:21, 139:3, 146:15, 147:1, 147:12, 150:24, 240:4, 241:3, 241:5, 250:22, 252:19, 256:17, 257:1, 257:9, 261:13
documentary [1] - 30:8
documentation [4] - 21:12, 60:15, 64:11, 219:18
Documents [3] - 96:23, 303:6, 2:21
documents [32] - 1:17, 30:8, 31:15, 33:1, 33:8, 43:6, 97:7, 98:2, 102:18, 103:6, 103:25, 104:11, 104:12, 105:13, 105:25, 138:13, 158:8, 160:1, 164:10, 164:12, 164:13, 165:18, 165:20, 198:18, 235:10, 250:14, 256:14, 289:1, 300:3, 301:4, 301:5, 2:8
dog [3] - 132:6, 132:8, 138:7
dog-fighting [1] - 132:6
Dogs [1] - 132:3
Doj [3] - 160:18, 165:16, 167:15
Dominion [8] - 98:22, 106:12, 106:15, 107:13, 110:1, 119:11, 132:18, 133:24

Don [1] - 253:13
done [54] - 28:9, 60:6, 61:5, 62:2, 62:20, 64:19, 64:20, 66:8, 68:5, 75:15, 78:19, 136:13, 137:6, 137:9, 140:24, 141:25, 146:8, 176:8, 199:22, 212:25, 216:5, 220:17, 223:14, 233:11, 233:12, 233:21, 234:25, 246:11, 252:13, 253:19, 253:24, 254:6, 254:10, 254:16, 257:15, 257:16, 258:8, 258:9, 258:12, 258:20, 264:20, 266:14, 268:1, 268:7, 268:8, 268:11, 268:19, 270:8, 273:19, 278:7, 278:15, 280:25, 288:15, 297:21
Done [2] - 99:15, 99:16
door [1] - 229:13
doors [1] - 289:25
doubly [1] - 212:22
doubt [5] - 201:13, 201:18, 225:9, 225:11, 250:19
Doug [14] - 145:3, 145:11, 171:6, 172:11, 173:16, 174:9, 175:5, 206:21, 209:4, 209:7, 209:25, 211:9, 212:3, 287:1
Douglas's [1] - 211:2
down [30] - 4:14, 7:10, 12:6, 96:13, 99:23, 100:8, 101:13, 104:6, 104:16, 109:6, 114:22, 119:14, 130:22, 135:1, 135:11, 156:21, 157:12, 185:20, 200:2, 207:14, 212:5, 228:23, 235:18, 252:21, 271:7, 274:19, 286:13, 287:7, 297:1
downtown [2] - 152:19, 254:1
Downtown [18] - 18:19, 55:13, 55:18, 109:10, 114:17, 114:25, 125:8, 140:3, 152:10, 153:4,

153:19, 153:25,
154:22, 155:5,
159:17, 231:13,
264:13, 268:17
dozen [3] - 123:12,
123:13, 275:21
dozens [1] - 131:3
draft [4] - 8:6,
197:15, 220:3, 220:20
dragged [1] - 4:14
drawn [1] - 18:4
drew [2] - 262:9,
262:11
drive [1] - 46:10
driving [2] - 79:15,
183:20
dropped [2] - 144:7,
211:14
dropping [1] -
143:25
drove [1] - 80:18
Drug [1] - 5:4
drug [4] - 115:4,
276:23, 277:4
drugs [2] - 104:21,
276:11
Drugs [1] - 12:17
dry [2] - 276:10,
276:17
Dryden [1] - 3:25
drying [1] - 277:3
due [5] - 1:6, 1:13,
2:15, 67:2, 88:15
During [1] - 208:22
during [15] - 14:12,
17:3, 18:14, 57:15,
77:3, 82:3, 107:17,
109:5, 136:13,
156:16, 177:4,
183:15, 244:4, 261:9,
269:20
duties [4] - 12:14,
49:8, 72:12, 157:22
duty [4] - 105:11,
128:13, 151:1, 221:4
dynamics [1] - 258:5

E

e-mail [7] - 249:18,
250:16, 250:24,
251:9, 251:11,
255:20, 256:16
e-mailed [2] -
249:15, 251:8
e-mailing [1] -
249:21
Earl [9] - 2:5, 2:13,
10:15, 76:11, 108:3,
148:8, 227:13, 1:4,

2:5
early [7] - 83:12,
152:16, 214:25,
265:24, 268:15,
268:23, 297:14
earth [1] - 132:9
East [2] - 100:1,
100:10
east [1] - 135:1
Eastside [18] - 18:19,
55:13, 55:19, 109:10,
114:17, 114:25,
125:8, 140:4, 152:10,
153:4, 153:19,
153:25, 154:22,
155:5, 159:18,
231:13, 264:13,
268:17
eat [1] - 256:6
Eco [1] - 161:1
education [3] - 2:25,
3:21, 4:5
educational [1] - 3:4
effect [8] - 30:10,
57:17, 70:11, 119:17,
126:4, 189:22,
262:19, 296:13
effectively [2] - 31:3,
260:5
effort [8] - 37:12,
41:16, 42:1, 135:23,
264:25, 265:18,
265:20, 271:18
efforts [8] - 85:15,
85:19, 104:5, 104:15,
111:22, 112:4,
117:23, 291:25
eight [2] - 29:17,
285:18
either [15] - 3:13,
21:7, 29:24, 34:18,
36:18, 57:9, 102:17,
111:9, 125:13, 154:5,
167:1, 188:6, 191:12,
284:13, 284:14
Elderberry [6] -
241:9, 241:25, 242:7,
242:10, 295:2, 295:4
electronic [2] - 23:9,
27:19
elementary [1] -
119:8
elephant [2] - 80:3,
80:8
elevates [1] - 273:22
eliciting [1] - 62:15
Ellingsen [101] -
43:9, 44:9, 44:24,
45:15, 46:20, 46:25,
48:8, 52:15, 52:19,

58:23, 59:17, 150:3,
158:13, 160:11,
162:17, 163:15,
167:22, 175:10,
176:24, 177:13,
178:11, 178:17,
179:3, 179:5, 180:11,
180:15, 181:24,
183:1, 183:4, 183:9,
183:20, 184:21,
184:25, 185:6,
185:12, 186:8,
187:24, 188:4, 188:7,
188:13, 188:19,
189:2, 189:7, 189:14,
191:12, 191:16,
191:24, 193:7,
194:25, 195:13,
199:9, 201:24,
202:17, 202:23,
203:6, 203:8, 205:2,
206:1, 208:20,
208:25, 211:23,
212:10, 212:11,
212:17, 222:3,
222:10, 222:16,
224:10, 226:10,
226:14, 226:18,
228:1, 228:21,
229:21, 230:7,
238:15, 240:17,
243:11, 244:18,
244:25, 260:2,
260:14, 260:18,
270:22, 272:9,
272:12, 273:12,
273:18, 273:21,
273:25, 274:18,
277:12, 278:6,
280:10, 295:14,
298:10, 299:16,
299:21, 300:15,
300:17, 2:18
Ellingsen's [3] -
164:15, 178:9, 208:22
elsewhere [1] -
73:10
embarking [1] -
121:13
emerge [1] - 101:10
emergency [1] -
26:17
emerging [1] - 79:20
employed [4] -
69:19, 117:1, 118:19,
278:20
employee [5] -
116:19, 116:20,
117:2, 121:11, 249:19
employees [1] -

11:20
enable [1] - 157:22
enabled [2] - 85:15,
88:22
encounter [1] -
95:23
encountered [1] -
83:4
encouraging [1] -
278:18
End [2] - 100:1,
100:10
end [6] - 27:5, 28:7,
65:2, 131:25, 211:15,
229:24
endeavour [1] -
284:8
ended [1] - 217:15
ends [1] - 45:4
Enforcement [1] -
110:21
enforcement [3] -
137:6, 145:16, 289:15
enforcing [1] -
101:16
engaged [3] - 94:12,
116:14, 152:17
England [1] - 8:14
English [1] - 2:12
ensure [7] - 26:24,
37:7, 59:6, 64:19,
105:11, 144:10, 155:7
ensuring [2] - 37:5,
274:25
entailed [1] - 136:18
enter [1] - 46:9
entered [1] - 16:24
entire [10] - 44:20,
70:11, 97:1, 104:4,
119:7, 152:25,
161:18, 251:25,
258:5, 302:8
entirely [6] - 17:9,
59:1, 64:14, 69:22,
156:20, 176:22
entitled [4] - 120:10,
139:6, 145:9, 2:12
entreaties [1] - 31:11
entry [7] - 8:3, 25:7,
41:10, 41:13, 41:23,
43:20, 167:15
episode [1] - 184:4
equipment [2] -
115:14, 122:4
era [1] - 71:13
errors [1] - 248:10
Ert [1] - 16:7
escapes [1] - 143:21
especially [4] -
28:24, 30:25, 124:4,

134:1
essence [1] - 297:8
Essentially [1] -
102:7
essentially [11] -
15:5, 26:23, 33:3,
58:17, 64:23, 79:6,
89:10, 108:16,
113:18, 165:18,
211:16
establish [2] - 19:17,
48:5
estates [1] - 4:13
estimate [2] -
158:25, 159:2
estimation [1] -
300:21
etcetera [2] - 19:18,
56:4
ethnic [1] - 140:5
evaluation [1] -
63:20
Evans [49] - 1:7, 2:2,
53:6, 57:24, 58:22,
58:23, 64:7, 64:12,
67:1, 67:18, 67:23,
69:7, 73:18, 73:25,
74:22, 75:2, 76:8,
76:12, 76:17, 77:1,
77:9, 77:12, 79:4,
79:25, 80:2, 80:8,
80:21, 81:2, 81:7,
84:12, 84:14, 85:7,
87:21, 136:5, 146:13,
147:24, 148:18,
165:10, 172:3,
172:10, 172:18,
173:20, 215:4,
215:23, 218:3,
219:19, 226:13,
278:12, 290:8
Evans' [1] - 146:14
Eve [6] - 99:20,
125:10, 127:8,
127:20, 129:15, 294:5
Evenhanded [13] -
81:5, 85:2, 87:13,
87:20, 88:23, 127:13,
139:2, 209:5, 209:12,
209:14, 210:1,
273:25, 2:11
Evenhanded's [1] -
87:7
evening [2] - 125:17,
287:11
event [6] - 19:13,
49:24, 121:1, 223:3,
298:12, 302:12
events [5] - 132:17,
133:18, 134:10,

235:23, 249:7
eventual [1] - 88:11
Eventually [2] -
 53:19, 63:25
eventually [1] -
 46:16
evidence [109] -
 1:21, 17:16, 22:6,
 30:5, 30:9, 30:15,
 30:22, 31:6, 32:5,
 32:21, 33:10, 33:19,
 33:25, 34:3, 34:11,
 34:19, 35:25, 36:6,
 36:7, 37:17, 39:13,
 39:21, 45:25, 46:1,
 48:13, 53:9, 57:21,
 59:5, 59:11, 59:13,
 61:25, 62:15, 69:17,
 72:22, 73:4, 78:4,
 78:11, 83:18, 90:20,
 91:3, 94:20, 96:4,
 104:24, 133:13,
 134:5, 134:9, 134:16,
 142:15, 142:19,
 142:22, 148:25,
 149:15, 152:16,
 156:5, 163:16, 164:2,
 164:14, 165:9,
 165:21, 178:25,
 188:16, 190:5,
 196:16, 197:2, 197:3,
 203:23, 204:16,
 215:7, 227:2, 227:3,
 227:23, 228:9,
 238:10, 241:23,
 243:13, 244:18,
 247:16, 247:21,
 248:3, 248:24,
 255:22, 257:24,
 258:7, 259:2, 262:3,
 266:7, 268:10,
 268:12, 269:1,
 274:15, 274:16,
 274:24, 276:5,
 280:18, 283:13,
 283:20, 284:6, 287:5,
 287:12, 287:13,
 288:23, 289:3, 289:4,
 289:10, 290:9,
 298:11, 302:7
evident [1] - 31:5
exact [2] - 213:17,
 225:18
exactly [13] - 7:15,
 23:23, 35:14, 73:11,
 120:17, 155:10,
 155:17, 202:3,
 224:13, 283:10,
 283:13, 288:5, 296:3
Exactly [9] - 13:18,

21:21, 22:10, 38:2,
 135:12, 138:5, 264:3,
 274:5, 298:2
exam [8] - 4:13, 1:5,
 1:6, 1:7, 1:8, 1:9,
 1:10, 1:11
examination [16] -
 2:9, 35:21, 69:13,
 86:13, 86:23, 104:19,
 162:23, 213:9, 246:5,
 283:2, 283:4, 288:14,
 292:3, 293:15,
 293:19, 298:19
examine [4] -
 157:24, 203:20,
 204:2, 236:25
examiners [1] -
 159:9
examining [1] -
 161:13
example [8] -
 102:24, 103:7,
 217:16, 252:16,
 253:7, 264:16,
 279:16, 287:24
exceed [1] - 285:4
exceptions [1] -
 261:7
excerpt [1] - 131:22
Excerpt [2] - 162:18,
 2:19
excerpts [1] - 158:15
excited [1] - 291:2
exculpatory [3] -
 48:2, 48:16, 68:2
Excused [1] - 303:20
execute [1] - 73:16
executed [3] - 53:13,
 53:18, 54:1
execution [2] -
 110:10, 111:7
exercised [1] -
 206:17
exhausted [1] -
 235:25
Exhibit [51] - 1:7,
 1:8, 1:12, 10:14,
 10:15, 11:9, 24:3,
 24:16, 34:22, 35:7,
 41:3, 43:5, 62:24,
 69:18, 105:24,
 105:25, 106:3, 106:8,
 106:9, 107:9, 107:22,
 113:13, 117:6, 139:1,
 139:6, 153:12,
 153:13, 153:20,
 162:13, 162:15,
 162:16, 162:17,
 162:18, 175:10,
 294:25, 300:2, 301:8,

301:23, 303:6, 2:5,
 2:8, 2:10, 2:12, 2:14,
 2:16, 2:17, 2:18, 2:19,
 2:21
exhibit [19] - 1:14,
 10:8, 11:6, 11:7,
 11:11, 34:21, 34:23,
 35:4, 103:12, 103:25,
 105:21, 138:11,
 146:16, 147:9,
 153:14, 301:9,
 301:22, 302:15
Exhibits [1] - 2:1
exhibits [11] - 107:3,
 158:8, 160:2, 161:3,
 161:7, 161:22, 162:4,
 162:7, 216:3, 216:12,
 301:7
exist [2] - 32:3, 54:24
existed [3] - 196:17,
 225:5, 225:14
exists [1] - 32:17
expanded [3] -
 238:21, 243:5, 243:12
expect [11] - 47:21,
 47:24, 48:20, 69:15,
 111:22, 112:1, 112:8,
 115:7, 127:12,
 288:12, 289:25
expectation [1] -
 233:5
expected [6] - 42:5,
 232:1, 286:22, 287:5,
 287:10, 288:19
expecting [1] -
 229:13
expedite [1] - 158:7
experience [17] - 5:2,
 7:1, 14:20, 16:5,
 20:19, 29:3, 57:5,
 57:18, 65:21, 111:21,
 197:25, 198:14,
 198:17, 214:18,
 214:19, 214:22
experienced [3] -
 28:25, 194:21, 253:13
expert [4] - 277:23,
 278:2, 278:8
experts [2] - 131:16,
 131:18
explain [2] - 31:10,
 237:4
explanation [1] -
 289:8
explore [1] - 261:6
explored [1] - 261:21
exposed [1] - 255:9
expressed [1] -
 257:14
expressing [1] -

291:2
expression [2] -
 134:15, 289:18
expunged [8] -
 30:13, 31:15, 32:4,
 32:12, 34:10, 34:13,
 34:24, 34:25
extend [1] - 85:18
extensive [2] - 58:8,
 112:16
extent [8] - 32:11,
 67:11, 78:19, 104:23,
 134:14, 136:8, 191:7,
 274:20
external [1] - 23:2
extorting [1] -
 272:10
extra [1] - 215:16
extracted [1] -
 227:15
extraordinary [1] -
 155:11
extremely [1] -
 291:24
extremists [1] -
 95:16
eye [1] - 209:13
eyes [1] - 256:6

F

facet [1] - 5:3
facetious [2] -
 177:25, 178:1
facilitate [2] - 37:13,
 144:15
facilitated [1] -
 128:24
facsimile [1] - 97:15
fact [55] - 2:16, 5:17,
 6:1, 19:5, 19:10,
 21:14, 28:16, 28:22,
 37:8, 55:11, 59:20,
 63:8, 81:15, 89:10,
 93:5, 98:11, 110:6,
 117:3, 127:1, 128:1,
 130:24, 131:19,
 133:15, 134:4,
 136:12, 143:5,
 148:12, 195:23,
 196:1, 203:24,
 212:25, 218:7, 219:5,
 222:13, 223:8,
 223:18, 224:1,
 241:22, 250:5,
 262:17, 262:24,
 263:23, 264:19,
 269:7, 270:17,
 270:21, 270:25,
 271:3, 271:6, 277:5,

277:7, 278:5, 285:11,
 285:16, 293:8
factor [1] - 258:24
factoring [2] -
 258:19, 258:22
factual [2] - 197:13,
 209:9
fail [3] - 59:7, 59:8,
 274:13
failed [9] - 60:5,
 63:8, 65:15, 67:17,
 124:5, 130:5, 142:10,
 152:12, 244:21
fails [2] - 45:7, 215:3
Fair [11] - 51:9,
 52:22, 72:13, 89:25,
 90:3, 92:16, 102:13,
 126:22, 133:4, 302:23
fair [12] - 44:24,
 48:14, 63:20, 73:5,
 79:8, 93:14, 231:20,
 235:21, 246:13,
 257:21, 260:10, 292:7
fairly [2] - 60:25,
 138:17
fairness [4] - 61:4,
 158:1, 203:21, 292:20
fall [4] - 17:10, 157:5,
 265:9, 281:19
false [7] - 48:18,
 60:16, 64:11, 178:9,
 179:2, 179:4, 180:1
falsehoods [1] -
 48:18
familiar [10] - 113:6,
 118:4, 120:3, 121:12,
 126:8, 139:17,
 142:15, 142:16,
 145:4, 165:18
familiarity [1] -
 247:20
familiarized [1] -
 219:25
families [4] - 30:2,
 69:14, 126:14, 283:8
family [5] - 119:19,
 123:17, 256:11,
 285:5, 287:18
far [12] - 15:13, 30:7,
 51:9, 104:1, 104:24,
 152:19, 160:25,
 169:16, 171:3,
 220:19, 233:8, 244:24
farm [15] - 23:25,
 46:7, 62:13, 92:22,
 106:12, 124:13,
 131:1, 131:6, 213:24,
 214:8, 223:10,
 242:13, 262:1,
 275:12, 294:19

farmer [2] - 150:15, 153:24
fashion [2] - 266:21, 266:23
fashioned [1] - 13:17
fast [3] - 49:21, 147:19, 147:20
father [1] - 3:7
fault [2] - 67:14, 88:5
favour [1] - 146:1
faxes [1] - 96:17
Fbi [2] - 8:16, 211:6
feasible [1] - 57:11
February [37] - 18:1, 18:18, 50:3, 50:22, 51:6, 85:12, 85:16, 88:6, 88:24, 93:10, 93:15, 110:10, 115:19, 116:13, 123:20, 124:11, 127:12, 130:14, 130:19, 137:5, 142:4, 149:18, 209:23, 241:10, 268:19, 269:23, 270:7, 270:8, 270:19, 271:14, 274:14, 295:2, 298:22, 299:1, 299:4
feedback [3] - 172:12, 172:21, 173:17
feelings [1] - 150:22
felt [10] - 118:5, 120:4, 208:9, 228:9, 248:2, 248:8, 248:22, 278:1, 278:5, 280:12
females [2] - 241:17, 242:24
fence [1] - 280:14
few [15] - 51:20, 96:8, 97:3, 98:17, 98:20, 125:5, 128:3, 156:16, 250:14, 259:25, 281:7, 286:12, 286:19, 294:6
Field [3] - 56:25, 170:8, 170:10
fighters [1] - 132:8
fighting [5] - 131:2, 131:7, 132:3, 132:6, 138:7
Fighting [1] - 52:17
fighths [1] - 137:13
figure [1] - 48:11
file [137] - 2:1, 14:18, 16:9, 16:10, 16:13, 16:18, 17:4, 17:25, 18:4, 18:5, 20:2, 20:4, 20:9, 21:16, 24:13, 29:10, 32:6, 33:3,

36:23, 37:20, 38:23, 39:10, 48:3, 49:1, 49:10, 51:10, 52:3, 57:21, 57:22, 60:19, 64:9, 64:16, 66:12, 66:24, 66:25, 68:5, 75:22, 77:22, 79:21, 80:2, 80:3, 80:11, 80:13, 80:14, 81:12, 82:5, 82:13, 97:1, 97:4, 102:3, 103:8, 103:18, 104:4, 105:14, 111:2, 138:1, 138:2, 139:24, 141:2, 141:23, 142:9, 142:19, 142:20, 144:5, 151:12, 155:13, 155:18, 188:23, 190:6, 190:9, 190:12, 191:16, 198:4, 198:7, 199:11, 199:13, 199:21, 199:23, 201:10, 206:18, 206:23, 207:2, 207:6, 207:11, 213:15, 213:18, 213:21, 213:22, 214:1, 215:25, 216:10, 216:15, 216:17, 216:19, 217:11, 217:20, 218:13, 219:13, 219:21, 220:1, 220:17, 220:18, 220:21, 220:22, 221:3, 221:11, 221:18, 222:2, 222:10, 230:8, 242:8, 244:5, 244:8, 245:10, 245:14, 254:17, 257:17, 260:23, 270:9, 271:13, 273:14, 275:2, 278:9, 279:10, 281:6, 281:16, 282:2, 282:3, 282:8, 287:21, 287:22, 294:9, 298:8
files [8] - 57:18, 136:14, 138:6, 198:15, 198:18, 215:1, 270:5, 288:20
filing [3] - 105:15, 158:8, 158:22
Filipino [2] - 92:21, 124:12
Filipinos [1] - 134:20
fill [1] - 42:5
final [3] - 31:19, 104:18, 255:5
Finally [1] - 298:3

finally [5] - 38:10, 68:4, 81:9, 85:4, 300:24
financial [4] - 12:1, 18:13, 19:25, 281:5
fine [4] - 52:20, 129:19, 162:9, 162:12
Fine [2] - 138:20, 199:19
finish [1] - 290:6
finished [3] - 4:16, 91:10, 255:1
Fire [1] - 115:15
firearms [1] - 91:8
firm [3] - 102:19, 104:7
firm's [3] - 105:6, 105:8, 105:17
First [9] - 7:11, 8:2, 8:4, 8:8, 32:2, 53:6, 124:8, 293:21, 301:1
first [63] - 2:15, 2:25, 8:6, 11:25, 15:14, 15:15, 22:10, 24:22, 68:9, 73:24, 83:3, 88:3, 89:23, 96:11, 97:2, 97:3, 99:3, 106:7, 108:2, 108:12, 113:14, 124:10, 136:24, 137:1, 147:10, 148:17, 152:1, 154:9, 154:11, 154:20, 158:10, 160:11, 168:2, 168:12, 168:16, 175:19, 184:17, 185:15, 186:11, 186:12, 187:10, 188:7, 188:9, 191:6, 196:13, 199:14, 218:6, 221:19, 221:24, 222:1, 222:9, 241:12, 247:5, 253:8, 256:13, 256:18, 257:5, 270:7, 272:24, 278:16, 298:20, 299:6
firsthand [2] - 133:22, 134:9
firstly [4] - 123:19, 214:4, 231:24, 257:22
Firstly [1] - 84:3
fiscal [1] - 19:21
fit [1] - 211:5
five [6] - 136:24, 137:1, 160:1, 245:21, 246:1, 288:10
flap [2] - 139:7, 2:13
flare [1] - 44:23
flare-up [1] - 44:23
flip [5] - 97:3,

236:14, 240:9, 253:7, 269:5
Flip [1] - 271:10
flipping [1] - 236:17
flood [1] - 66:4
focus [5] - 73:13, 73:14, 84:2, 185:20, 231:14
focused [2] - 85:23, 288:14
follow [6] - 33:17, 94:20, 121:15, 186:6, 186:7, 294:8
followed [4] - 33:8, 150:4, 192:22, 253:4
following [5] - 76:7, 124:1, 151:8, 191:8, 260:18
follows [1] - 133:21
foolish [1] - 110:17
Force [4] - 26:2, 26:8, 27:8, 157:4
force [9] - 54:12, 54:23, 55:5, 59:4, 70:12, 93:18, 155:14, 167:1, 259:22
forced [1] - 92:3
forces [3] - 14:21, 14:22, 15:15
Forces [1] - 110:21
forcible [2] - 139:14, 144:1
foreclosed [1] - 57:14
foregoing [1] - 304:3
Forensic [1] - 242:19
forgive [1] - 43:2
forgot [1] - 11:5
forgotten [1] - 270:6
Form [1] - 88:13
form [2] - 35:15, 220:6
formal [2] - 13:2, 32:24
formalized [1] - 14:25
formally [2] - 12:11, 290:7
former [6] - 115:1, 130:16, 130:17, 132:13, 152:25, 159:20
forms [1] - 160:24
forth [7] - 35:15, 79:15, 122:6, 134:2, 158:22, 232:10, 256:15
forthcoming [1] - 282:21
fortunate [1] - 267:1

forward [22] - 11:6, 31:2, 33:16, 36:21, 51:10, 52:23, 63:18, 121:15, 150:14, 151:15, 151:21, 154:3, 178:15, 178:16, 195:5, 195:24, 198:9, 210:25, 259:1, 261:4, 272:20, 275:23
foundation [5] - 57:23, 103:5, 142:23, 143:1, 143:3
four [18] - 1:23, 2:3, 15:9, 25:11, 55:19, 71:16, 90:4, 90:6, 90:15, 115:18, 123:24, 141:17, 154:2, 157:24, 268:14, 268:22, 286:18, 293:17
frail [2] - 88:20, 156:22
frailty [1] - 110:7
frame [9] - 14:12, 79:6, 79:10, 82:3, 85:18, 107:2, 107:17, 142:5, 295:25
framed [2] - 89:16
frames [2] - 56:3, 112:1
Francis [3] - 102:4, 136:3, 137:4
Frank [2] - 2:6, 1:3
frankly [1] - 230:18
Fraud [1] - 12:15
free [2] - 90:5, 154:1
freely [2] - 254:15, 258:2
frenzy [1] - 124:15
frequent [1] - 137:12
frequented [6] - 55:13, 98:24, 99:9, 109:7, 128:12, 134:20
frequently [1] - 143:19
friction [7] - 172:12, 172:21, 173:18, 173:21, 174:12, 174:14, 174:16
Friday [9] - 22:7, 25:17, 25:18, 55:14, 283:11, 284:16, 286:6, 286:20, 291:8
friend [23] - 30:14, 36:10, 72:24, 73:23, 100:15, 119:19, 123:8, 154:15, 161:1, 161:17, 168:9, 186:18, 196:9, 203:2,

