

Vancouver, B.C.

May 24, 2012

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

THE REGISTRAR: Order. The hearing is now resumed.

THE COMMISSIONER: Yes.

MS. BROOKS: Mr. Commissioner, this morning we have Keith
Davidson --

THE REGISTRAR: Your microphone.

MS. BROOKS: -- giving evidence by Skype, but Mr. Hern wishes
to address you first.

THE COMMISSIONER: All right. Thank you.

MR. HERN: Mr. Commissioner, just briefly. Rarely have we
raised any issues with media coverage of evidence
in this inquiry, but given the evidence yesterday
of Gary Bass and the evidence that we have today
this issue deserves comment, and there was a
Canadian Press report that was out yesterday and
today stating that Gary Bass's testimony was to
the effect that at the time in '99 or 2000
Vancouver Police still believed the women had
simply gone missing on their own even though the
RCMP thought foul play was involved as far back as
1995.

THE COMMISSIONER: Yes.

MR. HERN: Mr. Bass contacted me last night concerned about

1 that kind of misrepresentation to say that he had
2 never said and never would say any such thing.

3 THE COMMISSIONER: All right.

4 MR. HERN: And I just want to put it on the record that that is
5 a gross misrepresentation of the evidence, and I
6 just leave it at that.

7 THE COMMISSIONER: Mr. Peck.

8 MR. PECK: Thank you.

9 THE REGISTRAR: I'm sorry. Counsel, if you wish to be on
10 screen, you can come up and speak right here so
11 that Mr. Davidson could see you, if you wish.
12 It's up to you.

13 MR. PECK: He'll see me soon enough. I endorse what has been
14 said by Mr. Hern on behalf of Mr. Bass.

15 THE COMMISSIONER: Okay. No, I understand that, and so maybe
16 you can prepare something to that effect. I don't
17 know if it's really necessary. It's a media
18 report, and there's no jury here, and it's our
19 collective notes and recollection that really
20 count at the end of the day as opposed to what's
21 reported in the media.

22 MR. PECK: Thank you.

23 THE COMMISSIONER: All right. Thank you.

24 MS. BROOKS: Mr. Giles, do you want to affirm the witness,
25 please.

1 THE REGISTRAR: Yes. Good morning, Mr. Davidson.

2 A Good morning.

3 **KEITH THOMAS DAVIDSON: Affirmed**

4 THE REGISTRAR: Would you state your name, please.

5 A Keith Thomas Davidson.

6 THE REGISTRAR: Thank you. Counsel.

7 **EXAMINATION IN CHIEF BY MS. BROOKS:**

8 Q Now, Mr. Davidson, you should have -- I hope you
9 have your "will say" statement before you.

10 A I do.

11 Q And you've reviewed that?

12 A I have, yes.

13 Q Can you confirm that it's accurate?

14 A I can with one small amendment.

15 Q Okay. What amendment?

16 A At paragraph number 3 at the fifth line, which
17 says, "...Section. From September 1998," the date
18 should actually be 1988.

19 Q Okay. And other than that correction is the "will
20 say" accurate?

21 A Yes, it is.

22 MS. BROOKS: Mr. Commissioner, you should have a copy of the
23 "will say" as well.

24 THE COMMISSIONER: I do.

25 MS. BROOKS: And I'd like it marked as an exhibit, please.

1 THE COMMISSIONER: All right. Does everybody have a copy?

2 MS. BROOKS: Yes. It was circulated to counsel yesterday.

3 THE REGISTRAR: That will be Exhibit No. 214.

4 (EXHIBIT 214: Will Say of Keith Davidson)

5 MS. BROOKS: Mr. Commissioner, I just have a couple questions
6 for the witness, but just by way of introduction
7 I'll just briefly review what his evidence is.
8 Obviously we have the detailed "will say", so I
9 don't propose to get into much detail about it,
10 but Mr. Davidson is a retired inspector with the
11 RCMP, and during our terms of reference he was
12 practising as a criminal profiler. He was
13 providing advice for investigations that involved
14 sexual violence to different police agencies in
15 Canada and the US, and around March of 1999 he
16 started working with the missing women
17 investigators by providing them with profiling
18 assistance for the missing women cases. He
19 completed a case assessment report in June of 1999
20 called Project Orion, and you've seen that, Mr.
21 Commissioner. He also attended meetings with the
22 Vancouver Police missing women investigators to
23 brainstorm investigative strategies, and it was a
24 result of one of those meetings in February,
25 February 10th, 2000, that he agreed to recommend

1 to his supervisor, Gary Bass, that a JFO be
2 established, and then that meeting occurred on
3 March 10th, and you've heard about that meeting
4 yesterday by Mr. Bass, and Mr. Davidson has a
5 different view of certain aspects of that meeting,
6 and Mr. Davidson approached the commission because
7 he wanted to give you his perspective of that, and
8 the details of that is set out in his "will say"
9 at paragraphs 27 to 35, and I'll just briefly
10 highlight for you what he says there. So he says
11 that the purpose of the meeting, this is his
12 evidence, was to bring forward a recommendation
13 for a JFO that would assist, among other things,
14 the Vancouver investigators with their missing
15 women investigation. He says that he prepared a
16 written proposal for that meeting. He says that
17 he referred to that proposal at the meeting and
18 that he would have given Mr. Bass a copy either
19 before or after. He says that he believed that
20 intensifying resources for the Valley murders
21 investigation was one of many avenues that should
22 be pursued, an important one but one of many, and
23 he says that Superintendent Bass, who he was at
24 that time, declined his recommendation for a JFO
25 in the way that he envisioned it, and one factor

1 was resources.

2 Q And, Mr. Davidson, I just want to ask you just a
3 couple questions. First of all, can you tell us
4 the difference between a criminal profiler and a
5 geographic profiler? We've heard evidence from
6 Mr. Rossmo that he was a geographic profiler.
7 What are the differences between those two
8 different expertise?

9 A The geographic profiler's primary objective is to
10 try to identify something that they call an anchor
11 point, which is the location where the offender is
12 likely to be found if we're looking for them,
13 where criminal profiling is -- largely focuses on
14 the characteristics and traits as it's applied in
15 this type of circumstance, so we attempt to give a
16 description of the offender in terms of
17 personality characteristics and behavioural traits
18 that might help the investigation narrow down a
19 large person of interest list to a narrow or more
20 focused list.

21 Q Okay. Thank you. And could you turn to what's
22 Appendix "M" of your "will say", which is the
23 three-page proposal?

24 A Yes.

25 Q At the bottom of the proposal there's a footer,

1 and it states -- it has -- it's the file name. It
2 says "Keith/Project Evenhanded/Task Force
3 Proposal". We know that your evidence is that
4 this proposal was presented in March of 2000 and
5 Evenhanded wasn't established at that time. Can
6 you tell us how that footer came to be on this
7 document?

8 A It was my practice at the time to build into Word
9 Perfect options to include the path where the file
10 was saved. Unfortunately what happens is it
11 updates that file path any time you open and
12 re-save the document. We had -- I'd moved offices
13 in about 2003 from the office I had in the
14 headquarters in Vancouver on 37th and Heather to
15 our new office space out in Surrey. We
16 re-established the file path, if you like, or the
17 directory structure on the network, so we were
18 copying files from one network onto laptops and
19 then from laptops over to the network, so this one
20 and I understand there was another version with a
21 different file path on it, and that's the result
22 of the files being moved back and forth between
23 different storage locations over the years.

24 Q Thank you. Yesterday we heard from Mr. Bass that
25 much of what you were proposing in this

1 recommendation was already being done. Can you
2 comment on that for us?

3 A I guess it's a matter of degree in terms of how
4 much it was being done. Certainly there was
5 efforts on the part of Vancouver Police to do some
6 of the investigative strategies I was suggesting,
7 such as compiling information on potential persons
8 of interest and so on. The difference -- I think
9 the point that I was attempting to make with this
10 proposal was that they were suffering from
11 inadequate resources. They didn't have enough
12 people or enough technology, for that matter, to
13 adequately cover the amount of work and the scope
14 that I was recommending.

15 MS. BROOKS: Okay. Mr. Commissioner, I don't have any more
16 questions for Mr. Davidson.

17 THE COMMISSIONER: All right.

18 MS. BROOKS: I note that you have some time allocations I think
19 you might want to speak to.

20 THE COMMISSIONER: All right.

21 MS. BROOKS: So I'll just hand it over to you to do that.

22 THE COMMISSIONER: All right. The following are the
23 allocations of time: Mr. Ward 45 minutes, Mr.
24 Gratl 30 minutes, Ms. Narbonne 15 minutes, Mr.
25 Hern or Dickson 10, Ms. Tobias 10, Mr. Peck and

1 Ms. Chu 30.

2 MR. GRATL: In Mr. Ward's absence, Mr. Commissioner, and with
3 your leave I'll just proceed next then.

4 THE COMMISSIONER: Sorry?

5 MR. GRATL: I'm content to go next.

6 THE COMMISSIONER: All right. That's fine.

7 MR. GRATL: Mr. Ward has yet to arrive.

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

9 Q Mr. Davidson, my name is Jason Gratl. I am
10 counsel for Downtown Eastside interests, including
11 the interests of sex workers and drug users. I'm
12 attempting to convey their perspectives. I take
13 it you were involved effectively at almost every
14 stage in the various different investigations?

