

1 **Vancouver, BC**

2 **May 23, 2012**

3 **(PROCEEDINGS RESUMED AT 9:32 A.M.)**

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

5 MR. VERTLIEB: Good morning. Today we'll be most of the day
6 with Mr. Bass on recall and Mr. LePard will be
7 available at the end of the day, because if you
8 recall late in the day Friday there was
9 discussion about Mr. Ward wishing to have some
10 time to ask Mr. LePard about that memo that
11 reflected the discussions he was having after all
12 the issues broke around this, so Mr. LePard will
13 be back at the end of the day and hopefully that
14 can be accommodated. So that takes care of
15 today. Everybody has been given the time
16 allocations you ordered.

17 THE COMMISSIONER: Thank you.

18 MR. VERTLIEB: I believe it's then Mr. Gratl. Mr. Giles, do
19 you have the time allocations?

20 THE REGISTRAR: Yes.

21 THE COMMISSIONER: Mr. Gratl.

22 MR. GRATL: Thank you, Mr. Commissioner. I only need one
23 thing -- a witness. Mr. Bass, if he could be
24 called to the stand.

25 **GARY BASS:** Resumed

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

2 Q Mr. Bass, my name is Jason Gratl. I'm counsel
3 for the interests and perspectives of Downtown
4 Eastside communities and individuals especially
5 drug users and sex workers.

6 I understood from your testimony last day
7 that you were in charge of the Major Crime Squad
8 starting -- Major Crime Section starting in 1993?

9 A One of them, yes.

10 Q Maybe you can detail what responsibilities you
11 held in 1993.

12 A Well, within the RCMP in British Columbia there's
13 about three different major groups that comprise
14 the Major Crime sections in the province.
15 There's municipal Major Crime sections that work
16 directly for the detachment that they reside in.
17 At that time there were district Major Crime
18 sections that worked in what is now four
19 districts around the province.

20 Q But there used to be more I understand back in
21 1993?

22 A Sorry?

23 Q There used to be more districts in 1993?

24 A Yes, they were called subdivisions. I think it
25 was actually nine at that time.

1 Q And the third branch of Major Crime?

2 A Where I was working was called the "E" Division
3 Major Crime Section which was an assistance
4 section operating under the provincial policing
5 contracted to assist other detachments and units.

6 Q So that "E" Division, that was specifically
7 provincial policing?

8 A It was initially but it kind of morphed into
9 something else. Certainly they provided
10 assistance to a wide variety of other RCMP units,
11 other police departments, foreign police
12 agencies.

13 Q When you say initially that means -- I take it
14 you mean when you started in 1993?

15 A Well, when I came to the province in the fall of
16 1992 I was in charge of what was called the
17 Serious Crime Unit. That was a group of 12
18 investigators within the -- what was called then
19 the "E" Division General Investigation Section.
20 There was another inspector -- I was the
21 detective inspector and there was another
22 inspector who was in charge of the overall
23 section. He left I think in the fall of '94 and
24 I moved into his position and took over
25 responsibility for the larger section and then

1 over the years the names changed and there was
2 quite a lot of growth.

3 Q When did you take over the larger section?

4 A Pardon me?

5 Q When did you take over the larger section?

6 A I think it was the fall of 1994.

7 Q The larger section, that had responsibility for
8 major crimes in the Province of British Columbia?

9 A No. As I just explained, it had responsibility
10 to provide assistance.

11 Q I didn't see that written down anywhere. Was
12 there a written mandate for that section?

13 A I'm sure there is somewhere.

14 MR. PECK: Mr. Commissioner, I object to this in this sense
15 only, my learned friend has not allowed the
16 witness to complete his answers. It's happened
17 three times now.

18 THE COMMISSIONER: I agree. Give him an opportunity to
19 answer.

20 A Maybe I can explain it this way. The municipal
21 Major Crime sections would have responsibility
22 for the offences that occurred in their
23 jurisdiction. The district Major Crime sections
24 would have been responsible for the crimes that
25 occurred in their jurisdictions. The "E"

1 Division Major Crime Section was an assistance
2 section that would be called on by those sections
3 and others to provide assistance on cases. They
4 had no primary responsibility for any offences.

5 MR. GRATL:

6 Q Right. So my question was, before I was --
7 before my questions were interrupted or
8 abbreviated -- was whether that was written down
9 anywhere, that your section was solely an
10 assistance section?

11 A Yes, I am sure there would be a job description
12 somewhere that would set out what the mandate of
13 the unit was, yes.

14 Q Where would that be set out?

15 A Well, every section, unit in the RCMP has job
16 descriptions for every person -- every position
17 within those units so -- I don't know where it
18 would be set out in terms of material that this
19 inquiry has.

20 Q Did you yourself look for that material?

21 A No.

22 Q I had understood in your interview with Jennifer
23 Evans that you were trying to dig out some of the
24 business case material for setting up your
25 section?

1 A That's not right. It was business case material
2 for setting up things like the Unsolved Homicide
3 Unit.

4 Q Did you ever find that material?

5 A Some of it, yes.

6 Q That was disclosed to the commission counsel, was
7 it?

8 A It was.

9 Q When was it disclosed?

10 A Probably in December.

11 Q December of 2011?

12 A Correct.

13 Q But you never found any comparable business case
14 material for your section that says it's solely
15 an assistance unit?

16 A That wouldn't be business case material; that
17 would be the job description.

18 Q You didn't find any of that?

19 A I didn't look for it. I wasn't asked to look for
20 it.

21 Q You'll appreciate that what we're dealing with
22 here when it comes to serial killers is inter-
23 jurisdictional phenomena?

24 A One of them.

25 Q You know that even quite apart from serial

1 killing, what we have in the Lower Mainland and
2 British Columbia more broadly is repeated
3 instances of an individual being kidnapped or
4 picked up in one place, killed in a second place
5 with the body being disposed of in a third place?

6 A Yes. That's fairly common.

7 Q Fairly common? When we've seen that in
8 particular when it comes to serial killings of
9 sex workers from the Downtown Eastside we've seen
10 disposal in North Vancouver?

11 A Yes, and up as far as Whistler.

12 Q Absolutely. So we have a wooded area just north
13 of Vancouver which is a very common disposal
14 site?

15 A It has been, yes.

16 Q Then we also have about 100 kilometres to the
17 east down Highway 1 another common disposal site
18 just past Chilliwack?

19 A I don't know if I'd call it a very common
20 disposal site. Certainly there have been a
21 number of bodies of murder victims dumped in
22 those areas over the years.

23 Q Sardis, Agassiz, north of Hope?

24 A Correct.

25 Q East of Hope, south of Hope?

1 A Around Hope.

2 Q That area is a very common body disposal site?

3 A As I'm sitting here I can think of maybe ten or
4 15 cases rough ballpark figures over the time
5 when I was involved that would happen. There may
6 be more, there may be less, but that kind of
7 frequency.

8 Q Aside from that we've got a phenomenon of missing
9 hitchhikers?

10 A In the Lower Mainland?

11 Q In the Lower Mainland, yes.

12 A I suppose some people have gone missing
13 hitchhiking but I'm not recalling that to be
14 pointed out as a problem with missing
15 hitchhikers.

16 Q We certainly have a problem with missing
17 hitchhikers outside of the Lower Mainland?

18 A Yes. You're probably referring to the Prince
19 George area, Highway 16.

20 Q Prince George, Rupert, Hazelton, Terrace,
21 Smithers, the small towns up and down Highway 16
22 we've got a widespread phenomenon?

23 A There have been a number of cases in that area,
24 yes.

25 Q Not only that, but we've got a large number of

1 bodies over time being found up and down Highway
2 16?

3 A I don't know what the numbers are but certainly
4 there are several.

5 Q I take it that all of these phenomenon, people
6 being found, dead bodies being found in the
7 Agassiz area, in around Hope, the hitchhikers
8 going missing, bodies being found up and down
9 Highway 16, those are all transportation-
10 influenced phenomenon, they're all sort of driven
11 by the highway system and where the highways go?

12 A I guess that's fair.

13 Q Basically we've got a road system and that road
14 system is of key importance to people committing
15 crimes?

16 A If you're going to transport a body in a vehicle,
17 yes, it would be on the road system.

18 Q You'll agree with me that you can't expect
19 municipal detachments to deal with phenomena like
20 that effectively because of the distances that
21 need to be travelled?

22 A Well, I don't know if that's fair. Many very
23 successful investigations have been carried out
24 by municipal detachments so it will vary from
25 case to case, but the jurisdictional problems are

1 encountered from time to time for sure.

2 Q But, I mean, you couldn't expect a small homicide
3 detachment in one municipality to automatically
4 have the type of social connections necessary to
5 form a cohesive investigative team with another
6 homicide team in another municipality?

7 A I wouldn't agree with that at all.

8 Q You think it could be assumed automatically that
9 each and every detachment would have connections
10 to other detachments?

11 A I didn't say it could be assumed that
12 automatically they would have those connections.
13 That wasn't your question.

14 Q Where I'm driving here, Mr. Bass, is that it
15 ought to have been clear that the missing persons
16 and serial killing phenomena even as of 1992
17 wasn't a municipal level crime, it was always and
18 in every case super municipal?

19 A I don't know that I could agree with that. I
20 mean, the nature of the evidence surrounding a
21 specific crime really dictates how complex it
22 gets, what the response is, what's needed.
23 They're not all the same so it wouldn't fair to
24 make that kind of a blanket statement to say that
25 a municipal detachment couldn't deal with those

1 crimes.

2 Q A significant proportion of the crimes,
3 especially serial crimes, could be reasonably
4 anticipated to fall outside what a municipality
5 could do on its own?

6 A No, I don't think that's fair. If you're talking
7 about the current case that's probably a fair
8 comment, but I don't think you can say that in
9 every case. Municipal detachments successfully
10 investigate a large number of serial crimes
11 whether they're serial sex offence or serial bank
12 robberies. I don't think that's accurate to say
13 that in every case a municipal detachment
14 couldn't investigate a serial crime.

15 Q You were aware of Project Eclipse, were you?

16 A I think it's -- I'm not sure but I think it's the
17 project that was looked at before I came to the
18 province in the '90s, early '90s.

19 Q 1992.

20 A I've heard the name.

21 Q You've heard the name but you weren't aware of
22 the nature of the project or its product, any
23 report that arose out of it?

24 A The one I'm thinking of --

25 Q Project Care 2 in Alberta?

1 A That was much later. Project Eclipse, the one
2 that I'm recalling, was late 89, '90 where a
3 bunch of investigators came together to look at a
4 number of missing persons, suspicious death.

5 Q You were aware of that?

6 A I am aware of it now.

7 Q Were you aware of at the time?

8 A I thought it was before I came to the province.

9 Q Did you become aware of it when you arrived in
10 the province?

11 A I don't recall seeing the name Eclipse until it
12 came up in this inquiry but I may very well --
13 it's something that could have been mentioned in
14 the first few years I was here in the province.

15 Q And you were aware that the First Nations Summit
16 had delivered a letter asking for a systematic
17 look at unsolved homicides in the Province of
18 British Columbia of aboriginal women?

19 A If you're referring to the letter from Chief
20 Mathias I became aware of that in preparation
21 for this inquiry.

22 Q So you don't recall the Attorney General asking
23 the Unsolved Homicide Unit to look into --

24 A No. I recall seeing correspondence where the
25 Attorney General wrote to the chief telling him

1 that recently the Unsolved Homicide Unit had been
2 formed in the province.

3 Q But you don't recall the Unsolved Homicide Unit
4 being assigned to respond to Chief Mathias'
5 letter?

6 A I don't, no.

7 Q In September of 1998 you were aware of the
8 attempt to form a missing person working group?

9 A I got a letter from Detective Rossmo in September
10 of '98 which I referred to the -- it ended up
11 with the Southeast District Major Crimes Section,
12 Constable McCarl.

13 Q So you were aware of the formation of this
14 working group?

15 A I was.

16 Q And that they were looking into a serial killer
17 or serial killers?

18 A I don't know. I can't recall what was in the
19 letter right now. It was inviting me or a
20 representative I think to participate in a
21 working group on -- I thought it was the missing
22 women problem but he could have mentioned serial
23 killers. I can't recall right now what the
24 letter said.

25 Q You would agree though that this problem of

1 serial killers would have fallen squarely within
2 your mandate within "E" Division?

3 A No, it didn't.

4 Q Why did it not? What aspects of it fell outside
5 of your mandate?

6 A Every aspect unless I was asked to take it over
7 or go in to assist. I'll give you an example.
8 Just right around this very same time in '98
9 Chief Castle in Winnipeg asked the commissioner
10 of the RCMP to get involved in the shootings and
11 killings of abortion doctors and what happened
12 with that, that was referred eventually to the
13 commanding officer here and then eventually to me
14 and we set up a task force to investigate that.
15 That's the way these requests would normally come
16 to that section at that time.

17 Q You gave an example of someone in Alberta but
18 you're heavily reliant here --

19 A Winnipeg.

20 Q -- in removing yourself from responsibility for
21 the serial killer missing women phenomena --

22 A I'm not removing myself from responsibility in
23 any way. As a matter of fact, in the early '90s
24 I saw what I thought was an extremely serious
25 deficiency in the investigation of homicides and

1 did work over an extended period of time to get
2 the personnel and money to set up the Unsolved
3 Homicide Unit and at that time I think there were
4 1,800 missing persons in the province which I
5 felt needed a very proactive approach.

6 Q We're speaking here of missing women and serial
7 killers?

8 A This was 1,800 missing people, many of them would
9 have been women.

10 Q Here I'm speaking specifically of the information
11 that came to you about the formation of the
12 missing womens working group in September of
13 1998. You're saying: That wasn't my
14 responsibility because my group was entirely an
15 assistance group?

16 A The group -- the Major Crime Section was entirely
17 an assistance group unless it was tasked by the
18 commanding officer or criminal operations officer
19 to go in and take over an investigation and that
20 did happen quite often.

21 Q You're saying: It wasn't my responsibility
22 because I wasn't asked to do anything about it?

23 A That's essentially it.

24 Q I'm asking you to produce any document that you
25 have that says that your responsibility is

1 limited to providing assistance on matters of
2 inter-jurisdictional crime like this?

3 A I thought I just explained that. If a murder
4 happens in say Burnaby, the Burnaby RCMP is
5 responsible for that investigation so their Major
6 Crime Section would investigate it. They could
7 seek out assistance from whomever they wanted.
8 It may or may not be given. The "E" Division
9 Major Crime Section did not have any
10 jurisdiction, policing jurisdiction, below it.
11 It had none, with the possible exception at one
12 point of the Criminal Investigation Unit which
13 was one section being responsible I think for
14 pardon investigations or something like that.

15 Q You're saying under the *Police Act* your section
16 didn't have jurisdiction over crimes that
17 occurred in the Province of British Columbia?

18 A I don't know about the *Police Act*. If you're
19 asking could we go in and investigate it,
20 absolutely. If you're asking if we had
21 responsibility assigned to do it, no, we didn't.

22 Q What I was asking is I take it you're not relying
23 on a document of some kind that says, well,
24 here's what I, Mr. Bass, was assigned to do at
25 the time and it didn't include this type of

1 investigation. You don't have a document like
2 that?

3 A It does include that type of investigation. It
4 didn't include that investigation.

5 Q I'm asking about documents here. If you could
6 bear with me just for a moment. Do you have any
7 document you're relying on that says: That's not
8 my responsibility, look at this document. Here's
9 my job description, here's what my section does,
10 and it doesn't include serial killers in the
11 Lower Mainland?

12 A I didn't say it doesn't include serial killers in
13 the Lower Mainland.

14 Q Unless I'm asked to assist. I'm asking whether
15 you have a document that you're relying on in
16 support of that proposition?

17 A No. I doubt that there's a document that says
18 that. It's well understood within the RCMP that
19 that's what the Major Crime Section does it, it
20 provides assistance on investigations.

21 Q You're saying it's well understood within the
22 RCMP?

23 A Right.

24 Q But never written down?

25 A I don't know if it's written down or not. The

1 responsibility for murder -- for example,
2 Agassiz, there's three suspected street trade
3 workers that were murdered there in '95. That
4 would be the first responsibility of the Agassiz
5 detachment of the RCMP. That's who would have
6 responsibility for it, a relatively small
7 detachment which at that time I don't think had
8 any Major Crime Section. So that then went to
9 the Southeast District Major Crime Section which
10 is responsible to provide assistance to those
11 small detachments in that area that need
12 assistance for cases like that, and that's
13 exactly what happened. Later on as that section
14 needed assistance, further assistance, they would
15 come to us to get that assistance and they did.

16 Q What about crimes where you don't know what
17 jurisdiction they happened in, do you have
18 responsibility for those? Did you in your
19 section have responsibility for those?

20 A If it's assigned, yes.

21 Q Who would have been the person assigning the task
22 to you then if it were to --

23 A A couple of different ways. Normally if it's
24 multi-jurisdictional it would be the criminal
25 operations officer.

1 Q Weren't you the criminal operations officer
2 starting in 1997?

3 A No.

4 Q When were you the criminal operations officer?

5 A End of July of 2000.

6 Q So end of July of 2000 you could have done the
7 assigning to start an investigation?

8 A The assigning was already done, the assigning was
9 done in May. The Unsolved Homicide Unit agreed
10 apparently May 10 to take on the review of the
11 investigation before I left the Major Crime
12 Section.

13 Q I'm trying to understand this in terms of the
14 hierarchy. There's the Unsolved Homicide Team
15 and there's somebody in charge of that. Who
16 would that be?

17 A Staff Sergeant Henderson.

18 Q And you're in charge of Henderson?

19 A Correct.

20 Q And in 1997 who is in charge of you?

21 A '97, probably --

22 Q Criminal operations?

23 A Probably Assistant Commissioner Johnson.

24 Q So you're saying: I wouldn't do anything on the
25 serial killer business unless Johnston assigned

1 me to do it?

2 A No, I didn't say that at all.

3 Q How would you have been getting involved? How
4 would you have gotten involved in this serial
5 killer -- I'm wondering if there's a mechanism at
6 all within the RCMP for your Major Crime Section,
7 for the Province of British Columbia to take
8 charge of what seemed to me -- I say this with
9 respect -- seemed to me provincial crimes?

10 A Uhm, well, there's a number of different things
11 that can happen and they did happen in this case.
12 The people like the Coquitlam Detachment could
13 come and ask for assistance, which they did and
14 assistance was provided. They could have asked
15 us to take over it and coordinate it, which they
16 didn't. The Southeast District Major Crime
17 Section asked for assistance on a number of
18 occasions and was given that assistance on an
19 ongoing basis. The reference to May 20th was to
20 -- May 10th I think it is, was to Sergeant Field
21 asking Henderson to do a review on the missing
22 women which he agreed to immediately. Then for a
23 variety of reasons the review didn't get done
24 until the fall, maybe even later than that.

25 Q I see you blame Vancouver for not having their

1 files together, that postponed the review a bit?

2 A I don't know about blame. It's well documented
3 by the VPD the files weren't ready to be turned
4 over. There's a letter I think in late August
5 from Inspector Spencer to Staff Sergeant
6 Henderson referring back to the fact that they
7 hoped to have the files to him sooner but it was
8 taking more time because of problems with SIUSS,
9 so there's a mixture of problems that happened
10 that delayed the files from being turned over
11 between May and November of 2000. I didn't say
12 -- I didn't use that as blame.

13 Q You appreciate of course that the Green River
14 killer, serial killer investigation was happening
15 in the State of Washington in and around 1997;
16 you're aware of that?

17 A I was.

18 Q We appreciate that that was a large
19 investigation, had about 60 to 100 officers at
20 any given time?

21 A Correct.

22 Q And then there was a Spokane investigation that
23 had about 50 officers; you're aware of that?

24 A I was.

25 Q So we've got two serial killer investigations

1 happening in the Pacific Northwest at around the
2 same time you've got this -- what you've become
3 aware of a missing women problem that comes to
4 you at the latest September 1998; correct?

5 A I don't know when I became aware of the Green
6 River killings but somewhere in that area, '98 to
7 2000, '99 maybe.

8 Q You appreciate that it's a massive undertaking, a
9 serial killer investigation?

10 A I was, yes.

11 Q And I take it that you understood that it could
12 reasonably be expected that it would be an
13 enormous drain on the resources of a municipal
14 detachment to undertake an investigation like
15 that?

16 A It would depend on what the leads were. I think
17 from what I've seen in terms of my review of the
18 Williams report and from what I've heard from
19 Sergeant Connor that they had the resources they
20 felt were needed to address the tips that they
21 had. That can change at any minute in a major
22 case like that.

23 Q What I'm suggesting to you is that the RCMP "E"
24 Division never took responsibility for initiating
25 a serial killer investigation?

1 A I don't think that's true at all. That's exactly
2 what the Valley murders were, it was a serial
3 killer murder investigation. We knew that since
4 '95.

5 Q Aside from the Valley murder investigation, "E"
6 Division did not take on responsibility to
7 conduct a serial killer investigation in the
8 Province of British Columbia?

9 A I don't agree with that, no. That's exactly what
10 these group of investigations were.

11 Q Which group?

12 A Well, there's the missing women which were highly
13 suspected by '99, 2000 to be -- by some people --
14 to be the work of a serial killer; the Valley
15 murders; there was concern at that time that
16 there may be a serial killer on the Island and in
17 the North.

18 Q I'm suggesting to you that combined maybe 50
19 officers were assigned to all of those
20 investigations?

21 A I don't know what the numbers would be.

22 Q We've got a fraction, about a tenth of the
23 resources that the United States devoted to their
24 very comparable serial killer investigations?

25 A I don't think that's correct at all. I think the

1 Green River case went on for -- my recollection
2 is it was 10 or 15 years and it varied from large
3 groups to small groups and back to large groups.
4 So I don't think -- at the end certainly it was a
5 very large group.

6 Q You don't agree with the characterization that a
7 very small fraction, approximately one-tenth of
8 the resources that the United States devoted on
9 their side of the 49th parallel were devoted
10 north of the 49th parallel?

11 A I can't agree with that at all. I don't know
12 what the number is for the 10 percent that you're
13 talking about.

14 Q I'm passing forward a package of documents. Some
15 of these will be familiar to you, Mr. Bass, I'm
16 sure. You'll see that the first document there
17 is a memo dated February 10, 2000 from Detective
18 Constable Lori Shenher to Geramy Field?

19 A Correct.

20 Q You'll see it says on the second page: "Davidson
21 and Filer are going to submit a proposal to Gary
22 Bass asking for funding and resources for the
23 following," and then you can see among the other
24 things listed there is, "to attempt to profile
25 the suspect or suspects, to re-open the Pickton

1 file, assist with SIUSS data entry and analysis,
2 provide coordination between the unsolved
3 prostitute homicides and the missing women from
4 the Downtown Eastside, propose a joint forces
5 task force, failing further funding from the RCMP
6 they are prepared to go to the Attorney General."
7 Do you see that?

8 A I do.

9 Q If you turn the page you'll see this is a
10 photocopy of your notes?

11 A I do.

12 Q You'll see there the date appears to be March 1,
13 2000?

14 A It is.

15 Q 10:20, it's noted that you: "Meet with Davidson,
16 Filer and Paulson re: proposal on task force -
17 serial cases. Agreed to start with an effort on
18 Valley prostitute murders first -- DNA to be
19 compared. Will add to group when manpower
20 becomes available." Do you see that?

21 A I do.

22 Q I take it that's accurate?

23 A The notes are accurate. There's some
24 inaccuracies I think in the memo but the notes
25 are accurate.

1 Q If you can turn the page please you'll see an
2 undated document, a three-page document, and
3 you'll see there it identifies the issue as: "BC
4 has and is currently experiencing a significant
5 number of homicides involving prostitutes or
6 other vulnerable women and girls resulting in the
7 following investigative difficulties," and then
8 it lists -- it says: "Several of the known
9 murders are unsolved but no viable suspects.
10 Several women meeting the victim profile are
11 missing, with strong reason to believe they have
12 been murdered, several 'high priority' suspects
13 who are known to have committed life threatening
14 violence to prostitutes have been identified,"
15 and then it goes on with other problems. Under
16 point 8 specific it says: "At least three serial
17 killers are believed to be operating in BC at
18 this time."