220:2, 235:17,
237:11, 255:11,
256:10, 283:15,
283:16, 298:25,
300:25
friend's [2] - 30:19,
35:20
friends [5] - 32:13,
34:18, 92:21, 160:17,
283:9
front [17] - 33:1,
57:2, 93:13, 106:4,
125:4, 125:6, 128:4,
131:1, 153:16,
203:16, 203:19,
204:1, 204:3, 216:20,
250:14, 269:9, 277:18
frustrating [1] -
284:7
frustration [2] -
284:21, 291:2
fulfil [2] - 151:1,
157:22
full [4] - 156:12,
186:18, 193:18, 228:7
full-on [1] - 186:18
full-scale [1] -
156:12
fully [4] - 63:7,
183:4, 194:1, 197:5
function [2] - 177:17,
177:24
functions [3] -
108:17, 109:14,
113:19
fund [2] - 26:17
furtherance [1] -
140:15
Futures [1] - 8:17

G

gain [1] - 278:21
game [1] - 233:17
gameplan [1] -
270:10
Gang [1] - 104:22
gap [2] - 117:20,
117:21
Gary [2] - 26:4, 38:25
gas [1] - 287:25
gather [2] - 19:18,
21:16
gatherings [2] -
98:12, 129:3
general [6] - 29:25,
36:19, 37:1, 149:9,
221:4, 234:20
General [5] - 102:2,
168:4, 170:15,

170:25, 192:13
generally [6] - 8:1,
31:21, 116:16,
207:19, 233:10,
287:21
generate [1] - 261:14
generated [1] - 107:6
generosity [1] -
300:16
gentlemen [1] -
158:3
germane [2] - 124:19
Giles [3] - 96:20,
160:1, 281:4
Gina [5] - 47:6,
87:23, 88:2, 88:5,
231:25
girls [7] - 176:3,
176:14, 176:20,
177:14, 178:13,
181:10, 206:3
Gis [2] - 13:17, 50:21
gist [2] - 56:24,
252:11
given [29] - 16:13,
21:14, 30:5, 34:11,
35:25, 45:12, 68:19,
78:2, 78:3, 92:9,
112:8, 136:4, 136:23,
152:15, 154:23,
155:3, 160:4, 200:5,
247:18, 248:22,
252:2, 252:6, 254:16,
262:3, 266:13,
296:23, 298:11,
298:22, 301:2
Given [5] - 66:4,
154:20, 159:18,
266:12, 294:17
glad [1] - 81:19
glasses [1] - 41:21
Globe [5] - 93:9,
93:16, 130:9, 130:18,
138:11
goal [2] - 232:7,
234:13
gold [1] - 4:12
Golf [1] - 106:22
Government [7] -
30:9, 31:24, 120:13,
138:15, 160:19,
168:7, 235:2
Governor [1] - 95:11
Graham [1] - 102:1
granted [1] - 101:14
granting [1] - 30:7
grateful [1] - 69:11
Gratl [53] - 158:4,
158:5, 158:10,
158:19, 158:22,

159:17, 159:23,
160:1, 160:6, 160:8,
160:10, 160:14,
160:17, 161:8,
162:12, 162:22,
162:23, 168:19,
168:20, 173:12,
196:7, 196:9, 196:11,
196:19, 196:20,
196:25, 197:2,
197:12, 197:15,
197:19, 197:23,
201:15, 201:17,
203:5, 203:22, 204:4,
204:9, 204:11,
204:24, 205:1,
209:16, 209:18,
209:20, 209:24,
211:19, 211:20,
213:3, 213:4, 238:6,
290:7, 299:13, 1:7
great [2] - 153:19,
204:19
greater [1] - 104:24
green [3] - 250:23,
252:17, 270:6
Greig [3] - 81:16,
81:22, 81:25
ground [11] - 73:10,
81:10, 85:6, 85:15,
86:2, 87:10, 87:15,
88:8, 89:12, 90:19,
134:3
grounds [31] - 23:16,
29:24, 32:10, 33:23,
34:2, 37:4, 37:13,
46:15, 47:4, 48:23,
57:5, 58:19, 59:2,
62:3, 73:15, 87:10,
260:17, 262:18,
262:22, 263:1,
263:17, 263:25,
271:9, 295:16, 296:4,
296:7, 296:16,
296:21, 297:7, 297:9,
297:10

Group [2] - 8:18,
21:8
group [7] - 15:5,
15:7, 95:18, 124:12,
124:25, 200:11,
271:13
groups [3] - 174:7,
265:3, 268:19
grow [3] - 109:25,
110:5, 110:8
grow-op [3] - 109:25,
110:5, 110:8
guard [1] - 178:24
guess [12] - 63:5,

173:2, 175:18, 178:4,
194:9, 195:7, 214:6,
251:10, 261:7,
267:13, 277:22,
279:23
guidance [1] - 10:5
Gulbransen [22] -
29:22, 30:6, 30:11,
31:9, 31:16, 32:6,
32:20, 32:25, 33:5,
33:6, 33:12, 33:18,
33:21, 34:10, 36:1,
36:23, 91:3, 263:7,
264:5, 264:8, 301:2
Gulbransen's [1] -
32:2
guns [1] - 89:8
Gustafsen [2] - 6:23,
16:6
gutted [1] - 192:3
guy [5] - 79:8, 157:1,
211:3, 211:14, 231:10
guys [1] - 303:3

H

habits [1] - 214:13
half [9] - 67:13,
132:24, 134:25,
140:2, 157:8, 157:16,
157:17, 275:21,
286:18
halfway [2] - 235:9,
245:2
Hall [3] - 42:14,
42:22, 99:17
Halpenny [2] - 13:23,
42:12
Hammell [2] -
283:24, 287:15
hand [1] - 130:22
handcuffs [1] -
271:17
handed [1] - 219:12
handled [6] - 31:2,
54:15, 137:25, 214:1,
228:10, 254:12
handler [5] - 199:14,
199:15, 199:18,
199:22, 200:3
handlers [1] - 38:16
handling [2] -
260:23, 281:13
hands [4] - 16:13,
16:17, 93:11, 101:19
hands-on [2] - 16:13,
16:17
handwriting [1] -
177:24
handwritten [5] -

56:21, 56:23, 165:13,
165:23, 166:2
hang [2] - 68:21,
210:23
hanging [7] - 44:12,
154:4, 178:19,
191:25, 192:3, 202:8,
208:11
happy [4] - 61:6,
146:25, 178:5, 228:24
hard [1] - 93:11
hardly [1] - 291:15
Harvard [1] - 4:3
Hastings [2] - 140:9,
152:18
hatred [1] - 273:1
hatred...following
[1] - 271:23
Hazelton [1] - 7:9
head [5] - 82:16,
82:22, 83:8, 84:7,
109:18
heading [1] - 145:20
headquarters [2] -
170:18, 199:20
Headquarters [1] -
42:20
hear [6] - 58:16,
196:20, 222:25,
224:19, 284:15,
286:19
heard [34] - 13:22,
32:5, 33:25, 43:1,
45:25, 46:1, 47:15,
76:18, 78:6, 94:14,
95:14, 95:25, 96:1,
99:3, 127:6, 128:17,
152:16, 163:16,
178:23, 182:9,
188:16, 201:6, 228:9,
244:12, 246:7, 249:1,
251:15, 260:4,
264:10, 290:17,
290:19, 298:23, 299:6
hearing [15] - 1:4,
68:24, 69:3, 113:1,
113:4, 159:13,
159:16, 225:8,
227:23, 246:1, 246:4,
256:4, 283:12,
290:21, 303:21
hearing's [1] -
283:25
hearings [1] - 286:22
Heather [1] - 74:1
heck [1] - 291:6
held [6] - 7:11, 18:8,
45:9, 48:4, 70:3,
70:21
hell [1] - 80:20

| | | | | |
|---|---|---|---|--|
| <p>Hells ^[16] - 15:11, 98:23, 99:9, 100:10, 104:22, 109:8, 109:17, 109:25, 110:13, 111:10, 111:23, 112:6, 112:20, 114:15, 114:23, 124:23</p> <p>help ^[11] - 51:3, 52:8, 103:3, 111:2, 122:12, 164:24, 172:16, 174:2, 236:24, 245:6, 281:18</p> <p>helped ^[2] - 87:23, 259:1</p> <p>helpful ^[8] - 49:18, 184:5, 184:9, 225:1, 225:2, 230:10, 235:4, 264:11</p> <p>helpfully ^[1] - 237:12</p> <p>helping ^[3] - 183:21, 276:22, 277:3</p> <p>helps ^[2] - 215:22, 240:5</p> <p>Henderson ^[18] - 24:25, 29:4, 171:6, 171:23, 172:11, 172:19, 173:16, 174:10, 175:5, 206:21, 207:5, 208:18, 209:4, 209:8, 209:25, 211:9, 211:11, 239:19</p> <p>Henley ^[310] - 2:6, 24:16, 24:19, 24:21, 24:23, 25:4, 25:6, 25:10, 25:15, 38:23, 39:22, 91:13, 93:24, 115:22, 119:1, 126:17, 126:18, 128:10, 135:16, 159:21, 162:24, 163:1, 163:6, 163:8, 163:10, 163:20, 163:25, 164:3, 164:9, 164:12, 164:15, 164:17, 164:19, 164:23, 165:1, 165:6, 165:10, 165:14, 165:16, 165:22, 166:1, 166:3, 166:5, 166:8, 166:11, 166:13, 166:16, 166:18, 166:20, 166:23, 167:1, 167:6, 167:9, 167:12, 167:19, 168:12, 168:25, 169:2, 169:6, 169:16, 169:19, 169:22, 169:24,</p> | <p>170:2, 170:7, 170:10, 170:14, 170:17, 170:21, 170:23, 171:3, 171:7, 171:15, 171:20, 172:9, 172:14, 172:23, 172:25, 173:2, 173:4, 173:10, 173:14, 173:19, 174:6, 174:11, 174:15, 174:20, 174:23, 175:2, 175:8, 175:14, 175:16, 176:10, 176:15, 176:17, 176:22, 176:25, 177:3, 177:7, 177:9, 177:10, 177:12, 177:15, 177:19, 177:21, 177:23, 177:25, 178:3, 178:7, 178:10, 178:14, 179:1, 179:4, 179:7, 179:12, 179:14, 179:24, 180:2, 180:7, 180:12, 180:21, 180:23, 181:2, 181:7, 181:11, 181:14, 181:17, 182:2, 182:5, 182:8, 182:16, 182:21, 182:24, 183:7, 183:12, 183:15, 183:18, 183:23, 184:1, 184:6, 184:11, 184:15, 184:20, 185:4, 185:8, 185:11, 185:15, 185:23, 185:25, 186:5, 186:9, 186:15, 186:20, 186:24, 187:2, 187:5, 187:6, 187:10, 187:12, 187:16, 187:25, 188:5, 188:9, 188:15, 189:4, 189:13, 191:1, 191:4, 191:13, 191:15, 191:20, 191:23, 192:3, 192:7, 192:10, 192:17, 192:21, 193:1, 193:4, 193:9, 193:16, 193:24, 194:3, 194:5, 194:9, 194:11, 194:15, 194:17, 194:22, 195:3, 195:7, 195:11, 195:15, 195:19, 195:22, 198:2, 198:6, 198:13, 198:16, 198:19, 198:25, 199:3, 199:5, 199:7, 199:12, 199:17, 199:20,</p> | <p>199:24, 200:1, 200:4, 200:6, 200:8, 200:12, 200:18, 200:21, 200:24, 201:1, 201:3, 201:8, 201:13, 201:16, 201:20, 201:22, 202:1, 202:6, 202:12, 202:14, 202:19, 203:1, 203:10, 203:13, 203:16, 204:14, 204:17, 205:5, 205:7, 205:13, 205:16, 205:21, 205:23, 205:25, 206:5, 206:8, 206:15, 206:17, 206:24, 207:3, 207:11, 207:15, 207:17, 207:23, 207:25, 208:2, 208:5, 208:8, 208:13, 208:16, 208:22, 209:6, 210:2, 210:6, 210:9, 210:11, 210:15, 210:20, 211:12, 211:21, 211:25, 212:2, 212:9, 212:13, 212:17, 212:20, 213:1, 217:16, 222:20, 224:8, 226:14, 226:22, 229:8, 230:10, 276:7, 276:15, 276:19, 276:25, 277:2, 277:6, 277:10, 277:15, 277:20, 277:25, 278:4, 278:10, 278:13, 278:19, 279:3, 279:7, 279:20, 299:9, 299:10, 299:12, 299:19, 299:23, 300:4, 300:6, 300:10, 300:14, 300:23, 1:3</p> <p>Henley's ^[3] - 228:9, 228:14, 279:13</p> <p>hereby ^[1] - 304:3</p> <p>Hern ^[46] - 60:21, 60:23, 62:4, 62:10, 62:15, 105:3, 105:15, 161:18, 162:3, 162:7, 245:20, 245:24, 246:5, 246:6, 247:7, 255:14, 255:18, 256:3, 256:21, 256:23, 257:9, 282:24, 283:16, 283:18, 283:21, 285:1, 287:11, 288:25, 289:6,</p> | <p>291:10, 292:6, 292:25, 293:18, 295:13, 295:14, 296:6, 301:22, 302:1, 302:9, 302:13, 302:15, 302:25, 303:5, 1:9</p> <p>herself ^[3] - 82:24, 119:2, 124:20</p> <p>hiding ^[2] - 236:6, 280:13</p> <p>high ^[5] - 178:6, 184:4, 263:10, 282:2, 282:8</p> <p>higher ^[1] - 70:16</p> <p>highest ^[1] - 114:18</p> <p>highly ^[5] - 28:25, 54:10, 61:22, 130:4, 147:21</p> <p>Highway ^[2] - 135:1, 135:2</p> <p>himself ^[1] - 224:9</p> <p>hindsight ^[5] - 68:4, 194:17, 194:18, 194:23, 253:19</p> <p>Hira ^[102] - 1:5, 1:6, 1:11, 1:13, 1:18, 2:9, 10:7, 10:11, 10:13, 10:18, 11:11, 11:16, 30:14, 34:17, 34:21, 35:2, 35:5, 35:7, 35:9, 35:12, 36:15, 49:13, 49:15, 49:18, 49:21, 49:23, 55:9, 60:3, 61:6, 61:8, 61:10, 62:19, 62:22, 68:8, 68:16, 68:19, 69:5, 72:24, 73:23, 78:8, 86:5, 86:7, 86:11, 86:18, 86:20, 89:14, 89:16, 100:15, 100:18, 103:14, 107:20, 123:8, 127:18, 129:16, 129:20, 142:15, 143:2, 146:19, 147:10, 149:20, 154:8, 154:12, 154:14, 195:23, 196:5, 196:8, 196:10, 196:14, 209:9, 209:12, 209:17, 209:21, 209:23, 254:25, 255:3, 255:25, 256:6, 256:10, 283:2, 283:4, 283:6, 283:15, 292:1, 292:5, 293:11, 293:12, 293:15, 293:19, 298:13,</p> | <p>298:25, 301:24, 302:1, 302:3, 302:7, 302:14, 302:16, 302:18, 302:21, 302:23, 1:5, 1:10</p> <p>Hira's ^[3] - 69:12, 105:3, 197:10</p> <p>Hiscox ^[17] - 17:3, 17:11, 54:6, 54:13, 82:9, 142:17, 150:14, 151:16, 151:18, 181:25, 182:4, 183:24, 195:4, 244:10, 244:12, 296:2</p> <p>Hiscox's ^[3] - 79:3, 151:20, 154:24</p> <p>historic ^[1] - 207:23</p> <p>historical ^[7] - 207:22, 207:24, 207:25, 208:6, 208:12, 208:14, 208:18</p> <p>history ^[2] - 39:20, 57:14</p> <p>hit ^[2] - 260:5, 268:4</p> <p>hits ^[1] - 137:3</p> <p>Hm ^[2] - 80:21, 81:7</p> <p>Hm-hmm ^[2] - 80:21, 81:7</p> <p>hmm ^[9] - 80:21, 81:7, 111:13, 148:18, 172:23, 205:5, 228:19, 238:18, 252:15</p> <p>Hoffman ^[1] - 74:3</p> <p>holding ^[1] - 98:11</p> <p>holidays ^[1] - 190:23</p> <p>home ^[1] - 79:15</p> <p>homicide ^[23] - 25:9, 176:1, 207:19, 208:6, 208:9, 210:22, 213:23, 214:23, 215:19, 215:25, 216:18, 223:9, 230:25, 231:5, 234:9, 234:14, 237:23, 239:20, 241:22, 243:7, 276:2, 279:23</p> <p>Homicide ^[9] - 24:9, 25:3, 28:14, 38:20, 174:9, 174:17, 192:14, 207:7, 279:1</p> <p>homicides ^[3] - 275:14, 276:1, 282:6</p> <p>Homolka ^[1] - 59:24</p> <p>honestly ^[2] - 218:16, 219:3</p> <p>honour ^[1] - 126:18</p> <p>hooker ^[2] - 125:23, 205:15</p> |
|---|---|---|---|--|

| | | | | |
|--|---|---|---|--|
| <p>hope [3] - 97:11, 230:4, 293:12</p> <p>hoped [6] - 232:4, 232:12, 258:3, 278:10, 278:13, 281:1</p> <p>Hopefully [1] - 296:23</p> <p>hoping [5] - 47:17, 48:22, 51:3, 185:19, 277:8</p> <p>hopper [1] - 53:25</p> <p>horrendous [1] - 210:21</p> <p>horse's [3] - 82:16, 82:22, 83:8</p> <p>horsewoman [1] - 82:24</p> <p>host [1] - 289:16</p> <p>hotbed [1] - 98:23</p> <p>hour [5] - 67:13, 134:2, 157:8, 157:16, 157:17</p> <p>hours [12] - 79:15, 80:19, 84:7, 92:18, 98:15, 117:16, 127:19, 157:7, 157:15, 158:25, 159:2, 159:7</p> <p>house [3] - 106:14, 110:1, 110:2</p> <p>housekeeping [1] - 298:16</p> <p>Houston [4] - 47:7, 48:7, 88:2, 231:25</p> <p>huge [1] - 80:25</p> <p>human [10] - 83:9, 197:25, 198:3, 198:4, 198:7, 198:11, 198:15, 198:17, 199:11, 199:13</p> <p>Humphries [1] - 271:4</p> <p>hunch [1] - 86:3</p> <p>hundred [3] - 118:17, 137:3, 226:19</p> <p>hung [1] - 211:5</p> <p>Hunter [4] - 58:24, 240:11, 240:25, 277:21</p> <p>husband [2] - 119:6, 124:17</p> <p>Hyacinthe [25] - 116:21, 118:16, 118:19, 119:6, 119:19, 121:18, 122:9, 122:11, 122:18, 122:21, 123:4, 123:17, 124:20, 126:1, 127:9, 127:14, 129:11,</p> | <p>130:3, 134:17, 134:24, 155:1, 293:21, 294:2, 294:11, 298:23</p> <p>Hyacinthes [1] - 119:13</p> <p style="text-align: center;">I</p> <p>lcs [1] - 28:16</p> <p>idea [17] - 91:11, 91:13, 91:15, 91:21, 111:20, 126:19, 128:22, 138:9, 178:22, 180:12, 227:9, 234:21, 273:22, 284:11, 284:18, 286:9, 286:12</p> <p>ideas [6] - 272:18, 272:19, 272:21, 272:22, 273:19, 274:8</p> <p>identification [3] - 56:11, 68:15, 265:12</p> <p>Identification [3] - 1:10, 34:22, 35:7</p> <p>identified [9] - 19:8, 19:10, 55:19, 104:6, 117:21, 125:13, 127:24, 196:5, 264:15</p> <p>identify [8] - 19:9, 46:13, 196:5, 264:16, 265:15, 287:19, 288:4</p> <p>identifying [3] - 56:1, 72:8, 196:24</p> <p>ignored [3] - 64:9, 64:13, 105:4</p> <p>illegal [19] - 58:20, 59:12, 59:14, 59:15, 61:24, 62:13, 83:22, 93:1, 104:20, 109:6, 114:10, 115:20, 115:23, 116:14, 124:4, 131:24, 132:2, 132:5, 262:4</p> <p>illustrates [1] - 64:12</p> <p>imagine [2] - 58:9, 167:2</p> <p>Imaging [1] - 242:20</p> <p>immediate [1] - 31:14</p> <p>immediately [3] - 23:7, 96:7, 125:7</p> <p>immigrants [2] - 131:4, 131:20</p> <p>impact [1] - 3:17</p> <p>impetus [1] - 81:16</p> <p>implemented [1] - 250:9</p> <p>import [2] - 104:10, 177:8</p> | <p>importance [4] - 81:9, 85:4, 218:22, 290:24</p> <p>important [19] - 1:25, 30:16, 30:17, 31:20, 35:22, 36:9, 139:9, 144:10, 195:9, 198:21, 223:5, 224:6, 224:18, 234:2, 236:13, 279:23, 286:18, 290:23, 303:10</p> <p>impossibility [1] - 61:16</p> <p>impression [1] - 64:4</p> <p>in-depth [1] - 190:4</p> <p>inability [2] - 67:8, 73:9</p> <p>inaccurate [4] - 62:16, 64:2, 179:3, 179:11</p> <p>inadequacy [1] - 32:10</p> <p>inadequate [1] - 261:16</p> <p>inappropriate [1] - 54:10</p> <p>incident [20] - 5:9, 6:21, 15:24, 16:4, 16:6, 16:12, 16:20, 17:2, 43:25, 45:1, 126:9, 139:13, 140:1, 184:23, 196:23, 238:20, 273:10, 287:19, 288:3</p> <p>incidents [3] - 34:7, 34:12, 288:16</p> <p>inclined [1] - 131:13</p> <p>include [3] - 58:11, 111:24, 288:10</p> <p>included [5] - 23:4, 78:1, 114:14, 114:23, 289:19</p> <p>including [4] - 124:12, 150:2, 257:18, 287:18</p> <p>incorporated [1] - 7:18</p> <p>incorrect [1] - 197:10</p> <p>increasing [1] - 218:8</p> <p>inculpatory [3] - 47:25, 48:21, 67:25</p> <p>Indecipherable [2] - 43:24, 44:2</p> <p>indeed [1] - 252:3</p> <p>independent [6] - 98:6, 109:11, 166:7, 299:20, 299:23,</p> | <p>300:19</p> <p>independently [1] - 280:21</p> <p>Index [1] - 1:1</p> <p>indexed [1] - 96:22</p> <p>indicate [3] - 242:7, 250:21, 297:23</p> <p>indicated [4] - 161:9, 172:10, 203:1, 273:1</p> <p>indicating [1] - 251:12</p> <p>indication [2] - 171:20, 300:12</p> <p>indicia [1] - 261:8</p> <p>indictable [1] - 297:11</p> <p>individual [9] - 56:9, 134:15, 198:5, 198:20, 200:5, 251:1, 262:21, 263:2, 287:25</p> <p>individual's [1] - 198:22</p> <p>individuals [5] - 48:9, 109:14, 123:24, 212:15, 265:4</p> <p>indulgence [2] - 68:9, 157:19</p> <p>inevitable [2] - 73:3, 274:12</p> <p>inevitably [1] - 61:24</p> <p>infer [1] - 286:5</p> <p>inferred [1] - 205:18</p> <p>infiltration [1] - 112:6</p> <p>influence [1] - 55:22</p> <p>informal [3] - 90:5, 90:8, 212:5</p> <p>informant [5] - 54:11, 55:3, 212:17, 212:18, 299:16</p> <p>informants [6] - 54:13, 151:25, 154:2, 158:17, 212:15, 301:16</p> <p>informants' [1] - 152:1</p> <p>information [190] - 17:4, 17:11, 18:7, 19:5, 19:19, 21:21, 21:24, 22:15, 22:18, 22:19, 23:24, 35:17, 36:24, 37:6, 52:14, 65:1, 65:3, 65:20, 66:2, 66:5, 66:6, 66:7, 66:17, 67:10, 68:13, 78:18, 79:2, 81:10, 83:4, 85:5, 86:1, 87:16, 88:15, 88:21, 88:25, 89:11, 89:12, 91:1, 91:4, 91:7, 92:9,</p> | <p>92:24, 94:14, 95:5, 99:10, 119:20, 121:19, 121:24, 122:5, 122:17, 124:1, 126:8, 126:21, 127:4, 130:4, 130:6, 133:21, 133:25, 137:17, 142:17, 149:10, 150:14, 151:8, 151:15, 151:17, 151:19, 151:20, 151:24, 152:2, 152:11, 154:24, 154:25, 155:16, 155:21, 163:12, 163:14, 178:16, 178:17, 180:1, 180:20, 181:1, 181:6, 181:23, 181:25, 182:2, 182:4, 182:6, 182:8, 182:9, 182:18, 182:20, 183:1, 183:5, 183:10, 183:16, 183:25, 184:10, 184:21, 184:22, 184:23, 185:9, 185:13, 186:22, 187:3, 187:8, 187:18, 187:23, 188:3, 189:25, 191:23, 192:8, 192:15, 192:17, 195:9, 198:9, 198:22, 198:24, 200:9, 200:12, 200:15, 200:17, 200:20, 201:4, 201:6, 201:14, 201:23, 202:1, 202:16, 202:20, 203:15, 206:12, 206:13, 207:9, 208:9, 208:24, 210:23, 211:24, 212:21, 212:24, 224:9, 227:14, 229:19, 244:13, 244:14, 244:16, 254:22, 261:14, 261:15, 262:23, 263:9, 263:11, 263:13, 264:17, 265:5, 265:25, 266:6, 266:13, 266:15, 269:22, 271:22, 272:16, 272:25, 275:3, 275:5, 275:12, 279:14, 280:7, 282:22, 294:1, 294:8, 294:11, 294:17, 295:19, 295:20, 295:23, 296:1, 296:22, 297:22,</p> |
|--|---|---|---|--|

298:21, 298:24,
299:1, 299:4, 300:13,
300:14, 301:3, 301:7,
301:10
Information [2] -
95:4, 240:20
information's [1] -
192:12
informed [5] - 42:3,
63:4, 63:7, 85:21,
200:18
informing [2] -
66:10, 66:20
inhaler [1] - 155:22
initial [1] - 88:13
initials [1] - 75:19
injunction [1] -
115:16
inkling [1] - 143:25
input [1] - 141:20
inquire [1] - 195:8
inquiries [5] -
120:21, 121:2, 146:1,
146:7, 146:9
inquiring [1] - 91:16
inquiry [7] - 103:19,
147:5, 152:16, 257:2,
285:2, 285:16, 303:10
inserted [1] - 270:4
insofar [1] - 136:9
Insp [1] - 97:16
inspector [8] - 5:21,
6:11, 10:20, 13:7,
17:7, 64:15, 248:13
Inspector [21] - 26:7,
26:13, 29:8, 42:9,
67:12, 108:5, 111:1,
113:6, 113:10, 114:2,
117:4, 117:14,
187:15, 190:11,
236:10, 248:17,
248:18, 249:9,
250:16, 251:8, 254:9
inspector's [1] - 6:2
inspectors [1] -
15:22
installed [1] - 118:11
instance [3] - 28:23,
140:20, 178:3
instead [1] - 278:25
instructions [2] -
193:22, 193:24
insufficient [1] -
37:17
intelligence [2] -
94:25, 95:1
Intelligence [1] -
95:2
intent [1] - 151:1
intention [2] -