15 A I -- involved. I was -- I was -- I attended
16 meetings at different stages of the investigation,
17 and I was asked to provide advice at different
18 points along the investigation. I certainly --
19 and I did do that, but I was not involved largely
20 in the -- in the overall general investigation
21 that Evenhanded became.

22 Q Okay. We've heard evidence that you were involved
23 in the Missing Persons Working Group that Kim
24 Rossmo tried to set up. Is that correct?

25 A Kim Rossmo had approached me to ask me if I would

1 participate and provide advice to that working
2 group, so I was not to be a member of the working
3 group but simply a consultant to that group, and I
4 had agreed to do that; however, the working group
5 had disbanded prior to me actually providing any
6 assistance.

7 Q You saw that there was an effort by Mr. Rossmo to
8 set up that working group, though, and you knew
9 the basis that -- on which he was -- the factual
10 basis on which he believed -- on the basis of
11 which he believed that a working group was
12 appropriate?

13 A Yes, I did.

14 Q Not enough to -- not enough information to
15 conclude for certain that there was a serial
16 killer, but certainly to explore the issues and
17 determine whether after analysis the information
18 justified a full-on task force?

19 A Yes, that's correct.

20 Q And I take it you shared with his view that the
21 information was sufficient to justify a working
22 group?

23 A Yes, I did.

24 Q And at that time, September 1998, you'll recall, I
25 take it you shared that information with your

1 leadership at the RCMP "E" Division?

2 A I probably would have mentioned that I had been
3 approached to participate in a working group that
4 was looking into the possibility -- or looking
5 into the missing women's investigation. It's
6 unlikely that I would have spent much more time
7 than doing that. I don't believe I conveyed the
8 factual basis that Kim had given to me to
9 management at that time.

10 Q Okay. When did you convey the need, when did you
11 first convey the need to address this missing
12 persons sort of constellation of facts with your
13 leadership at the RCMP "E" Division?

14 A Probably the first documentation that I would have
15 provided would have been the Project Orion case
16 assessments, which I would have given a copy to
17 Superintendent Bass as the normal practice of all
18 the reports that I wrote I provided copies to him.

19 Q We all know that Gary Bass had a lot of documents
20 pass by his desk. His in box would have been
21 flush with paper. Did you call -- did you make
22 efforts to call special attention to your Project
23 Orion assessment?

24 A I don't believe I did, no.

25 Q Okay. And when was the first time that you made

1 efforts to call special attention to this
2 constellation of facts?

3 A It would have been the proposals that I wrote for
4 the meeting of March 1st.

5 Q Okay. And the Project Orion assessment, that's
6 February of 1999; am I right about that?

7 A No, I don't believe so. I think it is June.

8 Q June of '99?

9 A 16th of June, 1999.

10 Q All right. And so that was provided to Gary Bass
11 contemporaneously with its completion, so in
12 around June of 1999 Gary Bass had that document?

13 A Yes, he would have.

14 Q I take it you'll agree with me that the Missing
15 Persons Working Group was predicated on a multi-
16 disciplinary approach with different -- a
17 different -- a pool of different talents,
18 investigative --

19 A Yes.

20 Q -- investigative managers, field investigators,
21 analysts, and two types of profilers?

22 A Yes, I would agree.

23 Q And it was also predicated on a multi-
24 jurisdictional approach acknowledging that the
25 investigation would exceed the territorial

1 jurisdiction of any municipal police detachment?

2 A I don't recall that. I'm not disputing that. I
3 just -- I don't recall that piece of it.

4 Q You'll appreciate that it's not unusual for serial
5 killers to operate outside of individual units of
6 territorial jurisdiction?

7 A Oh, absolutely I would agree with that, yes.

8 Q So there's quite -- when it comes to serial
9 killers, an awful lot of transportation, a lot of
10 use of the highway system?

11 A I would describe them as mobile. In some cases,
12 yes, there's transportation and movement, and
13 there are serial killers who don't involve
14 transportation. So it's not an absolute, but
15 certainly a large majority of them will.

16 Q We heard evidence from Kim Rossmo and others about
17 how he was marginalized for various reasons within
18 the Vancouver Police Department, and we heard a
19 hint of evidence from Mr. Bass yesterday about
20 marginalization of profilers generally even within
21 the RCMP, and I wonder if you can share some of
22 your experiences to that effect.

23 A I think that's a true statement. The -- it's a
24 discipline that to some degree we end up having to
25 win over supporters one person at a time. I've

1 certainly experienced that there are many
2 officers, senior members of the Major Crime
3 Sections that are not believers in the product
4 that we produce or the methodologies that we
5 apply, and as a result of that whatever we have to
6 say or offer is often dismissed out of hand. So,
7 yes, I would agree that there is some
8 marginalization there.

9 Q Okay. When I looked at the Project Evenhanded
10 classification of persons of interest into three
11 different tiers, one of the things that I noticed
12 for the Tier 1 classification was that it did not
13 include a designation providing heightened police
14 attention to individuals who had the capacity to
15 dispose of bodies. Do you recall that?

16 A I don't think I ever saw the prioritization scheme
17 for Evenhanded.

18 Q So I had understood from some of the documents
19 that you were involved in the creation of that
20 classification scheme, Tier 1, Tier 2, and Tier 3.
21 Do you recall being involved in the creation of
22 that classification scheme?

23 A I can't say that I -- I do precisely. I do -- I
24 recall being involved in several discussions much
25 later in looking at classification schemes for

1 prioritizing persons of interest, but I have no
2 particular memory of being involved in that. I'm
3 not saying I wasn't. I just have no memory of
4 being -- of doing that.

5 Q Is it fair to say that when it comes to
6 investigations of the type that the investigators
7 were faced with here, that is, a no bodies type of
8 scenario, that staying on top of the missing
9 persons is absolutely critical?

10 A Yes, I'd say it was important, and it was one of
11 the recommendations that I made in the Project
12 Orion report.

13 Q All right. And I take it that there are a couple
14 of approaches -- there are many approaches
15 available to profilers, but one of the approaches
16 is to make a profile of the suspect, figure out
17 what a suspect might look like based on your
18 knowledge of what's happened in the past. Another
19 approach is to create a victimology, in effect; is
20 that right?

21 A You consider the victimology when you are doing
22 the analysis of the profile. So essentially in
23 creating a profile normally, and this is an
24 exceptional case because it's missings, but the
25 normal process is we try to answer three

1 questions: what happened, why did it happen, and
2 who would do those things for those reasons. So
3 in analyzing both what happened and why it's
4 important to be able to understand the interaction
5 between the victim and the offenders involved, and
6 in order to understand that you need to understand
7 as much as you possibly can about the victim, the
8 circumstances that might have placed them in
9 harm's way, their ability to resist an attack and
10 fight and flee and so on, plus their own
11 interpersonal style in terms of how they might
12 react to a threat of violence or being met with
13 violence.

14 Q I take it because of the interpersonal
15 understanding of serial violence or iterated
16 violence it's fair to say that if you don't have a
17 complete understanding or as complete an
18 understanding as possible of your victim set
19 you're hobbling yourself, in effect?

20 A Certainly gaps at any stage in the analysis is
21 problematic, but certainly not having -- not
22 understanding the victim or their circumstances
23 and their lifestyle and so on is -- would be
24 detrimental, absolutely.

25 Q In a case of this type, and I know you had an

1 opportunity in '99 to look at the issues and then
2 again in 2000, what size of investigation would
3 have been appropriate in term of the number of --
4 the number of human units deployed to conduct
5 investigations?

6 A I don't think there's any particular size I can
7 put to this. It really comes down to creating a
8 certain basic infrastructure that allows sort of
9 the command triangle, the standard major crime --
10 major case management command triangle, some
11 investigators, some information managers, and then
12 you need to build that unit or operation according
13 to the demands that the investigation creates.

14 Q Okay. So I take it then you have to keep --
15 whoever is in charge of the investigation has to
16 stay very much on top of the information flow and
17 the information demands and analysis demands for a
18 given investigation?

19 A Yes, I would agree with that.

20 Q So if there are tips coming in from the public,
21 you would look at the clearance rate for those
22 tips or the clearance speed, how long it's taking
23 for tips to be addressed, how long it's taken for
24 investigators to track down suspects?

25 A In a way it's probably a little more complicated

1 than that because you'll end up having to --
2 you'll end up having to prioritize both persons of
3 interest and public tips in terms of it's
4 typically high meeting low priorities, and low
5 ones you tend to allow to back up for some time
6 because they are considered low priority. But
7 essentially you're right. It's just a little bit
8 more complicated to manage.

9 Q Sure. But some of the indications that you need
10 more people would be that good tips are going cold
11 or becoming stale?

12 A Yes.

13 Q That you're losing track of people on your suspect
14 list?

15 A It would depend. If you're losing track because
16 you can't -- you don't have people and you can't
17 keep up with it, then yes. Again, people on your
18 suspect list, often these people don't want to be
19 found, so not being able to find them is not an
20 indication that you don't have enough resources.

21 Q All right. Certainly losing people on your victim
22 list, that is, not being able to keep track of
23 your victim list, that's a pretty good indication
24 of not having enough resources?