19 A Correct.

20 Q 8.1. "Olajide Pile Yonker Southwest Major Crime
21 Squad case."

22 A Yes.

23 Q 8.2. "Wilson, Nikal, Thiara (Germain)." Germain
24 is an officer investigating, correct?

25 A Yes.

1 Q North District Major Crime Squad Case. Then 8.3
2 says: "20+ missing prostitutes Vancouver PD
3 case." It goes on to say: "There is a strong
4 probability of more than three serial killers
5 being responsible for the outstanding unsolved
6 murders of sex trade workers in BC. The
7 following are three of many violent offenders
8 known to attack prostitutes, capable of murder,"
9 and it lists three individuals, number 1 is
10 Robert Willie Pickton. Do you see that?

11 A Yes, I do.

12 Q This document was the document presented to you
13 on March 1, 2000; isn't that correct?

14 A I don't know and I don't -- first off, I don't
15 know if a document was presented. Secondly, I've
16 seen two different versions of this same
17 document. You'll note in the lower left-hand
18 corner of this document the name Evenhanded.
19 This would be six months, eight months before
20 Evenhanded was even named. So I don't recall if
21 a document -- if this document or a document like
22 this was given to me at the meeting. Certainly
23 we had discussion that was similar to this but
24 there's another document that I just saw two
25 weeks ago that's different than this one but it

1 purports to be generally the same document, so I
2 can't answer that.

3 Q Let's flip back then one page to your notes
4 there. It says: "Meet Davidson Filer an Paulson
5 re: proposal on task force." I take it this
6 three-pager we see over the page, that is a
7 proposal on a task force; isn't that right?

8 A I don't know. It could be if it was presented
9 that way, yes.

10 Q If we turn to page 2 of that document there,
11 you'll see it says: "Proposal: Create a JFO
12 task force to accomplish the following
13 objectives". If we can switch back to your
14 notes, "Meet Davidson, Filer and Paulson re:
15 proposal on task force." You'll agree with me
16 now that this three-pager is a proposal on a task
17 force; isn't that right?

18 A I won't. I just told you I've seen two different
19 versions of this document. I don't recall being
20 presented this document at the meeting with
21 Davidson. I explained that to detective --
22 Deputy Chief Constable Evans at length in the
23 interview I had with her. No, I can't agree with
24 you that this was presented to me as the
25 proposal.

1 Q So then we'll go on -- if you go back to the
2 first page of the proposal, there are three
3 serial killers believed to be operating, one is
4 8.1, and that's the Valley murders; right?

5 A Yes.

6 Q Then you've got this North District MCS case, and
7 that's Highway 16, isn't it?

8 A Well, Highway 16, I don't know if these
9 particular victims were on Highway 16. That had
10 been used generally to describe a number of
11 suspicious deaths, murders in that region, so
12 certainly up in that area.

13 Q There are only really two highways in that region
14 and one is Highway 16?

15 A Only two highways?

16 Q There's Highway 37?

17 A No.

18 Q And Highway 16?

19 A I've just told you, I don't know if these victims
20 were found on Highway 16. I don't know.

21 Q You don't know what this Germain investigation
22 Northern District MCS case is?

23 A They're homicide investigations in the north,
24 somewhere around Prince George.

25 Q Aside from that you don't know anything about it?

1 A No.

2 Q You were in charge of the Major Crime Section at
3 the time for the Province of British Columbia; is
4 that right?

5 A No. I was in charge of the "E" Division
6 Headquarters, Major Crime Section.

7 Q And shortly after that you were the criminal
8 operations officer?

9 A July of 2000.

10 Q Shortly after your meeting with Davidson, Filer
11 and Paulson?

12 A Right.

13 Q You were just about to be promoted to criminal
14 operations officer?

15 A Two or three months.

16 Q 8.3 is "20+ missing prostitutes, VPD case". If
17 you go back to your notes it says: "Agreed to
18 start with an effort on Valley prostitutes". I
19 take it what you're saying there is you didn't
20 have manpower to do everything that they were
21 asking for but you started with the Valley
22 murders?

23 A I think it's more than that. My recollection of
24 this meeting was that there was no disagreement
25 that the way to proceed forward on this was to

1 work on the DNA exhibits that were present in the
2 Valley murders. That's why I used the term it
3 was agreed to start this way. So I don't recall
4 any debate or disagreement from anyone at the
5 meeting about no, we shouldn't do this, we should
6 do something else. This was a very
7 straightforward meeting from my perspective. DNA
8 can be very powerful evidence in terms of leads.
9 It's the only case of these ones where there was
10 that lead and it made sense to everyone in the
11 room as far as I'm concerned that that's where
12 the resources should go first.

13 Q So your note there says: "Will add to group when
14 manpower comes available," coupled with your
15 note, "Agreed to start with an effort on Valley
16 prostitute murders first." You're saying that
17 doesn't come to a decision not to devote
18 resources to these other serial killers?

19 A No one else was asking for resources. The
20 resources that had been provided to Coquitlam
21 were -- when they were finished they didn't ask
22 for anymore assistance in terms of what was going
23 on in Coquitlam.

24 Q I take it what happened with the Valley
25 prostitute murders wasn't a JFO, was it?

1 A I guess it depends how you define JFO. Constable
2 McCarl was certainly working with the
3 counterparts in the VPD. There was meetings in
4 January, February between McCarl and members of
5 the VPD, I think Chernoff and Lepine, Shenher and
6 others. A JFO can appear in many forms. It can
7 be -- the most common one is people working
8 together on a problem without a written -- I
9 guess -- JFO agreement. At the other end of the
10 spectrum are the ones eventually assigned with
11 Evenhanded.

12 Q What I'm suggesting to you, Mr. Bass, is that
13 Davidson, Filer and Paulson came to you with a
14 proposal for a task force and left without a task
15 force and that was your decision?

16 A That's not right.

17 Q Now if you -- this is entirely on another
18 subject. If you turn past the three-page task
19 force proposal you'll find a document, a letter
20 from December of 2001 from Fred Biddlecombe to
21 you asking you to look into local funeral home
22 dispositions of bodies. This was -- Mr.
23 Biddlecombe was known to you; correct?

24 A He was.

25 Q He had dealings with you. This was him writing a

1 letter to you suggesting where to devote your
2 resources which amount to locating missing women
3 rather than hunting for their killer. Do I have
4 that wrong?

5 A Yeah. He's certainly suggesting that there
6 should be more work done with coroners.

7 Q Basically to try to locate the women; right?

8 A Sorry?

9 Q To try to locate the women, rather than to look
10 for their killer?

11 A Yeah. He's suggesting further follow-up that
12 might be done in terms of trying to locate some
13 of the women.

14 Q And I take it you took his advice on how to
15 devote the resources because it looks like you've
16 got a note to that effect. It says -- am I wrong
17 about that -- "Earl, FYI and follow up by MCS GB
18 1-12-12." Is that right?

19 A Is that your -- what is your question?

20 Q You then followed Fred Biddlecombe's advice and
21 devoted resources to locating the women?

22 A I don't know what was done with this memo. This
23 was passed on to Chief Superintendent Moulton,
24 Major Crime came under him at the time, and I
25 have no idea what was done with it. But it

1 certainly wasn't a conscious decision by me to
2 say I don't think these women are murdered and
3 let's keep looking for them, no.

4 Q Your note indicates, "For your information Earl
5 follow up by MCS". Follow up on, this is a
6 direction from you to Earl Moulton to follow up
7 on this?

8 A I've just answered your question. I did not take
9 this as meaning we should suspect that the women
10 were not murdered and go on a hunt to find them
11 alive.

12 Q That wasn't my question. My question was that
13 you directed Earl Moulton to follow up on this
14 suggestion?

15 A I said follow up on the memo. This is standard
16 procedure. When you get a memo in on something
17 you send it to where it needs to be actioned. I
18 don't know what was done with it.

19 Q Two pages over is a memorandum of understanding
20 respecting the Unsolved Homicide Unit. If you
21 look on page 4 of this memorandum of
22 understanding there's a description of a unit
23 manager --

24 A Sorry?

25 Q 2.01. "The unit manager will be responsible to:

1 a) assume day-to-day oversight of the UHU
2 operations; d) establish operational
3 investigational priorities for files being
4 investigated by the UHU; e) prepare and supply a
5 quarterly report covering both operational and
6 administrative aspects of the UHU."

7 A Correct.

8 Q This agreement you'll see was signed it looks
9 like July of 1997; am I right about that?

10 A Yeah, July 7th, 3rd and 30th.

11 Q By Assistant Commissioner Johnston there, at the
12 time he was the CROPS officer; is that right?

13 A No. He was the commanding officer at that time.

14 Q Who became the unit manager responsible for the
15 day-to-day oversight of UHU operations?

16 A At what time?

17 Q In 1997 who was unit manager?

18 A Staff Sergeant Henderson.

19 Q After Staff Sergeant Henderson?

20 A I'm not sure. He went in charge of the
21 Integrated Homicide Investigation Team. It could
22 have been Bruce Hulan but I'm not sure about
23 that.

24 Q You appreciate that this memo of understanding
25 establishing the Unsolved Homicide Unit doesn't

1 really provide any direction what the Unsolved
2 Homicide Unit is supposed to do. Instead it
3 establishes, in effect, an advisory board; is
4 that right?

5 A Yes.

6 Q It was really left to the advisory board -- this
7 is page 4, 1.06. "RCMP, VPD and CC will
8 establish an advisory board." CC is Crown
9 counsel?

10 A Yes.

11 THE REGISTRAR: You've reached your time, Mr. Gratl.

12 MR. GRATL: I've almost reached the end of the documents here,
13 Mr. Commissioner, if I may.

14 Q I take it if you turn over the page after the
15 agreement you'll see that in effect you were
16 assigned to the advisory board as a
17 representative of "E" Division Headquarters;
18 isn't that right?

19 A Uhm, from the document following the MOU?

20 Q That's correct. It says it's a letter -- you
21 signed it yourself, you sent it to the Vancouver
22 Police Department Chief Constable and in it you
23 indicate that the Attorney General has designated
24 the director of criminal appeals and special
25 prosecutions as their advisory board member and

1 RCMP is designating the OIC Major Crime Unit?

2 A I see that.

3 Q The OIC Major Crime Unit, that's you?

4 A Correct.

5 Q You're just saying, I'm assigning myself or I'm
6 just noting I've been assigned?

7 A Yes. I guess the -- the purpose of the memo was
8 to ask them who their designate would be.

9 Q Who was the director of the criminal appeals and
10 special prosecutions of the Attorney General's
11 prosecution service at the time?

12 A I think it was Darryl -- he used to do a lot of
13 the DNA work, the early DNA work. I'm just
14 drawing a blank on his name right now.

15 Q All right. The Unsolved Homicide Unit then could
16 have picked up the missing persons
17 investigations; isn't that correct?

18 A The Unsolved Homicide Unit did many
19 investigations where there was no body.

20 Q So it could have picked up the missing women
21 investigations?

22 A It could have, yes.

23 Q I take it you had an influence over what type of
24 cases the Unsolved Homicide Unit took?

25 A I wouldn't say that. I certainly could have.

1 When they were set up they had literally hundreds
2 of cases ready to go so it wasn't really -- in
3 the early days there wasn't any need to try to
4 decide what do we work on. They had hundreds of
5 cases, I went to work on them.

6 Q I had understood from your interview with Deputy
7 Chief Evans that there was a conscious decision
8 made on the part of the Unsolved Homicide Unit
9 advisory board to take some of the low hanging
10 fruit and conduct undercover operations with wire
11 to establish the credibility of the Unsolved
12 Homicide Unit rather than taking more difficult,
13 speculative, hard-to-solve cases where if you
14 didn't produce anything would have from derogated
15 from the viability or reputation of the unit; am
16 I wrong about that?

17 A There's a couple things there. I don't think I
18 had any discussion with Evans about the advisory
19 board. If you could show me that. I think it
20 was -- I'd have to see it. I don't recall
21 discussing the advisory board with Deputy Chief
22 Evans. Certainly there was discussion that there
23 were a lot of cases with very good leads to
24 pursue and that's what they were engaged in.

25 Q Now, I take it you had profiler, a criminal

1 profiler, Keith Davidson?

2 A Yes. Davidson was the psychological profiler and
3 we had a geographical profiler.

4 Q Under your command?

5 A Yes.

6 Q I take it what profilers generally do or among
7 their responsibilities are they make profiles of
8 victims and they make profiles of suspects which
9 is of particular use in iterated crimes when
10 you've got repeated crimes of the same type?

11 A That's what they hope to do. They weren't able
12 to do that in this case.

13 Q I note in your interview with Deputy Chief Evans
14 you note that, "You've all heard the jokes about
15 profilers ". You made that comment to Deputy
16 Chief Evans?

17 A That's correct.

18 Q That was in a context of asking -- she was asking
19 you about the September 1998 missing --

20 A I think she was asking me --

21 Q Could you listen to the question. She was asking
22 you in the context of the September 1998 attempt
23 to create a missing womens working group?

24 A I don't know.

25 Q You knew that Detective Inspector Rossmo had

1 detractors within the Vancouver Police

2 Department?

3 A I think that's fair, yes.

4 Q And you knew that -- he wasn't the only profiler
5 who had detractors. Other profilers had
6 detractors, too. The whole notion of profiling
7 altogether had detractors generally in the police
8 circles?

9 A I wouldn't say it was widespread like that. I
10 think police officers can be kind of cruel to
11 their own. Polygraphists -- it wouldn't be
12 uncommon for some investigators to refer to them
13 having a Ouija board. You don't take a lot from
14 that. I think she had asked me whether or not
15 Davidson was respected for his views in the
16 section. He certainly was by me, a very
17 competent profiler, a very competent police
18 officers generally, and he actually set up and
19 established ViCLAS which eventually went to the
20 US as ViCAP, eventually went to Europe. I
21 certainly had the greatest of respect for
22 Davidson as a profiler.

23 Q Your respect for him arose out of this ViCLAS
24 business, not the fact he was a profiler?

25 A I wouldn't say that at all. They were involved

1 in the solving of a number of very serious high
2 profile cases. One I'm thinking of was up around
3 Vernon, a little girl under 10 was abducted and
4 held and raped and drugged and it was Davidson
5 and some of his people that were instrumental in
6 getting that child rescued. There's a number of
7 other cases. That's not accurate at all.

8 Q I'll read this to you, your interaction with
9 Deputy Chief Evans. "So you didn't get the
10 impression that Keith Davidson was experiencing
11 the same in the RCMP?" That's the same as
12 Rossmo?

13 A Right.

14 Q You respond: "Oh, no not from his chain of
15 command." That's referring to you, you weren't
16 giving Davidson the grief that Rossmo was
17 getting?

18 A I think that was quite obvious by this point.
19 There was a lawsuit that was going on that was
20 very public.

21 Q But you're saying to Deputy Chief Evans: I'm not
22 giving Davidson the grief that Rossmo is getting
23 within his detachment?

24 A I guess that's fair.

25 Q Then Deputy Chief Evans says: "Okay," and you go

1 on to say: "I mean, you know, I don't know what
2 he would get -- kind of at meetings around the
3 province." Then Deputy Chief Evans says:
4 "Uhm-hum". You say: "I mean sometimes there's
5 -- we've all heard the jokes about profilers but
6 Keith was unique in that he wasn't -- that it
7 wasn't only that he was a profiler but he had set
8 up ViCLAS."

9 A Correct.

10 Q So what are the jokes about profilers?

11 A I mean, there's a number of them that I'm sure
12 are quite common in policing circles, like a
13 detective being asking for the name and address
14 of the offender. It's silliness.

15 Q I wonder if you could tell us to give us an idea
16 what the jokes are.

17 A I just did.

18 Q A detective says --

19 A Asks for the name and address of the offender.

20 Q I see. Are there any other examples?

21 A I mean, it's just --

22 Q You mentioned earlier comparison so psychics,
23 Ouija board.

24 A I didn't mention psychics.

25 Q Ouija?

1 A That was polygraph.

2 THE REGISTRAR: You're now ten minutes over your time.

3 THE COMMISSIONER: Mr. Gratl.

4 MR. GRATL: I have three more documents to go through but they
5 might well speak for themselves.

6 THE COMMISSIONER: We have others waiting.

7 MR. GRATL: I'm asking, Mr. Commissioner, that this package of
8 documents be marked as the next exhibit.

9 THE COMMISSIONER: Any objections?

10 THE REGISTRAR: I assume that's non-redacted?

11 MR. GRATL: I would think it is.

12 **(EXHIBIT 209NR: Bundle of VPD and RCMP**

13 **Documents, Consisting of 21 Pages)**

14 MR. GRATL: Thank you, Mr. Commissioner. Thank you, Mr. Bass.

15 MR. ROBERTS: Good morning, Mr. Commissioner. Darryl Roberts
16 for Marion Bryce.

17 THE COMMISSIONER: Yes.

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

19 Q Deputy commissioner, I have two areas for brief
20 questions. First is your affidavit. I want to
21 clear up a little bit of confusion which at least
22 I have. If you turn in your affidavit to page
23 13.

24 A I don't have it here in front of me.

25 Q This is the affidavit, Mr. Bass, that is

1 identified as number 1, affirmed May 10, 2012.

2 You're there?

3 A Yes, I am.

4 Q Thank you, sir. Could you go to page 13. The
5 subject actually begins at the bottom of page 12,
6 and it references the meeting at the Attorney
7 General's office on April 9, 1999, and I note
8 that in two or three of these paragraphs you
9 indicate that your memory is not the best for
10 this meeting; right?

11 A Well, it certainly -- I don't know if I indicated
12 it in the other paragraphs here but certainly
13 that's a true statement.

14 Q But it's paragraph 49 that I'm interested in and
15 in conjunction with something that you said here
16 today. You say in paragraph 49: "Although I
17 have no personal recollection of this I
18 understand that an offer was made by Staff
19 Sergeant Henderson" -- that's Staff Sergeant
20 Henderson of the RCMP; right?

21 A Correct.

22 Q -- "at this meeting for the RCMP to review the
23 Vancouver Police Department investigative file.
24 Such a review would have been consistent with the
25 Unsolved Homicide Unit's role in providing

1 expertise to investigative units at the
2 detachment or municipal level. The Missing Women
3 Investigation did not fit the Unsolved Homicide
4 Unit's mandate, however, and this was not the
5 type of investigation they would have assumed
6 conduct of." That paragraph, I think my first
7 question is, why did it not fit?

8 A Well, I suppose you can make anything fit, but I
9 think what I'm saying here is that in this case
10 they provided assistance but I wasn't -- it
11 wasn't really the kind of case that they would
12 take right over, which is what was referred to at
13 the end where it says, "would have assumed
14 conduct of".

15 Q Go ahead. I don't mean to interrupt.

16 A I guess the distinction was whether or not they
17 would be involved, how much they would be
18 involved or whether they would take right over.

19 Q The subject is a review, not taking over?

20 A Correct.

21 Q Is it part of RCMP policing to offer to do such a
22 review?

23 A Yeah, I think we did -- that's a very important
24 component of the major case management training.

25 Q I'm confused as well because I think I heard you

1 say today that later on in May, I think it was
2 May 10th or something like that, that Staff
3 Sergeant Field of the Vancouver Police Department
4 asked for the same thing to be done and it was
5 going to be done but didn't get started until
6 November?

7 A That's right.

8 Q So the very matter of paragraph 49 was the
9 subject matter of a request by Staff Sergeant
10 Field?

11 A I don't know that-

12 Q That's my confusion.

13 A No. As it said a couple paragraphs earlier, my
14 recollection is that Henderson was there in the
15 building for the meeting but wasn't in the room
16 when the Attorney General meeting was held. What
17 I saw afterwards were comments I think from
18 Deputy Chief McGuinness who indicated that the
19 Unsolved Homicide Unit had made an offer to do a
20 review. That's all I can tell you about it and
21 that would be consistent with their mandate but
22 that wouldn't amount to taking over the entire
23 investigation.

24 Q No. The word you used, a "review"?

25 A Right.

1 Q But that didn't happen, at least at the time of
2 the offer as indicated in paragraph 49?

3 A I don't know what the response -- if the offer
4 was made by Henderson, I don't know what the
5 response to it was. When the offer was made in
6 May it was taken up and agreed to immediately as
7 I understand it by Henderson.

8 Q That was a direct offer by Sergeant Field?

9 A A request by Sergeant Field.

10 Q A request, I should say.

11 A Yes.

12 Q Perhaps I'm going to stay confused because I want
13 to go on to another subject. All right.

14 The other subject is what actually brought
15 me over here this morning and I need to tell you
16 -- I need to review some evidence at this inquiry
17 and I don't have a transcript so I'm going to ask
18 Mr. Commissioner if I have it wrong to correct
19 me, but it flows out of some examination by my
20 good friend Ravi Hira, Queen's counsel; you know
21 Mr. Hira?

22 A Yes.

23 Q The subject matter was 1999, surrounding the
24 various concerns involved in Caldwell informant,
25 review of Mr. Caldwell, the many reviews of his

1 evidence, and Inspector Moulton was on the panel
2 where you are now and Mr. Hira asked him a
3 question as my memory tells me as to whether he
4 had any conversations with the Vancouver Police
5 officers who happened to be Detectives Chernoff
6 and Lepine about Vancouver's crimes, the
7 investigation of Vancouver's crimes. Let me back
8 up for a moment. At that very time Vancouver had
9 just posted their reward poster in Vancouver
10 which offered a reward, some \$100,000 for
11 information leading to the arrest and conviction
12 of those responsible for the unlawful
13 confinement, kidnapping and murder of the missing
14 women. Around about that very time the Caldwell
15 tip surfaces, it comes to the Vancouver Police
16 Department, Chernoff and Lepine go out to
17 Coquitlam to assist in the investigation and
18 effectively are responsible for the source,
19 Caldwell -- I think I'm recapitulating the
20 evidence correctly -- and in that context I heard
21 a question from Mr. Hira about whether there's
22 any conversation with these officers about
23 Vancouver's crime and Inspector Moulton's
24 response was it's just not done, to talk -- for
25 one police force to talk to another about the

1 other police force's crimes. That's how I heard
2 it. Let's assume I'm right in my recollection of
3 the evidence. Is that a precept or a rule in
4 policing that one force does not talk to another
5 about the other's crimes?

6 A It's not something I'm familiar with, no.

7 Q Because I would have thought that has no place in
8 modern policing.

9 A I don't know the context of what was said but the
10 way you've described it to me is not something
11 I'd be familiar with.

12 Q Police forces, whether the relationship is under
13 a formal agreement or an informal joint forces
14 arrangement, should be able to cooperate and
15 collaborate with each other; don't you agree?

16 A Absolutely.

17 Q And should feel free to find a way to put their
18 egos to one side and discuss intelligently each
19 other's crimes?

20 A Absolutely.

21 Q Let me back up to 1998. What I'm going to say to
22 you is factual. We have on the one hand a
23 constable from the Vancouver Police Force who is
24 doing her best but it turns out in investigating
25 this tip information from Mr. Hiscox, she herself

1 is not trained in homicide, Constable Shenher,
2 and doesn't actually have any experience in
3 investigating a kidnapping. I'll leave it at
4 that with her. On the other hand, you have
5 Corporal Connor at that time -- I don't know what
6 his experience would have been but it was many
7 years, he was a trained investigator, a homicide
8 investigator and he on his own evidence had
9 particular experience with murders or
10 strangulations involving sex trade workers and
11 was familiar with the concept of kidnapping by
12 fraud which is of course a definition of
13 kidnapping, it's either by force or fraud, but he
14 was familiar with all that. Would you agree with
15 me there is not reasons why there could not have
16 been a conversation between the two of them,
17 something like this. Corporal Connor: You know
18 in looking at these facts, I'm having some
19 trouble with what I can do because I'm just here
20 investigating murder in Coquitlam. But as I look
21 at these facts, you've got a kidnapping on your
22 hands, and I think if you pursue that, if we work
23 together on this we might get somewhere in an
24 investigative pursuit of this guy. I want to
25 catch this guy. There's no reason why that

1 conversation can't take place, is there?