141:11, 180:3
interaction [1] -
48:12
interacts [1] - 224:19
intercepts [1] - 27:21
interdepartmental
[1] - 174:13
interest [9] - 64:22,
65:25, 66:17, 72:8,
103:14, 211:2,
213:10, 275:13,
275:21
interested [8] - 7:2,
184:18, 184:20,
184:24, 229:21,
276:22, 277:3
interesting [4] -
1:18, 1:21, 173:22,
247:18
interests [4] -
159:18, 289:15,
290:2, 291:5
interfere [3] - 54:19,
115:9, 115:10
interfering [1] -
211:13
interim [1] - 156:1
interior [1] - 97:4
interjecting [1] -
235:3
internal [1] - 65:7
Internet [3] - 8:11,
8:12, 66:3
interrogation [4] -
58:14, 186:3, 278:2,
278:8
interrogations [1] -
254:12
interrogator [3] -
216:5, 216:9, 277:24
interrupted [1] -
245:2
interrupting [1] -
35:20
interruption [1] -
49:16
intervene [1] - 181:3
intervenes [1] -
43:16
intervening [1] -
149:10
interview [149] -
39:14, 39:16, 43:8,
43:16, 45:4, 45:16,
45:23, 46:1, 47:2,
47:9, 47:13, 47:18,
47:20, 47:22, 48:13,
49:24, 54:6, 64:5,
74:6, 79:4, 79:24,
87:21, 117:14, 123:9,

123:19, 125:16,
147:23, 158:10,
158:11, 158:12,
158:14, 160:8, 165:3,
165:6, 167:22, 175:9,
175:17, 177:5,
177:20, 179:1,
179:15, 180:15,
181:24, 183:4, 184:7,
184:14, 184:17,
185:5, 185:7, 185:10,
185:12, 185:16,
186:2, 186:19,
187:23, 188:4, 188:5,
188:7, 189:17,
189:20, 191:18,
193:8, 193:9, 193:11,
193:13, 193:14,
193:17, 193:25,
194:6, 194:10,
194:13, 194:20,
194:25, 195:10,
195:13, 199:12,
202:3, 204:5, 204:15,
208:19, 215:5, 215:8,
215:12, 215:13,
215:21, 218:2,
218:18, 222:4,
222:10, 222:16,
222:22, 222:24,
224:5, 224:7, 224:21,
225:10, 225:11,
226:8, 226:10,
226:23, 227:6, 227:7,
227:10, 228:1, 228:7,
228:10, 228:17,
229:6, 229:16,
229:18, 230:14,
230:21, 231:19,
232:5, 232:13,
232:15, 232:22,
232:24, 233:2, 233:6,
233:13, 233:14,
234:5, 234:15, 235:7,
235:14, 236:13,
237:8, 237:9, 244:25,
245:1, 245:4, 251:22,
254:19, 258:1, 260:7,
260:19, 260:20,
261:2, 261:9, 276:9,
277:9, 277:10,
277:12, 277:17,
278:12, 279:4, 280:17
Interview [2] -
162:16, 2:17
interviewed [15] -
63:11, 73:17, 74:2,
123:5, 123:9, 124:10,
142:13, 172:3, 194:6,
197:7, 218:3, 222:17,
246:18, 271:4, 296:2

interviewing [10] -
150:2, 191:12,
193:12, 223:16,
224:3, 256:16, 264:6,
272:12, 273:12,
273:13
Interviewing [1] -
223:22
Interviews [2] -
162:17, 2:18
interviews [13] -
57:15, 123:13,
123:17, 143:9, 150:6,
158:12, 160:11,
203:7, 216:6, 254:12,
260:2, 273:24, 279:6
intimidate [5] -
175:21, 179:19,
179:21, 179:25, 180:3
introduced [3] -
44:20, 45:3, 288:13
introduction [1] -
291:8
intuitive [2] - 148:13,
149:11
inveigle [1] - 208:20
inventory [1] -
181:22
investigate [1] -
243:6
investigated [2] -
141:21, 238:10
investigating [25] -
23:23, 23:24, 24:12,
25:12, 30:21, 43:23,
43:24, 44:1, 76:3,
167:11, 207:18,
215:2, 223:9, 223:20,
231:2, 234:9, 238:17,
238:19, 238:23,
241:21, 242:15,
244:5, 275:8, 275:11,
279:18
Investigation [7] -
95:6, 139:1, 168:4,
170:15, 170:25,
192:14, 2:10
investigation [113] -
8:11, 21:9, 21:16,
22:25, 25:1, 31:2,
31:6, 38:14, 39:17,
42:3, 43:1, 43:3,
44:21, 60:14, 63:20,
64:23, 65:17, 66:13,
66:15, 67:2, 67:3,
67:5, 67:9, 72:25,
73:14, 119:18,
119:21, 121:15,
136:13, 136:17,
140:16, 149:17,

156:6, 163:4, 163:11,
165:25, 167:12,
168:14, 170:6, 171:6,
171:9, 171:12, 175:1,
175:4, 175:6, 176:19,
192:5, 192:16, 193:3,
193:5, 193:6, 194:7,
197:20, 200:23,
207:12, 208:21,
210:17, 213:23,
217:7, 218:20, 223:5,
223:12, 231:15,
234:3, 237:22, 238:4,
238:14, 239:3,
239:21, 241:1,
241:16, 242:24,
243:5, 243:16, 244:9,
244:21, 244:24,
246:8, 246:12,
248:10, 252:14,
254:7, 254:14,
254:24, 258:6,
258:20, 258:21,
259:6, 259:19, 260:4,
260:5, 260:7, 260:20,
261:2, 261:5, 264:21,
266:6, 267:21,
267:25, 268:3, 269:8,
269:17, 270:12,
270:16, 272:20,
274:2, 274:9, 274:12,
279:15, 279:21,
280:1, 288:6
investigational [1] -
23:17
investigations [6] -
8:12, 30:21, 31:20,
65:24, 66:1, 91:16
investigative [23] -
18:9, 20:25, 22:20,
22:22, 26:22, 37:25,
38:9, 55:23, 57:8,
60:7, 60:12, 82:5,
103:2, 103:5, 117:23,
120:6, 121:14,
140:21, 266:24,
268:25, 281:6,
301:15, 301:19
investigator [13] -
169:10, 188:2,
194:14, 214:23,
215:19, 216:11,
216:14, 216:17,
217:4, 217:11,
220:20, 247:13,
259:19
investigators [22] -
18:10, 26:10, 26:15,
28:18, 29:12, 39:10,
51:18, 51:22, 52:2,

52:7, 54:6, 77:22,
78:5, 78:13, 84:17,
143:6, 156:15, 176:2,
180:10, 182:7,
182:12, 187:1
invite [2] - 36:10,
73:22
invited [1] - 21:6
inviting [1] - 293:12
involve [3] - 148:8,
148:10, 182:17
Involved [1] - 240:22
involved [47] - 3:2,
3:18, 5:9, 7:5, 7:8,
8:10, 16:17, 23:7,
23:9, 23:12, 29:15,
39:7, 44:16, 44:21,
64:16, 65:19, 83:21,
84:4, 110:12, 115:23,
127:13, 140:1, 163:3,
163:10, 163:11,
167:13, 168:4, 169:4,
169:15, 169:16,
170:1, 170:5, 175:6,
188:22, 189:7,
189:11, 200:22,
210:2, 211:4, 213:18,
213:21, 217:7,
222:13, 233:19,
241:23, 284:3, 289:14
involvement [17] -
1:25, 16:13, 18:12,
22:10, 22:12, 29:7,
82:13, 96:16, 99:5,
103:18, 105:6, 105:9,
105:18, 143:6,
151:10, 165:17,
206:19
involves [1] - 196:23
involving [3] - 98:12,
104:21, 149:6
lpa [7] - 75:18, 83:4,
83:5, 261:11, 261:12,
271:1, 272:15
Irene [1] - 74:3
irrelevant [1] -
103:22
isolated [1] - 131:14
issuance [2] - 88:19,
91:5
issue [24] - 31:18,
36:4, 48:3, 55:6,
57:24, 72:9, 80:25,
85:23, 88:17, 105:15,
134:16, 144:24,
145:2, 153:18,
217:21, 218:7, 238:7,
260:14, 263:6,
272:24, 290:21,
290:23, 293:13,

301:12
issued [1] - 292:12
issues [17] - 5:9, 7:3,
16:4, 20:14, 53:5,
58:8, 61:2, 65:7, 65:9,
67:3, 117:19, 118:1,
119:17, 260:17,
276:23, 277:4, 280:4
italicized [2] - 41:13,
41:23
items [2] - 1:23,
270:20
Ito [7] - 89:3, 89:18,
89:20, 90:23, 91:11,
91:14, 92:10
itself [1] - 207:11

J

jailhouse [1] - 264:7
January [15] - 13:23,
13:24, 47:12, 49:25,
56:16, 67:19, 93:17,
99:15, 100:7, 142:3,
143:24, 235:12,
236:10, 270:24,
293:23
Jason [1] - 159:17
Jennifer [4] - 73:18,
73:25, 76:8, 215:23
Jibc [1] - 15:25
Jim [4] - 42:13,
128:18, 240:11,
277:21
job [2] - 144:9,
144:10
John [2] - 75:22,
211:2
Johnston [1] - 11:22
joined [1] - 4:24
joining [1] - 256:2
joint [4] - 14:21,
15:15, 264:24
jointly [4] - 48:4,
180:25, 181:4, 181:8
journalist [1] -
131:16
journeys [1] - 7:11
judicial [2] - 37:4,
37:14
Judy [1] - 74:3
July [25] - 21:19,
21:22, 22:2, 22:7,
22:11, 22:12, 25:17,
60:18, 61:12, 70:1,
73:19, 133:15,
133:24, 134:8,
149:15, 151:16,
151:22, 162:25,
168:1, 168:9, 190:21,

244:3, 294:18
jump [2] - 90:5,
235:18
June [5] - 6:11, 9:14,
11:1, 53:3, 75:16
jurisdiction [1] -
65:25
Justason [2] - 39:2,
170:17
justice [4] - 84:19,
141:4, 151:3, 157:25
Justice [3] - 74:4,
250:2, 291:5
Justice's [1] - 227:25
Justin [1] - 143:22

K

keenly [1] - 30:4
keep [8] - 85:20,
141:8, 151:2, 151:5,
166:14, 231:11,
248:20
kegs [2] - 108:22,
113:24
Keith [4] - 75:4,
170:22, 170:23, 271:3
Ken [1] - 3:24
kept [1] - 167:14
Kevin [3] - 108:4,
117:15, 204:13
key [1] - 191:18
Kianipour [1] - 79:20
kill [2] - 206:3,
210:22
killed [2] - 154:3,
202:13
killer [5] - 74:17,
76:4, 76:9, 210:14,
210:19
killers [1] - 75:25
Killing [1] - 240:22
killing [7] - 140:1,
151:4, 154:2, 206:6,
206:8, 206:10, 212:24
kind [9] - 47:23,
62:15, 171:19,
174:13, 179:16,
191:22, 233:6,
259:20, 278:20
kinds [5] - 20:6,
28:7, 224:2, 234:19,
254:23
Klimos [1] - 74:3
knowing [2] - 185:6,
185:9
knowledge [61] -
7:20, 20:2, 20:4, 20:6,
20:9, 20:11, 21:5,
29:3, 32:3, 40:3,

66:16, 74:13, 87:2,
87:4, 90:23, 93:21,
99:12, 100:7, 101:4,
102:23, 102:25,
103:16, 104:23,
109:5, 110:4, 112:16,
114:14, 114:19,
115:6, 115:22,
115:25, 116:1,
116:11, 120:19,
120:20, 122:8,
123:18, 126:3,
126:11, 126:20,
128:25, 129:8,
134:14, 134:18,
140:11, 140:12,
140:15, 154:21,
155:15, 167:19,
169:21, 170:5, 170:7,
186:20, 186:21,
186:24, 190:13,
195:3, 289:25, 294:8
knowledgeable [1] -
28:25
known [19] - 15:3,
15:21, 71:14, 96:10,
115:20, 116:13,
116:14, 119:2, 119:6,
126:12, 135:19,
135:20, 136:9,
148:22, 154:12,
194:19, 200:10,
210:2, 244:13
knows [5] - 91:18,
122:2, 155:20, 285:2,
293:7

L

lab [1] - 271:18
labelled [1] - 165:5
lack [1] - 295:20
lacked [4] - 23:15,
59:1, 62:3, 271:8
lacking [1] - 148:19
lady [3] - 119:1,
126:20, 158:3
laid [7] - 93:18,
132:14, 142:24,
143:3, 148:14,
148:16, 149:6
Lake [2] - 6:23, 16:6
landscape [1] - 50:6
language [2] - 2:12,
275:24
lapse [1] - 119:19
lapsed [1] - 120:1
laptop [1] - 249:12
large [6] - 109:13,
124:12, 230:13,

275:9, 287:13, 288:12
largely [3] - 115:15,
160:25, 284:8
larger [2] - 108:17,
113:19
largest [3] - 5:6,
5:11, 7:21
last [19] - 9:4, 30:4,
31:5, 43:14, 43:20,
73:19, 75:11, 102:16,
107:6, 128:7, 139:9,
151:6, 154:8, 154:15,
244:2, 253:2, 281:7,
285:17, 298:13
lasted [1] - 74:6
late [10] - 17:24,
18:5, 21:22, 22:2,
73:1, 73:9, 79:6,
144:16, 159:8, 185:18
latter [1] - 115:2
law [15] - 4:9, 71:19,
102:19, 137:6,
145:16, 263:21,
285:12, 285:13,
286:2, 289:15, 293:4,
293:5, 293:9
Law [4] - 71:16,
71:25, 72:12, 291:19
lawyer [4] - 102:1,
103:1, 261:18, 284:23
lawyers [2] - 34:4,
103:2
lay [5] - 142:25,
144:20, 147:4,
262:22, 296:22
laying [3] - 296:8,
297:4, 297:10
lays [1] - 146:23
lead [16] - 1:22, 56:2,
56:6, 87:17, 169:10,
175:18, 188:2,
194:14, 214:22,
215:19, 216:10,
216:17, 217:9, 233:6,
233:11, 259:19
leading [2] - 2:17,
2:18
Leah [6] - 151:25,
158:12, 162:15,
186:16, 189:20, 2:16
leak [1] - 119:20
leaned [1] - 226:20
Leanna [1] - 304:8
learn [4] - 16:23,
16:24, 25:22, 166:12
learned [7] - 17:1,
96:8, 96:9, 102:14,
122:12, 152:7, 152:8
learnt [5] - 21:22,
22:2, 39:24, 40:11,

40:17
least [17] - 29:17,
 29:18, 54:3, 55:19,
 59:21, 72:3, 76:19,
 97:22, 132:11,
 139:25, 150:22,
 156:19, 161:3,
 219:15, 220:7,
 226:13, 301:9
leave [9] - 8:9, 27:12,
 35:22, 36:10, 40:5,
 40:6, 71:23, 139:10,
 243:20
leaves [2] - 100:15,
 228:20
leaving [8] - 41:14,
 41:24, 100:17, 127:2,
 154:25, 155:2,
 258:12, 259:24
lecture [1] - 8:13
led [6] - 44:25,
 155:19, 193:19,
 243:11, 246:23
left [14] - 33:5, 53:3,
 87:3, 92:2, 102:12,
 130:22, 167:1,
 210:17, 216:25,
 217:2, 234:2, 274:18,
 291:17, 291:20
left-hand [1] - 130:22
legal [4] - 61:15,
 96:14, 144:22, 293:12
legislation [2] -
 248:5, 248:7
lending [1] - 15:9
Lepard [50] - 1:8,
 2:2, 53:6, 57:25,
 58:14, 58:22, 58:23,
 60:4, 60:13, 60:15,
 60:17, 60:25, 61:11,
 61:18, 61:22, 62:9,
 63:12, 246:18, 248:3,
 248:17, 248:18,
 249:9, 250:16, 251:8,
 251:12, 255:5, 255:8,
 255:10, 256:15,
 256:23, 257:14,
 258:2, 261:19, 262:5,
 262:9, 279:5, 283:23,
 284:11, 284:15,
 284:18, 286:10,
 286:17, 287:1, 287:4,
 287:10, 288:13,
 288:16, 291:8, 302:4
Lepard's [2] -
 263:21, 286:6
Lepine [20] - 38:5,
 38:16, 39:8, 39:14,
 43:10, 43:16, 43:21,
 44:19, 45:3, 45:9,

45:19, 163:16, 165:4,
 170:1, 170:2, 185:18,
 228:20, 276:21,
 280:22, 281:12
letter [6] - 11:19,
 11:24, 101:23, 102:1,
 102:7, 269:13
letter's [1] - 269:21
level [6] - 13:10,
 63:4, 156:7, 156:11,
 178:6, 193:20
leverage [1] - 278:21
licensing [1] - 98:16
Lies [2] - 8:24
lies [1] - 48:22
life [2] - 48:6, 119:7
lifestyle [1] - 19:18
lifestyles [1] - 214:12
lifted [1] - 61:13
light [3] - 100:7,
 142:18, 290:23
lightest [1] - 219:22
likelihood [3] -
 48:25, 63:7, 273:23
likely [6] - 57:20,
 59:21, 74:17, 84:5,
 119:20, 266:20
limit [1] - 49:14
limited [4] - 83:17,
 92:14, 118:8, 152:15
limp [1] - 127:25
Line [4] - 80:5,
 145:2, 145:8, 146:15
line [10] - 24:22,
 37:15, 75:6, 75:12,
 76:6, 100:15, 130:23,
 148:4, 148:6, 215:24
link [1] - 288:16
linked [1] - 295:11
liquor [4] - 108:18,
 113:20, 114:10,
 135:14
Lissing [2] - 112:19,
 112:20
list [10] - 94:7, 101:5,
 123:5, 123:6, 226:11,
 270:11, 272:1, 273:2,
 273:5, 273:9
listen [5] - 173:8,
 196:12, 222:22,
 224:5, 224:16
listened [1] - 30:4
listening [4] -
 163:12, 202:3,
 224:25, 257:16
litigation [1] - 102:22
lived [5] - 110:2,
 118:5, 119:13, 120:4,
 133:16
living [2] - 3:13, 3:14

Lib [3] - 10:16,
 71:21, 2:6
local [3] - 20:4,
 20:11, 153:15
locate [2] - 189:14,
 270:21
located [1] - 110:9
locations [4] - 98:25,
 106:11, 106:24,
 107:11
lodge [1] - 158:2
lodged [2] - 137:23,
 139:15
log [1] - 164:7
logical [1] - 67:7
Logistically [1] -
 254:21
logs [2] - 34:6,
 167:14
long-time [1] -
 121:11
look [29] - 8:3, 24:16,
 34:21, 35:9, 35:13,
 43:5, 43:19, 81:24,
 107:14, 130:15,
 150:20, 153:12,
 153:13, 162:8,
 163:23, 189:10,
 198:10, 202:19,
 210:13, 231:8, 231:9,
 235:17, 239:11,
 250:11, 252:21,
 269:3, 270:3, 273:17,
 273:21
looked [8] - 56:7,
 129:9, 164:12,
 165:10, 204:17,
 205:14, 215:10, 242:5
looking [9] - 7:13,
 35:3, 43:20, 134:1,
 161:1, 191:15,
 252:16, 268:9, 271:13
looks [2] - 108:4,
 137:2
loop [3] - 284:18,
 289:22, 291:3
Lori [4] - 81:16,
 81:25, 272:2, 273:3
Lorna [1] - 271:4
lost [3] - 30:25,
 125:14, 126:25
Lougheed [2] -
 135:1, 135:2
loved [2] - 30:25,
 125:15
Lower [7] - 15:2,
 94:1, 95:8, 107:10,
 110:13, 111:23,
 239:24
Ltd [1] - 304:10

lucky [1] - 274:22
lump [1] - 267:7
lunch [2] - 93:12,
 93:13
lying [1] - 280:11
Lynn [35] - 158:13,
 162:17, 163:14,
 164:15, 167:21,
 175:10, 175:21,
 178:8, 178:17, 179:2,
 183:1, 183:4, 183:8,
 183:20, 184:20,
 184:24, 185:6,
 185:16, 188:13,
 191:16, 191:24,
 193:7, 199:9, 202:17,
 202:23, 203:6,
 205:10, 206:1,
 208:22, 208:24,
 243:10, 299:15,
 300:15, 300:17, 2:18
lynn [1] - 287:24

M

Macaulay [1] - 6:4
magazine [1] - 145:8
mail [7] - 249:18,
 250:16, 250:24,
 251:9, 251:11,
 255:20, 256:16
Mail [5] - 93:10,
 93:16, 130:9, 130:18,
 138:12
mailed [2] - 249:15,
 251:8
mailing [1] - 249:21
Main [2] - 140:8,
 152:18
main [1] - 223:8
Mainland [7] - 15:2,
 94:2, 95:8, 107:10,
 110:14, 111:23,
 239:24
maintained [1] -
 112:9
Major [10] - 12:21,
 13:11, 28:15, 38:24,
 41:15, 41:25, 50:20,
 51:14, 51:17, 51:22
major [2] - 3:8, 51:18
Makosz [34] - 74:3,
 120:12, 120:15,
 120:21, 121:2, 121:5,
 121:8, 138:15,
 138:23, 160:19,
 160:23, 161:17,
 162:1, 168:5, 168:7,
 168:11, 202:25,
 235:2, 235:20, 236:7,

236:20, 283:5,
 298:15, 298:19,
 300:24, 301:12,
 301:21, 1:11
Malone [2] - 99:6,
 101:1
man [5] - 84:19,
 141:4, 151:2, 210:13,
 211:21
man's [1] - 82:22
manage [1] - 66:5
management [2] -
 6:25, 60:5
managers [1] - 15:2
Managers [1] - 15:4
managing [1] - 57:18
mandate [3] - 95:19,
 157:3, 207:6
Manitoba [1] - 3:11
manner [6] - 48:7,
 56:1, 60:24, 137:25,
 138:17, 172:1
manpower [1] -
 258:15
Manual [2] - 162:19,
 2:20
manual [1] - 160:15
map [3] - 106:16,
 107:10
Maple [1] - 107:14
maps [2] - 106:7,
 106:9
March [15] - 16:10,
 18:1, 18:23, 19:3,
 51:13, 75:3, 107:19,
 154:23, 165:11,
 183:8, 210:8, 210:10,
 210:17, 268:19,
 299:14
mark [5] - 104:11,
 147:12, 160:2,
 162:10, 301:22
Marked [1] - 302:22
marked [26] - 10:8,
 11:7, 11:12, 34:23,
 68:12, 68:20, 69:8,
 103:11, 103:25,
 104:14, 105:21,
 106:7, 138:11,
 138:12, 138:18,
 138:24, 146:15,
 147:2, 147:9, 161:3,
 161:6, 270:5, 301:23,
 302:19, 302:20, 303:4
marking [3] - 1:14,
 146:19, 158:22
mate [2] - 253:12,
 264:7
material [9] - 36:6,
 36:9, 90:18, 190:20,

284:6, 284:25,
285:25, 288:7, 289:10
materially [1] - 67:23
materials [1] -
140:21
matter [27] - 44:21,
61:14, 63:21, 101:18,
102:8, 102:9, 103:14,
111:16, 115:15,
128:21, 139:17,
140:16, 141:21,
142:16, 143:5, 145:5,
149:10, 161:24,
175:24, 180:21,
213:19, 258:16,
267:5, 279:25,
291:11, 293:17, 302:6
matters [13] - 2:3,
69:23, 79:11, 79:19,
103:17, 158:7,
214:20, 233:19,
289:16, 293:9,
293:16, 293:18,
298:16
Mccartney [3] -
50:12, 269:13, 271:7
mean [25] - 9:23,
64:13, 80:18, 80:23,
83:20, 88:2, 88:12,
106:5, 125:24, 135:1,
140:13, 140:14,
146:20, 162:2, 194:5,
224:11, 224:19,
232:7, 234:18, 243:8,
254:14, 280:3, 280:4,
282:19, 295:16
meaning [2] -
172:11, 253:11
meaningless [1] -
200:13
means [7] - 23:16,
60:12, 86:1, 157:8,
157:17, 278:17,
300:22
meant [2] - 12:14,
78:22
measure [1] - 37:5
measures [2] - 68:6,
274:17
medalist [2] - 4:13,
4:15
media [2] - 153:20,
155:3
meet [8] - 45:18,
58:10, 63:9, 207:6,
207:11, 207:12,
207:13
meeting [38] - 14:25,
22:14, 22:23, 27:11,
28:12, 29:2, 38:3,

38:4, 38:8, 45:9,
47:16, 50:20, 67:20,
163:25, 164:1, 164:5,
167:17, 167:20,
167:23, 169:9,
171:10, 171:16,
171:25, 174:3,
175:13, 182:25,
183:15, 187:10,
187:15, 191:6,
192:23, 208:22,
235:13, 236:10,
237:6, 270:10,
275:17, 291:19
meetings [14] - 18:8,
21:7, 76:14, 76:19,
143:23, 144:6, 164:4,
165:16, 187:6, 187:7,
187:11, 190:21,
200:11, 270:7
member [12] - 6:25,
9:18, 16:7, 63:17,
71:25, 87:2, 122:10,
144:5, 198:10, 258:3,
275:19, 280:20
members [32] - 21:6,
28:13, 52:6, 88:23,
98:24, 100:11,
101:20, 103:4,
104:23, 109:7,
109:25, 111:9,
114:14, 114:23,
128:11, 129:14,
168:3, 168:22,
180:14, 202:2,
246:23, 246:25,
257:17, 265:1, 269:7,
274:7, 276:12,
276:21, 279:18,
285:5, 287:18, 299:2
memo [6] - 97:22,
98:6, 100:6, 240:11,
241:6, 245:13
memorandum [2] -
99:14, 104:3
memorized [1] -
203:17
memory [14] - 22:9,
88:20, 110:7, 156:22,
177:24, 215:3,
215:23, 218:1, 219:5,
235:22, 235:24,
236:24, 249:7, 279:9
memos [1] - 96:17
men [2] - 112:18,
131:2
men's [1] - 152:21
Menard [8] - 45:14,
151:25, 158:11,
160:3, 160:5, 162:14,