25 A Yes, I would agree with that.

1 Q Were you involved in Project Evenhanded in any
2 way?

3 A I was post the arrest of Pickton. I was involved
4 in helping develop the interview and interrogation
5 strategy.

6 Q How about before the arrest of Pickton? Were you
7 consulted as a resource for Project Evenhanded?

8 A I had one meeting I recall for sure with Don Adam
9 when we started or when he started the review part
10 of the project. I undoubtedly had several
11 conversations, perhaps phone calls, with various
12 members of the team at times, but I wasn't
13 approached and asked to provide analytical
14 products that I would have -- in the same way that
15 I was approached by Vancouver at that point.

16 Q I take it you would have been a useful resource
17 for Project Evenhanded prior to the arrest of
18 Robert William Pickton?

19 A It's possible. I mean, to a large degree, in
20 fairness to them, what I was able to contribute in
21 a substantial way was put into the case assessment
22 on Project Orion. So short of some dramatic new
23 developments that would have altered that -- those
24 opinions or asking me to do an assessment of a
25 particular suspect, probably not.

1 Q I guess that you weren't close enough to any of
2 the investigations, Project Amelia, the working
3 group, Project Evenhanded prior to the arrest, to
4 really assess whether enough resources were being
5 deployed for those investigations?

6 A No, I wouldn't agree with that. The impetus for
7 asking and approaching Superintendent Bass for the
8 JFO was as a result of having discussions with
9 Constable Shenher and Sergeant Field and
10 understanding the difficulties and frustrations
11 they were having in attempting to accomplish some
12 of the basic investigative strategies that we had
13 discussed or talked about taking place, so I
14 was -- I was close enough in the sense of -- just
15 by having those conversations to understand the
16 difficulties that they were having.

17 Q Serial killer investigations I understand from TV
18 are -- they're a sort of specialized type of
19 investigation; am I right about that?

20 A They -- they provide -- they provide specialized
21 challenges in the sense that you're not just
22 investigating a single homicide, you're -- you
23 have to take almost a layered approach to those
24 investigations. You need to investigate each
25 individual homicide as an individual homicide in

1 order to preserve and protect the evidence and so
2 on to take to court because you usually don't
3 actually proceed on every single victim, but
4 the -- so that's one layer, and then the next
5 layer is you're trying to gather information and
6 intelligence out of the collective information
7 that comes from all the cases in order to form
8 your opinion, to form concepts in terms of
9 investigative direction and strategy. So that
10 second layer is -- adds a degree of complexity to
11 the investigation. It tends to add a degree of --
12 a demand for resources because of the information
13 management and information analysis that goes with
14 it, but the fundamentals of investigating the
15 serial killer versus a non-serial killer are quite
16 similar.

17 Q All right. Would it be of assistance in the
18 Province of British Columbia or in Canada at large
19 to have a specialized serial killer investigative
20 unit that's trained up in much the same way as the
21 integrated homicide investigation teams or sets of
22 teams in the Province of British Columbia doing a
23 pretty good job with homicides?

24 A I don't -- I'm not sure it would, to be honest,
25 and the reason for that is I don't know that they

1 would be, and hopefully they wouldn't be, kept
2 busy enough. So I think what you need to do is --
3 like I said, probably 90 per cent of the basic
4 police work is the same as you would apply to any
5 homicide or any major, complex investigation.
6 It's more on the information management and
7 analysis and then bringing in people with
8 expertise such as myself or other experts,
9 academics and so on that can provide investigators
10 with advice in areas that they're unfamiliar with
11 or lack the experience.

12 MR. GRATL: All right. Thank you very much, Mr. Davidson.

13 That's very helpful.

14 THE COMMISSIONER: Thank you, Mr. Gratl. Mr. Ward.

15 THE REGISTRAR: Mr. Ward.

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

17 Q Sir, my name is Cameron Ward. I'm counsel for the
18 families of 25 murdered women before this inquiry.
19 I want to ask you about some of the notes that you
20 made of your involvement in this case, and I trust
21 you have them in front of you.

22 A I do.

23 Q The first one is in respect of your meeting with
24 Lori Shenher on April 6, 1999.

25 A Do you know what appendix that would be?

1 Q Yes. It's Appendix "D".

2 A Yes. Okay.

3 Q And I'm looking at a copy of your note here. It
4 looks like you met with her after lunch on April
5 the 6th of 1999, right?

6 A All right. What I have as Appendix "D" is a
7 letter from Detective Shenher to myself dated
8 March 10th, 1999. Is that what you're looking at?

9 Q No. I'm reading something -- from something
10 called "Will Say of Keith Davidson", paragraph 17.

11 Attached as Appendix "D" is a copy of my
12 notes from this meeting,
13 referring to April 6, '99.

14 A Okay. I found it now. Yes.

15 Q It looks like I'm going from a different version
16 of the document. My apologies. I just got this
17 material within the last, I don't know, 48 hours.
18 Anyway --

19 MS. BROOKS: I think he has the letter before him now.

20 MR. WARD:

21 Q You've got your notes of the May -- the April 6th,
22 '99 meeting, right?

23 A I do, yes.

24 Q Okay. You met with Ms. Shenher after lunch on
25 April 6th, 1999, right?

1 A It would appear that, yes.

2 Q And then turning over the page to page 37 of your
3 notes, you and she discuss the cases, it looks
4 like in very general terms, of 29 women who had
5 gone missing up to and including the time of your
6 meeting, right?

7 A Yeah, it would appear that's the case.

8 Q Then you've referred to the boundaries, but it
9 seems that your note is incomplete. You're
10 referring to the geographical boundaries of the
11 area from which they disappeared, correct?

12 A I'm not sure what -- what that is in reference to.
13 I will agree with you that it appears to be
14 incomplete, but I don't recall what that would
15 have been in reference to.

16 Q Well, can you read the word that I interpret as
17 boundaries? Is that what you've written?

18 A Yes.

19 Q So it looks like you started to make a note based
20 on your conversation with her of the geographical
21 area from which these women had disappeared.

22 Would you accept that that's probably the case?

23 A Yes. It looks like, if you read the lines below,
24 it looks like we have other references to
25 locations.

1 Q Yes. And if I'm reading your words right, there's
2 the phrase "low track" and then Main/Clark,
3 Powell/Hastings, Clark/Nanaimo, Dundas/Hastings;
4 is that right?

5 A Yes.

6 Q And I appreciate this was a long time ago and your
7 recollection is probably limited, but based on
8 these notes I suggest you learned from Ms. Shenher
9 that these women were all from the so-called low
10 track of the sex trade industry, in other words,
11 the survival sex trade; is that right?

12 A Yeah. I mean, the Downtown Eastside area there
13 was referred to as the low track, and it was
14 typically considered the location when --
15 particularly for women who were highly drug
16 dependent would end up working.

17 Q So you understood that what you were discussing
18 with Ms. Shenher was the disappearance of a couple
19 of dozen or more poor, disadvantaged, drug-
20 dependent women from the grittiest part of
21 Vancouver?

22 A Yes.

23 Q A segment of society that is marginalized in every
24 way by every system, by every government, by every
25 facet of society, right?

1 A That's a pretty broad and sweeping statement. I
2 would agree with you that they are marginalized
3 and they are -- and as a result of that
4 marginalization they are highly vulnerable. I
5 would say, though, that the Downtown Eastside was
6 somewhat distinct in that there was a community
7 there, which doesn't -- which doesn't exist in
8 other -- other areas where the sex trade is plied,
9 and largely because of that community, I think
10 that's one of the reasons that the women were
11 actually detected and missed.

12 Q All right. So based on your understanding of the
13 area you appreciated that despite the very
14 difficult circumstances in which these women found
15 themselves they nonetheless were part of a
16 community such that when they disappeared and
17 failed to follow their usual routines other
18 members of the community noticed right away; is
19 that fair?

20 A Yes. Right away. I would say they noticed, and
21 sometimes it was right away and sometimes --

22 Q All right.

23 A It's hard to say noticed right away because some
24 of the reports that we have were somewhat delayed,
25 so it's hard for me to agree with right away all

1 the time, but certainly sometimes it was right
2 away.

3 Q Okay. And you understood as well based on both
4 your life and policing experience that these women
5 from the low track who lived in these very
6 difficult circumstances were not the sort of women
7 to pick up and jump on a plane to Mexico or travel
8 to other cities and that sort of thing, correct?

9 A Yes, that certainly would not have been the
10 routine.

11 Q All right. Now, I can't read the next part of
12 your note on this page 37. I seem to -- seem to
13 be able to read "about 50 per cent". Can you tell
14 us what you've written following that?

15 A I believe it says, "50 per cent used spotters,"
16 and the line below said, "john would know or could
17 easily figure it out" -- "could figure it out
18 easily."

19 Q Okay. So Lori Shenher's telling you that about
20 half the women who ply their trade on the low
21 track do so with companions who keep an eye on
22 them; is that right? That's what she means by
23 spotters?

24 A That's my understanding, yes.

25 Q All right. And "john" is a reference to whom?

1 A To the customers or consumers of their service, of
2 the sex trade worker's service?

3 Q Oh, I see. So what you've noted there is that any
4 john seeking to avail himself of the services of
5 one of these women would be able to figure out
6 quite quickly whether the woman he was after was
7 indeed using a spotter or a companion to keep an
8 eye on her?