2 A No.

3 Q In fact, it should be encouraged, would you not
4 agree?

5 A Yeah, I would agree and it's often part of
6 problem solving in multiple jurisdictions,
7 particularly across the border, the US border,
8 looking at different ways to get at the problem.

9 Q And there's no reason why you would have to
10 actually go to a single police force. There may
11 be many reasons for a regional police force and
12 one might say and Mr. Commissioner might say we
13 wouldn't have that problem if we had a single
14 police force for this, but surely that kind of
15 cooperation should be able to take place without
16 resorting to a regional police force; would you
17 not agree?

18 A I would absolutely. I think there's probably
19 much simpler solutions.

20 Q Let me turn back on Corporal Connor because I
21 don't want to indicate that I'm being unbalanced
22 or not even handed in this. Let's suppose the
23 person Corporal Connor is talking to in 1998 says
24 to him, "You're right, thank you very much for
25 that, but when I look at these facts the

1 informant says that Pickton wants to pick up Ms.
2 Anderson so he can finish her off and he wants
3 some syringes for that purpose, or at least I
4 think there's some connection there." He has it
5 out there in the community that he wants syringes
6 to finish her off, and Corporal Connor responds:
7 "We don't have any evidence this was said
8 directly or indirectly to Ms. Anderson so I don't
9 think we have anything there." The other officer
10 happens to be more informed on that subject and
11 says, "I think you're wrong about that, Mike,
12 Parliament changed the law in 1985 and made
13 uttering a crime by simply the uttering and it
14 doesn't have to be conveyed and there's case law
15 on that," and Corporal Connor says, "Gosh, I
16 guess I'm out of touch on that." There's no
17 reason in the world why that conversation
18 shouldn't take place, is there?

19 A No.

20 Q Your memo of the change of law and uttering is
21 consistent with mine, isn't it?

22 A I don't recall when it changed but my memory in
23 terms of -- that the person didn't actually have
24 to receive it is the same.

25 Q That's right. It's 1985. Anyway, it's those

1 kinds of conversations that modern policing
2 should encourage to take place?

3 A And they do, they do. There's significant
4 changes that have occurred with major case
5 management in the time of the terms of reference
6 that have addressed many of the issues that
7 you've been talking about.

8 Q If police-officers have a notion in mind that
9 it's just not done to talk to another police
10 force about the crimes that both of them have for
11 effective policing, that's a notion or a concept
12 that we should get rid of it?

13 A Yes, absolutely. I was just trying to recall --
14 I thought that I had seen some of that evidence
15 and I'm not sure I have the same recollection
16 about what Moulton said about that as you've
17 described. But I certainly agree with the way
18 you've put to me.

19 MR. ROBERTS: I don't have the transcript, I don't have it in
20 time, but that's the cross-examination on that.

21 Thank you.

22 THE COMMISSIONER: Thank you, Mr. Roberts. Ms. Narbonne.

23 **CROSS-EXAMINATION BY MS. NARBONNE:**

24 Q Thank you, Mr. Commissioner. I'm Suzette
25 Narbonne. I'm counsel for the aboriginal

1 interests.

2 Mr. Bass, I take it you'll agree with me
3 that the RCMP have had a long standing special
4 relationship with the First Nations people in
5 Canada?

6 A Yes, I'd agree with that.

7 Q And you actually have jurisdiction over many of
8 the places where they live; correct?

9 A Correct.

10 Q In the course of this investigation it was
11 obvious that a large, even disproportionate,
12 number of these missing people were First
13 Nations; correct?

14 A Certainly a large number.

15 Q Disproportionate based on population; you don't
16 agree with that?

17 A I think that's fair for sure, yes.

18 Q Did you not see the RCMP as having a special role
19 in this just because of that?

20 A Well, yes, and I think we did to some extent. We
21 were working with some First Nations leaders
22 throughout that period discussing things that
23 might be able to be done, that kind of thing --

24 Q When you say "we" -- sorry, who do you mean by
25 "we"?

1 A Myself, Earl Moulton after he became involved in
2 headquarters. So I don't know that I would say
3 we should have a special role because it's First
4 Nations but it would certainly be well justified.

5 Q Let's combine the First Nations aspect of it with
6 the likelihood that if these people are dead and
7 not simply missing the bodies are probably in
8 RCMP jurisdiction; right?

9 A It certainly turned out to be true in this case
10 and it's certainly a valid investigative
11 approach, yes.

12 Q It was something that was consistently coming
13 from the people who were looking at this, that if
14 they're dead the bodies have been hidden
15 somewhere; right?

16 A Some of them were. Some of them were actually
17 found in alleys in the Downtown Eastside, so
18 yeah, it's fair generally what you're saying.

19 Q What I don't understand, and I've listened to you
20 and I've listened to other police officers, what
21 I don't understand is why didn't the RCMP take
22 the proactive approach of going to VPD and
23 saying, hey, can we help you with this thing?

24 A I think that was certainly always there. I think
25 that was understood. I mean, I was working quite

1 closely then with Inspector Biddlecombe on other
2 issues. I certainly -- I didn't get the sense at
3 that time that there was -- I don't think he came
4 out and said this but I didn't get the sense that
5 he was suffering for resources, which obviously
6 has been described they were, but I think that
7 the approach if it was made by Henderson or
8 myself, whoever it was at the meeting with the
9 Attorney General to do the review, I think was a
10 proactive approach. I think the involvement of
11 the profilers was certainly proactive. Frankly I
12 don't think there's any request that we would
13 have refused.

14 Q I didn't ask you about requests. I would suggest
15 to you that Biddlecombe was still working under
16 this assumption that they're just missing, not
17 dead; right?

18 A At what time?

19 Q Even in the letter he sends, Exhibit 209NR he
20 still seems to be focusing on a missing rather
21 than murdered approach; do you agree?

22 A I would certainly agree that aspect was still in
23 his mind, but whether or not what proportion he
24 considered missing --

25 Q What he's saying to you is consistent with the

1 missing not murdered approach?

2 A Say that again.

3 Q The letter that he sent to you that Mr. Gratl
4 showed you in Exhibit 209NR suggests a missing
5 rather than murdered approach to the
6 investigation; right?

7 A Yes, I guess that's fair.

8 Q And from your perspective did you not think that
9 foul play must be involved here by 2001?

10 A We knew foul play was involved by '95.

11 Q I appreciate that you talked to Biddlecombe and
12 you said you talked to him throughout, but I
13 still get back to why aren't the RCMP saying,
14 "Look, we think these people are murdered. Would
15 you like us to help you?"

16 A I think that did happen.

17 Q When?

18 A Certainly with the meetings that were going on
19 between all the investigators throughout the fall
20 of '99, early spring -- late winter, I should
21 say, of 2000.

22 Q We've heard that the Pickton investigation that
23 the RCMP initially did in '99 was not focused on
24 missing women, it was focused on one allegation.
25 Was that your understanding?

1 A No, that wasn't my understanding. I saw some of
2 that and I don't know how the interpretation was
3 made in terms of that file. Certainly it would
4 be fair to say that you're investigating that set
5 of circumstances but my view was that there are a
6 number of these things that were going on that
7 might be connected.

8 Q Your notes are consistent with what you're
9 telling us here; right?

10 A Correct.

11 Q But these RCMP investigators have all told us
12 that you're wrong about that. Did you know that
13 they thought they were just investigating a tip
14 on Pickton?

15 A Well, no, I didn't know that but that's certainly
16 not my impression, that they didn't recognize
17 that they had a role to play with the missing
18 women either. That's all I can telling you about
19 that.

20 Q So your view is the approach the RCMP took with
21 the VPD was sufficient in terms of how you say
22 you offered to help? That your evidence today?

23 A Certainly looking back at it now we could have
24 pushed it further. I don't know frankly what
25 discussions were had within the senior management

1 of the RCMP at that time, if any.

2 Q I'm suggesting you should have pushed it further
3 as the RCMP. Do you agree or disagree?

4 A I don't know. I mean, it's obvious that more
5 should have been done quicker, that's obvious.
6 It wasn't like we were in two separate worlds in
7 terms of being able to operate together. I mean,
8 I think we were ready and willing to assist in
9 any way that was asked.

10 Q I know --

11 A The other part of what was going on -- I very
12 much viewed the Valley murders as part of the
13 larger issue and they were being worked on. In
14 fact, the Valley murders were the most promising
15 -- held the most promising leads of this whole
16 thing and it turns out they're the ones still not
17 solved.

18 Q I'll ask you one more thing because I don't think
19 I have a great deal of time here and it's in that
20 regard. The memo that Mr. Gratl showed you
21 Exhibit 209NR, it's the fourth page. It starts
22 with "Issue: General:" This is the one you say
23 you've seen various versions of it?

24 A Well, at least two.

25 Q I'm suggesting to you that you saw this at that

1 meeting on March 1, 2000, that it was actually
2 presented to you?

3 A Yeah. I mean, I can't say if it was or wasn't.
4 It would be very unlikely for me not to initial
5 that memo if it was given to me in the same way
6 that you see the other ones. I was in the habit
7 of initialling them and filing them. I can't
8 explain that. I have no recollection of this
9 being handed to me at this meeting. I'm not
10 suggesting for a minute that I didn't see it. I
11 will note that when Staff Sergeant Davidson was
12 questioned about this by Deputy Chief Evans,
13 Evans suggested that Davidson handed this to me
14 and Davidson's response was, "well, went through
15 it ". I don't know what that means. I don't
16 know if that means, yes, passed it to me and we
17 went through it together.

18 Q Your recollection is that you don't know?

19 A I don't recall seeing that before meeting with
20 Deputy Chief Evans.

21 Q You'll agree with me that the computer system is
22 such that this memo could find its way into a lot
23 of different files so it could be -- it could say
24 Evenhanded at the bottom but that doesn't mean
25 that's when it was generated?

1 A Yeah, it could but it shouldn't. I mean, any
2 piece of -- most pieces of correspondence that
3 are generated in a police investigation should go
4 to a file. That's the norm. You don't just kind
5 of file the stuff where you want it. There
6 should be a file number on it, who has seen it
7 and be part of a file.

8 Q But you've told us in this case, this particular
9 memo you've seen -- you yourself have seen two
10 versions of it?

11 A I've seen two versions. I saw this one that I
12 saw in August from Deputy Chief Evans and another
13 one I saw two weeks ago.

14 Q So things that should be happening don't always
15 happen; correct?

16 A Yeah, correct.

17 MS. NARBONNE: Thank you. Those are my questions.

18 THE COMMISSIONER: Thank you.

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

20 Q Mr. Commissioner, Cameron Ward, counsel for the
21 families of 25 murdered and missing women --
22 missing and murdered women, I'm corrected.

23 Mr. Bass, we heard the evidence of Don Adam
24 earlier in this commission of inquiry that the
25 remains or the DNA of 32 women from the Downtown

1 Eastside of Vancouver were found on the Pickton
2 brothers' property at 953 Dominion Avenue in Port
3 Coquitlam. My question for you on behalf of my
4 clients, given your offices within the RCMP is
5 this: As a result of all the RCMP investigative
6 work done on this case, do you know what happened
7 to those women?

8 A I really don't. I think that some of the
9 investigators would probably have a better idea
10 but I don't. You mean in terms of how they were
11 killed?

12 Q How and where they were killed.

13 A No, I don't.

14 Q You used the phrase earlier this morning, it was
15 well known within the RCMP, and I want to ask you
16 or suggest to you some things that were well
17 known within the RCMP and to yourself during the
18 time period covered in the terms of reference of
19 this inquiry, and you of course appreciate that's
20 January of '97 to February of 2002; right?

21 A Right.

22 Q I suggest it was well known within the RCMP that
23 an establishment called Piggy's Palace at 2552
24 Burns Road was a gathering place for Hells Angels
25 motorcycle club members and their associates; do

1 you agree?

2 A I don't know I would say it's well known in the
3 RCMP. I don't think I heard the name Piggy's
4 Palace until after the arrest. Certainly
5 Coquitlam Detachment would be very familiar with
6 it. If there were Hells Angels frequenting it I
7 would think other investigational units would be
8 aware of it.

9 Q You being the expert you are on outlaw motorcycle
10 school gangs know who Tony Terezakis?

11 A Yes, I know the name.

12 Q Big Tony Terezakis?

13 A Yes.

14 Q I suggest to you that another thing that was well
15 known within the RCMP within the time period in
16 the terms of reference was that Tony Terezakis
17 was employed by White Knight Security as a
18 bouncer at Piggy's Palace; do you agree?

19 A That's the first time I've heard that.

20 Q Someone within OCA BC or the organized crime
21 units of the RCMP would likely be able to answer
22 that question?

23 A I would think so. If I recall we were involved
24 in an fairly extensive investigation on Terezakis
25 around that time so there certainly would be

1 information there.

2 Q When you say there would be information there you
3 would expect there would be records of -- I'm
4 sorry, the name of the unit during the time
5 period in question was what?

6 A It was the organized -- well, during the terms of
7 reference it changed. It was Coordinated Law
8 Enforcement Unit early, then Organized Crime
9 Agency of BC and then Combined Forces Special
10 Enforcement Unit.

11 Q I'll call it OCA BC or Organized Crime Agency of
12 BC for this examination but, again, given your
13 understanding of the Organized Crime Agency's
14 activities and given your understanding of the
15 intensive investigation of Mr. Terezakis, you
16 would expect that there would be records compiled
17 of his activities during the time period covered
18 by the terms of reference?

19 A I would think so, yes.

20 Q I'm going to suggest it was well known within the
21 RCMP, particularly within OCA BC, that the Hells
22 Angels Motorcycle Club had a hangout right across
23 the street from the Pickton brothers' property at
24 953 Dominion Avenue. Do you know that?

25 A The only thing I can tell you about that is that

1 I learned after Pickton's arrest that there was
2 some associate that lived in a house across the
3 road that was associated to the Hells Angels.

4 Q I'm going to suggest it was well known within the
5 RCMP during the period covered by the terms of
6 reference that David Pickton was a known
7 associate of Hells Angels members and associates
8 from the East End chapter of that club?

9 A I don't know. I've heard that since but...

10 Q You've heard that since from others in the RCMP?

11 A I think just to do with the inquiry.

12 Q Finally, I'm going to suggest on this point that
13 within the period covered by the terms of
14 reference David Francis Pickton, co-owner of the
15 property where the remains and DNA were found,
16 was well known to the police; would you agree
17 with that?

18 A To the police in Coquitlam or --

19 Q Generally.

20 A I don't know if I could answer that.

21 Q I'd ask you please to look at a document we
22 received recently, Exhibit 186NR. Sir, this
23 exhibit is a record of a CPIC offline query for
24 David Pickton and it discloses, according to my
25 count, that his name was queried 107 times up to

1 and including January 16, 2002, which is a few
2 weeks before the Pickton farm was searched.
3 You're familiar with this sort of record, are
4 you?

5 A I am.

6 Q I want to ask you about some of the entries. If
7 you could turn to the second page, you'll see
8 about eight lines down, August 26, 1992, David
9 Pickton is queried by something called Acu Peace
10 CAN USA. What is that?

11 A I'm not sure if I've ever seen that.

12 Q Then you'll see that there are a whole bunch of
13 Lower Mainland queries, Coquitlam, Vancouver, New
14 Westminster and so on. I wonder if you could
15 turn over the page I have some questions for you
16 about some queries that start to show up in 1997.
17 It's towards the bottom of the next page. Again,
18 these are preceded by a bunch of queries from
19 Lower Mainland detachments, Vancouver, New West,
20 Delta, Coquitlam, Surrey, Coquitlam, Richmond,
21 Vancouver, Coquitlam and so on, correct?

22 A Yes.

23 Q In the years '94 to '97 you see those?

24 A I do.

25 Q 1997, August 30th, there's an entry -- if you go

1 over to the second to last column from the right,
2 it says HQ and CPSIC NCIC unit. What is that
3 about? Do you know what that means?

4 A It's the unit that I think at that time
5 controlled, managed CPIC in headquarters, Ottawa.

6 Q Then the bottom three entries for November and
7 December -- November of 1997 and January of 1998,
8 all seem to be Coquitlam Detachment CIIDS CCO.
9 Can you explain what that?

10 A The radio system. I don't know what -- I'm not
11 sure what the CCO is. This is abbreviations for
12 the -- for Coquitlam Detachment.

13 THE COMMISSIONER: I think we'll take the morning break now.

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

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

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

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

18 MR. WARD:

19 Q Sir, I'm still on Exhibit 186NR and I have a
20 couple of questions about some of the entries in
21 this offline CPIC search result for David
22 Pickton. On page 4 there are a couple of
23 entries. One is October 5, 1998, half way down
24 the page, and another one May 3, 1999. Both seem
25 to be made by Vancouver Special "O". Do you see

1 those?

2 A Yes, I do.

3 Q And what is your understanding of what Vancouver
4 Special "O" is?

5 A It's an RCMP physical surveillance section.

6 Q So I understand this, it would seem then that in
7 October of 1998 and again in May of 1999 the
8 RCMP's physical surveillance section known as
9 Vancouver Special "O" was taking an interest in
10 one David Francis Pickton; is that right?

11 A Yes.

12 Q And that was because he was suspected of
13 trafficking in illegal narcotics; right?

14 A I've never heard that.

15 Q Do you know why Special "O" was taking an
16 interest in David Francis Pickton in '98, '99?

17 A I don't know, unless it was something to do with
18 this brother. I'm not sure.

19 Q You said you never heard that David Francis
20 Pickton was connected to drug trafficking?

21 A No. I said I never heard that this was in
22 relation to Special "O" being involved in a drug
23 trafficking investigation but I don't recall
24 being aware he was involved in drug trafficking
25 but he may well have been.

1 Q You were aware, and I suggest you are aware, that
2 illicit trafficking in narcotics was taking place
3 at Piggy's Palace, the property he co-owned with
4 his brother Robert William Pickton; right?

5 A Not from anything I've seen myself. I've heard
6 that as a result of this inquiry.

7 Q In the 1909s, mid '90s and subsequently, the RCMP
8 conducted large scale operations involving
9 investigations into the activities of the Hells
10 Angels Motorcycle Club within the Lower Mainland;
11 correct?

12 A Yes, I think those years would be right.

13 Q Project Phoenix, Project Nova, Project E-Crew,
14 Project E-Pandora?

15 A Project Nova was a VPD file as I indicated.
16 Phoenix was an OCA file; E-Crew was I think RCMP
17 in Abbotsford, maybe others; and Pandora was a
18 RCMP led investigation that involved a number of
19 agencies.

20 Q Project Nova, was in fact Peter Ditchfield in
21 charge of that operation?

22 A He may have been. I know that Andy Richards was
23 the name that I heard associated with it most but
24 I think they were working together then.

25 Q That ultimately resulted in high profile

1 convictions of two Hells Angels Motorcycle Club
2 full patch members?

3 A Yes.

4 Q They were Lising and Peres?

5 A Correct.

6 Q And that operation which -- first of all, it
7 spanned 1996 to 1998; right?

8 A I'm not sure of the dates.

9 Q But you are aware it involved infiltration of the
10 Hells Angels motorcycle club by an agent as well
11 as surveillance and wiretap?

12 A I'm generally aware of that. I don't know -- I
13 understand an agent was used to buy drugs.

14 Q Now, sir, as your resume says, you've been
15 qualified as an expert witness in relation to
16 drug trafficking, organized crimes and outlaw
17 motorcycle gangs and I want to ask you some
18 questions about that general expertise. First of
19 all, some statements have been attributed to you
20 and I want to make sure these are accurate. You
21 have said, and I quote, "The Hells Angels are one
22 of the most significant crime groups in this
23 province and this country." Is that right?

24 THE COMMISSIONER: Don't answer that. Yes.

25 MR. PECK: Mr. Commissioner, would my learned friend be so

1 kind as to advise the witness as to the source of
2 this.

3 MR. WARD:

4 Q Certainly. I'm referring to pages 198 and 199 of
5 a book entitled *Hell to Pay* by Neil Hall, a
6 Vancouver journalist and author. This comment is
7 attributed to you. It says: "As the commanding
8 RCMP officer in BC, Deputy Commissioner Gary Bass
9 said in April of 2009," and then I was about to
10 read you the quote. I just wanted to confirm,
11 get your confirmation or your denial that you
12 actually said these things. The first one is
13 this: "The Hells Angels are one of the most
14 significant crime groups in this province and
15 this country. Not all of them are the most
16 sophisticated criminals in the world but the
17 organization brings with it connections and
18 territory."

19 A I don't recall seeing that book or talking to
20 Neil Hall about that but that's certainly
21 something I might have said.

22 Q The next passage, I'll ask you the same question,
23 it's attributed to yourself: "The Hells Angels
24 historically have been involved in many of the
25 drug importations from source countries, getting

1 the drugs into the Canada and then once in Canada
2 the Hells Angels have connections in this
3 province and across the country really, they have
4 connections right into all communities. Maybe
5 not directly through members but through their
6 various connections." Do you recall saying that
7 or something close to that?

8 A That's accurate, yes.

9 Q And lastly: "People look at certain members of
10 the Hells Angels and kind of wonder what kind of
11 threat that person could be. It's the power of
12 the organization and the scope of their
13 connections that make them such a significant
14 threat."

15 A Correct.

16 Q Do you know the name Beverly Hyacinth?

17 A I heard it for the first time sometime I think
18 probably between last August and now.

19 Q I'm asking you because some documents have been
20 disclosed to us in connection with her. They're
21 not yet in evidence and I've tried throughout
22 this proceeding to have Ms. Hyacinth come so I
23 can confirm her knowledge on these matters but
24 I've been unsuccessful so far. I want to ask you
25 about the RCMP's scope of knowledge on this

1 issue. I'm referring for my friend Mr. Peck's
2 benefit to a document given this number
3 RCMP-029-00002. It's a statement of Beverly
4 Hyacinth taken on February 10, 2002 by Sergeant
5 Bill Fordy of "E" Division's Missing Women Task
6 Force. Sir, you know who Bill Fordy is?

7 A I do.

8 Q It appears that he interviewed Ms. Hyacinth on
9 that day and she said in the interview at page 11
10 of 100, RCMP-029-000012 about Piggy's Palace, she
11 made the following remarks: "So there's been
12 lots of parties there and it draws everybody from
13 myself working here as a personal friend right to
14 the Angels and anybody off the street and the
15 bars and it's a wild, interesting night just to
16 see there and see who's who in the zoo. And you
17 know, and of course when you sit there and you're
18 watching everybody is in their little groups.
19 All us business people who have nothing to do
20 with that element are sitting there together and
21 of course we're old PoCo people so we're catching
22 up on who is doing what and then you see the guys
23 who are just from the bar and then you see the
24 Hells Angels and then you -- you know, you see
25 some of the workers and their friends and yeah,

1 it's a strange group of people." Just stopping
2 there, are you aware that Ms. Hyacinth in her
3 capacity as a civilian member of the RCMP was
4 also a close personal friend of the Pickton
5 brothers and went to parties at Piggy's Palace?

6 A As I say, not until sometime in the last few
7 months.

8 Q In the course of the interview she volunteers
9 photographs that were taken at a New Year's Eve
10 party. Do you know whether RCMP investigators
11 ever obtained those photos?

12 A I don't, no.

13 Q She says in the same interview that at the New
14 Year's Eve party of the millennium, December 31,
15 1999, that she saw Willie with a girl who walked
16 kind of funny and that she later recognized from
17 the photographs in the newspaper to be one of the
18 missing women. Do you know about that?

19 A I heard that last week for the first time.

20 Q And that's when she volunteers the photographs.
21 Do you know if Fordy got the photographs that
22 would show who Willie was with and who else might
23 have been in attendance at that particular party
24 in 1999?

25 A I don't, no.

1 Q We also -- I think I might have mentioned this
2 document -- we also referred last week and it's
3 in evidence now, I have to get exhibit number but
4 it's from the Port Coquitlam file in connection
5 with their attempts to shut down Piggy's Palace.
6 There's an RCMP continuation report, it's for
7 counsel's purposes PoCo 001-000062, saying that
8 on an earlier New Year's party, the preceding
9 year, December 31, '98, RCMP Staff Sergeant Dunn
10 attended Piggy's Palace and was told that there
11 were about 47 East End boys on the property and
12 that the writer, Dunn, turned away a bunch of
13 people including four employees of White Night
14 Security. Do you know anything about that?