244:14, 2:15
Menard's [1] -
154:25
mention [2] - 67:17,
178:25
mentioned [4] -
81:19, 192:23, 195:4,
250:2
merely [1] - 191:17
met [9] - 47:12,
50:12, 87:1, 143:13,
143:19, 156:4, 169:7,
169:8, 254:13
middle [2] - 131:22,
133:15
midnight [1] - 128:7
midsummer [1] -
28:6
might [29] - 2:15,
11:4, 24:2, 34:17,
34:21, 35:9, 42:23,
48:9, 73:11, 86:12,
86:16, 86:22, 87:16,
104:10, 132:5,
138:18, 143:16,
150:23, 157:5, 203:3,
210:14, 210:18,
216:13, 245:5,
248:11, 255:10,
261:20, 275:3, 276:17
Mike [14] - 14:6,
32:5, 33:3, 33:10,
34:6, 134:18, 134:24,
139:25, 141:25,
169:10, 169:12,
205:8, 205:10, 244:6
mike [1] - 294:2
miles [1] - 134:25
Millenium [1] -
127:21
mind [26] - 61:23,
61:25, 77:25, 80:23,
84:15, 86:11, 92:5,
127:22, 128:1, 169:9,
178:4, 179:8, 182:25,
184:16, 191:22,
192:2, 192:6, 210:25,
231:11, 234:7, 239:1,
261:6, 263:15,
263:16, 265:22,
267:20
mind's [1] - 209:13
mindful [1] - 292:1
Ministry [1] - 102:2
minute [8] - 55:5,
74:24, 86:6, 101:9,
196:12, 286:14,
287:6, 291:18
minutes [12] - 49:13,
62:25, 68:25, 159:13,

204:9, 211:19,
245:21, 245:24,
246:1, 286:12, 286:20
Miro [1] - 130:18
mischaracterized [1]
- 62:5
misconduct [4] -
292:11, 293:4, 293:6,
293:9
misinterpreted [1] -
88:4
Miss [3] - 48:7, 48:8
missing [56] - 9:7,
9:21, 21:9, 22:3,
25:12, 30:3, 30:21,
44:20, 45:2, 64:22,
66:13, 66:15, 66:22,
66:24, 85:24, 90:16,
125:8, 128:3, 153:18,
155:4, 156:2, 175:7,
176:2, 176:13,
176:20, 178:13,
179:6, 179:22,
181:10, 214:15,
217:21, 217:24,
218:7, 218:21, 220:8,
231:12, 236:23,
237:13, 237:21,
238:3, 238:9, 238:14,
238:17, 238:21,
238:23, 241:2,
241:17, 241:22,
242:24, 272:3, 275:8,
287:22, 293:22, 294:6
Missing [2] - 21:7,
21:8
misspeak [1] -
133:11
misspoke [2] -
98:19, 123:16
misstate [1] - 133:11
mistake [2] - 11:11,
59:24
mistakes [6] -
182:19, 285:19,
285:20, 285:21,
285:25
model [3] - 9:21,
10:2, 10:4
moment [17] - 2:19,
11:15, 18:17, 23:8,
30:19, 35:16, 56:15,
75:21, 87:25, 96:20,
106:10, 137:20,
146:13, 150:7,
161:19, 287:16, 297:2
Mona [2] - 125:14,
126:14
money [2] - 152:21,
272:11

monitoring [3] -
110:13, 111:22, 112:5
month [4] - 9:4,
10:24, 79:21, 143:17
monthly [1] - 15:1
months [15] - 21:19,
96:8, 96:11, 98:17,
98:20, 102:11,
143:18, 190:3,
204:18, 245:14,
268:14, 268:22,
281:7, 285:18, 294:6
morally [1] - 248:8
morning [17] - 45:18,
74:6, 78:6, 133:10,
135:22, 136:4,
138:17, 246:7,
246:21, 249:2, 250:4,
250:10, 263:5,
264:10, 276:8,
277:11, 303:22
most [12] - 1:18,
49:13, 69:15, 124:19,
131:4, 157:11,
160:20, 224:6, 234:2,
266:20, 267:14,
275:22
motivated [2] -
85:25, 86:15
motivation [2] -
86:10, 87:4
Motorcycle [5] -
98:23, 104:22, 109:8,
111:10, 114:15
motorcycle [1] -
100:11
motorcyclists [3] -
98:12, 99:7, 99:8
Moulton [64] - 2:5,
2:13, 2:14, 2:23, 2:24,
3:5, 3:9, 3:11, 3:16,
3:20, 4:1, 4:4, 4:7,
4:11, 4:16, 4:20, 4:23,
5:1, 5:8, 5:13, 5:16,
5:19, 5:23, 6:1, 6:9,
6:13, 6:16, 6:18, 6:20,
6:24, 7:4, 7:8, 7:17,
8:1, 8:5, 8:11, 8:15,
8:17, 8:22, 9:1, 9:4,
9:9, 9:12, 9:15, 9:25,
10:4, 10:16, 10:22,
11:2, 11:17, 11:18,
11:23, 12:2, 12:5,
12:8, 12:11, 12:16,
12:18, 12:20, 12:22,
12:24, 13:2, 13:5,
13:9, 13:13, 13:18,
13:21, 14:1, 14:3,
14:5, 14:7, 14:10,
14:12, 14:14, 14:17,

14:24, 15:16, 16:3,
16:7, 16:12, 16:16,
16:19, 16:22, 17:1,
17:3, 17:9, 17:15,
17:19, 17:22, 18:3,
18:6, 18:21, 18:24,
19:4, 19:12, 19:15,
19:17, 19:24, 20:4,
20:12, 20:15, 20:19,
20:24, 21:3, 21:11,
21:18, 21:21, 22:1,
22:5, 22:10, 22:14,
23:1, 23:6, 23:11,
23:15, 23:20, 23:22,
23:24, 25:16, 25:17,
25:21, 25:24, 26:1,
26:9, 26:12, 26:19,
26:22, 27:3, 27:7,
27:15, 27:22, 28:1,
28:5, 28:10, 28:16,
28:20, 28:22, 29:3,
29:8, 29:14, 29:17,
30:1, 36:17, 36:21,
37:19, 37:22, 37:24,
38:2, 38:7, 38:12,
38:15, 38:22, 39:3,
39:6, 39:9, 39:12,
39:18, 39:23, 40:3,
40:8, 40:10, 40:13,
40:16, 40:19, 40:23,
42:10, 47:12, 47:15,
47:19, 48:15, 48:17,
48:24, 49:5, 51:12,
51:13, 53:2, 53:4,
53:8, 53:14, 53:19,
53:21, 53:24, 54:3,
54:9, 54:14, 54:16,
54:21, 55:1, 55:7,
55:15, 55:21, 55:24,
56:6, 56:14, 56:17,
56:18, 56:23, 57:2,
57:7, 57:12, 57:14,
58:4, 58:6, 58:16,
59:1, 59:6, 59:9,
59:11, 59:17, 59:19,
59:23, 60:2, 60:9,
60:15, 60:20, 61:15,
61:22, 63:2, 64:9,
64:11, 64:18, 65:1,
65:12, 65:18, 66:16,
66:22, 66:24, 67:7,
67:12, 67:17, 68:3,
68:6, 68:18, 69:16,
69:21, 70:1, 70:5,
70:7, 70:9, 70:14,
70:20, 70:23, 71:3,
71:5, 71:7, 71:10,
71:18, 71:20, 71:22,
72:2, 72:8, 72:19,
73:7, 73:13, 73:20,
74:5, 74:7, 74:18,

75:9, 75:11, 75:23,
76:1, 76:5, 76:11,
76:14, 76:21, 76:24,
77:2, 77:10, 77:13,
77:16, 77:19, 77:24,
78:7, 78:12, 78:17,
78:23, 78:25, 79:3,
79:9, 79:18, 80:1,
80:6, 80:13, 80:18,
80:22, 81:3, 81:8,
81:13, 81:15, 82:1,
82:3, 82:9, 82:17,
83:1, 83:3, 83:11,
83:15, 83:24, 84:9,
84:13, 84:16, 84:21,
85:8, 85:10, 85:18,
86:4, 87:1, 87:9,
87:12, 87:18, 87:24,
88:2, 88:10, 88:13,
89:3, 89:9, 90:22,
92:11, 92:13, 92:16,
92:24, 93:3, 93:8,
93:22, 94:4, 96:6,
96:9, 96:15, 96:19,
97:6, 97:10, 97:14,
97:16, 97:19, 97:25,
98:5, 98:13, 99:2,
99:10, 99:19, 99:21,
100:5, 100:13,
100:24, 101:4,
101:18, 101:22,
101:24, 102:6,
102:11, 102:15,
102:23, 103:4, 106:5,
106:17, 106:19,
106:23, 106:25,
107:8, 107:16,
107:23, 108:3, 108:7,
108:9, 108:25, 109:2,
109:11, 109:18,
109:22, 110:4,
110:16, 110:19,
110:24, 111:4,
111:12, 111:14,
111:16, 111:20,
112:1, 112:7, 112:12,
112:22, 113:9, 114:4,
114:8, 114:12,
114:18, 115:1, 115:6,
115:12, 115:24,
115:25, 116:15,
116:17, 116:22,
116:25, 118:23,
119:4, 119:5, 119:9,
119:12, 119:15,
122:24, 122:25,
123:2, 126:6, 126:8,
126:16, 127:10,
127:15, 128:6,
128:14, 128:20,
129:5, 129:8, 129:12,

129:17, 130:16,
130:17, 132:20,
133:2, 133:6, 133:8,
133:20, 133:25,
134:6, 134:13,
134:23, 135:4, 135:6,
135:9, 135:12,
135:14, 135:20,
136:8, 136:12,
136:19, 137:8,
137:16, 137:20,
137:22, 137:25,
138:3, 138:5, 138:9,
139:16, 139:18,
139:20, 139:23,
140:5, 140:10,
140:19, 140:23,
140:25, 141:7,
141:11, 141:14,
141:18, 141:22,
142:2, 142:5, 142:8,
142:12, 143:10,
143:12, 143:16,
144:4, 144:8, 144:14,
144:22, 145:4,
145:14, 145:16,
145:19, 145:22,
146:4, 146:7, 146:11,
147:2, 147:6, 147:25,
148:8, 148:19,
148:24, 149:1, 149:3,
149:8, 149:14,
149:19, 149:23,
149:25, 150:10,
150:20, 151:5, 151:7,
151:14, 151:17,
151:23, 152:3,
152:11, 152:23,
153:6, 153:22,
155:10, 155:24,
156:4, 156:5, 156:10,
156:14, 156:18,
157:3, 169:4, 169:17,
187:15, 187:19,
187:21, 190:11,
190:13, 190:16,
190:18, 190:20,
227:14, 235:13,
236:10, 242:3, 242:5,
242:10, 246:6,
246:14, 254:9,
257:18, 257:23,
259:25, 260:11,
260:22, 261:7,
261:13, 261:23,
262:2, 262:7, 262:16,
262:22, 263:3, 263:5,
263:16, 263:19,
263:23, 264:3, 264:9,
264:18, 264:22,
265:1, 265:8, 265:11,

265:17, 265:20,
265:23, 265:25,
266:4, 266:10,
266:12, 266:20,
267:1, 267:13,
267:19, 268:1, 268:5,
268:11, 268:14,
268:18, 268:22,
269:2, 269:10,
269:12, 269:16,
269:19, 270:2,
270:14, 270:17,
271:15, 271:20,
272:5, 272:8, 272:13,
272:17, 272:21,
272:23, 273:5, 273:7,
273:14, 273:17,
273:21, 274:3, 274:5,
274:15, 274:24,
275:6, 275:10,
275:16, 276:3,
278:23, 281:3, 281:7,
281:11, 281:14,
281:17, 281:20,
281:23, 281:25,
282:5, 282:9, 282:14,
282:18, 282:22,
293:20, 293:25,
294:3, 294:10,
294:13, 294:23,
295:5, 295:8, 295:12,
295:18, 295:25,
296:5, 296:11,
296:15, 296:17,
296:20, 296:25,
297:5, 297:7, 297:13,
297:20, 298:2, 298:7,
298:24, 1:4, 2:5
Moulton's [1] - 36:7
mounted [1] - 156:12
Mounted [3] - 10:17,
70:12, 2:7
move [9] - 17:10,
27:11, 28:11, 49:7,
51:10, 71:24, 129:23,
272:20, 292:7
moved [3] - 6:3, 6:4,
9:12
moving [5] - 9:15,
38:11, 282:11,
294:24, 295:13
multiple [2] - 275:14,
276:1
multitude [1] - 53:16
municipality [1] -
132:25
murder [29] - 23:25,
44:7, 139:14, 139:21,
141:6, 144:1, 148:5,
150:5, 151:12,

154:21, 175:6,
176:18, 177:6, 177:7,
191:19, 191:20,
191:21, 192:4, 192:9,
192:10, 192:16,
207:20, 211:4,
239:23, 262:1,
271:24, 272:15,
275:12
murder...to [1] -
271:18
murdered [5] - 30:3,
69:15, 125:12,
256:12, 283:9
murderer [1] - 206:9
murdering [2] -
134:4, 205:19
murders [11] - 74:16,
77:8, 78:16, 79:14,
84:5, 84:20, 85:25,
151:10, 242:11,
242:16, 295:11
Murray [1] - 11:21
must [8] - 30:14,
125:21, 125:22,
128:5, 155:25, 214:6,
240:17, 284:16
mutual [1] - 129:1
mysterious [1] -
293:11

N

name [17] - 13:23,
63:17, 88:3, 99:5,
111:5, 118:18,
136:10, 137:3,
169:24, 176:4, 176:5,
208:23, 243:8,
244:12, 250:17,
251:1, 295:9
Name [1] - 97:16
named [6] - 85:13,
112:19, 116:20,
150:15, 151:21, 251:1
namely [2] - 151:10,
178:15
names [4] - 90:17,
101:6, 212:15, 301:16
Narbonne [14] -
213:6, 213:7, 213:9,
235:16, 236:2, 236:5,
236:14, 236:17,
236:22, 245:18,
290:7, 293:17,
294:24, 1:8
narrow [2] - 288:8,
288:14
Nash [4] - 39:1,
170:17, 200:18, 201:7

| | | | |
|---|--|---|---|
| <p>Nash's ^[1] - 201:13</p> <p>Nathan ^[12] - 85:13, 85:22, 88:7, 89:11, 90:16, 91:11, 91:12, 91:17, 91:24, 92:8, 155:19, 156:1</p> <p>national ^[4] - 8:5, 10:2, 10:4, 51:21</p> <p>National ^[2] - 95:2, 95:4</p> <p>Nations ^[3] - 7:12, 8:2, 8:8</p> <p>Nations/rcmp ^[1] - 8:4</p> <p>natural ^[1] - 157:25</p> <p>nature ^[13] - 2:18, 27:21, 83:16, 108:19, 109:3, 112:14, 113:21, 161:19, 216:4, 216:6, 216:13, 216:15, 282:7</p> <p>nature...the ^[2] - 108:19, 113:21</p> <p>Ncis ^[1] - 94:21</p> <p>Nco ^[4] - 41:16, 42:1, 42:7, 42:11</p> <p>near ^[1] - 140:1</p> <p>nearly ^[1] - 154:1</p> <p>necessarily ^[3] - 162:10, 184:15, 276:1</p> <p>necessary ^[14] - 18:12, 18:13, 23:1, 26:24, 29:10, 37:4, 54:8, 54:10, 59:1, 63:4, 64:20, 87:9, 191:15, 271:9</p> <p>need ^[18] - 1:7, 1:17, 32:8, 32:16, 56:9, 66:6, 68:14, 87:22, 98:8, 199:10, 201:22, 229:6, 237:20, 262:18, 262:22, 262:25, 292:24</p> <p>needed ^[17] - 20:7, 22:21, 26:22, 33:7, 33:18, 48:8, 88:18, 134:7, 144:12, 150:20, 171:24, 227:14, 229:2, 233:7, 268:8, 276:16, 280:1</p> <p>needing ^[1] - 159:8</p> <p>needs ^[2] - 58:11, 60:23</p> <p>negotiations ^[1] - 289:19</p> <p>neighbourhood ^[2] - 122:1, 122:14</p> <p>neighbours ^[1] - 131:2</p> <p>Nels ^[1] - 170:17</p> | <p>Never ^[2] - 95:14, 95:25</p> <p>never ^[31] - 33:16, 87:1, 89:3, 91:13, 91:14, 92:9, 95:19, 96:1, 126:18, 127:6, 128:17, 156:4, 157:21, 169:7, 189:11, 193:16, 199:12, 216:4, 216:18, 226:8, 230:7, 232:1, 253:14, 253:25, 254:1, 255:16, 268:7, 274:22, 276:25, 289:23</p> <p>nevertheless ^[1] - 248:22</p> <p>new ^[11] - 18:6, 21:21, 21:23, 88:24, 131:21, 151:19, 185:9, 188:3, 275:5, 297:22</p> <p>New ^[23] - 18:7, 18:14, 19:1, 19:3, 19:22, 20:7, 20:9, 20:13, 20:17, 99:20, 125:10, 127:8, 127:20, 129:14, 183:9, 195:18, 195:25, 196:4, 196:22, 205:11, 205:12, 264:13, 294:4</p> <p>newer ^[1] - 219:15</p> <p>news ^[4] - 139:3, 139:7, 284:16, 2:13</p> <p>News ^[1] - 139:4</p> <p>newspaper ^[2] - 128:2, 153:15</p> <p>next ^[24] - 3:1, 10:8, 27:11, 33:9, 45:10, 57:8, 57:24, 58:13, 76:25, 80:16, 97:21, 103:11, 103:25, 105:21, 127:17, 135:21, 138:11, 147:16, 156:7, 156:11, 230:13, 253:23, 291:7</p> <p>Next ^[6] - 124:14, 124:16, 124:18, 125:1, 294:14, 294:24</p> <p>nexus ^[4] - 103:18, 103:20, 273:11, 300:18</p> <p>nice ^[2] - 257:19, 258:9</p> <p>night ^[2] - 128:9, 156:21</p> <p>nine ^[1] - 96:11</p> | <p>Nobody ^[5] - 180:23, 193:11, 206:9, 208:24</p> <p>nobody ^[2] - 66:6, 77:10</p> <p>nobody's ^[1] - 104:1</p> <p>non ^[2] - 56:11, 148:12</p> <p>non-identification ^[1] - 56:11</p> <p>none ^[4] - 60:10, 143:8, 180:8, 228:5</p> <p>None ^[2] - 65:12, 256:25</p> <p>nonetheless ^[1] - 155:3</p> <p>normally ^[2] - 86:14, 234:22</p> <p>notations ^[1] - 56:21</p> <p>note ^[28] - 2:10, 36:12, 56:23, 67:22, 75:11, 84:24, 105:16, 124:8, 133:11, 165:10, 165:13, 212:4, 212:6, 212:7, 212:8, 212:10, 235:3, 236:2, 236:9, 237:6, 237:8, 237:11, 239:12, 239:13, 242:5, 255:7, 300:8, 300:11</p> <p>notebook ^[3] - 166:14, 166:16, 167:15</p> <p>notebooks ^[1] - 270:4</p> <p>noted ^[6] - 50:6, 67:19, 67:25, 103:16, 104:11, 105:6</p> <p>notes ^[38] - 24:20, 60:4, 72:23, 158:10, 163:22, 165:23, 166:1, 166:2, 166:5, 166:7, 166:10, 167:7, 167:10, 167:12, 167:14, 177:22, 178:2, 178:5, 189:21, 190:15, 190:17, 218:15, 220:15, 220:16, 222:12, 227:11, 227:16, 227:19, 227:22, 232:21, 235:5, 235:22, 236:5, 236:25, 249:9, 249:13, 299:25, 300:20</p> <p>nothing ^[13] - 21:15, 32:12, 63:3, 91:7, 112:23, 122:5, 122:11, 214:14, 214:17, 236:2, 274:10, 297:22</p> <p>notice ^[4] - 24:8, 68:11, 103:8, 287:17</p> <p>notices ^[3] - 292:10, 293:6, 293:8</p> <p>Notified ^[1] - 148:11</p> <p>notifying ^[1] - 199:14</p> <p>noting ^[1] - 105:7</p> <p>notorious ^[1] - 135:7</p> <p>notwithstanding ^[3] - 227:5, 282:2, 282:12</p> <p>Nova ^[3] - 111:3, 111:7, 113:7</p> <p>November ^[8] - 17:21, 69:24, 81:17, 82:10, 103:7, 117:21, 209:16, 281:4</p> <p>nowhere ^[3] - 45:15, 229:18, 288:4</p> <p>Nr ^[10] - 103:25, 105:22, 138:18, 160:16, 160:18, 160:23, 161:4, 161:18, 162:10, 303:5</p> <p>Nsis ^[5] - 94:22, 94:23, 95:7, 95:10</p> <p>Number ^[1] - 118:1</p> <p>number ^[27] - 10:14, 15:22, 27:4, 27:20, 35:4, 77:5, 77:10, 77:11, 78:5, 89:7, 97:12, 101:25, 109:13, 119:25, 123:21, 158:8, 218:9, 227:13, 249:5, 252:10, 255:7, 269:7, 270:20, 302:25, 303:1, 303:2</p> <p>numbered ^[4] - 97:8, 160:2, 235:11, 235:16</p> <p>numbers ^[6] - 78:2, 78:3, 78:8, 96:25, 160:4, 252:18</p> | <p>Objet ^[1] - 24:9</p> <p>obligation ^[1] - 166:7</p> <p>obligations ^[2] - 27:8, 245:11</p> <p>observations ^[2] - 81:18, 126:4</p> <p>observe ^[1] - 46:12</p> <p>observer ^[1] - 133:22</p> <p>obtain ^[8] - 15:7, 23:1, 29:24, 48:17, 71:19, 257:25, 295:23, 297:23</p> <p>Obtain ^[1] - 272:1</p> <p>obtained ^[4] - 86:1, 87:18, 189:25, 298:5</p> <p>obtaining ^[8] - 37:13, 58:12, 63:7, 87:9, 260:16, 261:8, 264:1, 295:15</p> <p>obvious ^[2] - 36:9, 142:10</p> <p>Obviously ^[1] - 242:9</p> <p>obviously ^[9] - 30:14, 58:20, 98:17, 103:1, 159:7, 181:2, 181:20, 212:11, 283:18</p> <p>Ocabc ^[1] - 111:18</p> <p>occasion ^[2] - 109:24, 191:12</p> <p>occasionally ^[3] - 108:17, 113:19, 123:2</p> <p>occasions ^[7] - 5:17, 39:25, 40:12, 55:19, 152:12, 200:16, 266:5</p> <p>occurred ^[11] - 28:23, 40:25, 49:24, 56:11, 107:18, 150:11, 213:24, 225:10, 232:24, 287:23, 296:3</p> <p>occurring ^[4] - 133:23, 134:11, 137:14, 295:21</p> <p>occurs ^[1] - 147:10</p> <p>October ^[13] - 11:19, 17:13, 17:14, 46:2, 46:17, 46:21, 82:10, 97:15, 117:16, 260:9, 301:6, 302:22</p> <p>odd ^[9] - 176:3, 176:13, 176:20, 177:14, 178:13, 178:20, 181:10</p> <p>offence ^[11] - 48:21, 59:21, 60:1, 91:8, 131:24, 133:5, 134:11, 134:14, 294:16, 294:21,</p> |
|---|--|---|---|

297:11
offences [8] - 65:4,
 73:4, 111:9, 112:21,
 133:1, 133:14,
 133:22, 223:18
offer [6] - 171:16,
 172:16, 198:9,
 211:18, 211:21,
 212:20
offered [4] - 15:25,
 94:19, 209:1, 281:5
offhand [1] - 121:2
office [11] - 42:9,
 63:16, 118:3, 120:2,
 122:21, 175:11,
 188:15, 212:5,
 219:20, 243:22, 244:2
Office [1] - 164:22
officer [24] - 4:8,
 5:10, 5:24, 6:3, 6:7,
 10:23, 11:21, 12:4,
 12:9, 14:25, 58:17,
 70:15, 71:14, 81:17,
 81:23, 82:4, 86:16,
 86:20, 157:4, 168:2,
 194:21, 223:15, 245:6
Officer [10] - 24:2,
 24:15, 39:21, 40:24,
 42:25, 43:1, 60:13,
 60:17, 61:18, 63:11
officer's [1] - 9:12
officers [15] - 12:25,
 15:10, 29:15, 37:16,
 39:5, 42:10, 55:2,
 85:13, 152:24,
 152:25, 170:24,
 171:1, 225:16,
 234:20, 247:15
official [2] - 213:19,
 253:15
Official [1] - 304:9
officially [1] - 213:14
officials [1] - 132:1
offline [6] - 136:3,
 136:7, 136:12,
 136:15, 138:10,
 138:16
often [3] - 132:4,
 136:19, 179:14
Oic [3] - 13:4, 42:3,
 42:14
old [1] - 13:17
old-fashioned [1] -
 13:17
omitted [1] - 263:5
once [8] - 31:8, 75:3,
 150:13, 171:1,
 185:12, 248:21,
 268:4, 268:7
one [121] - 1:14,

1:23, 5:20, 9:5, 13:7,
 14:8, 14:16, 14:19,
 35:25, 38:8, 45:1,
 53:17, 54:18, 54:23,
 55:5, 61:16, 61:20,
 62:23, 67:17, 70:10,
 72:4, 76:2, 85:12,
 86:7, 86:14, 92:17,
 93:21, 94:25, 100:2,
 101:19, 103:11,
 104:3, 106:7, 107:9,
 108:1, 118:1, 119:17,
 119:25, 125:3, 125:7,
 125:18, 128:2,
 131:11, 131:18,
 137:16, 139:8, 139:9,
 140:7, 141:25,
 143:13, 146:5, 146:6,
 147:1, 148:15, 150:6,
 151:6, 154:2, 154:3,
 154:11, 154:20,
 158:14, 160:11,
 163:20, 164:1,
 164:16, 164:17,
 164:19, 164:21,
 164:24, 165:2,
 166:10, 167:14,
 167:20, 170:14,
 173:10, 174:21,
 176:3, 178:3, 178:4,
 187:19, 187:20,
 188:6, 188:9, 195:24,
 196:21, 196:24,
 198:21, 203:22,
 208:3, 217:12,
 219:20, 221:1,
 223:14, 234:12,
 237:24, 238:6, 238:7,
 238:19, 241:15,
 243:7, 251:18,
 252:17, 255:20,
 255:21, 255:23,
 256:17, 261:7,
 261:24, 264:11,
 265:18, 271:12,
 275:23, 276:2,
 279:17, 280:3, 291:7,
 293:16, 301:6, 302:3
One [4] - 14:6, 65:18,
 86:6, 103:6
one-third [1] - 92:17
ones [4] - 30:25,
 125:15, 129:10,
 165:19
ongoing [3] - 8:7,
 65:24, 79:11
onward [1] - 85:12
op [3] - 109:25,
 110:5, 110:8
open [8] - 10:10,