9 A Yes. And this is -- this is the information that
10 Lori is telling me, and I'm just making a note of
11 it, but, yes, that's correct.

12 Q And all of this is important to you for your work
13 in trying to develop profiles of the victims and
14 to try to solve the case; is that right?

15 A Yes, it's important -- it's important in
16 understanding the victimology and the potential
17 victim/offender interactions.

18 Q And in furtherance of your gathering that
19 information from Detective Constable Shenher I see
20 over on the next page you've noted that all the
21 victims are drug addicted to crack and heroin,
22 they would work for money or drugs, and that
23 there's no particular pattern of their work habits
24 whether it's day or night?

25 A That's correct.

1 Q All right. And the women themselves are
2 relatively tough, scrappers, very experienced?

3 A Yes.

4 Q All right. So they're not the sort of people who
5 would be pushovers necessarily in respect of a --
6 of an abusive male or a predator? Is that what
7 you were getting at there?

8 A Yes, that would be the relevance of making the
9 note, is that my expectation would be, is that
10 they would be -- they're likely to resist or fight
11 physically in the face of violence as opposed to
12 simply comply as a survival strategy. And it's
13 important to say that these are highly speculative
14 conclusions, but that's the purpose of the notes.

15 Q And so it's important to you to understand, for
16 instance, that these are the sorts of women who
17 would fight back, and it might perhaps take the
18 efforts of more than one person to overpower them
19 and subdue them and kill them?

20 A I would suggest that it's important for me to
21 understand that they would fight back, yes. I
22 wouldn't include that just because they would
23 fight back that it was necessary for more than one
24 person to be involved.

25 Q Fair enough. And what's the rest of this note,

1 IPA, registry data, and video and stats? What is
2 all that about?

3 A Those are probably just ideas of some things to
4 do. IPA stands for indirect personality
5 assessment. The possibility here is that we could
6 have -- we could -- I might have tried doing
7 independent personality assessments of the victims
8 to get a better understanding of that. The
9 registry data and video, I'm not sure what the
10 registry -- what registry I'm referring to at that
11 point. Video may have referred to the possibility
12 of any security video cameras that may have
13 captured information in the area that they were
14 working. Statistics refers to the missing persons
15 statistics that we kept at "E" Division. On a
16 weekly basis we were downloading the missing
17 persons -- the missing persons data from across --
18 well, eventually it was from across Canada, but
19 certainly we started in BC, and I'm not sure when
20 the transition to Canada-wide went, but we
21 actually had a historical record of -- for each
22 policing jurisdiction how many people were missing
23 at any given -- in that week so that we could
24 actually -- the purpose of that was to try to
25 identify a spike of missing people in a particular

1 jurisdiction. This was an outflow analysis
2 product that sort of came after the Clifford Olson
3 investigation.

4 Q All right. Thank you. I'm going to ask you a few
5 questions on your next relevant note. It's for
6 May the 13th. I've got it as Appendix "E".

7 A That's correct.

8 Q Have you got it?

9 A I do, yes.

10 Q All right. And it looks to me like this note for
11 that date is made in different inks and different
12 handwriting. Is it all yours?

13 A Yes, it is. My -- typical of my handwriting. It
14 changes very quickly, very easily, and it's I grab
15 whatever pen's available, which usually I'll have
16 three or four or five of them laying on my desk.
17 So, yeah, that is common, and it is all me.

18 Q Do you have any recollection beyond what's
19 contained in your note of going to that meeting?
20 Do you recall where it was, who was there, what
21 was said?

22 A I do not.

23 Q All right. We've heard some evidence that it was
24 at VPD headquarters in a boardroom and that there
25 were some 17 or 18 people in attendance. Does

1 that assist in any way?

2 A Yeah, it does. I do remember going to a meeting
3 in the VPD boardroom where there were several
4 participants.

5 Q And we've heard that, among others, Deputy Chief
6 Doug LePard of the VPD was there. Do you recall
7 him?

8 A I don't.

9 Q All right. We've heard that Bev Zaporozan was in
10 attendance. Do you know her or remember her being
11 there?

12 A I don't, and probably to make this simpler, I
13 don't recall who was at the meeting.

14 Q And you don't recall what was said beyond what's
15 contained in your notes?

16 A That's correct.

17 Q Okay. Next, sir, I'd ask you to skip ahead,
18 please, to Appendix "I", which I understand to be
19 the notes of your -- of a meeting you attended on
20 August 11, 1999. I'm sorry, just --

21 MS. BROOKS: It's "J".

22 MR. WARD:

23 Q Just as we go by could we stop at "G" for just a
24 moment, page 72 of Appendix "G".

25 A Yes. Okay.

1 Q That's your meeting with VPD and Spokane
2 investigators. Do you have any recollection as to
3 who was in attendance at that meeting?

4 A The only person I remember being at the meeting
5 was Bob Gebo, who was the profiler from -- working
6 in Washington State who had been working with the
7 Washington State Homicide -- Homicide
8 Investigation and Tracking Section, I believe it
9 was called.

10 Q All right. Can you just spell his name?

11 A Gebo, golf echo bravo oscar.

12 Q Thank you. Now if we could go to Exhibit "I".

13 A Yes.

14 Q This is described as your notes for a meeting you
15 attended on August 11, 1999, and it appears from
16 the notes that the sole purpose of this meeting
17 was to discuss a man named Robert W., for Willie,
18 Pickton, birth date October 26th, 1949. Do I have
19 that right?

20 A Yeah, I'm not sure if that was a meeting or a
21 telephone conversation, but the notes refer to
22 Robert Pickton, yes.

23 Q Well, I'm looking at the document, the body of the
24 document described as a "will say", and it says
25 this:

1 On or about August 11, 1999, I attended a
2 meeting at the RCMP Coquitlam Detachment
3 regarding the investigation into Robert
4 Pickton.

5 So based on that would it be --

6 A Yes.

7 Q -- reasonable to conclude it was, in fact, a
8 meeting at that office?

9 A Yes, it would be, yes.

10 Q All right. Do you have any recollection as to who
11 was there?

12 A I do not.

13 Q Now, you've noted here that this man, full name
14 and birth date indicated, is a night person who
15 picks up pigs every Saturday. He's ritualistic in
16 his routes. He's sloppy. When confronted by
17 police was polite, cooperative, etcetera, but did
18 not do what he said he would. He uses wigs when
19 he picks up girls and that he's now hunting in New
20 Westminster. Do you see all that?

21 A I do.

22 Q I've read it correctly?

23 A Yes.

24 Q This is information you obtained from the
25 Coquitlam RCMP officers, who presumably, because

1 he was living in their policing jurisdiction,
2 three miles down the road, knew something about
3 this man, right?

4 A It's information I would have picked up from the
5 meeting. I'm not sure from who.

6 Q All right.

7 A I mean, I --

8 Q Now, it was conveyed to you in August of 1999 that
9 this sloppy guy, who was a night person, was
10 deceptive in his dealings with police, and he went
11 out hunting for girls in disguise, right?

12 A Yes, "hunting" would probably have been my word,
13 and obviously if he wears wigs, yes, he goes -- I
14 was being told that he went out to pick up girls
15 wearing wigs.

16 Q Now, the whole purpose of your work in the field
17 of profiling, as I understand it, sir, is to
18 gather up the characteristics of the victims, try
19 to develop a profile of the offender and use that
20 analysis to track down potential suspects, right?

21 A It's more involved than that. The victimology is
22 an important piece, but normally what I -- I also
23 look at the crime and what was actually done in
24 the commission of the crime. So it's interpreting
25 the behaviour that's exhibited through the crime

1 and is exhibited through the crime scene and any
2 other evidence that tells me or helps me
3 understand what actually took place. Then it's an
4 interpretation of why I think those things
5 occurred that I build the concept of the
6 characteristics and traits from, and this is one
7 of the main reasons why this technique wasn't all
8 that applicable to these cases, because of the
9 absence of a crime scene and the behaviour that
10 would have been exhibited at the crime scene;
11 therefore, there was an absence of information for
12 me to interpret. So victimology is one element,
13 but it's probably one of maybe eight to ten
14 elements that we would consider.

15 Q Okay. But just so I have this straight, some
16 officers are telling you, some officers from the
17 Coquitlam RCMP Detachment are telling you on
18 August 11th, 1999, in a meeting devoted solely to
19 the discussion of Robert Willie Pickton that
20 this -- this is a possible predator who's using
21 wigs, who's hunting women, and who's deceptive in
22 his dealings with police, right?

23 A Yes. I can't -- I can't -- because I don't recall
24 the full breadth of what the meeting was I can't
25 say it was exclusively dedicated to the discussion

1 of Willie Pickton, but in terms of what I'm making
2 note of and what they're telling me, this --
3 they're telling me and describing a person that
4 appears to be -- that I would consider possibly or
5 at least a good -- a good person of interest as a
6 potential predator.

7 MR. WARD: Okay. Sir, in the interests of time I've got to go
8 to the last document I want to ask you about. Mr.
9 Registrar, how much time do I have?