15 A No, I don't.

16 Q Moulton confirmed that East End boys would be a
17 reference to Hells Angels members or associates.
18 Would you concur?

19 A I don't know that I had ever heard that term
20 before but I take it to be East End chapter of
21 the Hells Angels.

22 Q Just in terms of the chapters in the Lower
23 Mainland, there's the White Rock chapter;
24 correct?

25 A Yes.

1 Q An East End chapter on East Georgia Street in
2 Vancouver?

3 A Correct.

4 Q A Vancouver chapter on Brunette Avenue in
5 Coquitlam; correct?

6 A Correct.

7 Q A Haney chapter in Maple Ridge, correct?

8 A Correct.

9 Q And you know from your expertise in dealing with
10 that alleged organized crime group they
11 congregate together frequently for parties and
12 other activities; correct?

13 A Yes, I think that's fair.

14 Q You mentioned last day that one of the things
15 they like to do is get together for pig roasts?

16 A I mentioned that in the context when it came up,
17 it's an activity I've run into across the
18 country, so I have no evidence that they're doing
19 that here but it's common in other parts of the
20 country.

21 Q I've put up a map and I can't remember the
22 exhibit number but it's in the upper right-hand
23 corner. Do you see that and recognize that to be
24 an aerial photograph of the Burns Road, Dominion
25 Avenue section of Port Coquitlam?

1 A I do.

2 Q And I've indicated on that map the location of
3 2552 Burns Road or Piggy's Palace, you see that
4 on the right?

5 A I do.

6 Q These three properties surround the Carnoustie
7 Golf Club that you can see, a golf course?

8 A A golf course, yes.

9 Q Then there's the Pickton brothers' property at
10 953 Dominion Avenue that's marked there?

11 A Correct.

12 Q Across the street and a bit to the east is 930
13 Dominion Avenue. Do you see that?

14 A Yes.

15 Q You know now that address was a hangout for Hells
16 Angels members and associates; right?

17 A I think what I heard was -- I think it was a
18 female lived there and there were members of the
19 Hells Angels that were associated with that
20 residence. That would be the extent of it.

21 Q I want to read you a quotation from Stevie
22 Cameron's book called *On the Farm* at page 137 and
23 ask you for your knowledge on this subject. The
24 quote is this: "It's not surprising by the end
25 of 1996 the neighbourhood" -- and I can tell you

1 it's the neighbourhood I've just drawn your
2 attention to -- "became known in criminal circles
3 as a biker area, one controlled by the Hells
4 Angels." Did you in area capacity as a senior
5 member of the RCMP in the province have that
6 knowledge, that that corner of Port Coquitlam was
7 controlled by the Hells Angels Motorcycle Club?

8 A No, I didn't, but if that is in fact true I have
9 no doubt that people who are concurrently --
10 contemporaneously involved in biker
11 investigations would know that.

12 Q Those people would be whom? Where would you
13 start making that inquiry?

14 A As I said last week, the criminal investigation
15 -- Criminal Intelligence Section of the RCMP, OCA
16 BC, CFSU now, probably the Intelligence Section
17 of the Vancouver Police Department, probably the
18 -- perhaps to a lesser extent but the Vancouver
19 Drug Squad.

20 Q And which people in those organizations would one
21 approach to inquire into whether they had records
22 pertaining to the Hells Angels control of this
23 neighbourhood? What names would you suggest,
24 given your knowledge of the hierarchy?

25 A Peoples's names?

1 Q Peoples' names.

2 A The one that would be the most knowledgeable has
3 just recently retired. I don't know his who took
4 his place. That would have been Al Armstrong,
5 Chief Superintendent in charge of Support
6 Services and had been involved in outlaw
7 motorcycle gang investigations for many years and
8 oversaw the Criminal Intelligence Section but I'm
9 not sure who that would be today.

10 Q Then in the period between '97 and 2002 the
11 Criminal Intelligence Section based on your
12 expertise in this area as described in your
13 resume, would likely have been gathering
14 intelligence via any or all of the use of agents,
15 surveillance and wiretaps about Hells Angels
16 Motorcycle Club and associates activities?

17 A I can't say when they would be using those
18 techniques but they would from time to time use
19 them for sure.

20 Q As a general proposition in that five-year period
21 between '97 and 2002, the RCMP considered it a
22 priority for public safety reasons to keep close
23 tabs on the activities of that organization; is
24 that fair?

25 A Absolutely.

1 Q And in keeping close tabs on the activities
2 organization, they would maintain records
3 respecting the efforts they made to gather
4 intelligence?

5 A They would.

6 Q To your knowledge I suggest none of those records
7 that may have indicated what was happening in
8 that neighbourhood of Port Coquitlam I've drawn
9 your attention to, the one near the intersection
10 of Burns Road and Dominion avenue, have been
11 produced to this inquiry, have they?

12 A I'm not aware of any.

13 Q In that time period, again, based on your own
14 personal knowledge, the RCMP was -- and the time
15 period I mean is the time period covered by our
16 terms of reference -- was focused on addressing
17 that organization's trafficking of illegal
18 narcotics and trying to stop it, wasn't it?

19 A Well, that's been going on for probably 30 or
20 more years. It has peaks and valleys in terms of
21 activity but the Hells Angels have been in the
22 sights of the police for many, many years.

23 Q And they would have been in the sights of the
24 police, both the RCMP and VPD, in the late '90s
25 and early 2000s?

1 A Again, I can't speak to anything other than what
2 was covered a few minutes ago about those four
3 projects. I actually thought Pandora was later
4 than '99 but it may not have been.

5 Q I think it was, it was later in the 2000s. Last
6 day you mentioned that you had had a discussion
7 with Larry Butler. Now, when did Larry Butler
8 pass away?

9 A I'm not sure. It's more than two or three years
10 ago, I think.

11 Q He was with the Vancouver Police Department's
12 Outlaw Motorcycle Gang Unit and he also had been
13 a childhood friend of the two Pickton brothers?

14 A I think he mentioned to me that he went to school
15 with one of them.

16 Q I didn't ask you last day but I'm going to ask
17 you today, what did the late Sergeant Butler of
18 the VPD tell you, if anything, about the Pickton
19 brothers and their connection to the missing
20 women's cases?

21 A Nothing that stands out now. I don't even recall
22 the reason for the meeting. The meeting was
23 actually with Al McIntyre who was the Criminal
24 Operations manager by that time, so this would
25 have been after 2007. It might be that McIntyre

1 was meeting with him and he called me. I'm just
2 not sure.

3 Q Did the subject of the Hells Angels' connections
4 with the Picktons come up during that meeting?

5 A No.

6 Q Sir, the first time you heard the name of Robert
7 William Pickton in connection with a missing
8 women investigation or homicide I gather from
9 paragraph 55 of your affidavit was August 3,
10 1999; is that right? Please take whatever time
11 you need to look that up.

12 A I have it here. That's the first time I recall
13 hearing the name and frankly I don't recall
14 hearing it then other than it's in my notes for
15 that day so I obviously did. So I don't recall
16 hearing his name before that.

17 Q Do you recall that when the massive search was
18 undertaken on his property in February of 2002,
19 thinking to yourself, "Gee, I remember hearing
20 that guy as a possible suspect, hearing of that
21 guy as a possible suspect," or anything like
22 that?

23 A Certainly. His name came up sporadically over
24 the next -- between August of '99 and when he was
25 arrested.

1 Q All right. You speak to that in the affidavit
2 and I want to ask you about something specific
3 you say at the end of paragraph 55, the last
4 passage of paragraph 55 on page 15, you refer to
5 the August 3rd, 1999, meeting and say: "I
6 understood from this briefing that considerable
7 work needed to be done to corroborate or dispel
8 the source information," and you're referring
9 there to the source information that Mr. Pickton
10 may have killed a woman in a barn on his property
11 in Port Coquitlam; right?

12 A Correct.

13 Q You would agree that on that date, August 3rd,
14 1999, given the nature of the information, a
15 possible homicide in this man's barn, that that
16 the information had to be either corroborated or
17 dispelled; right?

18 A Right.

19 Q The police had a duty to either confirm that the
20 information provided by the source that this man
21 had killed a woman was true or dismiss it as
22 false?

23 A Well, to do whatever they could to do one or the
24 other, yes.

25 Q And in fact, it was not corroborated or confirmed

1 until some days or weeks after February 5, 2002,
2 about two and a half years after this briefing;
3 correct?

4 A I don't know. I'm not sure it was ever
5 corroborated in terms of -- I don't know that.
6 Certainly people would have come to believe it
7 more strongly, but that particular incident in
8 the barn, I just don't know.

9 Q I understand. You're saying it became clear that
10 by February of 2002 that Pickton, Robert William
11 Pickton, may be responsible for some deaths but
12 not necessarily the one referred to by the source
13 describing a woman hanging in the barn and being
14 skinned?

15 A I just can't recall.

16 Q Sir, I want to ask you next about some documents
17 your counsel recently produced and I'll show you
18 those. Mr. Registrar, I'm passing up three sets
19 of loose documents. Sir, I'm showing you two
20 letters and a fax bearing dates of August 16,
21 2010, August 18 and August 24, 2010. You've seen
22 these before?

23 A I have.

24 Q And they are in sequence. Firstly, August 16,
25 2010, a letter from Rich Coleman, Acting Minister

1 of Public Safety and Solicitor General to
2 yourself and to Jim Chu Chief Constable of the
3 VPD, followed by a letter dated August 18 from
4 yourself back to the Honourable Rich Coleman,
5 followed by a fax from Acting Chief Constable
6 Doug LePard to yourself dated August 24, 2010.
7 Do you see these?

8 A I do.

9 Q To put these in context, these are communications
10 that flowed between these people, including
11 yourself, following the conclusion of Mr.
12 Pickton's unsuccessful appeal to the Supreme
13 Court of Canada and in atmosphere where there was
14 some public discussion and concern over whether
15 there would or should be a public inquiry into
16 the investigations; is that right?

17 A Correct.

18 Q Now, I take these communications to relate to the
19 timing and manner of the public disclosure of the
20 internal VPD report authored by LePard and the
21 internal RCMP review authored by Inspector
22 Williams; do I have that right?

23 A Right.

24 Q And I gather what was happening in this timeframe
25 based on this correspondence is that you as

1 deputy commissioner of "E" Division for the RCMP,
2 Chief Constable Chu, Deputy Chief LePard and
3 Assistant Deputy Minister, Kevin Begg were all
4 meeting to discuss and coordinate a strategy for
5 going public with your respective views of how
6 the investigations were conducted; is that fair?

7 A Yes. There was a meeting around this time in
8 Victoria, I think Deputy Minister Loukadelis was
9 there as well, and that was -- what that was
10 about -- I don't know what the date put on it but
11 I was asked to hold off on the release of our
12 report until the 9th of September when there
13 would be a meeting in cabinet to discuss what was
14 going to take place with respect to an inquiry.

15 Q Did you have anything to do with the creation of
16 Project E-Veritas?

17 A It probably would have been more Al McIntyre, the
18 Criminal Operations Manager.

19 Q What was the mandate of that group?

20 A It's broader than what I'm going to say here but
21 to assist the DOJ with the work they had to do to
22 bring together documents and produce documents,
23 but I'm sure there's more than that to it.

24 Q But essentially presenting material to this
25 inquiry?

1 A Yes.

2 Q Turning to the facts, it's dated August 24, 2002,
3 and I gather from earlier evidence that Deputy
4 Chief LePard, then acting Chief Constable LePard
5 of the VPD, sent you some notes that he had had
6 in his possession when you and he had a meeting
7 earlier in the day or perhaps the preceding day
8 to discuss strategy-related matters; is that
9 fair?

10 A Kind of. What happened -- if you go through the
11 sequence, on the 7th -- I think it's the 7th of
12 August we received -- the RCMP received a copy of
13 Deputy Chief LePard's report and I think it was
14 something in excess of 400 pages so we needed
15 time to go through it. On the 16th the letter
16 came from the minister. We responded -- I think
17 Chief Chu responded on the same day as well, the
18 18th, on the issue. I think it was the 19th the
19 LePard report was leaked to the press so this
20 material from the 24th has more to do with that
21 situation than what was going on before that.

22 Q So the fax and the accompanying notes have to do
23 with the follow fallout from the leaked report?

24 A Yes.

25 Q Your understanding is these were Deputy Chief

1 LePard's notes that he discussed with you before
2 he sent you a copy of them?

3 A Yes. I think he was actually there for a meeting
4 earlier in the day and later in the day sent me
5 these notes, I may have even asked for them. I'm
6 not sure.

7 Q The notes say -- and I point out that we didn't
8 get these until after Constable Yurkiw, now
9 Chapman had come and gone from the witness stand
10 -- but the notes say this in the first page of
11 the notes themselves, sixth bullet down:
12 "Connor, Yurkiw and Zalys know the most from
13 Coquitlam and Yurkiw, Zalys say the RCMP should
14 have done better and it looks like Connor thinks
15 that way as well from the history." Is that your
16 understanding of LePard's take on it?

17 A Yes, it is.

18 Q Would you concur with his assessment that Connor,
19 Yurkiw and Zalys would be the three people within
20 the RCMP, at least in Coquitlam, who would know
21 the most about the way the investigations were
22 conducted?

23 A Yes. There might have been others but certainly
24 those three would be quite familiar.

25 Q And do you know why Brad Zalys has not appeared

1 at this commission of inquiry?

2 A I have no idea.

3 Q Just coming back to Bev Hyacinth for a minute, do
4 you know whether she is still alive and well
5 and --

6 A I don't know. I've never met the woman. I don't
7 know.

8 Q There's a passage under "Paul's Advice", again,
9 bearing in mind these are LePard's notes which I
10 gather he discussed with you, second bullet, it
11 says this: "Unless you come out together with us
12 you have to criticize us which will just keep it
13 alive. That's what Coleman did with his jabs at
14 me saying this is just one officer in the RCMP
15 saying this. He should take a more neutral
16 stance and stop shooting the messenger or he adds
17 fuel to the fire and discredits himself when he
18 clearly hadn't read it." You and LePard spoke
19 about that at your meeting?

20 A Yes. I think there had actually been something
21 in the paper, the media by this time. I think
22 Minister Coleman said something about this in
23 between.

24 Q Just to be clear, you and LePard are meeting and
25 you had the meeting with the deputy solicitor

1 general anticipating going public with your
2 internal reports but not yet knowing whether
3 there might be a public inquiry; is that correct?

4 A That's correct. I should say, the RCMP wasn't
5 anticipating releasing the report at that time.
6 I think the way Deputy Chief LePard explained it
7 to me, they felt pressure to release their report
8 and there was some degree of urgency to release
9 the report and they wanted to do it very quickly
10 and I think in the other correspondence I alluded
11 to, Chief Chu's letter back Minister Coleman on
12 the 18th of August, I think Chief Chu actually
13 said something like they would try to hold the
14 report off but I think there was some indication
15 that someone had a copy but -- I guess worry that
16 they wouldn't be able to hold off doing the
17 release.

18 Q Okay. The next bullet says: "Defuse. By
19 thanking us for doing this work, admit the
20 mistakes and say you'll take every measure to
21 eliminate in the future and have." This is a
22 comment in LePard's notes that is directed to you
23 as the officer in command of the RCMP in the
24 province suggesting that one way to defuse any
25 public concern is to admit making some mistakes

1 and say that everything will be better in the
2 future, taking the appropriate steps. Am I
3 reading that correctly?

4 A Probably.

5 Q The next note LePard says: "Otherwise this story
6 will NEVER end." Right?

7 A Yes.

8 Q So what LePard is talking to you about as
9 confirmed by these notes in this timeframe is
10 coming up with a joint face, if you will, on the
11 investigations, rather than pointing fingers at
12 each other; right?

13 A Yes. I think that would have made god sense. As
14 I explained last week, the problem that I had
15 right at this point with the way this rolled out
16 was that I had a detailed report from Williams
17 who had interviewed all of the RCMP members. I
18 had had it for eight years, no one had ever
19 expressed concerns with his findings and now all
20 of a sudden I had a deadline to -- without being
21 able to review the report to say Williams was
22 wrong and Deputy Chief LePard was right and at
23 the same time I think throwing blame on the
24 Coquitlam investigation when I had no information
25 to be able to do that in that fashion.

1 Q A reference to defusing things appears further in
2 the note on the next, third bullet from the
3 bottom, LePard's note says: "We have been
4 complimentary and it will defuse things if you do
5 the same." Do you see that?

6 A Yes.

7 Q So what he's suggesting, I suggest to you, is:
8 Look, there's talk of a public inquiry, we can
9 defuse all this concern and clamoring for a
10 public inquiry if we come out together and
11 present a good face on the story. Is that fair?

12 THE COMMISSIONER: Don't answer that.

13 MR. DICKSON: Tim Dickson for the VPD, and I just want to note
14 here for the record this is a copy of Deputy
15 Chief LePard's notes that was sent to Deputy
16 Commissioner Bass, but what my friend is reading
17 from is a section headed "Paul's Advice" and I
18 think it should be made clear. He keeps saying
19 what LePard's is saying here, what LePard is
20 saying there and it's under the heading "Paul's
21 Advice", somebody other than Deputy Chief LePard.

22 THE COMMISSIONER: Maybe you can clarify that.

23 MR. WARD:

24 Q I can do. Thank you. Yes, indeed, there is a
25 heading above this section of the notes saying

1 Paul's Advice and Deputy Chief LePard told us the
2 other day that that reference is to Paul
3 Patterson, the VPD's public relations or media
4 relations expert, so it's in that context that
5 he's writing these notes.

6 Coming back to my question and given that,
7 clearly what LePard is suggesting as a result of
8 the internal advice he's received is that the
9 RCMP and the VPD should be able to defuse public
10 controversy, head off a public inquiry, avoid a
11 messy exploration of the subject of the
12 investigations if you stand together and put a
13 good face on what happened; is that fair?

14 A I wouldn't say they want to head off on an
15 inquiry, both Chief Chu and LePard expressed
16 their support for an inquiry throughout, so I'm
17 not sure that would be fair.

18 Q Just further up in the second bullet there's a
19 reference to, "the Leah Best story that just came
20 out. I gave the info to the Burnaby RCMP." You
21 know what is a reference to, do you?

22 A Where is that?

23 Q Second page, 3 of 3, second bullet. "There are
24 many stories within the story they can keep this
25 alive with, just like the Leah Best story that

1 just came out. I gave the info to the Burnaby
2 RCMP." What that means is that the fact that
3 Leah Best had been an informant back in 1998 just
4 became public knowledge?

5 A That's right. I don't recall it but you're
6 probably right.

7 Q I'd ask that these three documents be marked as
8 the next exhibit, please.

9 THE REGISTRAR: Is there anything in those to be redacted?

10 MR. WARD: No, I don't believe so.

11 THE REGISTRAR: Exhibit 210.

12 **(EXHIBIT 210: BC Government Letter dated August**
13 **16, 2010 and VPD Fax dated August 24, 2010)**

14 MR. WARD:

15 Q Sir, given your understanding of the RCMP's
16 operations within the province, the attention the
17 RCMP was paying to the activities of organized
18 crime, specifically and particularly the Hells
19 Angels Motorcycle Club in the period '97 to 2002,
20 I suggest that what likely happened here to the
21 disadvantaged, aboriginal survival sex trade
22 workers from the Downtown Eastside is that they
23 were taken from their usual environment in the
24 Downtown Eastside of Vancouver, out to the Port
25 Coquitlam neighbourhood, they were taken to

1 parties at Piggy's Palace, given drugs, used and
2 abused by the Picktons and perhaps their
3 associates and later killed at 953 Dominion
4 Avenue and their bodies disposed of, while the
5 RCMP's Organized Crime Agency was simultaneously
6 conducting intelligence operations on the Hells
7 Angels members and associates who are frequenting
8 the area. Does that accurate?

9 A I've seen any indication of that. I've never
10 seen any reports or heard any -- had any
11 briefings that indicated that that was -- that
12 something like that was happening. I haven't
13 seen that.

14 Q In order to either corroborate or dispel that
15 suggestion, one would have to go to the records
16 created by the Criminal Intelligence Section or
17 the Organized Crime Agency during that time
18 period that they were conducting investigative
19 operations with respect to those people; correct?

20 A That would be a source of information, yes.

21 Q And that would be the way to either determine
22 that that suggestion is wrong or that that
23 suggestion is accurate, wouldn't it?

24 A I think it has the potential to do that, yes.

25 MR. WARD: Thank you. Those are my questions for this

1 witness. Thank you for coming.

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

3 Q Mr. Commissioner, Tim Dickson for the Vancouver
4 Police Department.

5 Deputy commissioner -- that's the correct
6 title I should refer to you by?

7 A Close enough.

8 Q Deputy commissioner, I want to ask you a little
9 about "E" Division's role in providing resources
10 to other detachments. "E" Division would
11 sometimes do that, make resources available to
12 other detachments?

13 A You're referring to "E" Division Major Crime
14 Section?

15 Q Yes.

16 A Maybe that's one of the problems here. I noticed
17 in my review of the statement with Deputy Chief
18 Evans she seemed to have -- maybe it's the way I
19 failed to articulate it, but there seemed to be a
20 degree of misunderstanding, and maybe it's the
21 terminology, because the name "E" Division stands
22 for the RCMP in the province. But "E" Division
23 Major Crime Section doesn't mean that it's the
24 Major Crime Section for the province. So when
25 you ask the question could "E" Division provide

1 resources to detachments, there's probably 30 or
2 40 different sections at the headquarters level
3 at "E" Division that would provide assistance to
4 detachments.

5 Q Very well. Thank you. I meant Major Crime
6 Section of "E" Division. Let me ask you again.
7 "E" Division Major Crime Section would sometimes
8 make resources available to other detachments and
9 I think you've testified to that today?

10 A Correct.

11 Q The way it would work is if an RCMP detachment
12 had too few resources to deal with an
13 investigation it could put together a business
14 case for "E" Division Major Crime and that would
15 be assessed and the result sometimes would be
16 that Major Crime would provide resources to that
17 detachment; correct?

18 A That's one method.

19 Q Coquitlam RCMP Detachment, it asked for resources
20 from "E" Division Major Crime from time to time?

21 A Yes.

22 Q And it did that in the summer of 1999 in respect
23 of the Pickton investigation?

24 A It did.

25 Q But it didn't do that after the summer of 1999?

1 A Not that I am aware of.

2 Q The summer of 1999 to the best of your knowledge
3 was the only time --

4 A Maybe I should back up, because certainly Staff
5 Sergeants Davidson and Filer and ViCLAS continued
6 to work, people like Mark Kingsbury. There would
7 quite a long list of people in the Major Crime
8 Section who continued to assist.

9 Q I see. You're not aware of any proposal to you
10 or to anyone else, any division of Major Crime,
11 for assistance on the Pickton investigation?

12 A Well, there's the three-page document that was
13 discussed earlier this morning.

14 Q Indeed, and I'll ask you a bit more about that.

15 A I'm not aware of any other formal written
16 business cases.

17 Q If you can flip then to paragraph 58 of your
18 affidavit quickly, I just want to clarify. It's
19 on page 15, and you say this: "The request I
20 received on July 30, 1999 to provide assistance
21 to Coquitlam was the only time during the terms
22 of reference period that I received a request to
23 assist." And I'm asking about Coquitlam
24 detachments.

25 A Meaning me personally?

1 Q Yes.

2 A That's correct.

3 Q So that's true of you personally, fair enough.
4 Now, following the summer of 1999 -- let me ask
5 you this -- the summer of 1999 you were aware
6 obviously of Coquitlam RCMP's Pickton
7 investigation?

8 A I was -- I had some knowledge of it, yes.

9 Q After the summer of 1999 did you ever follow up
10 with Coquitlam RCMP to ask them about the
11 progress of their investigation into Pickton?