10:12, 85:17, 138:13,
 155:18, 231:11,
 293:5, 300:20
opened [1] - 138:2
openly [1] - 254:15
opens [1] - 175:17
operate [2] - 140:8,
 280:4
operating [1] - 96:9
operation [15] -
 15:11, 15:14, 15:15,
 25:23, 53:25, 58:1,
 58:2, 95:15, 101:2,
 104:16, 109:22,
 112:11, 112:17,
 156:12, 157:2
Operation [1] - 95:11
operational [4] -
 15:1, 58:9, 160:15,
 161:9
Operational [3] -
 15:4, 162:18, 2:19
operations [13] -
 5:10, 12:4, 12:9,
 14:21, 14:22, 14:25,
 53:7, 53:10, 53:11,
 71:8, 71:11, 71:13,
 158:17
operative [1] - 57:10
operators [1] -
 111:25
opinion [11] - 37:18,
 37:23, 57:4, 59:12,
 77:7, 142:19, 142:21,
 163:13, 191:24,
 211:18, 211:21
opinions [1] - 77:24
opportunity [11] -
 105:1, 120:8, 201:9,
 233:11, 249:2, 250:5,
 250:8, 255:19,
 284:11, 285:21, 289:9
opposed [1] - 297:3
option [21] - 45:12,
 206:11, 206:16,
 206:18, 259:5,
 259:20, 262:6,
 262:15, 263:22,
 265:9, 265:24, 266:9,
 266:11, 266:19,
 266:24, 267:10,
 267:11, 267:15,
 267:24, 268:25, 274:2
options [4] - 45:10,
 260:1, 269:8, 274:20
order [12] - 10:5,
 31:14, 32:17, 35:25,
 37:13, 62:2, 101:14,
 101:16, 106:9, 124:9,
 199:10, 290:13

Order [5] - 1:4, 69:3,
 113:4, 159:16, 246:4
orders [3] - 31:22,
 193:25, 194:5
Ordinarily [1] - 28:23
ordinary [1] - 182:15
organization [7] -
 7:19, 8:19, 65:23,
 98:24, 112:4, 112:9,
 132:12
organizations [4] -
 3:18, 65:23, 182:13,
 182:14
Organized [1] -
 110:22
organized [1] - 114:8
oriented [1] - 160:18
origin [1] - 140:5
original [3] - 82:4,
 255:8, 255:10
originally [2] - 176:1,
 178:14
originator [1] - 296:1
ostensible [1] -
 295:19
others' [1] - 127:18
otherwise [6] -
 103:21, 161:14,
 161:23, 222:14,
 260:25, 275:9
Ottawa [1] - 70:8
ought [1] - 62:10
ourselves [1] - 76:16
outlined [1] - 31:21
outlines [1] - 145:11
outranked [1] -
 217:16
outset [2] - 120:16,
 120:23
outstanding [1] -
 278:17
overcome [1] - 20:13
overestimated [1] -
 84:9
overhead [1] -
 107:10
oversimplifying [1] -
 245:8
overstates [1] -
 70:14
overtime [3] - 19:25,
 20:15, 20:18
overview [1] - 139:24
own [8] - 29:1, 57:15,
 65:24, 193:14,
 194:12, 204:5, 269:6
owned [1] - 213:24
owner [1] - 101:1
ownership [1] -
 101:6

P

pace [1] - 92:20
package [1] - 161:18
Page [7] - 74:24,
 88:3, 146:14, 147:22,
 147:23, 1:2, 2:3
page [67] - 3:3, 3:6,
 3:22, 4:19, 4:24, 7:13,
 8:23, 11:20, 34:23,
 35:9, 41:4, 41:9,
 41:19, 43:12, 43:14,
 43:19, 43:20, 57:2,
 62:6, 62:22, 62:24,
 64:21, 65:6, 65:13,
 67:1, 73:24, 74:23,
 74:24, 75:6, 75:12,
 76:6, 76:25, 79:23,
 80:4, 80:16, 97:21,
 99:18, 108:2, 108:8,
 113:12, 117:7,
 117:17, 117:18,
 125:4, 125:6, 128:4,
 130:11, 130:12,
 145:18, 147:19,
 148:4, 148:7, 205:2,
 205:8, 205:17,
 215:20, 218:2,
 235:11, 241:9,
 241:12, 252:18,
 252:21, 253:7, 253:8,
 300:7
pages [11] - 4:22,
 64:8, 74:9, 97:3,
 107:22, 136:25,
 137:1, 153:16, 270:5,
 271:10, 301:8
paid [2] - 203:8,
 211:14
Palace [33] - 96:10,
 96:23, 97:5, 97:24,
 98:10, 98:25, 99:9,
 99:20, 101:2, 101:13,
 102:4, 104:5, 104:8,
 104:20, 106:1,
 106:13, 108:13,
 109:7, 113:15, 114:7,
 114:22, 115:5, 116:2,
 116:4, 116:9, 124:21,
 125:3, 125:10,
 128:12, 129:3, 129:7,
 135:7, 2:9
Panel [2] - 303:7,
 2:22
panel [10] - 1:23,
 126:23, 126:25,
 135:17, 157:14,
 159:3, 235:6, 298:23,
 299:3, 300:3
paper [7] - 72:9,

72:14, 146:9, 148:21,
250:23, 250:25,
252:17

paragraph [8] -
11:25, 99:22, 108:11,
179:20, 252:23,
252:25, 253:8, 253:23

paragraphs [1] -
252:21

paraphernalia [1] -
115:13

pardon [12] - 2:21,
3:12, 38:19, 41:5,
41:20, 41:21, 55:17,
125:5, 137:23,
201:13, 209:21,
256:13

Pardon [2] - 123:16,
302:17

parents [1] - 31:4

parrot [1] - 207:17

part [19] - 14:24,
47:19, 58:1, 74:10,
75:13, 87:6, 89:23,
90:2, 95:18, 121:16,
144:9, 183:18, 215:9,
262:16, 269:17,
273:14, 279:20,
294:7, 302:3

Part [15] - 27:20,
29:25, 32:19, 33:12,
36:19, 50:17, 51:4,
58:3, 58:7, 58:11,
144:9, 254:23, 264:1,
271:6

partial [1] - 183:22

partially [1] - 44:9

participant [2] -
289:23, 291:4

participants [6] -
161:21, 285:6,
288:25, 292:14,
292:16, 292:17

participate [2] - 49:9,
290:3

participating [1] -
289:21

particular [16] - 1:22,
14:21, 43:19, 44:7,
48:3, 112:1, 120:17,
121:14, 129:14,
142:9, 163:21, 207:6,
228:2, 236:9, 238:19,
287:21

particulars [1] - 65:8
parties [7] - 124:21,
125:1, 125:3, 128:12,
129:10, 257:4, 292:13

partner [10] - 24:17,
102:20, 166:1, 166:5,

167:14, 175:15,
175:20, 176:23,
177:13, 177:15

partner's [1] - 176:11
partners [1] - 178:6
partnership [1] -
166:9

parts [4] - 34:24,
215:17, 261:9, 302:4

Partway [1] - 130:22

party [12] - 59:21,
59:25, 99:20, 99:25,
125:10, 127:8,
127:20, 129:15,
191:25, 196:6, 294:4,
294:5

passage [7] - 74:9,
80:4, 84:1, 87:6,
99:22, 108:10, 148:1

passages [2] - 93:9,
130:21

passed [1] - 256:14

passing [2] - 122:5,
247:20

past [8] - 58:6,
61:16, 71:25, 118:21,
169:12, 198:11,
198:23, 257:10

Pat [1] - 124:13

patently [1] - 64:11

patrol [1] - 12:12

pay [1] - 155:13

paying [1] - 20:17

payment [1] - 20:15

Pd [3] - 15:3, 15:8,
18:14

Peder [4] - 29:22,

31:9, 91:3, 301:2

Peel [3] - 73:18,

74:1, 136:5

pen [1] - 251:2

pending [1] - 162:11

penultimate [1] -

11:7

people [44] - 7:23,
15:6, 28:25, 36:25,
39:1, 44:2, 48:6,
48:11, 55:24, 56:7,

60:11, 77:15, 77:21,
77:25, 80:24, 111:8,
124:12, 124:16,

124:22, 124:24,
124:25, 127:13,
130:20, 131:4,

131:10, 132:25,
151:4, 151:10,

156:19, 174:8,
179:15, 182:3, 197:6,

200:22, 217:8,
217:15, 223:24,

256:15, 260:22,
265:14, 265:21,
266:1, 268:11, 285:4

people's [1] - 157:18
Peoples [1] - 9:19

per [5] - 8:1, 12:7,
29:17, 118:17, 226:19

perceive [2] - 35:21,
36:8

perform [2] - 152:20,
277:8

performance [1] -
198:11

Perhaps [3] - 13:13,
161:17, 242:3

perhaps [17] - 35:16,
38:11, 48:13, 70:14,

102:17, 110:21,
130:2, 136:16,

150:23, 159:5,
159:10, 176:6,

185:19, 211:4,
264:13, 267:13,

268:20

period [11] - 10:23,
10:25, 21:4, 40:4,

63:6, 104:9, 109:5,
110:14, 112:14,

128:20, 143:18

periodically [1] -
190:2

permission [2] -
54:20, 199:17

permit [1] - 135:14
permits [2] - 108:18,
113:20

perpetrator [3] -
74:16, 84:5, 155:9

person [24] - 19:10,
29:9, 64:22, 66:16,

86:14, 108:4, 127:10,
127:11, 136:16,

153:2, 166:10, 169:8,
207:21, 216:12,

223:2, 224:6, 224:22,
230:3, 237:24,

275:13, 275:20,
280:3, 294:4, 295:18

person's [1] - 136:10
personal [5] - 68:12,

99:4, 120:18, 120:20,
167:19

Personal [1] - 68:15
personality [1] -
52:22

Personnel [1] -
42:19

personnel [7] -
15:16, 57:16, 65:18,

67:3, 85:20, 96:15,

275:1

persons [5] - 9:7,
9:22, 28:16, 114:19,
214:15

perspective [8] -
52:6, 110:18, 142:9,
228:5, 230:1, 234:1,
243:14, 287:23

pertaining [1] -
90:20

Peter [4] - 26:1,
111:1, 113:6, 156:8

Philippines [2] -
131:5, 131:20

phone [2] - 33:8,
33:22

phoned [1] - 287:25

photo [7] - 128:2,
264:14, 264:16,

264:24, 267:22,
268:24, 298:1

photograph [6] -
18:18, 55:18, 56:7,

130:23, 196:2, 196:23

photographs [7] -
21:1, 50:18, 51:3,

97:4, 127:8, 242:13,
242:20

photography [3] -
17:23, 18:22, 50:10

photos [9] - 52:11,
125:16, 129:9, 265:3,

268:9, 268:16,
268:18, 294:7, 297:15

phrase [2] - 109:3,
156:21

physical [1] - 107:17
Physicians [1] -
247:13

pick [8] - 183:10,
183:21, 188:18,

188:24, 189:1, 189:2,
202:12, 205:14

picked [1] - 189:4

Picking [1] - 202:13

picking [6] - 189:7,
189:11, 202:11,

202:17, 203:12, 206:2

Pickton [193] - 2:1,
14:18, 16:9, 16:10,

16:18, 17:17, 18:18,
19:19, 21:25, 23:25,

24:9, 25:5, 40:1,
40:12, 44:6, 45:16,

45:23, 46:1, 46:4,
46:6, 47:1, 47:7,

47:10, 47:17, 48:12,
48:19, 49:9, 50:23,

51:1, 51:24, 52:3,
55:13, 55:25, 56:16,

58:13, 60:14, 61:18,
62:13, 63:21, 64:9,
64:21, 65:5, 65:17,
66:12, 68:5, 73:1,
73:5, 73:12, 74:15,
76:4, 78:5, 78:15,
78:22, 78:24, 79:8,
79:13, 80:2, 80:11,
83:13, 83:21, 84:5,
85:24, 87:16, 89:7,
92:21, 95:23, 99:24,
100:18, 100:22,
100:23, 100:25,
101:1, 102:4, 102:21,
104:8, 106:12,
108:15, 111:2,
113:17, 115:19,
115:22, 115:25,
119:2, 119:6, 124:3,
124:11, 124:14,
124:17, 125:11,
129:2, 132:16,
133:14, 133:23,
134:4, 135:18, 136:4,
137:3, 137:4, 139:16,
141:4, 144:3, 149:17,
150:2, 150:16,
150:25, 151:9, 152:9,
153:24, 155:7,
156:13, 163:4,
163:11, 165:12,
165:25, 167:4, 167:8,
167:11, 167:13,
176:4, 176:7, 178:18,
183:9, 183:21, 191:2,
195:17, 195:21,
196:15, 196:17,
197:19, 200:23,
201:25, 202:11,
202:12, 202:13,
202:17, 203:9,
203:11, 205:4,
205:18, 206:2, 210:8,
211:10, 212:7,
212:12, 212:18,
212:23, 213:24,
216:1, 217:11,
217:23, 220:9,
220:21, 223:10,
230:14, 230:21,
231:19, 233:20,
236:11, 237:1, 237:9,
242:13, 245:4, 246:8,
246:12, 253:11,
258:8, 258:21, 259:5,
259:19, 260:7,
260:20, 261:1, 261:3,
261:16, 261:25,
262:1, 263:13, 265:3,
266:1, 266:25,
269:17, 270:1,

274:18, 275:13,
275:20, 281:6,
295:11, 298:10,
299:14, 299:21,
300:13, 300:18
Pickton's [14] -
31:12, 48:6, 48:25,
55:18, 90:21, 99:1,
118:4, 120:3, 133:16,
137:14, 151:21,
243:8, 264:14, 264:23
Picktons [16] -
94:12, 96:8, 110:2,
116:12, 119:10,
119:14, 119:20,
121:12, 121:19,
121:21, 122:15,
123:4, 123:18, 126:4,
138:8, 275:3
Picktons' [2] -
106:14, 107:12
Picton [2] - 240:21,
271:22
picture [3] - 19:7,
44:1, 279:20
piece [7] - 230:17,
230:18, 230:19,
248:4, 248:6, 250:23,
252:17
pieces [2] - 20:6,
203:22
pig [3] - 150:15,
153:24, 275:12
Piggy [5] - 77:7,
78:21, 79:8, 102:4,
104:4
Piggy's [32] - 96:10,
96:23, 97:5, 97:24,
98:10, 98:25, 99:9,
99:20, 101:2, 101:13,
104:8, 104:20, 106:1,
106:13, 108:13,
109:7, 113:15, 114:7,
114:22, 115:5, 116:2,
116:4, 116:9, 124:21,
125:3, 125:10, 128:8,
128:12, 129:3, 129:6,
135:7, 2:9
pilot [2] - 143:21,
143:22
pinpointing [1] -
106:24
Pires [2] - 112:19
Pirs [1] - 183:14
pit [3] - 124:14,
132:3, 137:13
pit-bull [1] - 132:3
place [24] - 9:17,
29:13, 54:24, 58:3,
76:19, 81:18, 114:20,

120:15, 131:8,
131:11, 131:15,
132:2, 134:21,
134:25, 135:5,
148:17, 152:20,
156:14, 157:2,
175:11, 184:8,
192:20, 229:2, 241:12
placed [4] - 69:17,
73:23, 106:4, 290:24
places [1] - 8:13
plainclothes [5] -
12:10, 12:12, 13:3,
80:23, 219:17
plan [13] - 58:10,
226:10, 229:10,
229:11, 233:3, 233:7,
233:18, 234:8,
236:12, 237:4, 237:5,
253:15, 278:24
planning [3] - 235:7,
284:17, 286:5
plant [1] - 191:3
plates [1] - 46:14
plausible [1] - 132:7
play [1] - 77:3
played [3] - 4:2,
31:5, 87:7
plenty [1] - 103:6
plural [2] - 237:13,
237:16
plus [2] - 29:12,
39:10
Pm [7] - 113:2,
113:3, 159:14,
159:15, 246:2, 246:3,
303:23
Poco [2] - 98:22,
115:15
Poco-001 [1] - 96:25
Poco-001-000038 [1]
- 97:13
Poco-001-000062 [1]
- 99:14
point [57] - 30:18,
32:17, 33:23, 34:1,
35:22, 43:15, 44:5,
44:17, 71:6, 71:23,
74:8, 75:11, 76:24,
77:4, 88:6, 89:22,
91:15, 100:7, 100:13,
105:3, 106:25,
109:12, 116:12,
121:6, 126:12,
127:16, 133:9, 149:8,
149:9, 149:25,
168:15, 173:4, 173:6,
173:8, 184:18, 201:9,
214:4, 214:11,
218:16, 221:4,

228:20, 230:2,
231:12, 232:12,
233:3, 241:19, 256:9,
256:20, 260:6,
260:21, 261:4,
263:22, 266:12,
298:9, 298:20
pointed [2] - 107:4,
285:7
pointless [5] - 266:8,
267:6, 267:17, 268:3,
282:19
points [3] - 65:18,
288:7, 300:24
police [41] - 3:1,
4:21, 9:21, 15:1,
15:10, 31:8, 54:12,
54:18, 54:20, 54:23,
55:2, 55:5, 58:17,
65:22, 81:22, 93:18,
120:6, 132:4, 132:12,
135:19, 136:9,
136:11, 142:7,
142:14, 145:9,
145:20, 148:16,
149:6, 155:14,
234:19, 234:20,
245:6, 259:9, 284:2,
285:19, 290:2, 291:4,
299:17, 299:22,
301:15
Police [26] - 9:20,
9:24, 10:17, 14:22,
15:4, 20:8, 21:23,
66:11, 66:18, 70:12,
72:1, 72:5, 72:11,
72:15, 73:19, 128:23,
144:18, 145:24,
163:17, 169:25,
170:12, 205:12,
238:16, 248:12,
275:19, 2:7
policed [1] - 98:21
policies [7] - 158:16,
161:1, 161:10,
161:11, 161:13,
161:15, 161:16
policing [10] - 4:23,
5:3, 5:11, 9:12, 10:6,
15:6, 65:23, 71:14,
247:19
policy [13] - 9:7,
9:16, 9:22, 10:2, 10:4,
54:17, 63:10, 160:15,
207:15, 207:16,
207:17, 258:4, 259:11
Political [1] - 145:10
Pollock [98] - 2:7,
2:22, 14:2, 14:4,
25:14, 40:24, 41:2,

41:6, 41:12, 41:19,
41:22, 42:8, 42:13,
42:15, 42:18, 42:22,
45:10, 45:20, 51:14,
51:16, 51:20, 52:1,
52:5, 91:11, 92:7,
93:23, 94:5, 94:7,
94:10, 94:14, 94:17,
94:19, 94:22, 94:24,
95:1, 95:4, 95:6, 95:9,
95:12, 95:14, 95:18,
95:22, 95:25, 96:3,
96:5, 113:6, 113:8,
116:3, 116:4, 116:7,
117:3, 117:5, 117:8,
117:11, 117:12,
117:17, 117:24,
118:14, 118:17,
118:24, 119:16,
119:22, 119:24,
121:10, 121:16,
121:22, 122:8,
122:11, 122:16,
122:19, 122:23,
126:7, 127:2, 127:4,
128:15, 128:16,
153:7, 153:8, 169:4,
169:8, 169:17, 189:6,
189:9, 189:15,
189:16, 189:18,
189:21, 190:2, 190:7,
227:12, 232:23,
233:1, 233:5, 299:7,
299:8, 303:13,
303:19, 1:3
Pollock's [1] -
301:13
Polygraph [1] -
240:15
polygraph [10] -
45:5, 45:7, 230:3,
230:5, 240:17, 241:1,
277:19, 277:23,
278:2, 278:7
polygrapher [1] -
240:12
polygraphist [1] -
277:22
popular [1] - 131:20
Port [35] - 95:17,
96:13, 96:22, 97:17,
98:18, 98:19, 98:21,
100:9, 101:3, 101:11,
101:14, 103:3,
103:24, 105:25,
109:17, 112:6, 135:5,
137:12, 137:22,
143:20, 150:15,
153:2, 153:5, 162:24,
167:18, 170:6,

171:13, 171:18,
173:18, 200:22,
207:1, 274:11, 303:7,
2:8, 2:22
portions [1] - 146:8
posed [2] - 90:7,
148:2
position [27] - 5:16,
6:2, 6:4, 6:17, 9:13,
9:15, 16:14, 31:1,
42:6, 49:5, 70:3, 71:1,
71:12, 72:14, 86:21,
89:19, 98:1, 112:8,
142:21, 145:5,
145:12, 145:14,
145:21, 200:9,
285:12, 285:13,
301:17
positive [1] - 35:2
possession [4] -
34:5, 123:25, 130:6,
151:8
possibility [13] -
38:12, 57:20, 61:17,
65:2, 74:19, 81:22,
118:6, 118:8, 120:5,
121:13, 254:18,
274:4, 300:21
possible [19] - 23:25,
25:9, 57:11, 58:2,
58:5, 65:4, 67:11,
73:4, 74:21, 84:6,
133:13, 151:9,
192:10, 213:23,
259:8, 259:12,
261:25, 263:12, 264:5
Possible [2] - 24:9,
25:3
possibly [2] - 52:7,
151:3
post [1] - 70:22
posted [3] - 95:8,
162:4, 162:8
poster [1] - 22:4
postings [1] - 4:23
Potential [1] - 240:15
potentially [6] -
59:25, 76:4, 214:5,
264:12, 275:15,
275:25
power [3] - 72:6,
72:16, 147:4
practice [12] - 12:12,
54:21, 112:12,
140:23, 182:15,
186:2, 186:7, 198:25,
199:1, 199:12,
207:18, 234:24
practices [1] -
301:15

| | | | | |
|--|--|--|--|---|
| <p>precedent ^[1] - 155:14</p> <p>preceding ^[3] - 80:4, 93:5, 148:4</p> <p>precisely ^[3] - 32:23, 271:1, 297:13</p> <p>precluded ^[4] - 161:13, 257:20, 258:13, 267:4</p> <p>prefer ^[2] - 158:19, 204:4</p> <p>premise ^[1] - 89:24</p> <p>premises ^[4] - 92:6, 109:20, 115:5, 197:9</p> <p>preoccupied ^[3] - 79:7, 79:9, 79:13</p> <p>prep ^[2] - 232:18, 236:5</p> <p>preparation ^[4] - 142:22, 180:17, 234:6, 234:7</p> <p>preparations ^[1] - 47:20</p> <p>prepare ^[8] - 142:11, 155:21, 227:10, 245:5, 261:17, 286:8, 286:23</p> <p>prepared ^[13] - 41:7, 56:19, 72:3, 72:13, 93:25, 98:2, 138:16, 195:21, 196:1, 196:15, 197:17, 220:3, 236:25</p> <p>prepares ^[1] - 85:14</p> <p>preparing ^[6] - 164:13, 165:9, 165:21, 204:16, 224:20, 269:25</p> <p>presence ^[1] - 109:17</p> <p>present ^[5] - 38:4, 38:5, 62:7, 228:11, 264:4</p> <p>presentation ^[4] - 51:24, 52:5, 52:10, 57:21</p> <p>presenting ^[1] - 126:21</p> <p>presents ^[1] - 60:24</p> <p>pressed ^[1] - 31:2</p> <p>pressure ^[1] - 59:4</p> <p>pressured ^[1] - 147:21</p> <p>presumed ^[1] - 133:4</p> <p>presumptively ^[2] - 161:10, 161:11</p> <p>pretext ^[1] - 62:2</p> <p>pretty ^[8] - 83:13, 135:5, 209:3, 224:18, 229:15, 234:2,</p> | <p>234:15, 292:3</p> <p>prevent ^[2] - 151:3, 248:10</p> <p>previous ^[5] - 87:14, 112:15, 161:2, 169:11, 200:16</p> <p>previously ^[3] - 56:12, 214:1, 222:21</p> <p>primarily ^[2] - 213:11, 244:25</p> <p>primary ^[3] - 216:5, 216:7, 216:9</p> <p>Prime ^[1] - 15:21</p> <p>prime ^[1] - 216:14</p> <p>Prince ^[1] - 7:9</p> <p>principles ^[1] - 158:1</p> <p>Printout ^[2] - 139:1, 2:10</p> <p>priorities ^[1] - 94:8</p> <p>priority ^[5] - 226:11, 253:20, 282:2, 282:7, 282:8</p> <p>privacy ^[1] - 161:8</p> <p>proactively ^[1] - 267:22</p> <p>probability ^[1] - 273:23</p> <p>probable ^[16] - 23:16, 37:4, 37:13, 57:11, 58:19, 59:2, 73:15, 87:10, 260:17, 262:18, 262:22, 263:1, 263:25, 295:16, 296:7, 296:16</p> <p>problem ^[17] - 19:22, 54:24, 55:1, 146:23, 154:8, 154:16, 155:4, 171:14, 171:19, 171:21, 171:22, 202:24, 209:9, 211:13, 236:17, 279:5, 291:1</p> <p>problems ^[4] - 86:7, 172:6, 279:14</p> <p>procedural ^[3] - 158:1, 285:4, 289:16</p> <p>procedure ^[2] - 54:17, 258:5</p> <p>procedures ^[1] - 158:16</p> <p>proceed ^[3] - 63:4, 92:20, 149:12</p> <p>proceeded ^[2] - 61:13, 270:25</p> <p>proceeding ^[3] - 29:1, 136:2, 289:21</p> <p>proceedings ^[6] - 16:25, 17:8, 142:17, 290:4, 291:23, 304:5</p> <p>Proceedings ^[11] -</p> | <p>1:3, 69:1, 69:2, 113:2, 113:3, 159:14, 159:15, 246:2, 246:3, 303:23, 1:1</p> <p>process ^[18] - 15:20, 37:5, 90:5, 90:8, 91:5, 96:14, 108:14, 113:16, 115:17, 145:13, 146:2, 147:11, 148:11, 149:7, 152:16, 256:24, 284:21, 289:12</p> <p>processes ^[1] - 37:14</p> <p>produce ^[3] - 103:8, 125:16, 147:7</p> <p>produced ^[6] - 21:15, 30:9, 128:18, 136:22, 256:19, 256:25</p> <p>producing ^[1] - 147:3</p> <p>product ^[1] - 191:11</p> <p>production ^[2] - 257:3, 270:24</p> <p>productive ^[1] - 264:12</p> <p>professionally ^[1] - 230:8</p> <p>profile ^[9] - 50:25, 52:22, 195:20, 196:1, 196:15, 196:17, 196:22, 261:14, 261:17</p> <p>profiler ^[2] - 170:22, 195:21</p> <p>Profilers ^[1] - 51:6</p> <p>profilers ^[2] - 52:23, 211:6</p> <p>profiling ^[2] - 50:18, 211:3</p> <p>program ^[1] - 15:20</p> <p>progress ^[1] - 87:15</p> <p>prohibited ^[1] - 212:16</p> <p>Project ^[15] - 111:3, 111:7, 113:7, 127:13, 209:4, 209:12, 209:14, 209:25, 241:8, 241:16, 241:25, 242:10, 273:25, 295:1, 295:3</p> <p>project ^[9] - 111:4, 143:22, 209:23, 242:6, 243:15, 295:6, 295:7, 295:9</p> <p>promised ^[1] - 130:8</p> <p>promoted ^[6] - 5:17, 5:20, 6:10, 42:5, 53:3,</p> | <p>71:1</p> <p>promotion ^[3] - 41:1, 41:17, 42:2</p> <p>prompted ^[1] - 156:3</p> <p>proof ^[1] - 206:10</p> <p>proper ^[5] - 34:23, 127:10, 185:13, 229:6, 234:5</p> <p>properly ^[13] - 64:20, 142:11, 185:14, 186:3, 186:12, 186:13, 194:16, 194:23, 195:1, 195:2, 195:6, 195:13, 290:3</p> <p>property ^[29] - 31:13, 46:9, 50:3, 61:19, 73:12, 81:24, 86:2, 87:16, 88:24, 89:8, 91:19, 93:19, 99:1, 100:2, 106:15, 107:13, 124:18, 132:18, 133:17, 133:23, 134:3, 134:8, 134:20, 137:5, 137:14, 155:22, 178:18, 232:9, 274:13</p> <p>proposals ^[1] - 15:18</p> <p>propose ^[1] - 1:22</p> <p>proposition ^[3] - 154:9, 197:14, 289:9</p> <p>propositions ^[4] - 154:9, 154:16, 195:23</p> <p>prosecution ^[1] - 87:17</p> <p>prosecutions ^[1] - 5:4</p> <p>prospect ^[1] - 132:6</p> <p>prostitutes ^[3] - 236:23, 237:13, 273:1</p> <p>prostitution ^[1] - 104:22</p> <p>Protocol ^[1] - 8:4</p> <p>protocol ^[9] - 8:5, 8:7, 54:17, 105:23, 120:15, 120:22, 120:24, 160:23, 186:7</p> <p>prove ^[1] - 48:18</p> <p>provide ^[19] - 10:5, 18:12, 19:25, 20:24, 26:14, 27:25, 56:3, 88:15, 142:18, 142:21, 150:23, 236:20, 242:17, 246:24, 252:7, 261:10, 264:16, 292:16</p> <p>provided ^[14] - 26:3, 65:9, 145:25, 186:22, 201:23, 202:1, 202:2, 211:24, 212:23,</p> | <p>224:9, 254:8, 265:6, 269:4, 292:23</p> <p>provides ^[2] - 27:19, 292:14</p> <p>providing ^[1] - 269:23</p> <p>province ^[7] - 7:22, 71:9, 71:12, 72:6, 72:16, 110:20, 144:25</p> <p>Province ^[4] - 102:2, 125:7, 153:17, 294:7</p> <p>Provincial ^[2] - 28:14, 38:20</p> <p>provision ^[1] - 198:23</p> <p>public ^[7] - 104:7, 110:17, 155:6, 161:10, 161:12, 161:22, 293:10</p> <p>publication ^[3] - 145:2, 145:9, 293:5</p> <p>published ^[3] - 8:20, 9:2, 290:12</p> <p>Puff ^[3] - 116:21, 117:11, 118:16</p> <p>Puff's ^[1] - 126:11</p> <p>pull ^[3] - 28:7, 66:4, 287:20</p> <p>pulled ^[1] - 183:13</p> <p>purported ^[1] - 296:1</p> <p>purpose ^[9] - 29:2, 47:16, 104:11, 120:17, 140:21, 179:13, 179:25, 185:15, 218:19</p> <p>purposes ^[4] - 104:6, 264:6, 269:24, 279:22</p> <p>pursue ^[8] - 22:22, 31:18, 62:6, 115:16, 199:1, 274:4, 279:2, 280:16</p> <p>pursued ^[8] - 18:9, 21:17, 62:11, 64:24, 65:1, 155:15, 259:13, 294:13</p> <p>pursuing ^[7] - 87:20, 102:9, 105:13, 260:8, 260:9, 281:2, 298:10</p> <p>pursuit ^[1] - 150:1</p> <p>push ^[1] - 66:3</p> <p>put ^[54] - 2:13, 11:6, 11:13, 30:17, 30:20, 33:16, 37:7, 52:22, 63:17, 73:10, 74:10, 75:5, 89:18, 90:18, 93:12, 93:13, 101:8, 103:10, 103:20, 111:6, 115:18, 116:12, 122:3, 125:23, 126:15,</p> |
|--|--|--|--|---|