10 THE REGISTRAR: You have -- 10:05 you started. You have 45
11 minutes. It is now -- you've got about 15
12 minutes.

13 MR. WARD:

14 Q I'm told I have 15 minutes. I want to use it all
15 on this last document. I'd like to ask you lots
16 more questions, but I don't have time. Please
17 turn to Exhibit "L".

18 A Can you describe what that is because my numbering
19 system is not consistent with yours?

20 Q Yes. It's a continuation report dated February
21 14th, 2000, time ten o'clock, briefing at
22 Coquitlam Detachment. Have you got that?

23 A Yes. I do, yes.

24 Q All right. Now, you're the first person from the
25 six people who were at this meeting to be called

1 to the witness stand in this inquiry here on the
2 last day of its evidentiary hearings, so I've got
3 to spend some time with you on this meeting.
4 Starting with the attendance list -- and first of
5 all confirm that this is a document that you
6 yourself prepared and signed, right?

7 A Yes, it is.

8 Q All right. Now, let's look at the attendance
9 list. We've got Corporal Dave McCartney,
10 Coquitlam GIS, meaning General Investigative?

11 A Yes, General Investigation Section.

12 Q All right. Constable John Cater from the same
13 section, Corporal Marg Kingsbury from ViCLAS
14 Homicide?

15 A Yes.

16 Q Corporal Nicole St. Mars from ViCLAS Homicide?

17 A Yes.

18 Q Corporal Scott Filer, geographic profiler?

19 A Yes.

20 Q And yourself with the rank of staff sergeant?

21 A Yes.

22 Q You are the highest ranking officer in attendance?

23 A Yes.

24 Q And the six of you are meeting in Coquitlam to
25 discuss one thing, and that's an investigation

1 into Pickton, and you're discussing what action
2 needs to be taken, correct?

3 A Yes.

4 Q By this point, and I note it's almost exactly two
5 years before this man is finally apprehended by
6 the RCMP by a guy named Nathan Wells -- we haven't
7 heard from him either, but it's February 5th,
8 2002, when he conducts a search of Pickton's
9 property. So it's fully two years before that.
10 So you have the context, right?

11 A Yes.

12 Q Now, do you agree with me that at this time the
13 RCMP as an institution and as an institution
14 mandated to preserve and protect public safety has
15 a duty to the public to either confirm that this
16 man is culpable and put him under arrest or to
17 rule him out as a suspect in these serial murders?

18 A I would -- I would -- I would say and characterize
19 it that the -- the RCMP as part of their normal
20 investigative processes are looking into Mr.
21 Pickton as a potential person of interest as it
22 relates to the missing women. As a result of that
23 we do have a responsibility to investigate --
24 investigate that possibility. Put it that way.

25 Q Okay. Well, it's more than that, sir. It's while

1 you've identified him, and by "you" I mean the
2 RCMP as an institution, of which you are a member,
3 while you've put him under investigation
4 concluding that there's sufficient merit to the
5 allegations to proceed you've got a duty to the
6 public to either prove he's responsible for the
7 women's disappearances or rule him out as a
8 suspect and to do it in a way -- in a timely way
9 so that he doesn't continue to kill, right?
10 That's fair?

11 A No, I won't agree with that, but what I would say
12 is that certainly we have a duty to investigate
13 people we think are a threat to the public. We
14 have to investigate all kinds of threats to -- so,
15 in other words, we have -- the investigation of
16 Mr. Pickton needs to be balanced against the
17 investigations, other investigations, other
18 threats, other concerns that -- that we have as a
19 collective policing agency. Yes, you want to do
20 it in as timely a fashion as you can subject to
21 all of the resources and conflicting interests
22 that invariably come up in any policing
23 organization on any given day. So I will agree
24 with you that there is a duty to investigate him
25 and rule him out and to try to do it in a timely

1 fashion, but timely doesn't necessarily always
2 mean quick. In some cases, as I'm sure you're
3 well aware, it may take us 30 odd years to finally
4 bring the case to conclusion.

5 Q All right. I'm going to use just a moment of my
6 remaining minutes to look at an exhibit. So both
7 the commissioner and you excuse me for just a
8 second. I've got to look at something. Thank
9 you, sir. I took a moment to look at an exhibit
10 that's been at the back of the room for much of
11 this hearing. Just wanted to confirm. Here's my
12 clients' concern. 14 women were killed,
13 presumably by Pickton, although we're never going
14 to know for sure who killed them and what
15 circumstances they met their demise in, but 14
16 died after this meeting of the six of you at the
17 Coquitlam Detachment. Can you explain to me and
18 my clients, who are following this proceeding, why
19 the RCMP failed to either prove he was a suspect
20 or rule him out in that two-year period?

21 A I can't.

22 Q All right. I see Corporal Dave McCartney was
23 tasked with obtaining an authorization to
24 intercept communications and to get a search
25 warrant for Pickton's property. You see that in

1 the second paragraph, right?

2 A Yes, he would be attempting to get both of those
3 things.

4 Q All right. And the authorization to intercept is
5 what is commonly characterized as a wiretap or a
6 wire?

7 A Yes.

8 Q All right. Now, I wish Corporal McCartney was
9 here to ask myself or ask himself, but do you know
10 what efforts he made to get the wire and the
11 search warrant following the February 14th, 2000
12 meeting?

13 A I do not.

14 Q Well, do you know if he went to someone and was
15 told, "No, you can't have it"? Do you know if he
16 prepared documents? Do you know anything about
17 his efforts?

18 A I do not.

19 Q He'd be the best person to ask these questions of?

20 A Well, presumably, yes.

21 Q All right. He didn't report back to you, the
22 record keeper of this meeting, to explain what he
23 did or didn't do, who he talked to, what efforts
24 he made?

25 A No, he didn't, and he would not -- that would not

1 have been the expectation. These are my notes
2 that I made of the meeting. So I wasn't the
3 official record keeper of the meeting. Others
4 would have made their own notes as to the meeting
5 as well. So there would have been no expectation
6 that he was reporting to me. I had no command
7 authority or I wasn't tasking him in -- like you
8 would normally expect if I was his supervisor.

9 Q You knew Corporal McCartney to be a conscientious
10 and diligent member of the RCMP who would carry
11 out the tasks assigned to him, right?

12 A Yeah, that would be my -- I would agree with that
13 characterization, yes.

14 Q But you know nothing about the efforts he made to
15 try to get a wiretap authorization or a search
16 warrant to go in onto the Pickton property two
17 years before Nathan Wells did, correct?

18 A That's correct.

19 Q All right. Then we've got Constable Cater's task.
20 He was assigned to complete the indirect
21 personality assessment, the IPA, and other
22 background investigation of Pickton.

23 This information will be forwarded to his
24 unit on completion.

25 Do you see that?

1 A Yes. That's probably a typo. It should have said
2 it would have been forwarded to "this unit",
3 meaning my unit, upon completion.

4 Q All right. Your unit. That's what I thought.
5 Did you get it?

6 A I eventually did get -- I got some of it. Let me
7 explain. The indirect personality assessment was
8 a question -- is a set of questions, background
9 questions that we want investigators or whoever's
10 sort of gathering the data on my behalf to ask of
11 multiple people where possible, so it's an attempt
12 to gather as much background information as we
13 possibly could. The document I got from Constable
14 Cater provided the information, attempted to
15 answer the questions as it was known by
16 investigators or police officers at Coquitlam, but
17 the information was not sufficient that it allowed
18 me to gather any other -- or to make any kind of
19 an assessment, so eventually post -- following the
20 arrest of Pickton the indirect personality
21 assessment was completed on the basis of many
22 other interviews about -- with people about Mr.
23 Pickton when I had a large enough body of
24 information to actually make an assessment. So
25 Constable Cater did provide what he was able to

1 provide at the time, but it was insufficient for
2 me to take any action or do anything with.

3 Q Where is the document, sir? Have you got it with
4 you?

5 A I do not.

6 Q Well, your lawyers are sitting in the back of the
7 room. I'll leave the request for both of you.
8 Can you please identify the document with its
9 Concordance number, that's our database of
10 document disclosure here, so that I can review it
11 and see what it is.

12 Surely the RCMP -- sorry, let me back up. In
13 the incomplete IPA, or indirect personality
14 assessment, Constable Cater must have gathered the
15 information that was available to his detachment
16 about Willie Pickton and his living circumstances,
17 his businesses, and his associates, right? Do you
18 remember?

19 A I don't remember the full content. I remember the
20 conclusion that there wasn't much that I could do
21 or anything I could do with the information that
22 was provided and realized it wasn't any fault of
23 Constable Cater's, that that's all that they had,
24 but I don't remember the content.

25 Q Okay. Did the Coquitlam members sitting with you

1 at this meeting in February 2000, McCartney and
2 Cater, tell you that they actually had a civilian
3 in their offices, a clerk named Beverly Hyacinthe,
4 who had known both Robert Willie Pickton, the
5 subject of your work, and his brother Dave for
6 most of their lives, that they attended parties
7 with them at Piggy's Palace that were also
8 attended by Hells Angels members, women from the
9 sex trade, and that just two months earlier,
10 December 31, 1999, as the Millenium turned, Ms.
11 Hyacinthe saw Willie at the New Year's Eve party
12 at Piggy's Palace with a sex trade worker from
13 Vancouver's mean Downtown Eastside streets? Did
14 they disclose any of that information to you?