12 A I don't think I did personally. I understand
13 that Henderson did on the -- in October of 1999
14 when he called Connor and asked him -- I think I
15 testified to this last week -- and asked him how
16 it was going and whether or not they had figured
17 out the puzzle of the sources yet, and it's my
18 understanding that he indicated they hadn't,
19 they're still working on it and they didn't know
20 what to think of it, he still thought there was
21 something to Pickton but essentially indicating
22 they were stonewalled.

23 Q You're saying that's Henderson calling Connor in
24 October of 1999?

25 A That's my understanding.

1 Q Are you aware that Connor was no longer on the
2 investigation at that time?

3 A Yes, I am.

4 Q And obviously it was Constable Ruth Yurkiw, named
5 Yurkiw at the time?

6 A Yeah. I'm not sure of the dates.

7 Q She came on at the end of August of 1999. Are
8 you aware if anyone from "E" Division Major Crime
9 contacted her to ask her about the progress of
10 the investigation?

11 A I don't know.

12 Q I want to turn to the March 4, 2000 meeting that
13 you had with Keith Davidson, and obviously
14 there's this three-page proposal that we've seen
15 and that's at Exhibit J of your affidavit. That
16 proposal -- let's leave aside whether it was
17 given to you or not for a moment -- but that
18 proposal captures the essence of Staff Sergeant
19 Davidson's proposal that he was making to you on
20 March 1, 2000?

21 A I guess you could say roughly because, as I said,
22 I don't recall getting a copy of it. I know
23 there's at least two copies. So I don't know.

24 Q Now, there's really three points I wanted to ask
25 you about this meeting just so you know where I'm

1 going. The first is your uncertainty as to
2 whether this written proposal, this three-page
3 document was given to you, that's the first. The
4 second is your statement in your affidavit that
5 the VPD's interest in a JFO was not mentioned to
6 you, that's the second point. The third is, your
7 statement that there was agreement in the meeting
8 that more resources would be put into the Valley
9 murder investigation as opposed to implementing
10 the JFO Staff Sergeant Davidson was proposing.
11 Those are the three points on this meeting I wish
12 to ask you about. Mr. Gratl took you to the
13 three-page proposal at Exhibit J of your
14 affidavit. Do you have that?

15 A I don't have it now.

16 Q I think you do.

17 A Sorry. Yes.

18 Q He took you through some of these points and I
19 just want to take you to a couple of others. If
20 you go down on the first page right at the
21 bottom, right after Pickton and two other persons
22 of interest are identified, you'll see the number
23 4 and then the 1.1, it states this: "ViCLAS has
24 identified the following," and if we turn over
25 the page we see what ViCLAS has identified and

1 the first of these is, "45 unsolved murders of
2 prostitutes in BC". Do you see that?

3 A Yes, I do.

4 Q And then two down, 4.4 is, "19 unsolved
5 aggravated sexual assaults of prostitutes in BC"?

6 A Yes.

7 Q And then last, "27 missing prostitutes in BC
8 where foul play is suspected". I suggest to you
9 that part of the backdrop of this proposal that
10 Staff Sergeant Davidson was making was there's a
11 province-wide element to this phenomenon; there's
12 something large going on in the province. Do you
13 agree with that?

14 A Absolutely.

15 Q In his proposal he says his proposal is to create
16 a JFO task force to accomplish the following
17 objectives and I just want to say this, when I
18 look at the seven steps that he is setting out
19 there, this is essentially an operational plan,
20 sort of an outline of an operational plan;
21 correct?

22 A No, I wouldn't call it that. It's some
23 suggestions as to what should be worked on or
24 what might work. This in no way would resemble
25 an operational plan.

1 Q When I look at this, I am reminded of
2 Evenhanded's original operational plan. Let me
3 ask you this: You agree there's a lot of
4 similarity there?

5 A Absolutely.

6 Q It's this, it's collect information on relevant
7 historical crimes, create a common mass suspect
8 pool, obtain DNA and other forensic evidence for
9 comparison between the two, match the suspects to
10 the unsolved homicides they are most likely to
11 have committed and then investigate those
12 suspects. Anyway, Evenhanded's original
13 operational plan was essentially that?

14 A You're asking if it was essentially that?

15 Q Yes.

16 A I don't have it here but certainly these are the
17 normal investigative steps you would take. These
18 are also the investigative steps that were being
19 taken by both the VPD and Southeast District
20 Major Crime Section. These weren't steps not
21 being done that Davidson thought should be done.

22 Q This is what he thought the JFO should --

23 A My point is, this isn't work that wasn't being
24 done.

25 Q You're saying it's being done by Vancouver

1 Police?

2 A Some being done by Vancouver Police, some by
3 Southeast Major Crime.

4 Q What Davidson is proposing is that this be
5 brought together?

6 A Correct.

7 Q That there be a JFO that can tackle the scope of
8 this problem?

9 A Yes. I guess it's semantics when you're talking
10 about forming a JFO. I was certainly of the view
11 there a JFO was already underway, absolutely.
12 The Vancouver investigators were working closely
13 with Davidson and his people, they were working
14 closely with ViCLAS, the analyst, the Southeast
15 District Major Crime people. The advice that I
16 was giving and that I accepted at this meeting
17 was that the most valuable steps that could be
18 taken right at that time was to get more
19 resources on to the -- trying to identify the
20 suspect DNA from the Valley murders. That's why
21 I wrote in my notes that that was the agreed-to
22 approach.

23 Q That's one approach, that's one element in this
24 proposal, but this proposal is looking at a JFO
25 that is much wider than that; would you agree

1 with that?

2 A No, I don't necessarily agree with that at all.

3 I don't think there's any of this work that was

4 being proposed that wasn't going on.

5 Q I'll follow up on that in a moment, but you say

6 -- let me go to whether you received this

7 three-page proposal. You say at paragraph 64 of

8 your affidavit that you don't recall being

9 presented with the document but you acknowledge

10 that it is possible that Staff Sergeant Davidson

11 provided you with a copy of the March 1st

12 meeting; fair enough?

13 A It's possible, but I think based on what I saw at

14 the break in terms of Davidson's Will Say, that

15 it's very similar to what he told Deputy Chief

16 Evans, that he had a copy at the meeting and used

17 it in making the presentation, so that's the best

18 of my recollection right now, not receiving it

19 and that he may well have had that or one of the

20 other similar documents using them as notes.

21 Q I see. Well, when I look at the Will Say, just

22 so we have it squarely before us, this is what I

23 understand that Staff Sergeant Davidson will say

24 tomorrow. He says: Given that my sole purpose

25 for creating a written proposal was so that I

1 would be able to give it to Superintendent Bass,
2 I would have given it to him at the beginning or
3 end of the meeting. Are you saying that he did
4 not give it to you?

5 A I can't say that he didn't give it to me. I'm
6 saying that I don't recall him giving it to me.
7 Other people who were at the meeting don't recall
8 the document, it's unusual that the document is
9 not initialled. I can't really tell you anything
10 beyond that.

11 Q I'd suggest to you, sir, that it only makes sense
12 that Staff Sergeant Davidson would have given
13 that proposal to you?

14 A I would say it would make sense, yes. I don't
15 know that he did.

16 Q Fair enough. I understand your evidence is you
17 don't recall?

18 A Yes.

19 Q But you agree with me that it would make sense
20 that he would have given it to you?

21 A I just said that.

22 Q He set up this meeting with you to propose a
23 serial killer investigation and he prepared the
24 proposal for that meeting?

25 A Yes. I think you need to understand the role

1 that the profilers play in these investigations.
2 This investigation in terms of the Valley was the
3 responsibility of Southeast District Major
4 Crimes. The role of the profiler is to do
5 something they're very good at, give advice and
6 offer up investigative avenues to follow up on.
7 That's what he did, either whether he handed this
8 directly to me or read from it. That doesn't
9 necessarily mean that it's the only way to pursue
10 the investigation.

11 Q I understand. Just on this point, you referenced
12 a moment ago that other people at the meeting
13 don't recall being given the proposal. By people
14 it's one person, it's Commissioner Paulson?

15 A I was --

16 Q Correct?

17 A I talked to him on it. I don't know if he's
18 talked to anyone else or not but he has no
19 recollection of it either.

20 Q Was there anyone else at the meeting beyond
21 yourself, Staff Sergeant Davidson and
22 Commissioner Paulson?

23 A I think McCarl was there. There may have been
24 others.

25 Q You spoke with Commissioner Paulson about whether

1 he recalled receiving this document at the
2 meeting. Did you talk to Staff Sergeant
3 Davidson?

4 A No. I understand he's out of the country.

5 Q Did you --

6 A No, I didn't.

7 Q He's out of the country now. Did you talk to him
8 months ago?

9 A I haven't talked to Staff Sergeant Davidson
10 probably since the Olympics in 2010.

11 Q Can I ask why not? If you're trying to
12 understand whether he gave you the proposal or
13 not, it was his proposal, it was his meeting, why
14 wouldn't you ask him?

15 A I don't know that he would have told me anything
16 different than what was in the Evans interview
17 which he certainly wasn't clear on it by any
18 means from my perspective.

19 Q Let's go to the Evans interview --

20 THE COMMISSIONER: I'm going to stop you there.

21 MR. VERTLIEB: Mr. Commissioner, can I delay you on timing.

22 We're in good shape for today. I don't believe
23 we'll need to sit late and the reason I say that
24 is Mr. Ward was allotted three hours and he used
25 less so that saved a couple of hours there. We

1 do have Mr. LePard though, and Mr. Dickson is
2 another half hour or so with Mr. Bass and there
3 could be some re-examine by DOJ, but given
4 everything that has transpired we are in good
5 shape today. Others have asked about tomorrow
6 and if I may tell you the plan is to do Mr.
7 Davidson as you know by Skype and it will take
8 some time to set that up and we don't know how
9 long but we've suggested everyone be here ready
10 to go by 9:30 but it might take time before we
11 ask you to come in and take the proceeding.
12 Tomorrow might be a bit longer just because of
13 the uncertainty around that issue with the Skype,
14 whether we lose the transmission, have some
15 technical issues, but today we'll not be sitting
16 late based on what has been happening this
17 morning.

18 THE COMMISSIONER: Thank you.

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

20 (Proceedings adjourned at 12:32 p.m.)

21 (Proceedings resumed at 1:48 p.m.)

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

23 THE COMMISSIONER: Yes.

24 MR. DICKSON: Yes, Mr. Commissioner, Tim Dickson again for the
25 department.

1 Q Deputy commissioner, you recall before the lunch
2 break you said something to the effect that you
3 were under the impression in March 2000 that a
4 JFO was effectively under way or that the work
5 that Staff Sergeant Davidson was proposing was
6 being done. Do you recall that?

7 A Yes, yes, I do.

8 Q And you pointed to I think the VPD's assistance
9 to Coquitlam in '99 and the communication between
10 Davidson and Field about the Valley murders. Do
11 you recall that?

12 A Yes.

13 Q I want to push back a little bit, deputy
14 commissioner, and see if you agree with me that
15 actually having a formalized JFO, something like
16 Evenhanded, is something quite different and it
17 has other benefits and one of them is a
18 centralized leadership, a command triangle as
19 we've seen in the major case management model.
20 Do you agree with that?

21 A I do.

22 Q If we look in Exhibit J to your affidavit which
23 is the three-page proposal and you go to the last
24 page, so Exhibit J, and this is Staff Sergeant
25 Davidson's proposal and it's the third page and

1 you can see Personnel is listed there under the
2 Resources Required and the first one, of course,
3 is a task force commander?

4 A Correct.

5 Q That's because what he is proposing here is that
6 it be a unified operation, a unified
7 investigation under the command of one person;
8 correct?

9 A Correct.

10 Q And that was not in existence in March of 2000,
11 that's why he's proposing it?

12 A No, not in terms of a formalized JFO, no.

13 Q And if we go back in this proposal, we go back to
14 the first page, point number 6, what Staff
15 Sergeant Davidson is saying here is -- well, to
16 quote him, he's saying, "There is no coordination
17 of investigative efforts such as sharing suspect
18 lists, suspect background, suspect DNA and
19 forensic evidence, information between all
20 potentially interested investigations." Do you
21 see that?

22 A I do.

23 Q He's coming to you and telling you there's not
24 enough coordination, right? That's what he's
25 saying?

1 A Well, he doesn't say there's not enough. He says
2 there's none which, I mean, obviously isn't
3 accurate.

4 Q He's identifying for you that there is a large
5 problem in that regard?

6 A Yes, he is.

7 Q And we've gone through some of this document
8 before and you did with Mr. Gratl as well and
9 part of the depth of the problem of course is
10 that there's believed to be at least three serial
11 killers and also all these unsolved murders,
12 unsolved aggravated sexual assaults and missing
13 sex trade workers that ViCLAS had identified as I
14 took you to them?

15 A Right.

16 Q And so you agreed with me that there's a
17 provincial element of this phenomenon, it's a
18 province-wide problem?

19 A I agree.

20 Q And so if we look on the second page of Staff
21 Sergeant Davidson's proposal, he is saying we
22 need to create a joint task force to do a number
23 of things, and I asked you this morning, I asked
24 you before lunch about that and you agreed it's
25 very similar to what Evenhanded was set up to do

1 and --

2 A I said I haven't seen that document in a while
3 but it's probably similar. I haven't seen it.

4 Q One of the things -- sorry?

5 A I haven't seen it in quite some time.

6 Q One of the things that this joint task force was
7 going to do is set out in number one: "Identify
8 and collect information on ALL relevant crimes."
9 "All" is bolded, all caps, underlined because the
10 point is Staff Sergeant Davidson's point is
11 that's not being done?

12 A I don't know that I'd agree with that either.
13 That was the role of ViCLAS so I wouldn't want to
14 agree with you that that wasn't being done and to
15 suggest that ViCLAS wasn't doing their work
16 because that's their mandate.

17 Q Certainly ViCLAS had identified all of these
18 unsolved murders of prostitutes and unsolved
19 aggravated sexual assaults that are noted right
20 at the top of that page and what Staff Sergeant
21 Davidson is saying is we need to identify and
22 collect all the information on all relevant
23 crimes, and then number 2, identify and manage a
24 common mass suspect pool which would be of
25 relevance to those investigations. The emphasis

1 there is on "common," isn't it?

2 A He's right, but as I said this morning, I don't
3 want to leave the impression that this wasn't
4 being done.

5 Q It was not being done, was it, within a joint
6 task force?

7 A You know, I really think you'd have to ask people
8 like McCarl, whether or not his perception would
9 fit that. What you do when you have a case like
10 this, for example, the Agassiz case, one of the
11 first things you do is compile a list of all
12 suspects who might have fit this MO. So what I'm
13 saying is many of the things that he's suggesting
14 here are things that were going on. I think
15 that's why the preference that was expressed to
16 me at the March 1st meeting, and it's one which
17 we agreed with -- they weren't asking me for
18 permission and it wasn't something I had to
19 approve -- I agreed with what I saw as their
20 logical conclusion that should be done to get
21 further resources into the Valley murders.

22 Q Another aspect of what Staff Sergeant Davidson is
23 telling you in this document is at point 5 and he
24 says this: "The existing investigative efforts
25 are being pursued on a part-time opportunistic

1 basis, follow-up is uncoordinated and incomplete,
2 communication between investigations is limited
3 or non-existent," and he's saying the way to
4 solve this, what we need to do is form a JFO?

5 A I think the first thing that needed to be done
6 before -- like what happened with Evenhanded --
7 and I still think this today -- I think there
8 needed to be a thorough review and assessment of
9 what needed to be done. Whatever you want to
10 call that, whether you want to call that a JFO
11 doing it, whether you want to call it a review
12 team is fine, but I think what was really
13 important to me when it came out in May was that
14 the review would be done and from that you would
15 set up your team. What's being proposed in this
16 document, there's nothing unreasonable about it
17 at all, there's nothing unreasonable about it.
18 It's one of many ways to approach the issue. It
19 wasn't the preferred method of the investigators
20 involved --

21 Q Sorry to interrupt. But by that you mean --

22 A Southeast Major Crime.

23 Q You mean Sergeant Paulson?

24 A And McCarl.

25 Q I thought you weren't certain if McCarl was in

1 the meeting?

2 A I think he was there. My recollection is he
3 never really considered Pickton a suspect in the
4 Valley murders. Whether or not he was right we
5 may never know but -- when people are putting
6 possible avenues of investigation forward to you
7 you have to rely on their expertise to decide
8 what is the most viable means. There's often no
9 right answer. So this was -- if this is the way
10 the proposal was received it's a good proposal.
11 My preference, which I think would have been a
12 better way to approach it, was the review team
13 and it the final job of the review team would be
14 to submit an operational plan that would scope
15 out the size and the details of the JFO.

16 Q What steps did you take following this proposal
17 on the basis of this proposal to initiate a
18 review?

19 A Uhm, I don't know that I took any steps until
20 such time as -- I understand now, I don't know if
21 I knew it at the time, that Henderson had made an
22 offer and I understand now that May 10th a
23 request was made to Henderson and he agreed to
24 it. In that six-week period in between, I'm just
25 not sure. I know there's correspondence from

1 Field where Davidson said he has to more formally
2 approach Bass after the March meeting. I don't
3 know what that means. I don't remember being
4 more formally approached. Whether or not I
5 talked to Davidson that day of the 9th or 10th of
6 May about a review, I don't know.

7 Q Deputy commissioner, you say that Staff Sergeant
8 Davidson's proposal was one way of doing it.
9 I've had this exchange with you before where it
10 seems quite similar to Evenhanded, which I'm sure
11 was done later on, but you say that the
12 investigators did not want to go this route but
13 part of this proposal is discussing the VPD's
14 Missing Women Investigation, calling for
15 resources from the VPD, the JFO would involve the
16 VPD, but you didn't call the VPD, you didn't ask
17 their views on this, did you?

18 A I didn't say that I viewed this three-page
19 document as a proposal for a JFO. I've already
20 told you I don't recall seeing this document.
21 There was discussion at this meeting along the
22 lines of how to best proceed. As I said and is
23 recorded in my notes that were made
24 contemporaneously at the time, there was
25 agreement that this was the way to proceed. I

1 can't imagine that if, for example, Davidson and
2 Paulson had been arguing about the approach I
3 wouldn't have made some note of that but it
4 didn't happen.

5 Q I'll put to you --

6 MR. PECK: He cut the witness off.

7 THE COMMISSIONER: I know that.

8 MR. DICKSON: Mr. Commissioner, I apologize if I did and I
9 will avoid that but I don't think I did.

10 THE COMMISSIONER: You did a couple of times at least.

11 MR. DICKSON: Fair enough. I will be careful of that.

12 Q Let me ask you a little bit more, deputy
13 commissioner, about your statement that you
14 didn't receive or you don't recall receiving the
15 proposal. Paragraph 84 of your affidavit --
16 sorry, starting at page 21, paragraph 81 you set
17 out some of Deputy Chief Evans' statements in her
18 report; correct?

19 A Sorry, paragraph --

20 Q 81 on page 21.

21 A Yes.

22 Q Then over the page you sort of respond to some of
23 those statements and I want to take you to
24 paragraph 84. There you say in the middle as
25 previously mentioned and as you explained to her,

1 Deputy Chief Evans, "I do not recall being
2 presented with this document. Furthermore, it is
3 apparent that during her interview with Staff
4 Sergeant Davidson and later in her report, Deputy
5 Chief Evans conflates the proposal with an
6 earlier report he prepared relating to Project
7 Orion." Among the documents I've handed up to
8 you is Project Orion and that's got handwritten
9 June 16, 1999, top right corner on the first
10 page. Do you see that?

11 A Yes, I do.

12 Q This is Project Orion, isn't it?

13 A Yes -- well, it's what I was presented with
14 during the Evans' interview and -- as I told
15 Deputy Evans, I don't recall seeing this before
16 the interview with her but that's what it
17 purports to be.

18 Q I want to ask you about your statement that
19 Deputy Chief Evans was conflating Staff Sergeant
20 Davidson's proposal with this Project Orion
21 assessment. I've handed up to you as well Deputy
22 Chief Evans' interview of Staff Sergeant
23 Davidson, it's one of the thick documents.

24 A I have it.

25 Q If you go to page 43 with me, starting at the

1 bottom, line 23.

2 A Yes.

3 Q This is her question: "Now, one of the items I
4 just got that was disclosed today and I just
5 quickly looked at, that was the one thing I
6 looked at quickly while my computer was dialing
7 in was this document here. It starts out with,"
8 and then she quotes some language you can see.
9 It says: "Issue. In general BC has and is
10 currently experiencing a significant number of
11 homicides involving prostitutes and involving
12 more women." What she's doing there is just
13 quoting from this proposal clearly?

14 A From what?

15 Q From the three-page proposal.

16 A She may well be, yes.

17 Q Well, it says, "Issue. BC has and is currently
18 experiencing a significant number of homicides
19 involving prostitutes ". She says this, she goes
20 on: "There is no date on that. Do you know
21 when, when you wrote that and who did that get
22 presented to?" Davidson says this: "I make
23 reference if you see in some of my stuff that I
24 was going to write a proposal to try to get a
25 task force. This was it. This was the proposal.

1 This ultimately goes to Gary Bass and I believe
2 this is around the 1st of March 2000 I believe."
3 Do you see that?

4 A I do, yes.

5 Q I mean, he's clearly talking about this
6 three-page proposal?

7 A On this page he is.

8 Q And they're not referring to the Project Orion
9 report, this has no relation to the Project Orion
10 report, does it?

11 A I'll have to read it again. As you go through
12 this interview, it's apparent that Deputy Chief
13 Evans is confusing the two reports. One example
14 would be on page 34 where she says down at line
15 8: "You presented this report and the report has
16 actually got 21 cases of missing women." That's
17 Orion.

18 Q Fair enough.

19 A As you go through this interview -- it's
20 difficult for me to do it here but I can tell you
21 I've done it -- there's times that she's
22 confused, there's times that Davidson is
23 confused, there's times that maybe there's no
24 confusion, but there is serious problems between
25 Davidson and Evans in this interview in terms of

1 those reports.

2 Q My point here is that certainly in this exchange
3 there's no confusion, they're talking clearly
4 about the three-page proposal and he is saying I
5 gave it to Gary Bass?

6 A Right.

7 Q And as I say, we have his Will Say now and he
8 says in his Will Say that given that my sole
9 purpose for creating a written proposal was so
10 that I would be able to give it to Superintendent
11 Bass, I would have given it to him at the
12 beginning or end of the meeting.

13 A I don't have that in front of me but that's
14 probably right.

15 Q Now, I want to move to the second topic --

16 A I think it's paragraph 30, it's around 30 in that
17 memo, it's a little more ambiguous where he talks
18 about using it or --

19 Q Well, he says this, paragraph 30 at the top:
20 "During the meeting I used my written proposal as
21 a reference to explain my rationale for
22 requesting a JFO," and then he goes on and
23 explains his rationale.

24 A Right.

25 Q In the next paragraph he says: "I recall the

1 meeting lasted between 30 to 60 minutes. Given
2 that my sole purpose for creating a written
3 proposal was so that I would be able to give it
4 to Superintendent Bass, I would have given it to
5 him at the beginning or end of the meeting." I
6 mean, that's apparently what he is going to say
7 tomorrow. Do you accept that?

8 A We don't have the same recollection.

9 Q Well, you don't have a recollection; is that
10 right?

11 A I wouldn't say that at all.

12 Q Very well. The second topic I want to ask you
13 about is your statement that you were not told in
14 this March 1st meeting that the VPD was
15 interested in a JFO?

16 A I don't think that's the way it's worded. I
17 think the way it's worded is that the VPD
18 supported a JFO.

19 Q Sorry, the way what is worded?

20 A I forget where I've seen that now. It's just
21 something I've seen in the last couple days that
22 was in relation to -- I'm not sure where it was,
23 but anyway, the terminology, I'm quite reasonably
24 sure that the terminology was that the VPD
25 supported a JFO.

1 Q Yes, they did. But what I wish to ask you about
2 is your paragraph 66 in your affidavit. You say
3 this: "There was no indication made to me at the
4 meeting of March 1st, 2000, that anyone at the
5 VPD had requested or suggested that a JFO be
6 formed. Had that occurred I would have followed
7 up with the VPD."

8 A There was not. Absolutely, if I had been told at
9 that meeting that the VPD wanted a JFO I would
10 have picked up the phone and called probably -- I
11 don't know who it would have been at that time
12 but certainly I wouldn't have left it at that,
13 absolutely not.