| | | | | |
|---|---|--|--|---|
| 134:7, 135:15, 135:17, 137:11, 141:12, 147:11, 157:1, 167:25, 172:2, 195:24, 196:14, 196:24, 197:9, 203:19, 204:2, 215:15, 215:17, 220:20, 238:6, 249:14, 250:13, 259:1, 261:18, 261:24, 262:2, 268:5, 292:9 puts [1] - 116:17 putting [6] - 59:3, 83:8, 105:4, 123:23, 171:4, 197:14 | quote [5] - 87:5, 127:23, 131:9, 133:10, 204:20 quoted [1] - 146:8 | 168:3, 170:16, 186:17, 198:4, 198:10, 200:2, 212:16, 216:22, 216:25, 217:5, 223:15, 225:16, 246:11, 246:23, 246:25, 247:12, 247:15, 248:16, 248:18, 248:20, 257:18, 259:18, 269:7, 281:21, 291:5, 2:19 Rcmp's [2] - 31:11, 36:2 Rcmp-029-000002 [1] - 123:22 re [9] - 22:10, 272:12, 273:12, 283:2, 283:4, 292:3, 293:15, 298:16 Re [2] - 24:8, 97:16 re-direct [1] - 298:16 re-examination [4] - 283:2, 283:4, 292:3, 293:15 re-interviewing [2] - 272:12, 273:12 re-involvement [1] - 22:10 reach [2] - 66:1, 66:5 reached [3] - 67:7, 73:2, 280:1 react [1] - 211:7 reaction [2] - 52:2, 213:1 reactivated [1] - 150:22 read [42] - 41:21, 56:18, 63:2, 74:25, 75:7, 75:17, 78:22, 79:25, 80:5, 80:16, 84:1, 84:22, 84:23, 84:24, 87:6, 87:19, 93:9, 99:22, 108:10, 113:10, 113:11, 113:12, 117:18, 127:23, 130:21, 145:1, 148:1, 165:6, 165:10, 184:11, 185:17, 211:1, 215:21, 218:4, 224:20, 244:11, 251:22, 251:25, 261:21, 262:8, 262:24, 300:11 reading [3] - 74:12, 165:20, 262:16 reads [1] - 145:23 ready [2] - 144:11, | 283:10 reality [1] - 136:19 really [12] - 60:20, 73:2, 81:21, 92:19, 162:3, 166:23, 171:22, 178:22, 185:16, 197:21, 246:11, 261:5 reason [16] - 30:6, 36:22, 46:11, 67:4, 102:24, 103:10, 120:1, 121:5, 136:20, 182:7, 233:22, 243:4, 250:19, 271:2, 286:1, 302:1 Reasonable [1] - 297:7 reasonable [18] - 23:15, 37:3, 37:12, 57:13, 58:19, 59:2, 73:15, 87:9, 260:16, 262:18, 262:22, 263:1, 263:24, 295:15, 296:6, 296:16, 297:9, 297:10 reasonably [1] - 47:21 reasons [9] - 30:12, 30:24, 31:21, 36:9, 76:2, 104:17, 135:14, 155:20, 197:5 receive [2] - 284:10, 292:15 received [12] - 22:15, 31:15, 33:9, 37:9, 52:14, 91:4, 104:3, 135:22, 147:9, 181:1, 181:6, 263:7 receiving [2] - 4:9, 265:25 recency [2] - 88:17, 294:20 recently [4] - 7:13, 9:2, 34:23, 215:10 recess [3] - 68:25, 159:13, 246:1 recitation [1] - 184:9 recognize [5] - 56:9, 105:20, 120:24, 161:14, 250:15 recognized [2] - 125:7, 155:22 recollect [4] - 92:24, 128:8, 261:15, 263:8 recollection [47] - 19:12, 21:3, 22:16, 26:19, 33:2, 36:22, 37:1, 37:9, 40:10, 47:19, 72:23, 74:7, 75:14, 88:16, 91:6, | 98:6, 102:17, 106:17, 106:20, 109:11, 109:12, 110:6, 110:7, 110:24, 128:20, 142:2, 156:18, 170:10, 171:23, 193:19, 204:19, 207:4, 221:22, 222:15, 242:5, 242:25, 249:23, 262:16, 268:18, 270:17, 271:3, 275:16, 275:23, 282:5, 299:20, 299:24, 300:19 record [15] - 30:13, 35:14, 103:21, 104:7, 105:5, 105:7, 105:17, 123:8, 126:18, 136:10, 136:23, 160:21, 168:11, 250:12, 301:10 recorded [4] - 38:10, 138:4, 193:21, 281:1 recorders [1] - 27:20 records [9] - 32:1, 32:3, 32:11, 36:3, 112:10, 112:13, 162:13, 287:20, 2:14 recover [1] - 271:18 Recovery [2] - 7:15, 7:17 recovery [1] - 7:22 recreate [1] - 59:24 redact [1] - 104:1 redacted [9] - 30:13, 32:14, 68:17, 68:18, 68:22, 105:22, 251:2, 271:4, 301:3 redaction [6] - 32:15, 120:18, 121:5, 301:12, 301:14, 301:18 redactions [3] - 31:14, 36:5, 161:20 redoing [1] - 56:6 reduced [1] - 30:11 Reduction [1] - 191:3 refer [7] - 24:2, 41:3, 88:5, 235:5, 235:22, 236:11, 296:12 reference [20] - 32:14, 34:9, 67:19, 100:9, 100:10, 100:22, 109:4, 118:15, 123:21, 161:16, 168:21, 203:2, 203:25, 250:15, 271:6, 295:1, |
| Q | | | | |
| Qc [1] - 102:20 quality [1] - 227:3 Quantico [2] - 8:16, 8:19 Queens [1] - 4:6 queries [3] - 137:8, 137:19, 300:25 query [1] - 136:20 questioners [1] - 159:6 questioning [7] - 2:4, 44:16, 74:10, 100:16, 104:25, 142:23, 181:3 questions [35] - 2:15, 2:16, 2:17, 9:6, 56:20, 60:24, 62:8, 62:16, 65:15, 69:15, 75:1, 75:2, 75:7, 76:7, 76:22, 77:17, 78:21, 80:1, 80:17, 91:23, 92:19, 106:6, 123:7, 123:23, 132:13, 148:2, 157:13, 158:3, 158:23, 213:11, 215:22, 224:23, 245:18, 259:25, 293:20 quick [3] - 153:12, 153:13, 298:17 quickly [5] - 62:22, 81:21, 131:3, 209:1, 292:2 Quite [2] - 179:14, 225:22 quite [10] - 28:22, 29:1, 36:8, 51:20, 143:2, 173:14, 230:18, 236:13, 254:15, 260:13 | quote [5] - 87:5, 127:23, 131:9, 133:10, 204:20 quoted [1] - 146:8 | 168:3, 170:16, 186:17, 198:4, 198:10, 200:2, 212:16, 216:22, 216:25, 217:5, 223:15, 225:16, 246:11, 246:23, 246:25, 247:12, 247:15, 248:16, 248:18, 248:20, 257:18, 259:18, 269:7, 281:21, 291:5, 2:19 Rcmp's [2] - 31:11, 36:2 Rcmp-029-000002 [1] - 123:22 re [9] - 22:10, 272:12, 273:12, 283:2, 283:4, 292:3, 293:15, 298:16 Re [2] - 24:8, 97:16 re-direct [1] - 298:16 re-examination [4] - 283:2, 283:4, 292:3, 293:15 re-interviewing [2] - 272:12, 273:12 re-involvement [1] - 22:10 reach [2] - 66:1, 66:5 reached [3] - 67:7, 73:2, 280:1 react [1] - 211:7 reaction [2] - 52:2, 213:1 reactivated [1] - 150:22 read [42] - 41:21, 56:18, 63:2, 74:25, 75:7, 75:17, 78:22, 79:25, 80:5, 80:16, 84:1, 84:22, 84:23, 84:24, 87:6, 87:19, 93:9, 99:22, 108:10, 113:10, 113:11, 113:12, 117:18, 127:23, 130:21, 145:1, 148:1, 165:6, 165:10, 184:11, 185:17, 211:1, 215:21, 218:4, 224:20, 244:11, 251:22, 251:25, 261:21, 262:8, 262:24, 300:11 reading [3] - 74:12, 165:20, 262:16 reads [1] - 145:23 ready [2] - 144:11, | 283:10 reality [1] - 136:19 really [12] - 60:20, 73:2, 81:21, 92:19, 162:3, 166:23, 171:22, 178:22, 185:16, 197:21, 246:11, 261:5 reason [16] - 30:6, 36:22, 46:11, 67:4, 102:24, 103:10, 120:1, 121:5, 136:20, 182:7, 233:22, 243:4, 250:19, 271:2, 286:1, 302:1 Reasonable [1] - 297:7 reasonable [18] - 23:15, 37:3, 37:12, 57:13, 58:19, 59:2, 73:15, 87:9, 260:16, 262:18, 262:22, 263:1, 263:24, 295:15, 296:6, 296:16, 297:9, 297:10 reasonably [1] - 47:21 reasons [9] - 30:12, 30:24, 31:21, 36:9, 76:2, 104:17, 135:14, 155:20, 197:5 receive [2] - 284:10, 292:15 received [12] - 22:15, 31:15, 33:9, 37:9, 52:14, 91:4, 104:3, 135:22, 147:9, 181:1, 181:6, 263:7 receiving [2] - 4:9, 265:25 recency [2] - 88:17, 294:20 recently [4] - 7:13, 9:2, 34:23, 215:10 recess [3] - 68:25, 159:13, 246:1 recitation [1] - 184:9 recognize [5] - 56:9, 105:20, 120:24, 161:14, 250:15 recognized [2] - 125:7, 155:22 recollect [4] - 92:24, 128:8, 261:15, 263:8 recollection [47] - 19:12, 21:3, 22:16, 26:19, 33:2, 36:22, 37:1, 37:9, 40:10, 47:19, 72:23, 74:7, 75:14, 88:16, 91:6, | 98:6, 102:17, 106:17, 106:20, 109:11, 109:12, 110:6, 110:7, 110:24, 128:20, 142:2, 156:18, 170:10, 171:23, 193:19, 204:19, 207:4, 221:22, 222:15, 242:5, 242:25, 249:23, 262:16, 268:18, 270:17, 271:3, 275:16, 275:23, 282:5, 299:20, 299:24, 300:19 record [15] - 30:13, 35:14, 103:21, 104:7, 105:5, 105:7, 105:17, 123:8, 126:18, 136:10, 136:23, 160:21, 168:11, 250:12, 301:10 recorded [4] - 38:10, 138:4, 193:21, 281:1 recorders [1] - 27:20 records [9] - 32:1, 32:3, 32:11, 36:3, 112:10, 112:13, 162:13, 287:20, 2:14 recover [1] - 271:18 Recovery [2] - 7:15, 7:17 recovery [1] - 7:22 recreate [1] - 59:24 redact [1] - 104:1 redacted [9] - 30:13, 32:14, 68:17, 68:18, 68:22, 105:22, 251:2, 271:4, 301:3 redaction [6] - 32:15, 120:18, 121:5, 301:12, 301:14, 301:18 redactions [3] - 31:14, 36:5, 161:20 redoing [1] - 56:6 reduced [1] - 30:11 Reduction [1] - 191:3 refer [7] - 24:2, 41:3, 88:5, 235:5, 235:22, 236:11, 296:12 reference [20] - 32:14, 34:9, 67:19, 100:9, 100:10, 100:22, 109:4, 118:15, 123:21, 161:16, 168:21, 203:2, 203:25, 250:15, 271:6, 295:1, |

295:3, 296:23, 300:17
referenced [4] -
 109:20, 168:9,
 252:18, 288:17
references [2] - 34:5,
 62:22
referencing [1] -
 102:3
referred [9] - 24:6,
 41:8, 78:20, 104:2,
 131:19, 132:8, 220:2,
 222:12, 302:3
referring [15] - 16:1,
 80:10, 80:14, 85:11,
 102:18, 111:16,
 123:10, 132:12,
 146:7, 163:1, 188:20,
 218:15, 255:22,
 269:22, 271:12
refers [7] - 77:20,
 130:20, 131:16,
 212:7, 212:10,
 235:12, 236:23
reflect [1] - 282:14
reflected [3] - 67:22,
 81:16, 91:8
reflecting [1] -
 176:12
reflection [1] -
 257:16
reflects [1] - 271:2
refresh [6] - 215:23,
 218:1, 235:22,
 235:24, 236:1, 236:24
refused [2] - 31:11,
 278:2
regard [3] - 39:22,
 214:16, 280:14
Regarding [1] -
 253:9
regarding [21] - 2:2,
 20:9, 21:24, 25:8,
 40:14, 51:24, 52:3,
 56:22, 57:4, 65:4,
 65:7, 65:16, 66:12,
 106:1, 142:19,
 142:22, 261:15,
 261:16, 293:4,
 293:21, 2:9
Regards [1] - 240:20
regime [1] - 144:23
regional [1] - 55:5
Regional [5] - 15:4,
 29:21, 37:7, 37:20,
 73:18
Registrar [51] - 1:4,
 1:6, 1:10, 1:12, 10:10,
 10:12, 10:14, 11:5,
 11:10, 11:14, 11:16,
 35:3, 35:6, 35:8,

68:11, 68:21, 68:24,
 69:3, 100:19, 105:24,
 113:1, 113:4, 117:9,
 135:24, 138:13,
 138:21, 138:24,
 139:3, 139:5, 153:11,
 159:13, 159:16,
 160:4, 160:7, 160:9,
 160:13, 160:16,
 161:5, 162:10,
 162:21, 201:15,
 204:23, 204:25,
 239:8, 246:1, 246:4,
 301:23, 301:25,
 302:2, 303:2, 303:21
regret [3] - 247:1,
 247:3, 247:4
Regrettably [1] -
 65:8
regularly [2] - 153:3,
 154:1
reinstated [2] -
 150:9, 150:19
reiterate [1] - 157:20
rejected [1] - 58:21
relate [4] - 167:20,
 236:12, 238:20,
 242:10
related [6] - 72:11,
 132:5, 181:9, 214:5,
 217:23, 301:12
relates [5] - 236:3,
 272:11, 299:12,
 301:14, 301:18
Relating [1] - 96:23
relating [6] - 80:11,
 94:3, 151:12, 242:22,
 257:1
relation [3] - 116:2,
 143:20, 235:6
relationship [1] -
 278:6
relatively [2] - 6:17,
 125:25
relayed [2] - 22:18,
 183:14
release [2] - 150:24,
 296:25
released [4] - 22:5,
 22:6, 22:7, 162:11
relevance [1] -
 147:15
relevant [7] - 105:13,
 120:25, 130:4,
 146:22, 147:14,
 236:19, 270:5
reliability [2] - 187:9,
 207:8
relief [1] - 32:19
relieved [1] - 27:7

relocation [1] -
 107:18
reluctantly [1] -
 157:12
relying [2] - 197:15,
 219:5
remain [3] - 35:23,
 42:17, 301:17
remained [1] -
 216:24
remaining [5] -
 150:1, 159:6, 159:9,
 243:20, 260:6
remarks [1] - 284:22
remember [18] -
 163:7, 167:17, 184:4,
 204:12, 216:8,
 221:24, 222:1, 222:3,
 222:6, 222:9, 230:19,
 242:1, 244:12,
 249:25, 259:22,
 259:23, 260:11, 288:2
remembering [1] -
 270:18
remotely [1] - 63:3
removed [5] - 31:17,
 32:15, 34:11, 36:5,
 68:16
removes [1] - 67:25
rendered [2] -
 202:10, 202:12
reopened [2] - 60:19,
 61:13
reopening [1] -
 61:17
repeat [2] - 117:8,
 213:12
repeatedly [1] -
 291:23
replaced [1] - 13:24
reply [1] - 285:21
report [37] - 1:7, 1:8,
 24:4, 24:18, 30:23,
 53:6, 58:15, 60:4,
 60:16, 60:25, 62:7,
 64:12, 65:13, 67:1,
 67:18, 67:21, 67:23,
 70:6, 75:15, 75:20,
 165:10, 174:4, 174:9,
 175:4, 215:9, 215:11,
 226:22, 227:1,
 239:13, 261:20,
 261:22, 262:17,
 271:11, 290:14,
 290:25, 302:11,
 302:15
reported [9] - 13:4,
 71:6, 125:20, 132:16,
 132:20, 133:17,
 133:20, 136:5, 136:6

reporter [3] - 94:19,
 147:21, 292:1
Reporter [1] - 304:9
reporting [1] - 12:14
Reporting [1] -
 304:10
reports [5] - 2:2,
 137:12, 137:23,
 290:12, 293:22
represented [1] -
 102:20
reputation [1] -
 206:4
request [9] - 26:14,
 54:7, 125:17, 146:25,
 241:8, 242:12,
 242:19, 266:16, 295:2
requested [8] -
 17:12, 27:25, 50:8,
 54:5, 69:5, 128:22,
 144:15, 282:10
requesting [1] -
 136:24
requests [3] - 15:18,
 36:2, 282:1
required [3] - 88:15,
 246:24, 295:22
requirements [1] -
 63:9
requires [1] - 296:16
requisite [1] - 23:13
reschedule [1] -
 233:24
research [2] - 90:16,
 156:2
reserved [1] - 283:12
reserves [1] - 3:14
residence [2] -
 110:9, 189:8
residential [1] -
 107:13
residents [1] - 135:6
resource [3] - 20:14,
 27:24, 282:15
resources [41] -
 15:6, 19:23, 22:21,
 23:1, 23:4, 23:5, 23:9,
 23:18, 25:19, 26:5,
 26:20, 26:23, 26:24,
 27:13, 28:3, 28:7,
 28:24, 29:6, 29:9,
 49:4, 64:20, 67:2,
 81:6, 155:12, 174:19,
 258:16, 258:22,
 259:3, 266:19,
 266:20, 266:22,
 267:18, 281:19,
 281:22, 281:24,
 282:10, 282:20,
 298:4, 298:7

resources...
continuing [1] - 85:3
resourcing [2] -
 266:12, 267:5
respect [22] - 15:11,
 32:1, 32:8, 36:17,
 67:18, 112:5, 120:16,
 126:9, 150:5, 150:11,
 156:8, 161:22,
 235:14, 235:23,
 236:9, 236:12,
 272:24, 275:3, 298:8,
 298:21, 300:25, 301:1
respectful [2] -
 104:14, 130:4
respecting [6] -
 112:20, 214:12,
 214:15, 215:18,
 217:21, 238:7
respective [2] -
 106:11, 107:11
respond [5] - 31:25,
 148:6, 196:20,
 287:22, 292:17
responded [1] -
 173:23
respondents [4] -
 285:1, 285:5, 285:6,
 286:1
responding [1] - 9:6
response [5] - 61:21,
 65:20, 179:17,
 283:20, 289:3
responsibility [2] -
 64:19, 181:15
responsible [15] -
 6:22, 12:9, 12:11,
 40:21, 44:7, 66:10,
 66:20, 77:7, 77:14,
 78:15, 85:25, 150:16,
 239:22, 252:24,
 275:25
rest [4] - 4:18, 81:4,
 85:1, 124:2
restraint [1] - 19:21
restricted [2] -
 72:19, 116:1
restrictions [1] -
 282:15
result [16] - 7:1,
 15:7, 36:24, 37:10,
 40:25, 52:8, 59:11,
 61:25, 88:14, 141:5,
 191:5, 274:12,
 277:12, 289:13,
 290:14, 297:23
resulted [9] - 56:1,
 58:21, 75:20, 90:24,
 111:7, 112:17,
 151:17, 260:3, 297:21

results [4] - 20:23, 146:9, 265:6, 297:21
resume [11] - 2:10, 2:23, 3:3, 3:22, 7:14, 8:9, 8:23, 10:8, 69:17, 71:23, 303:22
resumed [5] - 1:4, 69:3, 113:4, 159:16, 246:4
Resumed [8] - 2:5, 2:6, 2:7, 2:8, 69:2, 113:3, 159:15, 246:3
Ret'd [2] - 10:16, 2:6
retain [1] - 112:13
retired [12] - 5:16, 6:19, 41:8, 69:24, 70:3, 91:21, 243:18, 243:19, 247:8, 247:11, 248:21, 258:2
retract [2] - 302:25, 303:2
retrieved [1] - 145:8
return [3] - 190:25, 286:24, 290:9
returned [3] - 40:4, 40:11, 190:24
revamping [1] - 9:16
reveal [3] - 104:24, 136:8, 180:19
reveals [1] - 132:22
review [26] - 63:24, 75:4, 141:22, 164:8, 164:13, 164:18, 164:23, 165:8, 190:20, 198:23, 199:11, 199:23, 201:10, 204:15, 215:7, 218:20, 245:1, 248:9, 249:3, 249:16, 257:1, 257:2, 270:9, 272:15, 287:20, 287:22
Review [1] - 21:8
reviewed [2] - 164:15, 288:19
reviewing [1] - 199:20
reviews [1] - 273:14
revised [1] - 256:16
Richard [2] - 143:14, 143:23
Richmond [1] - 6:5
rider [2] - 20:2, 20:7
riders [2] - 18:14, 19:25
Ridge [1] - 107:14
rights [2] - 285:4, 292:14
rigorous [1] - 13:13
ring [4] - 93:6, 93:19,

131:6, 132:14
rings [1] - 132:6
Rinn [1] - 29:4
rise [8] - 30:3, 31:8, 31:13, 31:25, 103:14, 120:8, 256:5, 256:8
road [3] - 119:14, 271:7, 274:19
Road [4] - 101:2, 106:13, 108:13, 113:15
roadblocks [1] - 67:8
Robert [30] - 24:9, 25:5, 74:15, 78:15, 78:22, 101:1, 137:14, 139:16, 141:4, 144:3, 151:9, 155:7, 163:4, 163:11, 167:4, 167:11, 167:13, 183:9, 195:17, 195:21, 196:15, 196:17, 203:9, 206:2, 210:7, 213:24, 217:23, 299:14, 299:21, 300:13
role [9] - 22:23, 23:1, 31:5, 38:13, 82:4, 82:5, 87:7, 174:24, 243:6
roles [1] - 82:3
Romano [2] - 143:15, 143:23
Ron [3] - 151:25, 163:16, 185:18
rookie [2] - 85:13, 91:17
room [10] - 60:11, 80:3, 80:9, 117:1, 182:12, 182:18, 185:18, 208:24, 249:12, 290:21
Rory [7] - 74:3, 120:12, 138:15, 160:19, 168:5, 202:25, 235:2
Ross [12] - 129:1, 151:22, 160:8, 162:16, 163:12, 182:9, 182:25, 192:17, 205:3, 276:10, 300:15, 2:17
roughed [1] - 4:2
round [1] - 21:15
Royal [3] - 10:17, 70:12, 2:6
rule [6] - 154:5, 155:17, 248:5, 248:7, 268:25
ruled [1] - 155:8
rules [1] - 157:25

run [4] - 99:11, 237:19, 261:5, 282:24
running [9] - 14:20, 33:4, 92:21, 98:14, 98:15, 191:16, 264:20, 290:15, 290:25
Rupert [1] - 7:10
rural [1] - 93:19
rushed [1] - 138:17
Russ [1] - 170:17
Ruth [3] - 2:8, 270:9, 1:3
Ruth's [1] - 47:19