15 A No, they did not.

16 Q Certainly it would have been very helpful for you
17 to have received such background that would have
18 been in the possession of the detachment for the
19 purposes of your work, right?

20 A It would have been useful for me to get that
21 information. I don't know at what point it was in
22 the possession of the detachment, but, yes, that
23 information would have been useful.

24 Q Did you get the product of the offline CPIC
25 searches on Robert Willie Pickton and the person

1 who lived at the same address with him, his
2 brother Dave, which revealed that Dave had been
3 the subject of probably a hundred or so queries by
4 that point, I don't know how many, but many, many,
5 many police investigative queries? Did you get
6 that?

7 A No, I didn't.

8 Q Did you get from McCartney and Cater of the
9 Coquitlam GIS any information to the effect that
10 their detachment and the City of Port Coquitlam
11 had tried for two years to shut down Piggy's
12 Palace because it was a gathering place for Hells
13 Angels, prostitutes, drug dealers, and they didn't
14 want those activities being carried on there? Did
15 they tell you that?

16 A No, they didn't, but I wouldn't have expected them
17 to tell me anything about that.

18 Q Well, you don't know what McCartney and Cater were
19 thinking, obviously; you only know what you were
20 told and recorded in these notes, correct?

21 A Yes.

22 Q And your evidence is that Cater, in particular,
23 provided an incomplete indirect personality
24 assessment to you that was only fully completed
25 much, much later, two years later, after Robert

1 Willie Pickton was arrested, correct?

2 A Correct. The completion of the document was as a
3 result of contributions from a variety of
4 people --

5 Q All right.

6 A -- after Pickton was arrested, but, yes, as I said
7 before, the document I got from Constable Cater
8 was incomplete in the sense that it lacked
9 sufficient information for me to make any kind of
10 analysis.

11 Q All right. They clearly told you about the March
12 23rd, 1997 incident where Robert William Pickton
13 attempted to murder a Downtown Eastside sex trade
14 worker on his property and was prosecuted almost
15 to the trial, right?

16 A Yes.

17 Q And so you learned from that investigation the
18 information you've set out as suggestions at the
19 bottom of the first page of your continuation
20 report and over on the second, correct?

21 A Yes.

22 Q

23 Send the handcuffs to the lab in an effort to
24 recover DNA from other victims.

25 What you're thinking there is, hey, let's go look

1 at the real evidence that was seized from that
2 incident and see if there's DNA from other missing
3 women on that evidence, right?

4 A Either other missing women or other women that we
5 might identify who were survivors of encounters
6 with Mr. Pickton when those handcuffs were used.

7 Q And that's a very good suggestion, helpful
8 investigative exercise, correct?

9 A Well, it was intended to be helpful, yes.

10 Q Right. Well, did McCartney and Cater tell you
11 that they had in their locker Pickton's clothing
12 and rubber boots from the '97 attack?

13 A I don't recall if they -- if they did. I was -- I
14 believe I recall that there was -- they had more
15 items, possibly the clothing -- they had more than
16 the handcuffs, and it may well have been the
17 clothing.

18 Q All right.

19 A I'm not sure that -- yeah, sorry, I don't recall
20 beyond that.

21 Q All right. The reason I ask you that is because
22 we've heard evidence in this inquiry that they, in
23 fact, had those items but that they weren't sent
24 to the lab until after February 5, 2002, and when
25 they were finally sent to the lab DNA from two of

1 the missing women was found on them. Can you
2 offer any explanation for that?

3 A I cannot.

4 Q And did you get an affidavit or a copy of one from
5 McCartney in connection with efforts to obtain a
6 warrant or an authorization to intercept?

7 A No, I did not.

8 Q Did you follow up with him?

9 A I don't recall if I did or not. Sorry.

10 Q Did you -- you don't know what McCartney -- well,
11 I don't want to repeat that. So you don't know
12 whether McCartney went to someone in the RCMP and
13 was prevented for some reason from completing his
14 authorization -- his ITO or his warrant, his
15 affidavit in support of a warrant, do you?

16 A I do not, no.

17 Q You know based on your own years of experience
18 with the RCMP that as a general practice they
19 conduct surveillance of, they monitor telephone
20 communications of, and sometimes infiltrate the
21 activities of members of the Hells Angels
22 organization, correct?

23 A Yeah, I am aware of that, yes.

24 Q And you're probably also aware that from '96
25 onward the RCMP was conducting massive

1 investigations of the Hells Angels based in the
2 Lower Mainland in which they employed all of those
3 investigative techniques: an agent, wiretaps, and
4 surveillance, right?

5 A I have no specific knowledge of those
6 investigations. It's not an area that I would
7 have been in any way connected or involved in.

8 Q Did anybody at the meeting say when you were
9 discussing getting a wiretap authorization or a
10 search warrant, "Hey, you know, the boys over in
11 OCA are already doing all this work in connection
12 with the other investigations. There's no need.
13 They know exactly what's going on with the
14 Picktons and their associates in the Angels at
15 Piggy's Palace"? Did they say anything like that?

16 A Not that I recall.

17 Q All right. Did you find out if Ellingsen was
18 still alive and still extorting 500 a month from
19 Pickton in connection with the murder she
20 apparently saw in the barn? That's point 4 on
21 your memo.

22 A I think I did eventually learn that she was alive.
23 I'm not sure that I learned anything about whether
24 the alleged extortion was actually occurring or
25 still occurring or even, in fact, did occur, but I

1 did find out that she was still alive.

2 Q Did you yourself get any information back by way
3 of follow-up from this meeting besides the partly
4 completed IPA, indirect personality assessment?

5 A I don't have any specific knowledge of that. I
6 mean, it's quite possible that there would have
7 been other conversations and other third-hand or
8 fourth-hand information being passed back to me
9 that I may have learned some of this, but I have
10 no specific recollection of that.

11 Q By 2000 you and the other five people at the
12 meeting presumably were communicating by e-mail,
13 right?

14 A In all probability, yes.

15 Q Yeah. Have you or anybody to your knowledge
16 retrieved the e-mails that looked for -- let me
17 start again. Have either you or anybody else to
18 your knowledge searched for and retrieved any
19 e-mails that passed between the attendees at this
20 February 14th, 2000 meeting, McCartney, Cater,
21 Kingsbury, St. Mars, Filer and yourself, with
22 respect to the furtherance of the investigation
23 into Robert William Pickton over the next two-year
24 period prior to his ultimate arrest?

25 A I know that I searched whatever e-mail archives

1 were available for my e-mails, for all e-mail
2 related to this investigation, and all those
3 e-mails, whatever I did find, I turned over to the
4 Department of -- to the RCMP, who ultimately
5 turned it over to the Department of Justice, I
6 believe.

7 Q Okay. So you did find e-mails, right?

8 A I did find some. I did find some, yes.

9 Q Did you keep copies?

10 A No, I don't believe I did.

11 Q All right.

12 A I certainly don't have them with me if I did.

13 Q Your understanding is that they were turned over
14 to the Department of Justice?

15 A Yes.

16 Q Okay. And because Justice is undoubtedly more
17 familiar with the documents than I, I'm going to
18 leave a question for you and the lawyers in the
19 room representing that ministry just to identify
20 by concordance numbers where those e-mails are.

21 Sir, when you heard that Pickton, Robert
22 William or Willie, was arrested in 2002 and that a
23 massive hundred-million-dollar search of his
24 property was unfolding, what was your reaction?

25 A I was pleased that we finally have identified a

1 suspect and that we can get -- move forward on the
2 investigation.

3 Q Did you ask yourself, in effect, "Hey, we were
4 talking about him in Feb -- two years ago. I
5 wonder what happened with Coquitlam's
6 investigation of the guy"? Did you ask yourself
7 that question?

8 A I don't believe I did.

9 Q Did you ask others that question, maybe Marg
10 Kingsbury perhaps?

11 A I don't believe I did. I certainly have no
12 recollection of asking that.

13 Q Do you have any knowledge based on your review of
14 the e-mails, based on your review of your file as
15 to the investigative steps taken between February
16 14th, 2000, and February 5, 2002, by the RCMP --

17 A I --

18 Q -- about Pickton?

19 A No.

20 Q All right. Do you have any explanation why he
21 wasn't apprehended sooner than he was?

22 A No, other than the opportunity to get the warrant
23 to get us on the property to -- to see the
24 evidence that was in plain view which allowed this
25 whole investigation to unfold, that opportunity

1 hadn't presented itself, for lack of a better
2 phrase, until that time.

3 Q Did you talk to this young rookie Nathan Wells
4 about what motivated him to finally after all
5 these years of knowing about the Picktons and the
6 cesspool of illegal activity that surrounded them,
7 why -- what motivated him to finally seek the
8 warrant? Did you talk to Nathan Wells?

9 A I did not talk to him.

10 Q You don't know what was in his mind?

11 A No idea.

12 MR. WARD: Nor do we because I've begged, I've practically
13 begged, I've pleaded to have him called as a
14 witness on behalf of my clients, the families, and
15 I haven't been successful.