14 Q Right. If you had thought that the VPD might
15 want a JFO of course you would have had to have
16 followed up; that's the appropriate thing to do,
17 isn't it?

18 A I think so, yes.

19 Q And I just say, based on his Will Say, Staff
20 Sergeant Davidson disagrees with your evidence
21 and he says that of course he discussed the VPD's
22 desire for a JFO, and I take it you reject that;
23 is that right?

24 A Absolutely in those terms. You know, he may well
25 have been talking about what he was doing, he and

1 Filer were doing with Shenher and Sergeant Field,
2 but if he had told me that the VPD was supporting
3 a JFO -- because the other thing that doesn't
4 make sense there is on the one hand it's stated
5 that his recollection was that I didn't want to
6 get involved in a JFO was because of resources or
7 something like that. That made no sense, to walk
8 away from the VPD offering resources. It just
9 doesn't add up to me.

10 Q Let me just take you to a couple of documents.
11 Mr. Gratl put one of these documents that I've
12 handed up to you, he put it before you, and this
13 is a memo dated February 10, 2000 from Lori
14 Shenher to Geramy Field; you see that?

15 A Correct.

16 Q And you'll recall then this language that
17 Davidson and Filer are going to submit a proposal
18 to Gary Bass asking for funding and resources for
19 the following, and then there's a list of things
20 including re-opening the Pickton file. But one
21 of them, the most important one is propose a
22 joint forces task force.

23 A Correct. I am aware of that. It also says
24 failing the money that he would approach the AG
25 for funding in that same exchange. I am aware

1 that when that discussion came up in the
2 interview with Deputy Chief Evans he didn't know
3 where it came from and it's definitely something
4 he wouldn't have been doing. I'm just pointing
5 out the frailties of the recollection and the
6 notes we're discussing.

7 Q There may have been some misunderstanding on that
8 front but certainly we see on the VPD side, Lori
9 Shenher, up to her supervisor Geramy Field saying
10 that this is going to go on. Now, there's
11 another document I handed up to you and it's got
12 the title Office of the Chief Constable
13 Administrative Report. Have you had a chance to
14 look at that?

15 A No. Where is that?

16 Q It's a thinnish document, five or six pages, it's
17 entitled Administrative Report and it's February
18 14, 2000.

19 A I don't see a date but I have a document here
20 8618.

21 Q That's correct. Just on the first page here this
22 is from Deputy Chief Brian McGuinness to the
23 chair and members, and that's of the police
24 board?

25 A Correct.

1 Q If you go to the third page you can see again
2 similar language, the RCMP are going to submit a
3 proposal to their boss Chief Superintendent Gary
4 Bass asking for funding and resources for the
5 following and it's the same list including
6 propose a joint forces task force.

7 A Yes.

8 Q That's the deputy chief of the VPD talking to the
9 VPD's police board saying RCMP are going to do
10 this. Of course the proposal, the three-page
11 proposal we've seen is mentioning the utilization
12 of resources from the VPD?

13 A Yes.

14 Q And it's talking about covering -- part of its
15 mandate would cover the missing women; isn't that
16 right?

17 A That's right.

18 Q I just say to you that it makes no sense, it
19 makes no sense that Staff Sergeant Davidson would
20 not have told you that he was speaking with the
21 VPD and that they wanted a JFO?

22 A I wouldn't say it makes no sense. No, I wouldn't
23 agree with that.

24 Q Let's just put aside that question of whether you
25 were told by Staff Sergeant Davidson of the VPD's

1 interest in a JFO or not. Let's just assume
2 you're correct and you weren't told. Let's
3 assume that for argument for now. You're being
4 presented with information that there are
5 probably three serial killers in the province,
6 there's this province-wide phenomenon of murdered
7 sex trade workers, that the missing women from
8 the Downtown Eastside of Vancouver are part of
9 that phenomenon, why wouldn't you call the VPD
10 following this proposal and discuss this issue
11 with them?

12 A I don't know. There's no good reason why I
13 wouldn't call them. At the same time I was
14 seeing -- not by that stage but earlier Fred
15 Biddlecombe on quite a regular basis. I think
16 the key relationship at Deputy Chief McGuinness's
17 point, level at that time was either Murray
18 Johnston or Larry Proulx. I don't know what
19 discussions they had. I did not get the
20 impression in any way from that meeting on March
21 1st that there were problems that weren't being
22 addressed by the investigators that were
23 involved, that this was a meeting that meant if
24 we don't do X there's going to be a bad outcome.
25 That's not my recollection of the meeting in any

1 way. The recollection was that here is the best
2 opportunity to put resources somewhere that have
3 an impact on possibly resolving this issue, the
4 overall issue, and that's exactly what was done.
5 I can't explain why I didn't call VPD and ask
6 them if they -- to confirm what Davidson
7 allegedly said. It just doesn't make sense when
8 you turn it the other way that I wouldn't do
9 that. The first thing I would have asked
10 Davidson was to ask where did this come from. I
11 really think at that stage the JFO aspect of it
12 that was being described is what was going on at
13 the investigative level.

14 Q Deputy commissioner, we've gone through this in
15 the proposal and he's telling you that the
16 existing investigative efforts are being pursued
17 on a part-time opportunistic basis, follow-up is
18 uncoordinated and incomplete, coordination
19 between investigations is limited or
20 non-existent, there's no coordination of
21 investigative effort and the like. He's
22 identified for you serious deficiencies in
23 addressing this province-wide problem.

24 A Yeah, I understand what you're saying. That's --
25 I mean, it's not the normal way information like

1 that would be passed on. What was being --
2 what's being said there wasn't being transmitted
3 by the investigators at the time. The proper
4 chain of what should have happened from the RCMP
5 perspective if they believe there should have
6 been a larger JFO -- well, there's several
7 different ways it could be done. It could be
8 done by the district officer in the Southeast
9 District upon the recommendation of the Southeast
10 District Major Crime Section, it could be done
11 through the Coquitlam Detachment, for example.
12 As I said, this is not a business case, this is
13 not the way that business is done for major
14 investigations. This is good, investigative
15 advice that's given by the profiler to the
16 investigators. It's not a policy-driven process.
17 That's all I can tell you.

18 Q You speak there of South-West Major Crime and you
19 speak of Coquitlam but the issue is each of those
20 have just a piece, just a piece of this province-
21 wide phenomenon. That's what Davidson is coming
22 and telling you, that there's a larger context
23 here that needs to have one investigation
24 controlling it and, indeed, that's what ended up
25 happening with Evenhanded.

1 A It does eventually.

2 Q But here he's coming in March of 2000 and he's
3 trying to get your ear because you are "E"
4 Division Major Crime.

5 A I am not at that stage. The reality is, I mean,
6 I think I had a good relationship with senior
7 management of the RCMP. I always had an open
8 ear, absolutely, but it wasn't my job to run
9 around the province telling other people how they
10 should do their work. Interestingly, that did
11 eventually change and it was on my
12 recommendations and it was right during the same
13 period of time in February. I had actually felt
14 for some time that the District Major Crime
15 Section should report to the "E" Division Major
16 Crime Section, and in February of 2000 I had a
17 meeting with the criminal operations officer of
18 the day and I made that recommendation. He
19 agreed with it and asked me to meet with the
20 district officers from around the division and
21 try to move it forward which I did over the next
22 two or three years. So to suggest in any way
23 that I was shirking responsibility in terms of
24 what was going on overall in the division just
25 wasn't the way I operated. There's many, many,

1 many cases of where I led proactive changes to
2 the way major crime investigation was done and
3 how it was overseen and it's still evolving. But
4 absolutely, could I have picked up the phone and
5 called the VPD and said, "I think you should get
6 into a JFO," I could have.

7 Q If you weren't the right person for Staff
8 Sergeant Davidson to talk to, then did you get
9 him to go talk to someone else?

10 A Well, he was talking to people from the VPD,
11 people from the Southeast District. I don't know
12 if any of them received copies of any of this.
13 This was not -- what was being proposed by
14 Davidson wasn't something that everyone didn't
15 already know. I mean, he wasn't announcing to
16 this bunch of major crime investigators from
17 around the province that you'll be surprised to
18 know there's three serial killers. The list of
19 the number of outstanding homicides and other
20 investigations, I suspect the Major Crime Section
21 was actually involved in many of those just by
22 the nature of their day-to-day work. This wasn't
23 new stuff being brought forward as this is
24 something you really should know about.

25 Q Deputy commissioner, he's coming to you with a

1 proposal for a unified joint task force to deal
2 with the issues set out in this memorandum. You
3 say this is not the normal way that a JFO like
4 this would be formed. Did you tell him to go
5 speak to anyone else about this?

6 A No, I didn't. I don't know who else he would go
7 speak to. If we had a discussion about the VPD
8 wanting and supporting a JFO, I cannot comprehend
9 how that wouldn't have led to another meeting. I
10 just can't comprehend it.

11 Q Right, because you were the right person to talk
12 to if --

13 A I was one of a number of people that could be
14 talked to at that time in 2000 -- I mean, there's
15 a number of people that could have been
16 approached and --

17 Q You were his supervisor?

18 A Pardon me?

19 Q He reported to you?

20 A It was a dual reporting relationship with the
21 profiler program in Ottawa.

22 Q You mentioned a business case --

23 A Just to finish that off, I wouldn't send him away
24 to talk to someone else. If he was telling me in
25 the words that I saw somewhere the last couple

1 days that the VPD supported a JFO, absolutely
2 there would have been another meeting. I was
3 involved in at least three or four JFOs with the
4 VPD right at that time. So there was nothing
5 unusual about it, there was no resistance to it.
6 I think I mentioned the abortion doctor shooting
7 file, there was an internal at CLEU that was a
8 joint file, there were multiple homicides and
9 killings, drug dealings in the Downtown Eastside
10 -- I think it was called E-Lobster. So to
11 suggest there was no resistance to a JFO, that
12 just isn't the way I operated.

13 Q You stated in the normal course there would be a
14 business case that would be prepared to go along
15 with such a proposal; do you recall that?

16 A JFOs were taking place every day and still do
17 across the Lower Mainland. They can range from
18 two officers from two departments getting
19 together for a couple days to make some inquiries
20 to something like Evenhanded. There's no clear
21 cut-off point at which it becomes what you've
22 referred to as formal or maybe written.
23 Generally that term -- that comes to bear when
24 you're talking about driving each other's cars,
25 finding office space, funding, that kind of

1 thing. There's no magic to it being called a
2 JFO.

3 Q Very well. Your evidence then, deputy
4 commissioner, is that a business case was not
5 strictly necessary for the formation of a JFO?

6 A On March 1st?

7 Q Yes.

8 A Probably not.

9 Q Very well. You were involved in the formation of
10 Evenhanded?

11 A Not in any major way, no. I think Superintendent
12 Killaly would have been doing most of that and
13 Don Adam.

14 Q You know that Evenhanded became set up right at
15 the -- the beginning of it was late November 2000
16 but then it got really running in early 2001;
17 you're aware of that?

18 A Right.

19 Q We've seen that the memorandum of understanding
20 between the VPD and RCMP was actually signed only
21 in the summer of 2001?

22 A Yes.

23 Q You've attached, exhibited a couple e-mails to
24 your affidavit at Exhibits K and L, and I'm just
25 going to suggest to you, I have not seen a

1 business case for Evenhanded even though that
2 turns out to be the largest criminal
3 investigation in Canadian history?

4 A Right.

5 Q All I have seen beyond the MOU which is in the
6 summer of 2001 are these e-mails?

7 A No, there was a business case. The reason
8 there's no business case at that early on stage
9 is for the most part the business case deals with
10 the finances. I think the inquiry has heard lots
11 of evidence about Don Adam and others trying to
12 scope out what was needed. You have to have
13 numbers of people. You need to say we need one
14 or two surveillance teams, we need X number of
15 investigators, we need a wiretap capacity. This
16 stuff is all listed out and you end up putting
17 numbers to it. That was eventually done but it's
18 probably why the MOU wasn't signed until the
19 summer because Don Adam didn't know that until
20 several months into it.

21 Q It was done at some point after Evenhanded was up
22 and running?

23 A Yes. That's quite often the case.

24 Q I want to draw the commissioner's attention if I
25 can to the manner in which Evenhanded was set up.

1 If we look at Exhibit K, this is an e-mail from
2 Doug Henderson to yourself, November 22, 2000,
3 the subject is Missing Street Trade Workers and
4 he says: "Gary, for your information I met with
5 Inspector Gord Spencer and various other people
6 with regard to the missing women in Vancouver
7 along with several bodies of street trade workers
8 located in RCMP jurisdictions. The situation has
9 gone one for some time and the result of the
10 meeting is that Major Crime special projects
11 coordination will lead a two-faceted approach to
12 this" -- anyway, it goes on and the commissioner
13 can read it, and I suggest to you this is a very
14 brief and informal start to a JFO?

15 A I wouldn't call it the start.

16 Q Okay. I see. November 22, this is --

17 A I'd call it the first time there's any real
18 movement but it wasn't the start. The start was
19 back in May.

20 Q I see. So after this Don Adam gets on board, Don
21 Adam is chosen to be the team commander and
22 Evenhanded gets rolling?

23 A Right around this time.

24 Q Over the page, over the tab I should say, Exhibit
25 L, this is your response: "Doug, I couldn't

1 agree more that we need to get on top of this.
2 Let me know if there are any funding issues.
3 Gary." I bring that to your attention because in
4 your affidavit, paragraph 66 -- 65, you say:
5 "Normally if a formal proposal would be made for
6 a JFO it would be followed with a business case
7 proposal."

8 A Right.

9 Q And I know that didn't happen?

10 A What paragraph?

11 Q 65. I suggest to you, sir, that that's quite
12 inconsistent with what happened in Evenhanded,
13 there's no -- as you agreed with me before --
14 there is no necessity for a business case and
15 that shouldn't have been a block to the proposal
16 that Sergeant Davidson was making to you?

17 A I wasn't suggesting that this was a block to it.

18 Q I see. It read to me like a block, that's why I
19 raised it.

20 A That's not the way I wrote it.

21 Q I have one last topic to ask you about, deputy
22 commissioner, and it's this: In your view if
23 there appeared to be problems with a significant
24 RCMP investigation do you agree that it's
25 important that a full review of that

1 investigation be conducted so that lessons can be
2 learned and improvements made?

3 A Absolutely.

4 Q Is it your evidence that that's what the Williams
5 report did?

6 A Uhm, no. I've got a lot of problems with all the
7 reports that were done in relation to this
8 inquiry. I think the Williams report suffered
9 from the fact that he only interviewed RCMP
10 personnel. I think Deputy Chief LePard's
11 suffered from the opposite with the exception of
12 one person and that was why, as I explained last
13 week, I thought that the review that should have
14 been done on this should have been done together,
15 and I think the leaking of the two reports has
16 been damaging to this inquiry. It's been a
17 distraction. It's caused people to either say or
18 not say a lot of things that they may have
19 otherwise done. An investigation of this
20 magnitude involving the two departments as it
21 did, I think what should have been done is a full
22 joint review right after he was arrested and I'm
23 sure that we would have come to agree on most
24 things and if we agreed to disagree on a few
25 things that would have been great. Quite often

1 what happens in major investigations where
2 there's a trial, what will occur is that the --
3 that process is used as some part of the review.

4 Q I want to get back to the Williams report and ask
5 you about that. I don't have that many questions
6 left but I do want to focus on that if I can,
7 deputy commissioner. I ask you about it because
8 of an answer you gave to Deputy Chief Evans and
9 I'll take you to it, it's the last document I
10 handed up to you. The interview of yourself by
11 Deputy Chief Evans, page 114. Here she's asking
12 you about the Williams report and this is her
13 question: It wasn't to do a review of or an
14 after action report to say were there mistakes
15 made and how do we make sure we don't do these
16 again. Has that ever been done? You say: I
17 would consider -- I would consider the Williams
18 report -- I mean that's -- it's -- you have to do
19 the same work. Then you say: For you, you know,
20 in terms of looking at what was done right or
21 could be done better and, of course, just part of
22 the major case management process is that you're
23 continually evolving, you know, reviewing, so
24 that's an ongoing process in major case
25 management. But in terms of the kind of after

1 action that would be like -- I guess that's what
2 I would consider the Williams report. It seems
3 you come around to the view that yes, this is our
4 internal review, lessons learned after action
5 report?

6 A Yes. It's not an ideal one.

7 Q Because in your interview with Deputy Chief Evans
8 you seem to suggest that you agree with Williams'
9 conclusions that he came to effectively the right
10 conclusions. I'll take you to your statement.
11 It's page 164, your last substantive statement.

12 A Which one?

13 Q Line 13: So I don't -- you know, as simplistic
14 as Williams report is, I mean, when you compare
15 his report to LePard's, LePard's is, you know,
16 pretty fancy and much, much longer but, you know,
17 I think Williams hit it on the head. He's a very
18 experienced guy himself. He had two or three
19 other senior people helping him and I think they
20 captured the essence of what was going on at the
21 time. Is that your still your evidence?

22 A It is. As a matter of fact, and I've thought a
23 lot about this, I haven't seen from what I have
24 been able to see during the inquiry -- I haven't
25 seen any evidence that comes -- particularly

1 about the Coquitlam investigation which is
2 essentially what this was about -- I haven't seen
3 any of the people involved in the Coquitlam
4 investigation say essentially anything different
5 than they told him.

6 Q Did you read the statements that were made to
7 him?

8 A I did back at the time.

9 Q Back at the time you read Connor's timeline, the
10 timeline of the investigation?

11 A Yes, I would have back at the time.

12 Q It was your view on the basis of those statements
13 including that timeline that Connor's conclusions
14 were correct?

15 A What do you mean, that his conclusions were
16 correct?

17 Q Sorry, Williams conclusions were essentially
18 correct?

19 A Which conclusions?

20 Q One of those conclusions is this: "Although this
21 was a complex review with very unique
22 circumstances, based on our experience and from
23 the interviews conducted, suffice to say nothing
24 would have changed dramatically if those involved
25 had to do it over again." You agree with that

1 statement?

2 A I don't know for sure about that one. I guess
3 what I'm getting at, my understanding of Connor's
4 evidence was this, that he got the resources he
5 needed, he couldn't get a break. He -- I don't
6 recall him -- any of what he said differing
7 significantly from what Williams said in terms of
8 the support they were provided, what they felt.
9 At the end of the day, and I think probably
10 Detectives Chernoff and Lepine put it best from
11 what I saw in talking about Caldwell and that
12 last interview, you know, I think the terminology
13 that was used was this was his coming out day or
14 something like that and he kind of fell flat on
15 his face and that really took the wind out of the
16 sails of the investigations for some time. So I
17 don't see that as being substantially different
18 than what Williams said, that they were doing
19 their best with a difficult situation, with
20 sources that were difficult to corroborate and
21 that they ran out of road and I haven't seen a
22 lot that goes very far from that.

23 Q I'm going to leave that there --

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

25 MR. DICKSON: I have one more question, Mr. Commissioner.

1 I'll leave that there for the commissioner to
2 assess. He's heard the evidence of Sergeant
3 Connor floors and others.

4 Q My last question is this: After you provided the
5 Williams report to Deputy Chief LePard back in
6 2002, 2003, did you talk to Deputy Chief LePard
7 about it? Did you have a conversation with him?

8 A I'm sure I did. I know I talked to -- I think I
9 talked to Chief Graham later on when he was
10 there. I just felt -- I continued to feel that
11 it would be in everyone's interests, including
12 the public, to do this together. So at the end I
13 gave Deputy Chief LePard our report. I wasn't
14 really expecting him to reciprocate. I
15 understood he was acting on advice he was
16 getting. I didn't have a problem with that. I
17 just think things would have worked out
18 differently. As I say, I don't want anyone to
19 think that that's -- that I think that, you know,
20 I think there's bad intentions on behalf of the
21 VPD. I don't. I just think that in this case it
22 would have been better to be working together on
23 it. I think the commission would have had a lot
24 more useful information starting out if that had
25 happened. I think it would have advanced it.

1 Q Deputy commissioner, one last question. Do you
2 recall Deputy Chief LePard telling you his view
3 that the Williams report was not an accurate
4 account, not an accurate assessment, a sound
5 assessment?

6 A He certainly did at some point. I guess in
7 August of 2010, you know, when I saw it for the
8 first time, I was -- I needed time to try to
9 absorb it and to go back to the Williams report
10 and so that was tasked out I think to Inspector
11 Shenkaruk and Superintendent Nash.

12 Q I'm asking you about 2002, 2003, that time
13 period, do you recall Deputy Chief LePard telling
14 you his view that Williams report was not
15 accurate?

16 A In 2002?

17 Q Or 2003 -- before 2010.

18 A I don't. Certainly not in any significant way
19 that I'd remember like getting a memo. He may
20 well have expressed a view on it but nothing that
21 stands out right now.

22 MR. DICKSON: Those are my questions. Thank you.

23 THE COMMISSIONER: Thank you. Any further examination?

24 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias for the
25 Government of Canada. I wonder if I could ask

1 your indulgence for an early afternoon break.

2 THE COMMISSIONER: You're going to ask re-examine?

3 MS. TOBIAS: I have a few questions and you've kindly given me
4 some time.

5 THE COMMISSIONER: Okay.

6 THE REGISTRAR: This hearing is recessed for 15 minutes.

7 **(PROCEEDINGS ADJOURNED AT 2:42 P.M.)**

8 **(PROCEEDINGS RESUMED AT 2:55 P.M.)**

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

10 MS. TOBIAS: Thank you, Mr. Commissioner. Cheryl Tobias
11 appearing for the Government of Canada.

12 THE REGISTRAR: Ms. Tobias, before you start, Mr. Dickson
13 wanted a document marked so if I may do that.
14 The document he wanted marked is Project Orion
15 document which will be marked as 211NR.

16 **(EXHIBIT 211NR: RCMP Memorandum, Project Orion**
17 **with Case Management Attachment)**

18 MS. TOBIAS: Mr. Giles, would you be kind enough to provide
19 Mr. Bass with the document that Mr. Dickson was
20 using, the interview by Jennifer Evans of Keith
21 Davidson.

22 THE REGISTRAR: He still has that.

23 **CROSS-EXAMINATION BY MS. TOBIAS:**

24 Q Okay. Could you give the witness Exhibit 34
25 which is Deputy Chief Evans' report.

1 Do you have those documents, sir?

2 A I do.

3 Q Mr. Bass, you were cross-examined by Mr. Dickson
4 with respect to Deputy Chief Evans -- your
5 statement in paragraph 84 of your affidavit that
6 you thought Deputy Chief Evans conflated the
7 proposal with Project Orion. Do you see that
8 there?

9 A What was the paragraph number again please?

10 Q 84.

11 A Yes.

12 Q And you recall that Mr. Dickson asked you a
13 number of questions about that particular
14 statement in your affidavit?

15 A Correct.

16 Q And you told us about some things that you
17 thought fell into the category that you described
18 there, that is, conflated, and I want to ask you
19 about something else in that connection. Would
20 you please turn to page 8-33 in Exhibit 34 which
21 is her report.

22 A 8-3?

23 Q 8-33.

24 A Yes.

25 Q And in the middle of that page, in the paragraph

1 beginning, "In my opinion;" do you see that?

2 A I have 8.3.3.

3 Q No, sorry, 8-33. I think you may be looking at
4 the appendices. It's closer to the beginning of
5 the report.

6 A Yes, I have that.

7 Q You see the paragraph, the first of two
8 paragraphs in the middle of that page beginning,
9 "In my opinion"?

10 A Yes.

11 Q The last sentence in that paragraph: "Staff
12 Sergeant Davidson stated that he didn't recall
13 the conversation," and this is from the context
14 of a conversation about the proposal that is
15 being discussed in May -- March of 2000, "but
16 that he remembered that he was unsuccessful in
17 his attempt to get the RCMP involved." Do you
18 see that?

19 A I do.

20 Q I'd like you to keep that open, sir, and then
21 turn to the other interview in the transcript
22 that you've been given, the interview of Mr.
23 Davidson by Deputy Chief Evans. Do you have
24 that?