S

safe [4] - 131:11, 141:9, 151:2, 151:5
safety [4] - 40:14, 58:8, 58:10, 110:18
sails [1] - 39:16
sake [1] - 107:16
Sarah [1] - 150:16
Saskatchewan [6] - 3:10, 4:9, 5:14, 6:15, 70:19, 71:17
sat [1] - 227:11
saw [13] - 56:16, 82:13, 82:17, 100:6, 122:20, 125:4, 125:6, 128:2, 143:13, 220:5, 220:24, 223:3, 254:1
scale [1] - 156:12
scan [2] - 98:3, 98:7
scene [1] - 168:3
scheduled [4] - 142:1, 142:3, 159:7, 233:14
scheduling [1] - 284:4
scholarship [2] - 3:23, 3:25
school [1] - 119:8
sciences [1] - 8:18
scot [1] - 154:1
scot-free [1] - 154:1
Scouten [2] - 102:19, 103:8
scum [1] - 132:9
Sean [3] - 60:23, 62:4, 246:6
search [33] - 29:24, 36:18, 48:23, 57:6, 62:6, 62:10, 62:13, 63:1, 63:5, 63:9, 73:16, 85:14, 88:7, 88:19, 88:22, 90:18, 90:24, 91:14, 91:19, 92:6, 92:8, 110:10,

111:8, 136:3, 136:15, 136:17, 137:4, 138:10, 138:16, 155:21, 156:3, 279:15, 295:23
searched [1] - 136:11
searches [3] - 62:2, 136:7, 136:12
searching [2] - 61:18, 206:12
second [27] - 8:3, 11:24, 21:14, 43:20, 57:3, 70:11, 84:22, 88:10, 88:12, 90:1, 99:23, 106:8, 107:9, 110:8, 160:12, 181:24, 184:14, 185:23, 186:9, 186:14, 188:8, 260:18, 272:25, 277:8, 277:17, 299:11, 301:12
seconded [4] - 14:9, 41:17, 42:2, 175:1
secondhand [1] - 21:24
secondly [1] - 196:22
Section [13] - 5:5, 5:6, 5:7, 6:8, 41:15, 41:25, 95:4, 168:4, 170:15, 170:19, 171:1, 192:14, 242:20
section [15] - 50:21, 95:5, 95:6, 131:23, 134:9, 219:15, 219:17, 254:11, 262:24, 294:15, 296:9, 296:12, 296:18, 296:21, 297:3
sections [2] - 12:8, 182:14
Security [2] - 95:2, 95:4
see [100] - 25:7, 34:16, 34:25, 41:10, 41:16, 41:22, 41:23, 42:1, 43:18, 44:3, 46:7, 46:12, 56:21, 71:15, 75:6, 75:8, 80:3, 86:2, 87:22, 91:16, 93:14, 97:5, 97:20, 98:5, 99:5, 100:4, 102:5, 102:10, 102:11, 103:7, 103:9, 106:22, 117:23, 118:13, 121:3, 130:10, 134:3, 137:7, 146:3, 147:10, 162:1,

171:7, 171:11, 171:16, 171:25, 172:4, 172:16, 174:3, 176:6, 176:9, 177:16, 179:16, 201:11, 201:22, 205:2, 205:7, 205:8, 210:20, 211:3, 211:6, 215:17, 215:22, 220:4, 222:22, 222:24, 224:22, 234:13, 236:4, 239:25, 240:23, 241:4, 241:6, 247:2, 248:2, 248:12, 249:20, 250:1, 250:4, 250:11, 251:9, 251:14, 252:23, 252:24, 253:21, 257:10, 262:8, 264:14, 266:5, 267:11, 267:14, 269:13, 270:3, 270:11, 270:13, 271:11, 271:16, 272:4, 288:10, 295:4
seeing [5] - 82:22, 183:1, 243:8, 256:18, 264:7
seek [3] - 29:22, 31:22, 255:12
seeking [3] - 103:24, 104:10, 111:2
seem [3] - 87:6, 290:15, 290:25
sees [1] - 125:11
segments [1] - 72:24
seized [4] - 108:22, 113:24, 115:12, 271:17
send [1] - 174:1
Send [1] - 271:17
Senior [2] - 49:6, 49:8
senior [6] - 37:15, 51:18, 52:2, 58:16, 60:5, 112:8
senior's [2] - 2:19, 11:14
seniority [1] - 219:16
sense [3] - 172:5, 208:14, 242:8
sensible [1] - 161:17
sensitive [1] - 301:19
sent [9] - 171:18, 172:4, 172:7, 172:14, 172:15, 172:19, 174:8, 175:4, 178:14
sentence [4] - 11:25, 99:23, 145:23, 253:2

| | | | | |
|---|--|--|---|--|
| <p>separate [3] - 144:24, 155:20, 266:4</p> <p>September [15] - 17:12, 45:18, 46:2, 65:19, 108:6, 114:3, 117:20, 149:23, 151:7, 153:23, 213:15, 260:9</p> <p>sequence [1] - 235:23</p> <p>sequentially [1] - 97:8</p> <p>Sereena [1] - 155:23</p> <p>sergeant [7] - 3:8, 5:21, 5:22, 13:19, 13:22, 14:2, 42:8</p> <p>Sergeant [25] - 14:2, 14:4, 24:24, 29:4, 29:20, 33:20, 41:8, 42:11, 56:24, 74:1, 99:15, 114:2, 117:15, 117:22, 127:18, 128:18, 169:8, 170:8, 170:10, 204:13, 239:19, 269:24, 281:4</p> <p>serial [6] - 74:17, 75:25, 76:4, 76:8, 210:14, 210:18</p> <p>series [8] - 74:16, 74:25, 75:2, 75:7, 78:21, 79:25, 80:17, 112:20</p> <p>serious [8] - 134:11, 134:13, 139:19, 141:5, 193:2, 193:5, 214:19, 215:3</p> <p>Serious [7] - 13:14, 13:16, 50:15, 50:21, 76:15, 170:18, 281:21</p> <p>seriously [1] - 93:5</p> <p>service [3] - 3:1, 95:1, 166:13</p> <p>Service [2] - 95:3, 304:10</p> <p>services [5] - 94:25, 152:9, 152:20, 153:3, 209:2</p> <p>Set [1] - 240:15</p> <p>set [9] - 3:21, 3:23, 4:18, 4:21, 10:4, 213:7, 232:15, 235:10, 287:2</p> <p>sets [5] - 3:3, 8:6, 75:6, 107:11, 170:24</p> <p>setting [2] - 272:18, 272:19</p> <p>settle [1] - 303:3</p> <p>seven [4] - 123:16, 204:17, 252:21, 285:17</p> | <p>Seven [2] - 123:16, 123:17</p> <p>several [5] - 44:2, 65:6, 123:14, 190:3, 239:23</p> <p>severe [1] - 11:25</p> <p>sex [29] - 17:17, 18:19, 19:2, 55:20, 109:8, 109:9, 114:16, 114:24, 140:3, 140:6, 140:7, 151:11, 152:9, 152:17, 153:3, 153:18, 153:25, 154:12, 154:21, 183:10, 183:21, 214:6, 214:10, 214:12, 241:17, 242:24, 267:23, 268:9, 275:14</p> <p>sexual [5] - 152:20, 195:18, 195:25, 197:19, 223:18</p> <p>shaken [1] - 79:21</p> <p>shall [1] - 284:10</p> <p>shape [1] - 47:22</p> <p>shared [2] - 182:6, 292:19</p> <p>Shenher [3] - 55:12, 273:3</p> <p>Shenher...of [1] - 272:2</p> <p>shift [2] - 128:7, 221:6</p> <p>shifts [1] - 50:6</p> <p>shop [1] - 53:12</p> <p>short [6] - 1:20, 190:3, 206:19, 209:3, 245:20, 292:3</p> <p>shortening [1] - 159:10</p> <p>shortly [5] - 53:22, 56:19, 82:9, 98:9, 289:1</p> <p>Shortly [1] - 9:15</p> <p>shot [1] - 207:21</p> <p>show [13] - 1:18, 102:24, 106:7, 106:9, 137:16, 175:9, 232:17, 232:19, 245:5, 250:11, 264:14, 297:15, 297:25</p> <p>showed [2] - 170:8, 231:25</p> <p>showing [9] - 96:21, 107:1, 135:21, 145:7, 153:14, 267:22, 268:8, 268:18, 286:10</p> <p>shown [9] - 18:18, 55:18, 164:6, 196:3,</p> | <p>206:9, 264:24, 265:3, 268:16, 268:24</p> <p>shows [3] - 106:16, 130:12, 168:11</p> <p>shut [7] - 96:13, 101:13, 104:5, 104:16, 109:6, 114:22, 135:10</p> <p>sick [1] - 243:20</p> <p>side [3] - 12:12, 13:3, 103:11</p> <p>sight [1] - 127:1</p> <p>sighting [1] - 183:8</p> <p>sign [1] - 98:1</p> <p>signature [1] - 97:21</p> <p>signed [3] - 11:20, 97:25, 240:11</p> <p>significant [1] - 48:6</p> <p>similar [3] - 70:22, 107:9, 278:21</p> <p>similarly [1] - 267:22</p> <p>Simmill [7] - 108:5, 114:2, 117:15, 117:22, 204:6, 204:13, 301:14</p> <p>simplification [1] - 207:20</p> <p>simply [8] - 105:16, 214:25, 243:6, 260:15, 263:14, 267:10, 274:10, 276:1</p> <p>since...1997 [1] - 272:3</p> <p>sincerely [1] - 303:17</p> <p>single [6] - 134:15, 167:17, 175:5, 176:18, 177:6</p> <p>singular [1] - 237:16</p> <p>sister [1] - 63:16</p> <p>sisters [1] - 31:3</p> <p>sit [8] - 157:12, 159:8, 164:3, 171:10, 171:15, 171:24, 212:5, 274:9</p> <p>sit-down [1] - 212:5</p> <p>site [2] - 108:14, 113:16</p> <p>sitting [5] - 77:21, 177:1, 181:19, 191:5, 286:21</p> <p>situation [4] - 16:16, 141:19, 255:4, 277:19</p> <p>six [7] - 10:24, 14:13, 14:15, 184:8, 204:17, 233:15, 233:17</p> <p>six-month [1] - 10:24</p> <p>sixth [1] - 130:2</p> <p>skill [1] - 304:6</p> <p>skinheads [1] -</p> | <p>95:16</p> <p>skinning [1] - 154:4</p> <p>skip [1] - 97:7</p> <p>skipped [1] - 6:10</p> <p>skipping [2] - 5:18, 5:21</p> <p>slightly [1] - 19:5</p> <p>small [5] - 121:18, 125:25, 135:5, 140:8, 152:21</p> <p>Smith [1] - 304:8</p> <p>so-called [1] - 106:12</p> <p>sober [1] - 7:23</p> <p>social [5] - 108:19, 109:23, 113:21, 211:15, 211:16</p> <p>Society [5] - 7:15, 7:17, 102:5, 104:5, 291:19</p> <p>society [2] - 7:18, 102:21</p> <p>Society's [1] - 101:5</p> <p>soft [3] - 180:6, 180:11, 180:12</p> <p>sole [3] - 15:13, 72:16, 217:11</p> <p>solely [1] - 59:20</p> <p>solicited [1] - 26:3</p> <p>solutions [1] - 84:6</p> <p>solved [3] - 88:18, 172:8, 274:23</p> <p>Someone [1] - 86:10</p> <p>someone [13] - 86:15, 118:3, 120:2, 136:9, 178:15, 215:17, 225:12, 225:24, 227:2, 233:7, 237:6, 253:13, 276:19</p> <p>sometime [4] - 82:8, 118:20, 293:23, 294:19</p> <p>Sometime [1] - 244:3</p> <p>somewhere [4] - 152:22, 154:19, 227:16, 227:19</p> <p>son [3] - 119:10, 125:18, 125:20</p> <p>soon [4] - 105:1, 121:25, 271:8, 283:24</p> <p>Sorry [25] - 41:6, 41:19, 41:20, 43:1, 60:22, 60:23, 89:15, 92:12, 100:20, 117:8, 120:14, 149:22, 152:7, 159:1, 162:6, 163:3, 202:25, 209:22, 210:10, 211:20, 236:16, 243:24, 247:25,</p> | <p>252:21, 297:2</p> <p>sorry [39] - 2:19, 10:11, 10:25, 11:5, 11:11, 13:16, 20:22, 22:7, 35:13, 38:19, 41:4, 41:11, 50:21, 55:16, 62:19, 65:13, 82:2, 88:4, 92:15, 92:17, 98:19, 108:1, 111:14, 131:17, 165:3, 180:23, 189:2, 196:2, 202:14, 202:15, 205:9, 237:3, 248:17, 261:13, 291:1, 297:1, 299:15, 302:2, 302:5</p> <p>sort [14] - 10:3, 44:1, 47:25, 98:15, 114:8, 137:10, 169:9, 169:10, 172:4, 183:16, 188:11, 204:18, 211:22, 245:15</p> <p>sought [2] - 32:20, 141:19</p> <p>sounds [2] - 216:20, 236:22</p> <p>source [28] - 21:23, 22:16, 22:17, 38:16, 152:6, 191:23, 198:3, 198:4, 198:7, 198:11, 198:15, 198:17, 199:7, 199:10, 199:11, 199:13, 199:14, 199:15, 199:17, 199:23, 201:10, 272:25, 279:24, 280:2, 280:19, 281:13, 295:19</p> <p>Source [1] - 271:22</p> <p>sourced [1] - 152:5</p> <p>sources [4] - 23:2, 54:19, 197:25, 262:13</p> <p>Spca [5] - 131:9, 132:1, 137:11, 137:23, 138:7</p> <p>Speaker [1] - 100:19</p> <p>speaking [13] - 89:6, 116:16, 138:22, 204:12, 222:21, 225:1, 247:1, 247:4, 254:14, 254:15, 258:2, 292:11, 303:14</p> <p>speaks [1] - 262:25</p> <p>Special [14] - 23:5, 23:9, 25:22, 26:25, 27:5, 27:14, 27:15, 27:18, 110:21, 111:2, 156:9, 254:20,</p> |
|---|--|--|---|--|

254:22, 266:16
specialized [1] - 4:18
specialty [1] - 223:18
specific [21] - 43:25, 53:5, 115:6, 149:9, 164:5, 171:23, 180:13, 193:24, 209:10, 214:14, 214:17, 221:21, 224:2, 249:7, 249:23, 275:11, 275:19, 285:7, 287:15, 288:9, 288:10
specifically [18] - 52:21, 61:1, 99:8, 171:24, 181:11, 181:17, 192:21, 194:11, 220:5, 221:6, 222:6, 232:20, 241:17, 242:24, 249:4, 249:25, 262:25, 296:13
specify [1] - 123:8
spend [1] - 87:25
spent [3] - 3:12, 135:10, 286:18
spoken [6] - 211:17, 246:25, 250:3, 287:19, 299:16, 299:21
sport [3] - 7:21, 131:6, 132:2
sported [1] - 99:8
spring [6] - 13:6, 54:1, 87:14, 156:25, 265:10, 293:23
spur [1] - 287:16
spurts [1] - 190:3
staff [7] - 3:7, 5:21, 13:19, 13:22, 14:2, 42:8, 292:21
Staff [11] - 24:24, 29:3, 29:4, 42:11, 99:15, 114:2, 117:15, 117:22, 204:12, 239:19, 281:4
Staffing [1] - 42:19
stage [4] - 18:17, 29:11, 36:20, 40:18
stall [3] - 67:4, 67:5, 73:2
stalled [3] - 30:22, 67:2, 73:1
stalling [1] - 30:24
stand [5] - 92:1, 200:13, 200:14, 252:4, 255:10
standard [2] - 83:9, 186:1
standing [1] - 256:1

standoff [1] - 6:23
stands [2] - 105:10, 182:25
start [8] - 73:22, 74:12, 142:4, 146:19, 209:15, 245:21, 260:12, 299:3
started [6] - 194:19, 209:5, 210:1, 216:19, 216:22, 244:7
starting [2] - 69:16, 188:4
starts [3] - 41:13, 148:3, 252:23
State [2] - 86:11, 131:18
state [11] - 41:14, 41:24, 78:17, 99:10, 101:4, 126:11, 140:10, 253:23, 263:9, 266:12, 266:15
Statement [2] - 162:15, 2:16
statement [92] - 38:10, 48:1, 48:2, 48:16, 48:21, 56:16, 56:17, 56:20, 56:22, 57:1, 57:2, 57:4, 63:24, 68:2, 74:9, 79:10, 88:4, 105:5, 105:10, 105:17, 107:25, 108:2, 108:11, 108:24, 113:9, 114:1, 115:8, 117:14, 119:16, 121:16, 127:11, 127:17, 142:12, 146:12, 149:1, 149:2, 160:6, 164:15, 181:16, 183:17, 183:18, 184:11, 185:2, 185:3, 185:17, 185:19, 185:23, 186:9, 186:11, 186:13, 186:14, 187:12, 187:14, 193:20, 202:20, 202:21, 203:3, 203:16, 203:17, 203:19, 203:25, 204:2, 204:5, 222:11, 246:22, 246:24, 248:23, 249:3, 249:14, 249:21, 251:7, 251:17, 251:22, 251:25, 252:3, 252:5, 252:7, 252:9, 254:5, 255:4, 255:5, 255:6, 255:7, 255:8, 255:10,

255:14, 255:15, 273:11, 301:13, 302:4, 302:8
statements [10] - 32:1, 48:17, 49:1, 69:6, 83:18, 143:14, 179:14, 184:2, 211:8, 258:25
States [1] - 3:24
states [1] - 161:21
station [1] - 288:1
statistics [1] - 8:21
Statistics [2] - 8:24, 9:1
status [2] - 38:11, 66:11
stay [13] - 16:24, 17:7, 61:13, 61:17, 72:7, 72:17, 142:17, 144:20, 148:5, 148:14, 150:21, 213:13, 240:10
stayed [7] - 141:16, 141:24, 148:3, 149:5, 150:18, 243:15, 278:8
staying [1] - 144:24
Stead [4] - 145:3, 145:4, 145:11, 147:12
stead [1] - 147:2
Stead's [1] - 145:14
stemming [1] - 98:11
step [3] - 156:7, 158:6, 230:13
steps [14] - 50:2, 52:3, 61:5, 91:18, 108:21, 113:23, 115:9, 149:18, 149:25, 154:6, 195:8, 198:21, 270:16
still [12] - 15:24, 21:16, 31:4, 55:1, 155:18, 173:14, 219:5, 221:2, 241:21, 272:6, 272:9, 272:10
stolen [2] - 124:18, 132:4
stop [10] - 40:1, 75:21, 84:19, 91:9, 92:14, 112:24, 120:7, 129:20, 232:4, 243:7
stopped [3] - 40:12, 158:2, 206:23
stopping [3] - 76:18, 77:20, 108:24
Storey [1] - 262:11
story [4] - 145:10, 206:14, 226:15, 226:18
straighten [1] - 168:18

strange [3] - 122:3, 122:4, 124:24
strategic [1] - 229:10
strategy [2] - 253:9, 278:21
Street [1] - 12:19
street [3] - 20:11, 106:14, 131:3
streets [4] - 20:5, 124:24, 152:18, 188:12
strength [1] - 12:6
strengthens [2] - 183:24
stressors [1] - 249:6
strictly [1] - 212:16
Strike [4] - 26:2, 26:8, 27:8, 157:4
stroll [2] - 19:1, 266:2
strolls [2] - 264:13, 267:23
strong [3] - 64:22, 271:23, 273:1
strongly [1] - 146:1
structure [1] - 13:2
structured [1] - 126:25
structures [1] - 12:24
struggling [1] - 235:20
stuck [2] - 128:1, 169:9
studied [1] - 71:15
Study [1] - 21:8
stuffed [2] - 82:16, 82:22
stuffing [1] - 83:8
stumbled [1] - 130:24
stunk [1] - 125:19
Sub [2] - 164:21, 175:11
sub [1] - 188:15
Sub-office [1] - 175:11
sub-office [1] - 188:15
subject [5] - 72:4, 72:21, 153:19, 288:13, 301:18
subjecting [1] - 58:14
submission [2] - 104:15, 130:5
submissions [1] - 104:18
submit [1] - 47:1
submitted [3] -

75:19, 83:5, 290:22
subpoenaed [2] - 143:7, 247:23
subsections [1] - 131:23
subsequent [6] - 9:18, 57:21, 59:6, 59:9, 96:25, 167:23
subsequently [3] - 37:11, 82:5, 111:20
substantiated [1] - 208:10
substituted [1] - 61:6
success [1] - 273:24
successful [4] - 112:18, 243:10, 261:8, 266:18
successfully [1] - 105:4
sucks [1] - 11:16
Suddenly [1] - 132:6
sufficient [10] - 29:23, 33:23, 57:5, 73:15, 174:18, 192:12, 265:19, 265:22, 268:24, 294:20
suggest [19] - 44:5, 73:8, 82:12, 83:18, 84:3, 85:22, 128:25, 140:12, 203:1, 231:8, 243:5, 249:15, 265:25, 269:6, 275:9, 292:8, 292:22, 293:1
suggested [5] - 61:12, 65:14, 161:18, 276:16, 299:13
suggesting [6] - 79:12, 154:3, 172:17, 222:14, 225:13, 230:16
suggestion [15] - 33:18, 57:8, 57:9, 58:13, 58:15, 58:18, 58:22, 58:24, 60:11, 62:5, 64:8, 65:15, 65:22, 276:20, 299:17
suggestions [4] - 52:9, 67:15, 261:19, 271:12
suggests [7] - 60:13, 61:18, 64:21, 65:6, 67:1, 271:22, 300:17
summaries [1] - 21:12
summarize [1] - 3:6
summary [5] - 5:4, 73:5, 78:11, 294:16, 294:21