16 THE REGISTRAR: You've reached your time.

17 MR. WARD: Those are my questions. I'm told I've reached my
18 time. Thanks, sir.

19 THE COMMISSIONER: Ms. Narbonne.

20 MS. NARBONNE: Thank you, Mr. Commissioner.

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

22 Q My name is Suzette Narbonne. I'm counsel for the
23 aboriginal interest, and I have just a few
24 questions for you. I'll try to adjust this mike.
25 You've talked to us about in the context of

1 profiling that you need to know as much as you can
2 about the victims; is that correct?

3 A Yes.

4 Q And is there some value in knowing that a number
5 of them were First Nations women?

6 A There may be. It's -- I don't know that it's --
7 it's all about the whole context in how everything
8 comes together, so it's good -- I would say that
9 there's value. How much value depends on all the
10 other circumstances and things I'm trying to
11 consider, but I would say there is some value,
12 yes.

13 Q Okay. Now, in your role in this investigation you
14 actually went to WISH and met with a number of
15 people; is that right?

16 A Yes, that's correct.

17 Q And why did you do that?

18 A I wanted to try to confirm various bits -- various
19 things I was being told in terms of the practice
20 and whether they would get into vehicles with --
21 and travel outside of Vancouver. So in some cases
22 I was being told that they wouldn't do that, and
23 that's -- so I wanted to find out for myself
24 whether or not I could put any reliance on their
25 -- their practice and their routines that they

1 would undertake on the street in attempting to
2 limit or put limits around the potential offender
3 behaviour.

4 Q Okay. That makes sense. So did you discover
5 that, in fact, they would get into vehicles in
6 some circumstances and travel?

7 A Yes, I did.

8 Q Okay. And that was of value because that meant
9 that when you were looking for whoever was
10 committing these offences you could look further
11 afield than just in the Downtown Eastside, right?

12 A That's correct, yes.

13 Q In your "will say" at paragraph 34 you talk about
14 the meeting you had with Superintendent Bass.

15 A Yes.

16 Q I mean, that's not the only place you talk about
17 it, but you say there at paragraph 34 that you did
18 not express your disagreement with his decision
19 because you were duty-bound to accept his
20 decision; is that right?

21 A That's correct.

22 Q Okay. And is that a product of the rank system in
23 the RCMP?

24 A I don't know if it's a product of the rank system.
25 It's a product of the fact that he is my boss. I

1 took a recommendation for him to make a decision,
2 and he made the decision. It then becomes my
3 responsibility to accept that decision. I'm out
4 of the RCMP now. I'm working in private practice,
5 and there are no ranks of that same -- the same
6 expectation is there.

7 Q Okay. So -- but in the RCMP structure an officer
8 who's superior to you or who outranks you can
9 overrule you, right?

10 A In certain circumstances somebody of superior rank
11 could overrule you. It's more likely you are
12 going to be taking -- you take your direction from
13 your direct supervisor, although there are
14 certainly circumstances where you can be overruled
15 by a superior ranking officer who's not your
16 supervisor.

17 Q Okay. In this particular investigation it's
18 apparent that certainly with respect to, for
19 example, Constable Yurkiw -- firstly, do you know
20 Constable Yurkiw?

21 A I'm not -- I don't believe I do. I may have -- I
22 may have met her, but, I'm sorry, I don't have any
23 recollection of that.

24 Q Okay. Her name is now Chapman. I don't know if
25 that helps. Does that help?

1 A No, it doesn't.

2 Q Oh, okay. It's evident that she was a constable
3 of significant years with the RCMP but a constable
4 in charge of the Pickton investigation through the
5 RCMP at an early stage and that there was superior
6 ranked officers working on that same
7 investigation. Do you think that plays a role in
8 how things unfold? For example, if Ms. Yurkiw
9 wants something to happen and someone outranks
10 her, can they say, "Sorry. No, we don't agree
11 with you. We're not doing it that way"?

12 A Yes, they would have the authority. Again, it
13 sort of depends on -- it would depend on more the
14 line of supervision. So certainly her -- her
15 direct supervisor would have that authority.
16 Somebody of -- for example, if she's reporting to
17 a corporal, that corporal could have -- would have
18 the authority to tell her no. A corporal in a
19 different unit may tell her no but doesn't
20 necessarily have the authority to stop her.

21 Q Okay.

22 A If that makes sense.

23 Q No, that makes sense. Can she tell the other
24 officers who are superior to her what she wants
25 them to do because she's controlling the

1 investigation? Like, do they have to take
2 direction from her?

3 A They can. We certainly have -- in Major Crime
4 investigations the rank system is actually quite
5 relaxed, so it's not uncommon for a constable to
6 be put into a role of a file coordinator, and the
7 file coordinator is responsible for tasking
8 people, and they can task people on the entire
9 investigation, including people of superior rank.
10 So depending on what's going on in the structure
11 of the investigation that she's involved in, she
12 may have that authority to task people. I don't
13 know what the set-up was for this.

14 Q Okay. And in your "will say" you make a number of
15 recommendations towards the end about how a JFO
16 might be structured or what would be of value. Do
17 you recall that?

18 A Are we talking about Section C of the "will say"
19 or are we talking about something else?

20 Q We're talking about Section C of your "will say".

21 A Yes. Okay. Yes.

22 Q So this is -- I'd like to give you the opportunity
23 to tell us what you think would be useful if you
24 were to make a recommendation to the commissioner
25 here.

1 A Well, there's two parts to the recommendation I am
2 putting forward. One is to create some kind of a
3 panel that would allow -- a panel -- a command --
4 panel of command-level police officers who a group
5 such as the missing women investigation in
6 Vancouver, the VPD investigators, could have
7 presented the circumstances and facts as they knew
8 them at the time with the view of trying to get
9 approval for a joint forces operation, and the
10 whole point of the panel is to have two or three
11 people, preferably three, that -- to weight the
12 evidence or the circumstances under which the
13 proposal is being made, and my reasoning for that
14 is the belief that if you have three different
15 individuals, although we all personally carry
16 biases of one form or another, that it's less
17 likely that certain biases will be -- will be
18 sufficiently considered to unfairly dismiss such a
19 presentation or -- I'm not saying it as well as I
20 would like.

21 Q I think --

22 A To interfere with the decisions that you're trying
23 to make.

24 Q Okay.

25 A So that's the reason for the panel. I also -- and

1 I would say it's formalized in order to require a
2 written -- a written response or decision for any
3 presentation made to them, which again certainly
4 sets it up for being accountable, but I also
5 believe that it would create a more principled
6 analysis of the evidence or the information
7 presented to them and having to justify and
8 explain the decision in support of or against the
9 recommendation or the proposal.

10 The other part that I think is equally
11 important, and, in fact, I think for the first one
12 to have any value to work the second part needs to
13 exist, and that is to recognize that serial
14 investigations are extraordinarily -- are
15 extraordinary police events and almost always
16 going to be outside the funding envelopes that
17 police departments would have, so there needs to
18 be some form of access to special funding,
19 emergency funding, however you care to phrase it,
20 that would allow the panel -- you know, if the
21 information presented to them can support the
22 decision that a task force or joint forces
23 operation or investigative team needs and should
24 be established, that there is a means to acquire
25 the funding so that we're not forcing those

1 decision-makers into rejecting the presentation as
2 a result of a lack of funds in order to carry it
3 out.

4 Q So what you're -- tell me if I'm right or wrong
5 here -- what you're saying is instead of having to
6 present the business model first to the person
7 who's going to decide and have them crunch the
8 numbers, if a JFO was approved in a serial
9 investigation we would worry less about the money,
10 proceed on the basis of the JFO as necessary, and
11 there is an envelope of money somewhere that we
12 can rely on?

13 A Yes, that would be fair.

14 Q Okay. Anything else in terms of recommendations?

15 A In terms of recommendations, no.

16 MS. NARBONNE: Okay. Thank you.

17 THE COMMISSIONER: Thank you, Ms. Narbonne. We'll adjourn.

18 THE REGISTRAR: The hearing will now adjourn for 15 minutes.

19 (PROCEEDINGS ADJOURNED AT 11:07 A.M.)

20 (PROCEEDINGS RESUMED AT 11:28 P.M.)

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

22 THE COMMISSIONER: Mr. Hern.

23 **CROSS-EXAMINATION BY MR. HERN:**

24 Q Thank you. Mr. Davidson, Sean Hern, counsel for
25 Vancouver Police Department here.

1 A Yes.

2 Q And I'm going to look with you at tabs L as in
3 Larry and M as in Mary of your -- of the exhibits
4 to your "will say". So tab M is the first one,
5 and that is the proposal that you indicate you
6 provided to Gary Bass?

7 A Yes.

8 Q And on the second page of that proposal, sir,
9 under the subheading "Proposal" you speak of
10 creating a JFO task force. Do you see that phrase
11 that you used?

12 A I do.

13 Q And when you refer to a JFO task force, what
14 you're talking about there is the type of special
15 investigative group that would be staffed by the
16 resources that you've listed or proposed on page 3
17 of your proposal?

18 A Yes, that's correct.

19 Q And so this is a unit that would have one
20 commander, potentially a command triangle?

21 A Potentially, yes.

22 Q And all information and leads would be received by
23 this one unit and catalogued in one place?

24 A That was -- yes, that was the plan.

25 Q And investigative activities would follow a

1 specific investigative plan?