25 A Yes.

1 Q And can you turn to page 41 please?

2 A I have it.

3 Q You have page 41?

4 A Yes.

5 Q At line 10, Deputy Chief Evans talks about
6 Davidson: "You went to your boss and said this
7 is a problem. This is a report I've written up.
8 We've got 21 missing women in the Downtown
9 Eastside and this is my thoughts," and Keith
10 Davidson replies: "To be honest I don't recall
11 in fairness, I don't recall the actual
12 conversation but the result was it was
13 unsuccessful in convincing them to get involved."
14 Do you see that?

15 A Yes.

16 Q Is this one of the passages that you might have
17 been thinking of or is this something you had
18 adverted to or no?

19 A Yes. There's a number of them. At times it's
20 difficult to tell whether she's confused or he's
21 confused but actually I think they are talking
22 about -- she is talking about Project Orion in
23 this one, that's the one with 21 missing persons.
24 But when Davidson says he doesn't recall, when
25 she later reports that in her report I don't

1 think that's right.

2 Q How would you describe the error, sir?

3 A Well, they're difficult to describe. You really
4 have to read through them closely because of the
5 fact that -- well, that's one of them that you've
6 just pointed out. But back on page 8-33, half
7 way down just below the gray box, where she says,
8 "In my opinion Bass is OIC "E" Division, I wasn't
9 the OIC "E" Division then. I thought that she
10 left out "E" Division Major Crime Section but
11 then she goes on to say I should have instructed
12 the OIC Major Crime Section to do something.
13 Well, that was me. So --

14 Q Excuse me for interrupting you. That's the
15 reference, the bottom of the next paragraph,
16 "Staff Sergeant Davidson's proposal should have
17 prompted Chief Superintendent Bass to direct the
18 OIC of MCS to contact VPD."

19 A Correct. As I say, I don't know if I confused
20 her when I talked to her or what happened but
21 there's a number of very serious irregularities
22 in the statements and in the report that frankly
23 it's difficult to follow in some places.

24 Q Are you able to tell the commissioner what in
25 your view is the consequence of the particular

1 error that you point out in this passage with
2 respect to your field of responsibility?

3 A Well, it seems like -- I don't know this -- it
4 sounds like she thought I was the criminal
5 operations officer then or something and that I
6 should have directed the officer in charge of
7 Major Crime or I was the commanding officer, I
8 don't know. OIC "E" Division isn't a correct
9 term for anything.

10 Q Okay. I'd like to move along a bit now. You
11 were asked earlier today I believe about
12 Ms. Hyacinth identifying a missing person,
13 Ms. Crey, as having been in Robert Pickton's
14 company and I believe you said you weren't
15 familiar with whether that was followed up, you
16 didn't know?

17 A No, I don't know very much about Bev Hyacinth. I
18 didn't learn anything until after the arrest.

19 Q Sir, I'm asking Mr. Giles to give you a document
20 that for the record is numbered RCMP-001-003219,
21 part of the Missing Women Task Force Project
22 Evenhanded file. Do you see that on first page?

23 A Yes, I do.

24 Q The second page the title is Women of Interest
25 Seen on Pickton farm, do you see that?

1 A Women of interest -- yes.

2 Q Would you go to a few pages down, the page
3 numbering on the bottom of the page is 183 of
4 188?

5 A Yes.

6 Q You see a reference to Beverly Hyacinth about 60
7 percent of the way down the page?

8 A Yes.

9 Q At the bottom of the page you see a reference to
10 the subject that I raised with you, and the
11 bottom statement is with specific regard to,
12 Hyacinth identifying missing woman Dawn Crey
13 having been in the company of Robert Pickton at a
14 New Year's Eve dance on December 31, 1999.

15 A Yes.

16 Q Investigation has shown that the established date
17 last seen for Dawn Crey was November of 2000 and
18 that the women in question was likely Holly Innes
19 the woman who was a sex trade worker but who has
20 since deceased from a medical condition.

21 A Correct.

22 Q So that appears to relate to some follow-up, does
23 it?

24 A It appears to. I hadn't seen this before but it
25 appears to be.

1 Q I want to ask you a couple of questions with
2 respect to the whole question of how joint forces
3 operations get put together between the VPD and
4 RCMP and the established procedures for doing
5 that as they existed during the terms of
6 reference, 1997 to 2002, okay? So if one or more
7 of the investigators in the Vancouver Police
8 Department who -- say Constable Shenher or
9 someone else charged with investigating the
10 missing women file had decided that it would be a
11 good idea to get help from the RCMP, what would
12 be the established procedure for going about that
13 have been in 1997 to 2002?

14 A There would certainly be informal and formal and
15 as I mentioned earlier today, on routine cases a
16 lot of that is just done.

17 Q I'm sorry, I should be more clear. What I meant
18 was a large scale join forces operation,
19 something like what Evenhanded became?

20 A I don't remember in my time in the Major Crime
21 Section from '92 to 2000, all of those big cases
22 came to me either from another police chief, from
23 the criminal operations officer or the commanding
24 officer, or sometimes from a US or another
25 authority. But a case kind of this magnitude

1 would normally come from the criminal operations
2 officer or commanding officer to me.

3 Q I understand that, but in terms of how the
4 Detective Constable Shenhers of the VPD might go
5 about initiating a course of action that led to a
6 large scale JFO involving significant resources
7 with the RCMP?

8 A Well, I mean, I think what I've heard -- I don't
9 know, I'm certainly not qualified to talk as an
10 expert on VPD policy, but from what I've heard it
11 sounds similar to the RCMP, that they would bring
12 that up to their next level of supervisor and
13 someone in the organization would make a call as
14 to where that would go across.

15 Q I really want you to focus on the RCMP point of
16 view in that. Where would the RCMP be expecting
17 that communication to go in the RCMP and come
18 from in the VPD?

19 A I think for a case like this, most likely the
20 criminal operations and deputy chief operations
21 level would be the norm that I would have seen.

22 Q And what's the reason for that, why didn't it
23 come from -- in the normal course of things, why
24 did didn't it come from a more grassroots level?

25 A I suppose it can, but the reality is that it

1 needs to be at a level sufficiently high that
2 someone has a grasp on what the current
3 priorities are and what resources are available.
4 So if you had that kind of thing going on on a
5 major file at the investigative level, they
6 wouldn't really have -- I wouldn't think --
7 wouldn't have a good idea what the capacity of
8 the organization would be to respond. What other
9 cases are they involved in. So that's the reason
10 the informal stuff is done kind of person to
11 person at the investigative level. The bigger
12 stuff is usually -- well, in my experience pretty
13 much always higher in the organization.

14 Q You were also -- another proposition was put to
15 you about the convention being that one police
16 force would not intervene in someone else's
17 files, meaning another police force's files, and
18 I think that was in the context of an RCMP
19 management level member not necessarily becoming
20 involved in the missing persons file.

21 A Yeah. Like I said this morning, the question was
22 from Mr. Roberts, and the way I heard the
23 question was that Inspector Moulton said that it
24 wouldn't be proper to discuss the kinds of
25 charges that might be involved with another

1 police agency and if that's what I heard right
2 and that's what he said, that's my answer, but
3 that's not -- I'm not sure that's what was asked
4 earlier of Inspector Moulton.

5 Q The last question I want to ask you, if you would
6 please refer in your affidavit to paragraph 99;
7 do you have that?

8 A Yes.

9 Q You talk in this paragraph about effective
10 treatment programs for drug addictions and then
11 mental health problems and so forth and you talk
12 about a proactive approach. I understand, sir,
13 you're involved in an organization called Vision
14 Quest. Is that connected with your statement in
15 this paragraph?

16 A It is.

17 Q And can you tell Mr. Commissioner about your
18 involvement in that organization?

19 A I was to become -- I've been involved in the
20 organization for many years just in terms of
21 trying to build relationships with detachment
22 officers, with that organization. They deal
23 primarily with prolific offenders who are heavily
24 addicted, deal with many of the tougher
25 offenders, tough cases, many of them are court

1 ordered out of Surrey. When I retired last year
2 I was asked to do volunteer work with them as a
3 board member which I agreed to and I've just been
4 so impressed with what a non-charitable
5 organization can achieve. I guess I've been
6 struck by how much wastage there is in terms of
7 drug treatment, lack of coordination. As far as
8 I know there's no legislative control. For
9 example, the City of Surrey has something like
10 170 recovery houses. There's been news coming
11 out over the past few years as recently as a
12 couple weeks ago about serious levels of criminal
13 activity in some of them, kickbacks in the
14 methadone schemes, so I asked -- I asked a
15 question recently about the cost, and I guess
16 this is what I'm getting at, the cost to keep a
17 client in Vision Quest for a month is about
18 \$1,135. That's food, lodging, treatment,
19 training, whatever they need to try to get them
20 sort out. So it's around 1,100 bucks, a little
21 more. If these same people were on the street
22 they'd be getting in the range -- I've heard
23 figures between four and six hundred dollars so
24 it's not all new money we're talking about. It's
25 relatively little money to make a huge difference

1 in -- well in the lives of -- this is exactly who
2 we're talking about here at this inquiry. It's
3 these, many of them, I wouldn't say all of them
4 but many of them were struggling with addiction
5 problems and many of them shouldn't have been
6 there on the street in the first place to be
7 preyed upon and I mean that in the sense that
8 they didn't have the support. So I guess I would
9 just say from my perspective it's one of the most
10 important things that this inquiry can try to
11 address. I think there's kind of an old wives'
12 tale that there's a lot of money involved.
13 There's not, there's not a lot of new money
14 involved if it was properly managed. I think
15 that the current government made pretty good --
16 well, they did quite a lot for housing in the
17 past three or four years and it's made a
18 difference. We've had quite a drop in crime rate
19 in the BC, 10 percent higher than the rest of
20 Canada, 10 to 15 percent higher, and I think part
21 of it is the approach is to try to do better
22 dealing with addictions but there's just so much
23 more that can be done and there's a lot of people
24 out there that know how to do it and it's not as
25 daunting a task as I think it's been made out to

1 be.

2 MS. TOBIAS: Thank you, sir. Mr. Registrar and Mr.
3 Commissioner, I'm asking that the Evenhanded
4 document I referred to earlier be marked as the
5 next exhibit NR in these proceedings.

6 THE REGISTRAR: It will be Exhibit 212NR.

7 **(EXHIBIT 212NR: Document entitled Missing Women**
8 **Task Force, Project Evenhanded)**

9 THE COMMISSIONER: Thank you.

10 **RE-EXAMINATION BY MS. BROOKS:**

11 Q Mr. Bass, you were asked some questions about
12 this three-page proposal prepared by Mr.
13 Davidson. You recall that?

14 A Yes.

15 Q And you stated that there was two versions of
16 this proposal?

17 A I did, yes.

18 Q So I just want to get clear on what two versions
19 you're referring to. The first version is
20 contained in your affidavit attached at Exhibit
21 J?

22 A Correct.

23 Q And you should have before you what I understand
24 to be the second version?

25 A Correct.

1 Q And I just want to highlight what I see the
2 differences between the two versions are. So,
3 first of all, there's a document number on the
4 top of the page and that relates to a database
5 number that's provided to the document once it's
6 entered into the commission's database, so the
7 one begins VPD and other begins RCMP.

8 A My copy doesn't have RCMP but I accept that's on
9 the one you have.

10 Q Okay. Secondly, there's the footers are
11 different on the document?

12 A Yes.

13 Q So one states Keith Project Evenhanded Task Force
14 Proposal and the one that has VPD states
15 Profilers Case Files Task Force Proposal; is that
16 correct?

17 A That's correct.

18 Q An then the other difference between the two
19 documents is that the numbering in some places is
20 different?

21 A Yes, a different numbering scheme.

22 Q And as far as the content is concerned it's
23 exactly the same; is that right?

24 A I'm trying to do that right now -- it does appear
25 -- the content does appear to be the same.

1 Q I don't your evidence on that, it speaks for
2 itself, but these are the two versions you were
3 referring to?

4 A Yes.

5 Q The other area I want to ask you about is Mr.
6 Gratl asked you some questions about the Green
7 River killer investigation?

8 A Yes.

9 Q How long was that investigation carried out for?

10 A Well, I think as I testified this morning, I
11 thought it was 10 to 15 years but I have heard
12 since that it was 18 years.

13 Q Can you just tell us what the major differences
14 were between the Green River killer investigation
15 and the missing women investigation in terms of
16 the evidence that the investigators had to work
17 with?

18 A I'm certainly not an authority on the Green River
19 murders but I do have some information on it. My
20 understanding is that most of the bodies were
21 being found, some of them fairly recently at the
22 time after they were killed, some of them longer.
23 A lot of them were contained in one kind of
24 geographic area. I know that there was -- I am
25 aware that there was some physical evidence in

1 that case that was available.

2 MS. BROOKS: Thanks. Mr. Commissioner, could I have VPD
3 document, the proposal, marked as an exhibit
4 please.

5 THE COMMISSIONER: All right.

6 THE REGISTRAR: Is that non-redacted or is it already
7 redacted?

8 MS. BROOKS: I think it should be non-redacted.

9 THE REGISTRAR: 213NR.

10 **(EXHIBIT 213NR: Task Force Proposal)**

11 MS. BROOKS: I don't have any other questions.

12 THE COMMISSIONER: Thank you for coming and giving evidence.

13 **(WITNESS EXCUSED)**

14 MR. VERTLIEB: The only item for the agenda is Mr. LePard and
15 whether Mr. Ward has any questions for him
16 confined to that issue of the memo that came up
17 and I'm not sure if Mr. Ward has any questions.

18 THE COMMISSIONER: I see. Mr. Ward, do you have any questions
19 of Mr. LePard?

20 MR. WARD: Well, I'm trying to understand the purpose for
21 which the witness is here. I understood both you
22 and my friend Mr. Vertlieb to say last day that
23 if I didn't respond to Mr. Vertlieb by Monday
24 morning or something, or Tuesday morning, that I
25 would be obliged to put certain theories to

1 Deputy Chief LePard. If that's the purpose for
2 which he's being called then I'm more than
3 content to do that.

4 THE COMMISSIONER: I didn't say anything like that. Maybe Mr.
5 Vertlieb did.

6 MR. HERN: Sean Hern for the VPD. The reason Deputy Chief
7 LePard is here, Mr. Commissioner, is because at
8 the end of his testimony on Friday that fax had
9 come in with the bullet points. It was a fax
10 from Deputy Chief LePard to Gary Bass and that
11 was put to the Deputy Chief, he explained what it
12 was, and then you had an exchange with Mr. Ward
13 where you said do you need more time with this
14 document because if you want more time I'll give
15 it to you and he said yes. So that's why he's
16 here, that's the only reason he's here.

17 THE COMMISSIONER: All right.

18 MR. WARD: Well, my memory is different and it may be that I'm
19 too tired to recall properly what was going on
20 last day but I seem to recall my friend Mr.
21 Vertlieb and yourself, Mr. Commissioner, making
22 statements about comments I had made that
23 concerned you and that I better put those issues
24 to the Deputy Chief LePard. That's my
25 recollection of the exchange.

1 THE COMMISSIONER: I can't recollect that. My understanding
2 was that you had some questions you wanted to put
3 to him and I said if Mr. Ward wants him back then
4 we should have him back.

5 MR. WARD: I'm only saying this to be crystal clear. Mr.
6 Vertlieb clearly said I should reflect on my
7 position about my assertion that there has been a
8 cover-up perpetrated by the police here and
9 advise him if I was sticking with that --
10 indicate to him by Tuesday if I was going to
11 resile from that position and I'm certainly not.
12 I'm going to address it in my closing
13 submissions. But I inferred from the exchange
14 that I had some sort of obligation as far as my
15 friend Mr. Vertlieb was concerned to put this to
16 Deputy Chief LePard in the event he returned.
17 Now, I'm just trying to clarify if indeed that's
18 the basis upon which this witness is appearing
19 because it's not clear to me.

20 MR. HERN: I can speak to that, commissioner. Now Mr. Ward is
21 referring to two different issues that came up on
22 Friday. The first which is why Deputy Chief
23 LePard is back is to deal with that fax and that
24 interaction in August of 2010 between Mr. Bass
25 and Mr. LePard, if Mr. Ward had any questions.

1 It doesn't sound like he does.

2 The second issue which is completely
 3 separate is the issue I raised about whether you
 4 were going to require Darcy Sarra to attend here
 5 as a witness and what I was seeking on Friday was
 6 exactly the same decision that you gave in regard
 7 to recalling Deputy Chief Evans which is that I
 8 was asking you to order that Darcy Sarra would
 9 not be required to re-attend because absolutely
 10 no evidence has been put forward in support of
 11 this cover-up theory so they're just counsel
 12 allegations. In Deputy Chief Evans' case Mr.
 13 Ward was holding up the newspaper report from
 14 Ms. Hucheson in support as to why Deputy Chief
 15 Evans ought to be recalled and you said that
 16 wasn't enough. In respect of Darcy Sarra, we
 17 don't have that, all we have is Mr. Ward's
 18 allegations. He intends to argue those at the
 19 end of the day. I don't think any of us have any
 20 expectation of him withdrawing it. He can choose
 21 to argue that with no evidentiary foundation and
 22 that's fine, but in my submission without a
 23 positive evidentiary foundation there is no basis
 24 for his suggestion that Darcy Sarra should to be
 25 called and, indeed, I don't see any need for

1 Deputy Chief LePard to speak to any of these
2 issue s. There's no evidence of any cover-up.

3 THE COMMISSIONER: Do you have any comments, Mr. Vertlieb?

4 MR. VERTLIEB: I agree with Mr. Hern, thank you.

5 THE COMMISSIONER: You'll both deal with it in argument.

6 MR. VERTLIEB: That concludes our sessions.

7 MR. WARD: No, no, no. I ask then in light of the exchange

8 that Deputy Chief LePard take the stand so I may

9 ask him questions about the three-page note

10 document that has been marked as Exhibit 210 and

11 put a few questions to him to provide the

12 evidentiary foundation -- provide an additional

13 evidentiary foundation for my expected submission

14 that there has in this process been a concerted

15 effort by the police to leave certain facts

16 undisclosed, in effect, to cover them up and --

17 basically to reinforce the views that seem to

18 have exercised both you, Mr. Commissioner, and my

19 friend Mr. Vertlieb so much.

20 THE COMMISSIONER: I was only concerned because you said

21 something about the commission enabling it and I

22 took issue with that part about the commission

23 enabling it and I see no evidence of that.

24 That's what I was concerned with.

25 MR. WARD: I appreciate that, and I understood during the

1 exchange last day that there was a concern about
2 lack of evidence. Well, then let's have LePard
3 come back and I'll question him.

4 MR. HERN: If the premise is that he's going to ask some
5 questions about the August 2010 fax and Mr. Ward
6 may want to throw in a couple of additional
7 questions we'll see what they are when we get
8 there, but I don't have an objection to Mr.
9 LePard speaking. That's what he's here to do,
10 let's get it over with.

11 MR. WARD: Thank you.

12 **DOUG LEPARD: Resumed**

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

14 Q Could the witness be shown Exhibit 210, Mr.
15 Registrar.

16 Sir, I'm showing you three documents marked
17 collectively as 210. The first two are letters
18 and this is a fax apparently from yourself to the
19 previous witness, Deputy Commissioner Gary Bass.
20 Do you have the third document?

21 A Yes, I do.

22 Q Am I correct in assuming that the fax contains
23 your notes that you used for the purpose of
24 meeting with Mr. Bass just before you sent this
25 facsimile?

1 A Yes. Mr. Commissioner, I had a meeting with him
2 that morning and I brought notes with me which I
3 subsequently faxed to Deputy Commissioner Bass at
4 his request.

5 Q I just have a couple questions. At the bottom of
6 the passage on the first page, last bullet there,
7 you've written this: "Yurkiw said after reading
8 my report if they had the information the way I
9 organized it it was clear they could have solved
10 it. Just needed a sergeant in charge and a to-do
11 list." Do you see that?

12 A Yes.

13 Q Is that something Constable Yurkiw, now Chapman,
14 actually said to you?

15 A Yes. In 2010 I offered her the opportunity to
16 come in and read my report before we released it
17 to the public and she did do that. I met with
18 her and had a pleasant conversation with her and
19 she said words to that effect.

20 Q By solving it, I take it what you're saying is
21 that she told you that the Coquitlam RCMP could
22 have solved the case of the missing women much
23 earlier if they had a sergeant in charge and a
24 to-do list and knew the -- had the information
25 you had in an organized fashion. Is that what

1 she said?

2 A Mr. Commissioner, that's mostly correct. I think
3 in fairness what she was referring to was solving
4 the investigation into the information about
5 Pickton rather than the missing women case at
6 large.

7 Q At the bottom of the page under the heading
8 Paul's Advice -- you earlier indicated that was
9 Paul Patterson?

10 A Correct.

11 Q You've written this as your note: "Unless you
12 come out together with us you have to criticize
13 us which will just keep it alive. That's what
14 Coleman did with his jabs at my saying, 'This is
15 just one officer in the VPD saying this'. He
16 should take a more neutral stance and stop
17 shooting the messenger and he discredits himself
18 when he clearly hadn't read it." What does that
19 mean?

20 A Which part are you asking about?

21 Q All of it. What were you trying to convey there
22 in your note?

23 A I had a discussion with Paul and what we had
24 discussed is the -- quite a bit of attention had
25 been paid to Mr. Coleman's remarks very shortly

1 after we released our copy of the report.

2 Q Did Coleman criticize you, is that what you're
3 referring there in that note?

4 A Yes.

5 Q Over on the next page you've written: "There are
6 MANY stories within the story that they can keep
7 this alive with just like the Leah Best story
8 that just came out. I gave the info to the
9 Burnaby RCMP." Do you see that?

10 A Yes.

11 Q "All the stories will circle back to 'It could
12 have been solved earlier '." I take it what
13 you're saying in that couple of passages is that
14 no matter how you look at this, no matter what
15 aspect of it you look at, it's all going to come
16 back to a conclusion that the case of the missing
17 women could have been solved earlier than it was;
18 is that right?

19 A First of all, Mr. Commissioner, Mr. Ward has
20 several times said what you have said here, what
21 you are saying there, et cetera. Just to be
22 clear, these were notes that came out of a
23 discussion with Paul Patterson, our media person,
24 and it was based on his advice. I had gone to
25 him and got his advice about how this was going

1 to go and related that to Deputy Chief Bass.
2 They're not my words, although I've written them
3 down there. What he was referring to there which
4 I agree with is Mr. Patterson had read my report
5 sometime before and, as you know, there are so
6 many stories within that report -- I mean, this
7 is something that occurred from 1997 to 2002 so
8 there's a big story there but there are many,
9 many smaller stories there as well, all of them
10 worthy of attention, and that's what is being
11 referred to there, the story about Leah Best that
12 is one of the stories that came out and got media
13 attention. There were many others.

14 Q Am I correct in inferring what you have written
15 after conferring with Paul Patterson is that
16 whatever stories come out of the main story which
17 is the way the investigations were conducted,
18 they're all going to lead to the conclusion that
19 the case could have been solved earlier?

20 A That is one of the conclusions, yes. That was
21 one of my conclusions so it's not a surprise.

22 Q A couple of bullets down you say: "We have been
23 complimentary and it will defuse things if you do
24 the same," and that's put in the form of a
25 suggestion that you had made to Deputy

1 Commissioner Bass; is that right?

2 A Again, that is a comment/advice from Mr.
3 Patterson which I agree with, and yes, the whole
4 discussion was about we had this accelerated
5 release of the report. There was obviously a
6 media frenzy about it after the *Victoria Times*
7 got a copy of their report released, their big
8 story on August 20th, and of course the public
9 expects us to communicate and coordinate and what
10 we wanted to do was focus on real issues rather
11 than generate conflict in the media that wasn't
12 in anybody's interest including the public
13 interest and our interest in there being
14 confidence in the police. The fact is there had
15 been many, many positive changes in the VPD and
16 the RCMP since the events in question and we
17 wanted to focus on that and that's certainly what
18 we attempted to do when we had our press
19 conference and released our report and I think
20 that recording of that will show that and that
21 was a press conference we had hoped to do jointly
22 with the RCMP but unfortunately that just didn't
23 work out.