| | | | | |
|---|--|--|---|---|
| <p>summer ^[13] - 17:3, 89:2, 92:23, 132:17, 133:16, 133:18, 150:11, 150:13, 163:5, 264:21, 279:6, 281:10, 293:24</p> <p>Sun ^[1] - 153:16</p> <p>superintendent ^[3] - 6:12, 42:17, 71:2</p> <p>Superintendent ^[6] - 42:14, 42:22, 99:17, 108:3, 130:17, 132:13</p> <p>supervised ^[2] - 217:12, 269:19</p> <p>supervision ^[2] - 78:14, 140:17</p> <p>supervisor ^[1] - 50:15</p> <p>supplied ^[2] - 21:11, 167:15</p> <p>supplier ^[1] - 7:21</p> <p>support ^[3] - 37:4, 91:5, 197:16</p> <p>supporting ^[1] - 134:16</p> <p>suppose ^[2] - 157:6, 167:6</p> <p>supposed ^[6] - 14:14, 22:24, 64:16, 67:14, 180:19, 240:25</p> <p>supposedly ^[1] - 223:3</p> <p>Supreme ^[2] - 101:14, 262:12</p> <p>Surely ^[1] - 161:15</p> <p>surely ^[1] - 184:13</p> <p>surfaced ^[1] - 21:21</p> <p>Surgeons ^[1] - 247:13</p> <p>surprised ^[2] - 231:24, 289:13</p> <p>Surrey ^[5] - 81:25, 175:11, 188:12, 189:4, 193:17</p> <p>surrounding ^[1] - 109:23</p> <p>surveillance ^[62] - 17:12, 17:20, 17:22, 18:11, 18:15, 19:14, 19:23, 20:3, 20:21, 21:15, 23:4, 26:18, 26:23, 27:2, 27:8, 27:9, 27:19, 27:23, 29:13, 29:16, 39:11, 39:24, 40:17, 50:8, 111:24, 112:5, 112:10, 152:12, 156:15, 156:16, 156:20, 156:25, 191:2, 191:5, 191:6,</p> | <p>191:11, 192:20, 192:23, 192:25, 216:3, 216:13, 216:16, 253:24, 254:21, 258:1, 258:8, 258:14, 258:17, 259:4, 259:10, 266:3, 266:4, 266:7, 266:9, 266:25, 267:20, 281:9, 295:3, 297:16, 297:17, 297:19</p> <p>surveilling ^[1] - 254:1</p> <p>survival ^[6] - 109:9, 114:16, 140:3, 140:7, 152:17, 153:3</p> <p>Suspect ^[2] - 24:10, 25:5</p> <p>suspect ^[15] - 19:6, 66:12, 66:14, 74:21, 79:14, 154:6, 155:8, 195:17, 195:24, 197:19, 230:21, 230:24, 239:22, 262:10, 275:22</p> <p>suspected ^[3] - 19:2, 132:5, 237:23</p> <p>suspicion ^[1] - 118:12</p> <p>swear ^[1] - 296:22</p> <p>Switch ^[1] - 269:11</p> <p>symbiosis ^[1] - 178:6</p> <p>symbiotic ^[1] - 177:17</p> <p>system ^[1] - 26:18</p> | <p>225:21, 225:23</p> <p>targeted ^[1] - 15:11</p> <p>targeting ^[1] - 95:16</p> <p>Targeting ^[1] - 95:18</p> <p>task ^[1] - 28:6</p> <p>tasks ^[1] - 23:21</p> <p>taught ^[1] - 223:21</p> <p>teach ^[1] - 8:11</p> <p>teaching ^[1] - 8:10</p> <p>Team ^[1] - 21:8</p> <p>team ^[5] - 6:25, 20:3, 254:19, 274:7, 279:21</p> <p>teams ^[1] - 29:13</p> <p>technical ^[2] - 27:23, 272:23</p> <p>technique ^[2] - 120:6, 121:14</p> <p>techniques ^[6] - 55:23, 60:7, 223:22, 223:24, 224:2, 301:19</p> <p>technologies ^[1] - 66:4</p> <p>telephone ^[3] - 32:7, 108:1, 117:13</p> <p>Ten ^[1] - 204:9</p> <p>tend ^[1] - 234:20</p> <p>tendered ^[2] - 107:4, 107:5</p> <p>tennis ^[1] - 288:1</p> <p>tentatively ^[1] - 125:13</p> <p>tenure ^[2] - 116:25, 137:21</p> <p>term ^[3] - 27:23, 99:2, 99:3</p> <p>termed ^[1] - 7:21</p> <p>terminology ^[1] - 125:22</p> <p>terms ^[15] - 3:17, 12:6, 16:13, 19:6, 20:5, 22:24, 27:12, 28:2, 65:10, 156:10, 174:25, 214:3, 230:7, 281:19, 296:12</p> <p>terrible ^[1] - 211:22</p> <p>test ^[2] - 200:13, 297:6</p> <p>testified ^[11] - 32:16, 67:13, 100:14, 136:6, 168:14, 197:24, 236:8, 256:23, 260:2, 276:8, 287:24</p> <p>testify ^[7] - 36:1, 124:2, 144:12, 164:10, 246:7, 264:10, 303:9</p> <p>testifying ^[2] - 196:9, 215:8</p> <p>testimony ^[5] - 33:21, 133:9, 178:1,</p> | <p>288:12, 289:3</p> <p>theirs ^[1] - 235:16</p> <p>themselves ^[2] - 119:13, 136:14</p> <p>theory ^[2] - 76:9, 78:14</p> <p>there'd ^[1] - 188:3</p> <p>thereafter ^[1] - 56:19</p> <p>therefore ^[5] - 47:22, 48:1, 90:1, 104:17, 184:24</p> <p>thesis ^[1] - 75:25</p> <p>They've ^[1] - 32:4</p> <p>they've ^[4] - 69:21, 107:6, 161:2, 292:23</p> <p>thinking ^[11] - 75:3, 79:16, 79:19, 80:19, 84:4, 84:18, 91:12, 91:18, 182:11, 212:20, 262:5</p> <p>Third ^[1] - 99:22</p> <p>third ^[5] - 2:12, 43:14, 92:17, 96:21, 191:25</p> <p>thirdhand ^[4] - 178:17, 184:22, 192:7, 200:12</p> <p>thirty ^[1] - 176:3</p> <p>thirty-one ^[1] - 176:3</p> <p>thoughts ^[1] - 238:13</p> <p>three ^[29] - 2:1, 62:25, 71:16, 77:20, 79:15, 80:18, 84:7, 92:2, 125:4, 126:23, 128:10, 134:2, 134:25, 135:15, 135:18, 152:12, 154:8, 154:16, 157:13, 159:9, 167:2, 170:24, 174:7, 244:1, 247:8, 266:4, 267:8, 286:9, 288:16</p> <p>three-hour ^[1] - 134:2</p> <p>threshold ^[3] - 262:10, 262:11, 262:20</p> <p>threw ^[1] - 166:23</p> <p>throughout ^[6] - 21:4, 102:21, 104:9, 116:25, 142:6, 257:4</p> <p>Throughout ^[1] - 166:13</p> <p>throw ^[3] - 166:25, 179:16, 253:12</p> <p>Thursday ^[2] - 286:21, 286:22</p> <p>timeframe ^[1] - 77:4</p> <p>timeline ^[9] - 1:9,</p> | <p>41:9, 67:22, 67:24, 162:13, 237:13, 269:25, 270:24, 2:14</p> <p>timelines ^[1] - 213:14</p> <p>timely ^[1] - 155:7</p> <p>tip ^[6] - 80:2, 80:11, 176:4, 223:2, 231:5, 244:10</p> <p>tips ^[1] - 244:10</p> <p>titled ^[1] - 96:22</p> <p>titles ^[1] - 13:14</p> <p>to...interfere ^[2] - 108:22, 113:24</p> <p>Tobias ^[14] - 9:6, 11:8, 31:24, 32:23, 33:16, 33:20, 33:25, 34:5, 34:15, 35:11, 35:13, 235:8, 275:10</p> <p>today ^[19] - 31:4, 125:23, 127:6, 145:8, 164:11, 164:14, 165:9, 165:21, 246:10, 250:15, 252:2, 257:16, 258:7, 259:2, 274:9, 287:9, 299:6, 299:8, 299:10</p> <p>together ^[9] - 27:1, 28:8, 33:13, 56:7, 90:18, 177:18, 267:8, 287:9, 292:9</p> <p>Tom ^[2] - 119:6, 124:17</p> <p>tomorrow ^[1] - 303:22</p> <p>took ^[35] - 9:10, 32:6, 33:3, 33:4, 36:23, 37:5, 39:14, 39:16, 42:25, 43:2, 50:2, 76:19, 108:21, 113:23, 115:8, 127:11, 131:7, 133:11, 166:1, 166:5, 175:10, 188:15, 188:17, 192:20, 193:17, 200:9, 200:14, 216:18, 217:20, 218:12, 221:3, 221:11, 260:16, 295:15, 300:15</p> <p>tool ^[1] - 224:22</p> <p>tools ^[1] - 31:7</p> <p>top ^[7] - 24:8, 25:2, 94:7, 101:25, 130:11, 239:15, 253:8</p> <p>topic ^[1] - 173:22</p> <p>totally ^[1] - 178:24</p> <p>touch ^[2] - 248:20, 299:11</p> |
|---|--|--|---|---|

touched [1] - 130:8
towards [1] - 213:12
Towards [1] - 131:24
track [1] - 200:2
tracked [1] - 67:10
tracking [1] - 27:20
trade [27] - 17:17,
 18:19, 19:2, 55:20,
 109:8, 109:9, 114:16,
 114:24, 140:3, 140:6,
 140:7, 151:11, 152:9,
 152:17, 153:3,
 153:18, 153:25,
 154:12, 154:22,
 214:6, 214:10,
 214:12, 241:17,
 242:25, 267:23,
 268:9, 275:14
trailer [4] - 81:23,
 82:7, 82:12, 82:14
training [5] - 4:18,
 4:21, 214:12, 214:15,
 214:16
tranches [1] - 56:8
transcribed [1] -
 304:5
transcript [15] -
 56:18, 63:2, 74:25,
 79:24, 107:25,
 108:10, 117:13,
 164:18, 165:7,
 215:13, 222:24,
 224:21, 225:7, 225:9,
 304:4
transfer [2] - 40:22,
 40:25
transferred [2] -
 53:22, 92:7
transmittal [1] -
 97:15
travelled [1] - 189:13
treat [1] - 59:23
treatment [1] - 161:2
triage [1] - 159:19
trial [10] - 58:21,
 59:6, 59:9, 62:1,
 142:1, 142:3, 142:11,
 143:7, 143:8, 224:20
triangle [2] - 98:22,
 99:2
tribal [1] - 7:11
tribe [1] - 174:1
trick [2] - 205:20,
 206:4
tried [8] - 46:20,
 121:25, 226:8,
 229:20, 268:4, 284:4,
 284:5
trip [2] - 7:5, 7:8
trouble [1] - 235:4

troubled [2] - 69:10,
 274:6
truck [1] - 125:18
true [13] - 76:23,
 77:18, 81:14, 85:9,
 85:22, 109:1, 149:2,
 198:13, 248:24,
 257:25, 302:9,
 302:13, 304:4
truth [3] - 179:16,
 277:13, 277:17
try [17] - 18:11,
 52:19, 73:10, 88:10,
 88:12, 96:13, 139:9,
 150:8, 150:18, 151:1,
 151:2, 188:12,
 213:12, 215:15,
 218:1, 265:16, 266:14
Trying [1] - 228:25
trying [24] - 25:19,
 34:17, 46:6, 49:21,
 51:10, 59:4, 62:19,
 62:24, 101:13, 109:6,
 135:10, 146:12,
 149:8, 183:10,
 189:13, 205:4,
 205:14, 260:11,
 267:2, 267:6, 268:6,
 274:3, 286:8, 295:10
Tuesday [1] - 284:15
turn [25] - 3:3, 11:17,
 17:16, 24:16, 28:2,
 41:9, 73:22, 97:2,
 99:13, 101:21, 106:3,
 107:21, 108:8, 117:6,
 145:17, 147:19,
 180:17, 250:13,
 251:9, 252:19, 294:2,
 296:9, 296:18, 300:2,
 300:7
turned [3] - 40:18,
 115:15, 238:20
turning [1] - 294:1
turns [2] - 193:9,
 244:17
twice [1] - 208:20
twinkle [1] - 256:6
two [56] - 1:25, 5:17,
 14:4, 21:19, 31:22,
 36:3, 39:4, 39:25,
 40:11, 56:8, 56:20,
 65:18, 66:14, 78:2,
 78:3, 84:2, 86:7, 86:8,
 92:18, 96:20, 99:18,
 102:22, 104:9, 106:7,
 106:9, 112:18,
 117:19, 118:1, 131:2,
 143:16, 143:17,
 152:1, 152:24,
 155:20, 156:23,

157:7, 157:15,
 158:12, 158:25,
 159:2, 159:7, 167:2,
 167:24, 195:23,
 195:25, 197:1, 202:1,
 245:14, 255:19,
 255:24, 261:7, 270:6,
 298:15, 298:16,
 300:24
Two [2] - 196:8,
 196:10
two-page [1] - 99:18
two-year [2] -
 102:22, 104:9
twofold [1] - 196:21
type [6] - 57:18,
 95:18, 121:14,
 142:23, 171:14,
 255:12
typing [1] - 249:9
Tysowski [1] - 42:13

U

uglier [1] - 132:2
Uhu [1] - 281:24
ultimate [1] - 42:16
ultimately [20] -
 15:19, 15:20, 18:10,
 48:4, 64:18, 81:3,
 82:6, 84:25, 85:16,
 88:23, 90:24, 101:13,
 111:17, 112:18,
 115:16, 150:3,
 155:19, 244:17,
 261:14, 284:8
unable [2] - 265:2,
 266:5
unavailable [2] -
 26:25, 221:7
unbiased [1] - 248:9
unchanged [1] -
 251:5
uncover [1] - 244:22
under [24] - 21:16,
 24:8, 25:2, 38:25,
 41:10, 43:20, 59:4,
 63:10, 64:4, 78:14,
 93:2, 120:9, 130:18,
 130:22, 140:17,
 145:20, 157:5,
 192:22, 217:9,
 246:13, 285:2,
 290:18, 290:20, 293:4
underage [1] -
 109:14
undercover [11] -
 53:6, 53:10, 53:11,
 53:12, 57:10, 57:25,
 58:2, 111:25, 112:11,

157:2, 158:16
underlining [1] -
 69:8
understood [6] -
 73:2, 79:5, 195:12,
 218:22, 234:20,
 275:13
undertaken [4] -
 57:16, 112:2, 112:4,
 246:9
undertook [1] - 27:1
underwent [1] -
 256:24
Underwood [1] -
 102:1
undoubtedly [1] -
 30:23
unfair [4] - 89:17,
 203:24, 293:1, 293:3
unfortunate [1] -
 136:19
Unfortunately [1] -
 289:23
unfortunately [3] -
 20:20, 232:23, 234:23
unhappy [1] - 286:15
uniform [1] - 80:24
uniformed [4] -
 15:10, 15:16, 81:17,
 82:4
Unit [21] - 12:19,
 12:21, 13:11, 13:14,
 13:16, 28:14, 28:15,
 38:24, 49:6, 49:9,
 50:16, 50:20, 50:21,
 110:22, 173:25,
 174:9, 174:18,
 206:20, 207:7,
 207:13, 279:1
unit [12] - 5:11,
 13:17, 14:9, 24:25,
 27:18, 29:17, 38:25,
 41:18, 50:14, 239:20,
 244:7, 279:18
United [2] - 3:24,
 304:10
units [9] - 12:10,
 12:12, 12:15, 12:23,
 26:11, 28:17, 157:5,
 174:17, 282:16
University [3] - 4:6,
 4:9, 71:17
Unknown [1] - 25:3
Unredacted [1] -
 301:4
unredacted [1] -
 301:10
unrelated [3] - 69:22,
 151:24, 287:21
unreliable [5] -

191:23, 200:10,
 200:16, 201:4, 208:10
unremarkable [1] -
 17:9
unsatisfactory [1] -
 287:1
unsolved [5] - 24:25,
 207:19, 239:20,
 279:22, 282:6
Unsolved [11] -
 28:14, 38:20, 76:15,
 173:25, 174:9,
 174:17, 192:14,
 206:20, 207:7,
 207:13, 279:1
unsubstantiated [2]
 - 192:7, 192:15
unsuccessful [7] -
 46:23, 101:15, 260:3,
 260:15, 261:2,
 266:15, 284:9
unsuccessfully [1] -
 268:11
unsupportable [1] -
 57:23
unsure [1] - 280:17
untenable [1] - 287:2
unusual [10] - 16:16,
 17:6, 20:17, 28:4,
 28:5, 28:19, 28:22,
 98:1, 118:9, 143:12
unwilling [1] - 197:4
Up [1] - 230:2
up [69] - 3:7, 4:2,
 17:16, 19:22, 30:19,
 33:4, 33:8, 33:17,
 35:13, 38:9, 38:18,
 40:18, 44:17, 44:23,
 45:12, 46:10, 53:5,
 65:19, 75:7, 88:7,
 111:15, 146:20,
 150:4, 154:4, 170:9,
 176:4, 176:5, 177:4,
 181:23, 183:10,
 183:15, 183:21,
 184:16, 188:18,
 188:24, 189:1, 189:2,
 189:4, 189:7, 189:11,
 190:25, 202:11,
 202:12, 202:13,
 202:17, 203:12,
 205:14, 206:2,
 208:23, 210:23,
 211:5, 213:7, 217:15,
 225:12, 232:1,
 233:17, 235:18,
 243:9, 245:5, 253:4,
 256:6, 284:19,
 286:10, 288:3, 289:4,
 293:16, 293:17,

293:18, 300:25
upper [1] - 97:8
upset [1] - 287:4
useful [12] - 11:5,
 24:2, 224:22, 229:19,
 231:6, 232:18,
 248:15, 267:14,
 268:25, 270:15,
 272:16, 297:21
usefulness [1] -
 272:11
user [1] - 154:12
uses [2] - 152:9,
 198:7
utility [1] - 187:17
utilize [1] - 23:16
utilized [1] - 261:10
Utilizing [1] - 15:16

V

vacant [1] - 49:5
vacation [1] - 243:23
Vacation [2] - 243:24
vacuum [1] - 231:9
Vaguely [1] - 204:14
Val [1] - 270:22
valid [1] - 231:5
Valley [4] - 69:22,
 242:11, 242:16,
 295:11
value [1] - 136:7
Vancouver [51] - 1:1,
 5:6, 14:22, 15:3, 15:8,
 21:7, 21:10, 21:22,
 23:18, 26:2, 27:1,
 28:13, 39:8, 65:16,
 66:11, 66:18, 66:21,
 109:10, 109:18,
 125:6, 128:23, 132:3,
 151:11, 152:19,
 153:4, 153:16,
 153:17, 154:23,
 157:6, 163:17,
 169:25, 170:12,
 173:25, 176:3,
 176:14, 176:21,
 177:14, 178:13,
 181:10, 191:3,
 217:22, 217:25,
 218:8, 220:9, 238:16,
 248:12, 264:25,
 275:19, 276:12,
 276:21, 280:19
Vancouver's [5] -
 29:7, 38:13, 114:25,
 140:3, 231:13
variety [1] - 60:10
various [6] - 37:14,
 45:25, 165:16, 190:5,

287:17, 290:2
vehicles [3] - 46:13,
 122:3, 124:18
veracity [2] - 187:8,
 187:17
verbatim [3] - 64:2,
 207:17, 226:23
verifies [1] - 130:14
version [1] - 47:15
versions [1] - 301:4
Vertlieb [9] - 36:12,
 54:4, 158:24, 159:2,
 159:5, 286:17,
 291:10, 291:22,
 292:21
Vertlieb's [1] -
 291:14
vett [1] - 10:13
vetting [2] - 120:15,
 120:21
Vi [14] - 27:21, 29:25,
 32:19, 33:12, 36:19,
 50:17, 51:4, 58:3,
 58:7, 58:11, 254:23,
 264:2, 271:6
viable [7] - 60:12,
 62:11, 265:24, 267:9,
 267:13, 267:14,
 267:24
vicinity [1] - 119:15
Viclas [2] - 270:25,
 273:9
victim [5] - 19:9,
 25:3, 110:3, 202:13,
 273:10
victims [3] - 272:1,
 273:2, 273:5
Victoria [1] - 7:10
video [2] - 32:9,
 33:12
videotaped [1] -
 224:24
view [24] - 37:16,
 54:9, 58:25, 59:17,
 62:2, 63:2, 121:23,
 121:24, 134:13,
 144:18, 144:22,
 148:22, 149:5, 227:2,
 246:10, 246:15,
 257:19, 260:19,
 260:22, 266:12,
 274:9, 279:11,
 282:19, 282:24
viewed [1] - 192:17
views [1] - 257:13
violations [1] - 94:2
virtually [1] - 157:12
virtue [1] - 19:7
vis [2] - 89:20
vis-a-vis [1] - 89:20

Visionquest [2] -
 7:15, 7:17
visit [3] - 211:15,
 211:16
vitae [1] - 2:11
Vitae [2] - 10:15, 2:5
vital [1] - 30:24
voluntarily [1] -
 175:23
volunteered [2] -
 127:9, 129:11
Vpd [29] - 15:18,
 15:22, 54:13, 54:15,
 56:22, 57:16, 60:23,
 62:4, 63:17, 76:16,
 170:25, 192:13,
 202:1, 246:6, 259:9,
 275:9, 281:4, 281:9,
 281:15, 281:18,
 283:13, 283:20,
 284:9, 285:14,
 285:15, 287:18,
 291:5, 303:6, 2:21
Vries [1] - 150:16

W

Wait [1] - 196:12
waiting [4] - 53:13,
 254:25, 275:5, 303:3
walk [5] - 221:18,
 224:6, 227:6, 229:13,
 296:24
walked [2] - 230:10,
 234:5
walks [1] - 229:8
wall [2] - 83:8, 260:5
wants [3] - 90:15,
 154:15, 235:17
Ward [99] - 30:2,
 35:20, 69:5, 69:11,
 69:13, 69:14, 78:10,
 83:1, 86:24, 89:22,
 89:25, 90:3, 90:10,
 90:12, 90:14, 100:17,
 100:21, 103:6,
 103:23, 103:24,
 104:14, 105:4,
 105:12, 105:21,
 106:2, 112:23,
 112:25, 113:5,
 117:10, 121:9,
 123:12, 123:14,
 123:16, 124:7,
 126:21, 129:19,
 129:23, 129:25,
 130:14, 135:25,
 136:1, 138:10,
 138:20, 138:25,
 139:4, 139:8, 139:12,

143:4, 146:12,
 146:18, 146:24,
 147:7, 147:15,
 147:18, 149:21,
 154:18, 157:7, 157:8,
 157:11, 157:19,
 158:25, 159:2,
 255:11, 256:2, 256:5,
 256:8, 256:11, 283:8,
 283:19, 283:21,
 284:1, 284:15, 285:2,
 285:10, 285:12,
 285:14, 286:3, 286:5,
 286:8, 286:12,
 286:15, 286:17,
 287:1, 287:6, 287:9,
 288:10, 288:23,
 289:8, 290:6, 290:11,
 290:18, 291:15,
 291:21, 293:16,
 298:21, 301:1, 1:6
Ward's [5] - 31:25,
 35:1, 89:19, 105:9,
 105:11
warrant [35] - 29:24,
 29:25, 30:7, 30:12,
 31:12, 32:9, 33:12,
 36:19, 36:20, 37:17,
 45:15, 46:15, 48:23,
 58:3, 61:19, 61:20,
 73:16, 85:14, 88:8,
 88:14, 88:19, 88:22,
 90:18, 90:24, 91:19,
 110:11, 155:21,
 156:3, 278:17,
 279:15, 279:17,
 294:20, 295:23
warrants [3] - 23:13,
 29:22, 111:8
Washington [1] -
 131:18
waste [2] - 236:15,
 236:18
watch [3] - 185:16,
 187:12, 224:21
watched [1] - 165:6
watermark [2] -
 114:18, 263:10
ways [3] - 63:25,
 84:19, 134:2
weapon [2] - 139:15,
 144:2
web [2] - 162:4,
 162:8
website [1] - 160:24
Wednesday [1] -
 286:21
week [4] - 28:7,
 141:25, 143:8, 233:15
week-end [1] - 28:7

weekend [8] - 25:18,
 27:5, 28:4, 92:22,
 132:17, 133:18,
 134:12, 134:22
weekend's [1] -
 130:25
weekly [1] - 143:14
weeks [8] - 125:4,
 125:5, 128:3, 143:17,
 156:24, 222:17, 244:1
weird [1] - 83:10
welcome [1] - 137:16
well-known [1] -
 148:22
Wells [15] - 85:14,
 85:22, 87:1, 88:7,
 89:11, 90:16, 91:12,
 91:17, 91:24, 92:8,
 155:19, 156:1, 156:4,
 274:13
Wells' [2] - 90:24,
 91:11
West [6] - 7:11,
 18:14, 93:4, 183:9,
 191:2, 264:14
Westminster [12] -
 18:7, 19:1, 19:3,
 19:22, 20:8, 20:10,
 195:18, 195:25,
 196:4, 196:22,
 205:11, 205:12
Westminster's [2] -
 20:14, 20:18
Whalley [2] - 164:21,
 175:11
whatsoever [3] -
 87:15, 92:9, 206:10
wherein [1] - 98:24
whimsical [1] - 284:3
whole [3] - 174:1,
 182:11, 223:3
wife [1] - 129:21
William [21] - 25:5,
 74:15, 78:15, 78:22,
 137:14, 139:16,
 141:4, 144:3, 151:9,
 155:7, 163:4, 167:4,
 167:11, 183:9,
 195:17, 195:21,
 196:15, 196:17,
 203:9, 206:2, 210:7
Williams [8] - 69:7,
 108:5, 113:10, 114:2,
 117:4, 117:15,
 119:16, 121:10
Willie [22] - 78:24,
 83:13, 85:24, 124:14,
 124:25, 125:2,
 125:11, 125:13,
 125:21, 132:16,

150:15, 152:8,
153:24, 165:12,
191:7, 205:4, 205:10,
206:3, 206:10,
210:20, 211:16,
300:14
Willie's [4] - 81:23,
125:18, 155:2, 192:1
willing [1] - 144:11
wills [2] - 4:13, 4:17
Willy [1] - 176:7
Wilson [3] - 125:14,
126:14, 131:12
wind [2] - 39:15,
39:16
wiretap [1] - 197:16
wiretapping [1] -
111:24
wish [8] - 35:16,
35:22, 67:15, 126:12,
161:23, 254:16,
255:23, 291:15
witness [41] - 2:14,
11:13, 31:10, 38:11,
44:9, 44:11, 59:16,
59:20, 59:23, 62:8,
89:18, 91:24, 92:1,
104:2, 130:1, 130:3,
191:19, 193:25,
196:14, 197:4, 197:6,
197:9, 203:25, 226:7,
230:24, 235:3,
235:15, 236:20,
247:20, 255:15,
255:18, 255:21,
257:5, 276:18,
276:24, 279:19,
284:4, 284:19,
286:18, 290:11, 291:8
witness's [1] - 204:5
Witness/suspect [1]
- 240:16
Witnesses [1] -
303:20
witnesses [21] -
31:19, 142:14,
144:11, 153:11,
157:13, 157:24,
256:17, 256:24,
256:25, 264:15,
268:10, 279:6,
283:22, 284:2, 284:5,
284:24, 286:23,
287:17, 288:17,
301:16
woman [21] - 63:15,
118:19, 123:25,
124:2, 125:11,
127:24, 140:2, 141:6,
154:4, 154:22, 196:3,

202:18, 203:12,
210:22, 210:24,
211:4, 214:7, 228:10,
228:11, 228:17
woman's [1] - 178:19
Women [3] - 21:8,
240:22
women [50] - 21:9,
22:3, 25:12, 30:3,
30:21, 44:20, 64:22,
66:13, 66:22, 66:24,
69:15, 85:24, 90:17,
125:8, 125:21, 128:3,
134:4, 140:7, 152:17,
155:4, 156:2, 175:7,
178:20, 179:6,
179:22, 205:19,
206:10, 212:24,
217:21, 217:24,
218:8, 218:21, 220:8,
231:13, 237:21,
238:3, 238:9, 238:15,
238:17, 238:21,
238:24, 239:23,
241:2, 241:23,
256:12, 272:2, 275:8,
283:9, 287:22, 293:22
women's [2] - 66:15,
150:17
wonder [4] - 10:7,
11:8, 111:16, 292:2
wondering [3] -
132:1, 138:18, 240:5
word [13] - 2:11,
51:7, 54:18, 62:19,
77:6, 143:21, 154:15,
171:21, 208:14,
251:20, 251:21,
267:13, 295:21
wording [1] - 297:13
words [5] - 34:25,
61:6, 107:6, 134:23,
197:1
worker [7] - 19:2,
140:3, 140:6, 140:7,
183:10, 214:6, 214:10
workers [18] - 17:17,
18:19, 55:20, 109:9,
114:16, 114:24,
151:11, 152:9, 153:4,
153:18, 153:25,
154:12, 183:21,
241:18, 242:25,
267:23, 268:9, 275:15
workers' [1] - 214:12
workloads [1] -
282:15
world [1] - 66:3
worry [2] - 84:1,
173:8

worth [1] - 302:18
would...they [2] -
108:16, 113:18
write [1] - 146:10
writer [2] - 24:24,
239:17
writes [1] - 88:7
writing [5] - 30:10,
30:11, 243:1, 290:8,
290:22
written [21] - 31:16,
32:1, 64:1, 72:4,
75:24, 75:25, 99:15,
101:23, 145:2,
145:11, 145:25,
179:7, 207:14, 233:3,
233:7, 234:7, 234:22,
237:4, 237:5, 269:21,
297:1
wrote [7] - 8:6, 72:9,
96:17, 97:22, 104:3,
146:5, 147:3

Y

year [21] - 3:24, 5:20,
49:6, 61:16, 73:19,
79:3, 93:5, 102:22,
104:9, 107:6, 127:21,
132:15, 132:23,
217:2, 264:23,
268:13, 268:16,
268:23, 268:24
Year's [6] - 99:20,
125:10, 127:8,
127:20, 129:15, 294:5
years [19] - 60:9,
71:16, 96:12, 103:19,
119:3, 124:16, 126:2,
156:23, 167:2,
169:12, 210:21,
219:4, 246:9, 247:8,
247:19, 257:24,
259:18, 259:23
Yelds [3] - 45:14,
48:7, 296:2
Yesterday [1] - 9:5
yesterday [12] - 2:4,
11:8, 53:9, 54:5, 58:2,
65:14, 66:9, 78:6,
90:10, 164:6, 235:8,
236:9
young [1] - 6:17
yourself [11] - 45:10,
75:22, 99:17, 141:3,
165:5, 166:6, 208:20,
219:19, 219:25,
251:12, 252:6
yourselves [1] -
121:20

youth [1] - 49:8
Youth [1] - 12:24
Yukon [1] - 3:11
Yurkiw [18] - 2:19,
42:25, 165:4, 169:3,
169:7, 169:17,
185:17, 185:20,
188:18, 188:25,
189:9, 189:12, 190:8,
269:14, 269:19,
270:23, 302:4

Z

Zalys [1] - 13:25
zero [2] - 63:8,
112:16
zoo [1] - 124:22