24 Q This phrase, "it will defuse things," you and
25 Patterson spoke about this concept of defusing

1 things, you wrote the words down. What things
2 were you wanting to defuse?

3 A Again, what we wanted to do was focus on what we
4 had learned from the investigation and how we had
5 improved and gone forward and not generate
6 conflict. I don't think that it will come as any
7 surprise to anyone that the media tends to like
8 to focus on conflict that is created and we
9 didn't think that that was in the public interest
10 in terms of confidence in the police so we wanted
11 to defuse that. Whenever we can coordinate
12 messages which we do on a routine basis on a wide
13 variety of issues, then that generates less
14 conflict.

15 Q The report referred to in this document and in
16 your evidence as your report is of course Exhibit
17 1 that was tendered the first day of this public
18 inquiry; correct?

19 A Yes, that's my understanding.

20 Q I see Mr. Registrar is helpfully putting that in
21 front of you. Sir, where in this 407-page
22 document that took you eight years to prepare do
23 you mention Piggy's Palace? Anywhere?

24 A First of all, I want to correct the information
25 you provided in that question. I started working

1 on this report in November of 2003 and I had
2 finished a draft of it and was back to work in
3 April of 2004. So I certainly starting in the
4 fall of 2002 was spending a lot of time off the
5 side of my desk reading documents but it didn't
6 take me eight years to write the report. I wrote
7 it in about four months.

8 In terms of your question about where it
9 mentions Piggy's Palace I don't recall that I
10 ever mentioned Piggy's Palace in there. I don't
11 think I did. I think I would remember that.

12 Q Where do you mention the Hells Angels? Anywhere?

13 A Yes. I think there is mention of the Hells
14 Angels in some of the debrief information. I
15 think that there's a number of times it's
16 mentioned. It's mentioned in the context of Lisa
17 Yelds and that she had the ashes of a notorious
18 biker on the mantle in her home, there was a book
19 that had been written about this person by a
20 *Vancouver Sun* reporter, there is mention of her
21 being tightly associated to bikers. I think
22 there is other mention of bikers if not the Hells
23 Angels.

24 Q There is mention of bikers. I'm inviting you,
25 because you probably know this work better than I

1 do, where you mentioned the phrase Hells Angels,
2 if anywhere?

3 A I don't remember whether I used those words. In
4 terms of outlaw motorcycle gangs in British
5 Columbia, especially during that time, there is
6 only one game in town, that is the Hells Angels.
7 I believe I do mention the words Hells Angels but
8 I would stand to be corrected.

9 Q Sir, you knew all about Project Nova that was
10 running from 1989 to 1998, that the police were
11 monitoring Hells Angels activities by the
12 infiltration of an agent, by extensive wiretaps
13 and extensive surveillance, didn't you?

14 A Mr. Commissioner, in 1996 to 1998 I was the
15 sergeant in charge of our Domestic Violence and
16 Criminal Harassment Unit. I didn't have any
17 connection at all with provincially led
18 investigations that were going on. I am
19 generally familiar with the Lising and Peres
20 investigation because I followed it in the media,
21 I knew people involved in the investigation. It
22 was a notorious investigation because it was the
23 first time in many years that a couple of full
24 patch members had been convicted. I saw Mr.
25 Lising's picture in the *Sun* about three days ago

1 because he has just been released on parole. I'm
2 familiar with it generally but I didn't have any
3 information anybody in the public wouldn't have
4 had monitoring the news media.

5 Q You made no effort in gathering the documents you
6 gathered and conducting the research you
7 conducted to make any inquiries about whether the
8 police monitoring activities had uncovered
9 evidence of the activities that were occurring at
10 Piggy's Palace involving the Picktons, the Hells
11 Angels and sex trade workers, did you, sir?

12 A Mr. Commissioner, other than the information that
13 suggested that there were biker types that hung
14 out on the property and were associated with it,
15 in all the thousands and thousand of pages of
16 documents that I reviewed and people that I
17 interviewed, there was never any suggestion in
18 the context Mr. Ward has suggested of there being
19 any connection whatsoever to the Hells Angels, to
20 outlaw motorcycle gangs, to an investigation that
21 was going on simultaneously, how that might have
22 affected the Coquitlam investigation, there was
23 none of that. So there was no reason for me to
24 look for that because as far as I was concerned I
25 was gathering ever single document available to

1 me that touched on this investigation.

2 Q You didn't seek the product of the intelligence
3 operations that were being conducted in 1996 and
4 onwards that were directed at the Hells Angels
5 organization and their activities in Port
6 Coquitlam, did you?

7 A Again, Mr. Commissioner, I would have no reason
8 to and I don't know there were any investigations
9 that were focused on the activities of the Hells
10 Angels in Port Coquitlam.

11 Q When you were here the first time I showed you
12 Exhibit G and you confirmed you read Stevie
13 Cameron's book called *On The Farm* and that you
14 found some errors in it, right? Do you recall
15 that?

16 A I did read her book.

17 Q You found no errors in the chapter she devotes to
18 Piggy's Palace, the Hells Angels and the parties
19 that involved them and the Picktons, right?

20 A I don't know but I probably wouldn't know if
21 there were errors in that area of the book
22 because I'm not familiar with any investigations
23 into the Hells Angels, if there were any, or any
24 association with the Picktons or Pickton
25 property.

1 Q I put to you, sir, in the course of preparing
2 your 407-page Missing Women Investigation Review
3 which you released in August 2010 after
4 commencing it in I understand November 2002 -- is
5 that right?

6 A I started doing my review in the fall of 2002.
7 When I say started, I started reading documents.
8 I didn't put pen to paper until late 2003.

9 Q You started your review in the fall of 2002 and
10 you accomplished published your findings in 2010;
11 correct?

12 A Yes, that's correct.

13 Q I put it to you, sir, that you deliberately
14 refrained from mentioning Piggy's Palace, the
15 notorious hangout owned by the Pickton brothers
16 where sex trade workers from the Downtown
17 Eastside partied with them and the Hells Angels
18 and took drugs and you deliberately did not
19 mention the Hells Angels by name to avoid the
20 difficult questions that would surely ensue, that
21 the families and members of the public might have
22 of how in the world if the Hells Angels were
23 active on Picktons properties and they were being
24 monitored did the police miss it, right? I put
25 that to you. I suggest that's why you omitted

1 any references to Piggy's Palace and the Hells
2 Angels.

3 A That's a pretty long-winded question. I will try
4 to be responsive to it.

5 Q I will be shorter. I will try again. All right.
6 I hear your two lawyers objecting over there so
7 go ahead.

8 A First of all, Mr. Commissioner, I think it's been
9 pretty clear, this is my 14th day of hearing at
10 the inquiry, I haven't been constrained in any
11 way in what I write, and secondly, the tough
12 questions I have been willing to answer and I've
13 answered all questions so I don't think it is
14 realistic to suggest I was worried about tough
15 questions on any subject whatsoever.

16 Secondly, as I've already said, there was no
17 information that I came across to suggest any
18 linkage with the Hells Angels or bikers, other
19 than the fact that they were some of the people
20 that apparently liked to party on the Pickton
21 property and wherever I came across that
22 information, it is included in my report in terms
23 of the debriefs from various witnesses such as
24 Hiscox, Caldwell and others that talk about the
25 type of people at the property. Hiscox talks

1 about Lisa Yelds's relationship with the Hells
2 Angels and so on, so the assertion Mr. Ward has
3 made is completely false in every respect.

4 Q In the course of that answer you said you did
5 learn that the Hells Angels partied at the
6 Picktons' property?

7 A What I said, Mr. Commissioner, was any
8 information there was in the debriefs about them,
9 if they were going to the property and whatever
10 association, it is included in the report but my
11 evidence is that there was nothing significant
12 about that. I'm not aware of any investigation.
13 I'm not aware of any connection to the Hells
14 Angels except that I believe there's information
15 in debrief reports that, number one, Lisa Yelds
16 was a bikers, associated with the bikers, and
17 two, that there were bikers that may have partied
18 there. I think that information is included in
19 the de-brief of certain witnesses or informants.
20 But beyond that I never came across any
21 information and to this day I am not aware of any
22 information that connects the Hells Angels to
23 this Pickton investigation.

24 Q And you're not aware of it because you haven't
25 made the probing inquiries and conducted the

1 search of the documents that would have been
2 generated as a result of the intelligence
3 operations directed against the members of the
4 motorcycle gang; correct?

5 A Mr. Commissioner, there was nothing in my review
6 of the investigation, interviewing the witnesses,
7 reviewing the Williams report in which he had
8 interviewed many RCMP members or anything else
9 that I have ever seen to this day that suggested
10 that there would be a basis for doing that and my
11 understanding of other witnesses who have been
12 interviewed, given evidence at this inquiry, I
13 still have not heard a single word that suggests
14 that there is any basis for this assertion. I
15 heard some of then Inspector Moulton's evidence
16 that he didn't even know the names that you were
17 putting to him of these bikers that were being
18 investigated during that time.

19 Q I'm looking for a direct answer. You didn't once
20 you learned of the biker connections with the
21 Picktons and their associate Lisa Yelds, you
22 didn't go to any of the police officers who had
23 been in charge of the intelligence operations
24 directed at the Hells Angels motorcycle club to
25 ask probing questions about what they had found

1 in their surveillance, their wiretaps, or the use
2 of their agents that would shed light on what the
3 Hells Angels, the Picktons and the sex trade
4 workers were doing together at Piggy's Palace,
5 did you, sir?

6 A Again, Mr. Commissioner, part of that long
7 question was that once I learned of the
8 connections between the Picktons and the Hells
9 Angels and the fact is I did not learn of any
10 connections between Hells Angels and the Picktons
11 so the whole premise of the question is a false
12 one. I didn't make those inquiries because there
13 was nothing to suggest there was any merit in it
14 and, again, I've not heard to this day from any
15 witness that there is any merit to those
16 suggestions and what I found in my review is that
17 although it is a long and involved story, the
18 answers are much simpler and much more mundane
19 than a grand conspiracy of suppressed
20 investigations or anything like that and I think
21 that you have heard the evidence about the
22 miscommunications and missteps along the way that
23 have accumulated into the problems that occurred
24 in this investigation, but I did not find any
25 information to support Mr. Ward's theory of some

1 sort of conspiracy to suppress RCMP
2 investigations to benefit one at the expense of
3 another or anything like that.

4 Q I haven't suggested anything of the sort, sir.
5 Let me start again with a pretty simple question.
6 Based on the evidence of, among others, former
7 Deputy Commissioner Bass, based on common sense
8 and your own experience as a police officer, you
9 know that police investigators in this province
10 keep close tabs on members of the Hells Angels
11 motorcycle club, don't you?

12 A Well, I'm going to respond --

13 Q Yes or no?

14 A I'm going to respond to the first part of Mr.
15 Ward's question, that he has never suggested
16 that, and I will clarify that I have heard Mr.
17 Ward purring certain things to witnesses about
18 sacrificing one investigation not to compromise
19 another, so I don't accept what he has said.

20 The second part, yes, I do know that the
21 Hells Angels are a crime group in this province,
22 that although I've never been involved in an
23 investigation of Hells Angels, there are units
24 that do focus on them, like one of the more than
25 100 crime groups that exist at any one time in

1 British Columbia and they are certainly a serious
2 one, but my knowledge is a general knowledge in
3 policing, not a specific one other investigations
4 I've read about like Project Nova or Project
5 Pandora which I have a general understanding of.

6 Q Let me ask you a question that will undoubtedly
7 elicit another lengthy answer but I'll take my
8 chances. How in the world could 48 members of
9 the East End chapter of the Hells Angels
10 motorcycle club show up to a party on New Year's
11 Eve at Piggy's Palace, the Picktons' illegal
12 booze can, ready to party, with the infamous Tony
13 Terezakis there to provide security and the
14 police not know anything about it?

15 A Well, Mr. Commissioner, the premise of the
16 question is that the police didn't know anything
17 about it. I don't know if that's true or not
18 because that wasn't part of my work. But there's
19 a difference between knowing about it, having
20 intelligence about it and actioning it. Police
21 resources are scares and if the suggestion is
22 there would have been surveillance or wiretap
23 going on for that, then no, you would have to
24 have much more than that to ask me about in terms
25 of a particular investigation. But in any case,

1 I would not be familiar with it because I was not
2 familiar with any investigations that may or may
3 not have been ongoing into the Hells Angels at
4 that time.

5 Q I'll tell you what my clients have inferred from
6 their participation in this process. They've
7 inferred that their loved ones were taken from
8 the streets of the Downtown Eastside, were taken
9 out to Piggy's Palace, they were plied with
10 illegal narcotics there, they were used and
11 abused by the Picktons and/or their associates,
12 and then many of them were killed.

13 A What I can say to that, Mr. Commissioner, is that
14 I think that it's -- I feel very badly for the
15 victims' families having these unresolved
16 questions in their mind that they have been
17 misled that way, because I'm not aware of a
18 single shred of evidence that supports that
19 theory and the evidence is to the contrary so I
20 feel very bad for them.

21 Q You tell me what happened to their loved ones if
22 you know. Do you know?

23 A There was a trial and there was considerable
24 evidence heard and I think --

25 Q No, no. You tell me what happened to them. I

1 don't want to hear about the trial, we all know
2 what the trial said. The jury concluded that
3 Pickton acted in concert with somebody else and
4 convicted him of six counts of second degree
5 murder. That's what happened, right?

6 A Mr. Commissioner, jury deliberations are secret.
7 We don't know that he acted in concert with
8 someone else and my understanding of the evidence
9 does not assert Mr. Ward's assertion.

10 Q They ask a question at the end of the trial that
11 made it clear that that's the presumption they
12 were acting on, didn't they, sir?

13 A I don't know that to be true.

14 Q Well, at the end of the day, the end of your
15 lengthy investigation, the creation of your
16 report, you don't know what happened to my
17 clients' loved ones, nor do they. That's where
18 we're left; right?

19 A Well, I think that in my report and in my
20 evidence I have described in some detail what I
21 believe occurred and what the information shows
22 in terms of the evidence about it. I think that
23 I should defer to the investigation that was
24 conducted by Project Evenhanded and the evidence
25 that was led at trial in a very lengthy and

1 complex trial and that evidence is a matter of
2 record. My review was not an investigation, it
3 was a review of the investigation and the conduct
4 of that information up until the point of Mr.
5 Pickton's arrest in February of 2002.

6 Q You deliberately put the blinkers on and avoided
7 looking at whether any police organization had
8 intelligence records in their files, from the use
9 of their agents, from wiretaps or surveillance
10 indicating that they knew that sex trade workers
11 from the Downtown Eastside were partying with the
12 Picktons and the motorcycle --

13 THE COMMISSIONER: Don't answer that.

14 MR. HERN: Leaving aside the tone of that question, it has
15 been asked at least seven times. It is four
16 o'clock and we should move on.

17 MR. WARD: I have one last thing.

18 Q You know John Boddie from his days with the
19 Vancouver Police Department?

20 A Yes. I was working for him in his last
21 assignment.

22 Q You spent 16 years on the force together?

23 A No.

24 Q How many?

25 A Well, that was in 1988 I believe, so I had about

1 seven years service on the force. I don't think
2 that I had ever met him until I went to the
3 Strike Force in about 1988 and he was briefly my
4 sergeant and then left for another opportunity,
5 so I barely knew him and certainly didn't know
6 him before I got to the Strike Force.

7 Q Since this commission was established in
8 September 2010 did you have any communications to
9 or from him?

10 A Yes. I had many, many requests from Mr. Boddie
11 and from the inquiry staff generally for
12 information and I did everything I could to be
13 responsive to those requests and many of them
14 came from Mr. Boddie.

15 Q Did you have meetings with him?

16 A I had one meeting with him and Deputy Evans at
17 VPD headquarters.

18 Q Let me try to understand something. Why did you
19 have many communications with the executive
20 director of this commission given that you are
21 simply a witness at the hearings? What was the
22 purpose of that?

23 A Well, I was also the key point person for the
24 VPD. I had a lot of knowledge about the case and
25 could usually expedite requests for certain

1 information. One example was for copies of the
2 missing women reward poster, could I tell them
3 where to find that, did I have a copy, that sort
4 of thing. So they were fairly mundane
5 informational requests and I had committed to
6 doing everything I could to help this inquiry be
7 successful including answering any requests from
8 commission counsel, from Mr. Boddie, from Deputy
9 Chief Evans so I received requests from all of
10 them.

11 Q Did you and Mr. Boddie exchange e-mails about the
12 work of this commission?

13 A Well, we only exchanged e-mails about he had
14 requests for me and I would respond to them.

15 Q It sounds like you worked closely with Mr. Boddie
16 in getting evidence ready for this commission's
17 hearings; right?

18 A I would not say, Mr. Commissioner, that I worked
19 closely with him. I did receive many e-mail
20 requests which we tracked. We actually had a
21 superintendent assigned who was tracking each of
22 the requests and then our response to make sure
23 that we didn't let anything slip between the
24 tracks. Often the requests, even if they didn't
25 come to me first would come to me at some point

1 because they knew that I had extensive knowledge
2 about the case. Many of them I responded to
3 personally but they were requests for
4 information, for documents and so on.

5 Q I just want it crystal clear on the record. You,
6 a witness, had many, many communications with the
7 executive director of this commission concerning
8 evidentiary issues. That's correct, isn't it?
9 That's what you've said?

10 A I'm not sure what you mean about evidentiary
11 issues. I had requests from commission counsel
12 and from Mr. Boddie and from Deputy Chief Evans.
13 I don't know what "many, many" means but
14 certainly there was a number of them, requests
15 for information to assist the inquiry, and they
16 ranged, like I say, from do you have a copy of
17 the missing women poster to who do we speak to
18 about arranging for adequate security for this
19 courtroom should there be any problems. I was
20 simply the go-to person in the VPD for any
21 requests the inquiry might have and we had
22 pledged our full cooperation to commission
23 counsel. Some of those requests came from Mr.
24 Boddie but they were all of a similar vein.

25 Q And of course throughout this period of time you

1 were communicating directly with the executive
2 director of this commission, the Vancouver Police
3 Department of which you're a senior member was
4 represented by lawyers; right?

5 A Yes, and that's why every request I received I
6 would copy to our counsel so that they would be
7 in the loop and if there were any concerns they
8 would raised them.

9 Q There's no doubt about it, you had direct
10 communications back and forth with Mr. Boddie?

11 A I had some direct communication back and forth
12 with Mr. Boddie, requests for information that I
13 could assist with.

14 MR. WARD: Mr. Commissioner, I apply for copies of all the
15 communications that passed between this witness
16 and Mr. Boddie. I apply for an order directing
17 that they be disclosed to me.

18 MR. HERN: I think it's really the commission's place to
19 object but allow me to comment that I don't see
20 any relevance he has elicited from this witness
21 that he served in both an administrative capacity
22 in terms of trying to get your organization the
23 information that it was demanding including --

24 THE COMMISSIONER: I want to hear commission counsel.

25 MR. HERN: That's all that he's testified to is providing

1 documents. You'll recall that period of time
2 where we were working very hard to get those
3 documents.

4 MR. VERTLIEB: I think Mr. Hern has said it accurately. I
5 agree.

6 MR. WARD: If the e-mails were innocuous --

7 THE COMMISSIONER: Well, no.

8 MR. WARD: Mr. Commissioner, may I finish my submission
9 please. If they're innocuous there should be no
10 objection to producing them. This issue goes to
11 the integrity of this process. This is supposed
12 to be an independent public inquiry and with
13 respect, as you well know from your reading of
14 the newspapers, the integrity of the commission's
15 process has been called very much into question
16 by the media and it has to do with Mr. Boddie's
17 role. As executive director some may question
18 why he should be dealing directly with a witness
19 about evidence when the witness is represented by
20 counsel. It's unusual and, as I say, there
21 should be no objection in a transparent public
22 process like this to producing the records of the
23 communications between Deputy Chief LePard and
24 former Executive Director Boddie so any questions
25 about the process's integrity can be resolved and

1 so I ask for an order.

2 THE COMMISSIONER: Mr. Hern.

3 MR. HERN: There's no relevance to that request whatsoever.

4 As you know, there's no basis for counsel to
5 demand production of all the work the commission
6 has done to get this underway. There's no basis
7 at all. Most people would think that not having
8 every time go through counsel in order to get any
9 request answered is more transparent rather than
10 less and there's simply no basis for Mr. Ward
11 trying to create some kind of last gasp
12 conspiracy out of this witness's evidence about
13 how he obtained documents and assisted this
14 commission to get its work done. In my
15 submission that request should be rejected.

16 THE COMMISSIONER: It's a classic case of setting up a straw
17 man and trying to knock it down. There's
18 absolutely no evidence that Boddie or anybody did
19 anything improper here. To rely on some
20 newspaper report to justify a submission is
21 something that is contrary to any kind of basis
22 for producing any documents. If there's any
23 relevance to producing the documents I would
24 order them but to -- the answers that the witness
25 gave do not form any basis at all, none. There

1 have been suggestions made but those suggestions
2 have been rejected. If there was any evidence of
3 that I would order them but there isn't. There's
4 a lot of suggestions but the answers haven't
5 complied with what counsel wants the witness to
6 say. It's as simple as that. I'm not going to
7 order any kind of -- I'm not going to make any
8 order for disclosure where there's no basis for
9 doing it and it's simply not relevant.

10 MR. WARD: Thank you.

11 Q I put to you, sir, that you and your former boss,
12 John Boddie, former executive director of this
13 commission of inquiry, collaborated together to
14 manage the evidence that would be adduced at this
15 inquiry and you, sir, deliberately avoided the
16 following question: Did the police know that sex
17 trade workers from the Downtown Eastside were
18 partying at Piggy's Palace with Hells Angels
19 before February of 2002?

20 THE COMMISSIONER: There are two questions there. One
21 concerns the collaboration; the other is did they
22 know about sex trade workers going out to Piggy's
23 Palace, so you better break it down.

24 MR. WARD:

25 Q Thank you. You've already answered about your

1 work with Mr. Boddie so I'll just give you the
2 second part. I put to you that you deliberately
3 avoided answering this question when you prepared
4 your report. Did the police know that Downtown
5 Eastside sex trade workers like my clients' loved
6 ones were partying at Piggy's Palace with the
7 Picktons and Hells Angels prior to February 2002;
8 do you agree?

9 A Mr. Commissioner, no, I don't agree. It's false.
10 I didn't limit myself in any way. I did what a
11 good investigator does which is follow the
12 evidence. All the documents that I reviewed,
13 every single page are available to this inquiry.
14 I summarized them in a very lengthy spreadsheet
15 over 100 pages to make it easy for anyone to look
16 at. There was no information to suggest what Mr.
17 Ward is suggesting and I did not ignore any
18 information about any issue at all. I wrote
19 about what I found in my review.

20 MR. WARD: Thank you those are my questions.

21 THE COMMISSIONER: Thank you.

22 **CROSS-EXAMINATION BY MR. HERN:**

23 Q I'll just ask a couple questions arising, sir.

24 Do you have Exhibit 1 in front of you Mr. LePard?

25 A I do.

1 Q Could you go to page 75, please. On the
2 right-hand three paragraphs down, you're reciting
3 information that you had obtained that Corporal
4 Connor had written about?

5 A Yes.

6 Q It states that Ms. Hyacinth describes Yelds as a
7 heavily tattooed biker who fixes her Harley
8 Davidson in her front room?

9 A Yes.

10 Q That's a reference to her association as a biker?

11 A Yes.

12 Q Then over two pages to page 77, referencing
13 Detective Constable Shenher's notes in the
14 left-hand column, three paragraphs down from the
15 top: "Source did go further into Lisa Yelds'
16 biker contacts than he had with me because Connor
17 was much more familiar with the players than I
18 was." So that is a reference as you indicated
19 that there was you recalled references to biker
20 connections in the source information?

21 A Yes. That's where it's written about the ashes
22 that she kept in her home of a notorious biker.

23 Q Page 117, the bottom right paragraph referencing
24 information that Detective Constable Chernoff and
25 Detective Constable Lepine obtained from Caldwell

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I hereby certify the foregoing to
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