2 A Yes.

3 Q And investigative activities would be coordinated,
4 unlike what you were observing in the various
5 investigations to date?

6 A Yes.

7 Q And so what you're talking about there is a formal
8 joint forces operation task force?

9 A Yes, I guess it would be formal, yes.

10 Q Okay. The next questions I have are with regard
11 to Exhibit L, and that is your continuation report
12 of February 14, 2000.

13 A Yes.

14 Q Now, some Coquitlam officers have suggested that
15 after August of 1999, when the interviews of
16 Ellingsen and Caldwell had been essentially
17 unsuccessful, that the only two viable ways to
18 advance the investigation were to interview
19 Pickton himself and perhaps to see if Ellingsen
20 would come in for a further interview. Are you
21 familiar with that time period?

22 A To a degree, yes.

23 Q All right. And in January of 1990 -- sorry,
24 January 19 of 1999 -- of 2000 Pickton was actually
25 interviewed. Are you familiar with that?

1 A I recall that he was interviewed. I'm not
2 familiar with the time frame, but I accept what
3 you're saying.

4 Q Okay. Well, you meet on February 14, 2000, and
5 among the individuals at the meeting are Constable
6 John Cater?

7 A Yes.

8 Q And he was one of the individuals who interviewed
9 Pickton with Constable Ruth Yurkiw. Were you
10 aware of that on February 14?

11 A I probably was. I don't remember it now, but I
12 probably was at the time.

13 Q You expect that Constable Cater or perhaps
14 Corporal McCartney would have briefed you on the
15 steps that had been taken since the summer of
16 1999?

17 A Yes, I guess -- I don't know that it would have
18 been an exhaustive briefing. I think they would
19 have -- they probably would have told me some of
20 the things they've done, probably would have given
21 me an assessment of what they got out of the
22 interview. But, again, I don't actually remember
23 that. I'm just supposing that that's what
24 probably took place.

25 Q Okay. Given that this is February 14 and your

1 group is planning what investigative steps might
2 be taken to advance the Pickton investigation, you
3 must have known that the interview of Pickton had
4 not resulted in any significant investigative
5 leads?

6 A Yes.

7 Q All right. Now, you at this time frame of
8 February 14, 2000, you didn't think that the
9 investigation of Pickton was at a dead end?

10 A Yes, that's correct, I did not think it was at a
11 dead end.

12 Q There were other ways to advance the
13 investigation, and you've set out some of them
14 from the discussion among the group at this
15 meeting?

16 A Yes.

17 Q And what about -- if there were resources
18 available, was more surveillance not an option?

19 A I think the -- I recall there was discussion of
20 surveillance and that the surveillance that had
21 been done did not reveal very much for -- there
22 were two primary reasons for that, is that Pickton
23 didn't move around very much, so over a period of
24 a week I think, if I recall correctly, the
25 surveillance had been carried out and he was --

1 there was very little movement in terms of him
2 leaving the farm, so it wasn't revealing anything.
3 And the idea of sort of a static observation post
4 or camera given the property had been considered,
5 but there was no -- there was no suitable location
6 that would have allowed us to do that and keep the
7 surveillance covert and get the information that
8 we were hoping to get. So it was considered but
9 considered either unachievable in one sense or
10 that the -- the amount of effort that it takes to
11 conduct surveillance versus what we're gaining
12 from it wasn't actually revealing or providing us
13 with anything useful.

14 Q The surveillance that was done was in the summer
15 of 1999. Were you aware of that?

16 A No, I can't say that I recall exactly when it
17 occurred. I know that it did occur, but I don't
18 know when, and I actually don't know what the
19 circumstances or motivation behind it was. I
20 simply know -- remember the results of it.

21 Q Okay. Do you recall if you were made aware that
22 when Constable Yurkiw, I believe it was, contacted
23 Dave Pickton in order to arrange an interview with
24 Robert Pickton in the fall the answer was that
25 they worked on the dry days so the interview

1 should wait until it was raining? Were you aware
2 of that information?

3 A I don't recall that. I'm not -- I can't say that
4 I wasn't aware of it at the time. I just -- I
5 don't recall that now.

6 Q So, I mean, if that were true, it suggests that
7 Pickton would be working a lot if it were dry and
8 perhaps doing other things if it were raining such
9 that surveillance on an occasion when it was not
10 the summer or the dry months might be more
11 productive in a rainier month. Would that be a
12 fair consideration from an investigative point of
13 view?

14 A I would think so, yes.

15 Q All right. And what about showing pictures of
16 Pickton on the prostitution strolls to find out if
17 there were any other women or other witnesses who
18 had information about him? Was that an
19 investigative strategy that might have been
20 utilized if the resources were available in 2000?

21 A Yes.

22 Q All right. And so from your perspective in
23 February of 2000, when you were effectively
24 brainstorming with this group, there were numerous
25 ways to advance the investigation if the

1 investigative group turned their minds to it and
2 prioritized it?

3 A Yes, I think -- I think there were -- there were a
4 variety of opportunities to advance the
5 investigation subject to having the available
6 resources.

7 MR. HERN: Thank you. Those are my questions.

8 THE COMMISSIONER: All right. Thank you, Mr. Hern.

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

10 Q Good morning, Mr. Davidson. My name is Rory
11 Makosz. I'm counsel for the Government of Canada.

12 A Hello.

13 Q I want to begin just by asking you a little bit
14 about your role as a profiler. It's my
15 understanding that the profiling unit or the
16 Behavioural Sciences Unit worked under the "E"
17 Division Major Crime Section umbrella; is that
18 correct?

19 A Yes, it is.

20 Q And my understanding of the Major Crime Section
21 generally and your unit in particular was that its
22 role was to provide support to investigators and
23 support in the form of analysis and advice in your
24 case?

25 A That would be correct, yes.

1 Q And I note at paragraph 9 of your "will say" you
2 state that you advised on about 994 cases in the
3 four years you spent in that unit between '97 and
4 2001?

5 A Yes, that would be right.

6 Q So roughly 250 cases a year?

7 A Yes.

8 Q All right. And so in that capacity, in that
9 assisting capacity you're not part of any
10 particular detachment? For example, you're not
11 involved on a regular basis with the Coquitlam
12 Detachment?

13 A That's correct, yes.

14 Q And you were asked to provide assistance, I
15 believe, to the Vancouver Police Department on or
16 about March 16th of 1999 in relation to the
17 missing women investigation; is that right?

18 A If you're making -- if that's the date on which
19 Kim Rossmo approached me, then that would be
20 correct.

21 Q Well, I'm looking actually at paragraph 16 of your
22 "will say" because it appears to me at paragraph
23 14 there was an approach by Detective Inspector
24 Rossmo and that that didn't actually result in
25 your providing any assistance because the working

1 group, as we see at paragraph 15, was disbanded
2 before you could do so. Do you agree with that?

3 A Yes, I agree with that, yes.

4 Q And then subsequently you received a letter from
5 Lori Shenher on March 16th of 1999 asking for
6 profiling assistance, and you see that at
7 paragraph 16?

8 A Yes.

9 Q And so it was that process -- now, there's a few
10 developments along the way, but that was
11 ultimately the beginning of your providing what
12 was ultimately your Project Orion case assessment;
13 is that correct?

14 A Yes.

15 Q All right. And I just wanted to ask you a little
16 bit about it because you've described the Project
17 Orion report, and that's at Appendix "H" for those
18 who are following along in your "will say", you've
19 described the Project Orion report as a case
20 assessment as distinct from a full profile.

21 A That's right.

22 Q Can you explain the distinction between those
23 things?

24 A A full profile or what would be properly titled a
25 profile of an unknown offender requires

1 substantially more information. It requires a
2 crime scene and resulting forensic information as
3 a result of what took place during the actual
4 commission of the crime, in this case the murders.
5 So in the absence of that information I'm unable
6 to actually provide a -- formerly what we would
7 call a profile. So I called this a case
8 assessment because there were a few things that we
9 could or I felt I could say with respect to these
10 cases subject to the assumptions I list there. So
11 this was a more -- it created -- it was a report
12 that I created to the best of my ability that was
13 outside of the specific products that a profiler
14 normally produces.

15 Q And this is, in a sense, a more limited document
16 than a full profile in the sense of the
17 conclusions that can be drawn from it?

18 A That's correct, yes.

19 Q And I note that in going through it it appears
20 you're very cautious in reaching conclusions.
21 Just looking through some of the characteristics
22 of a possible offender, you mention it being
23 likely to be a white male, in his thirties,
24 average to above average intelligence, with their
25 own vehicle, appearing ordinary in their dress and

1 appearance. They're fairly generic descriptors;
2 is that fair to say?

3 A I'm not sure I'd use the word "generic". They
4 are -- they certainly aren't as specific as we
5 normally are able to get from more information, so
6 I guess I would -- I would characterize them as
7 being less precise than I could otherwise state
8 there.

9 Q And just to be clear, in this document there's no
10 suggestion of a joint forces operation set out
11 anywhere in this particular document, is there?

12 A No, there's not.

13 Q Okay. But what you have set out, I believe, are
14 some recommendations with respect to investigative
15 steps that can be taken?

16 A Yes.

17 Q And two of those include contact with women in the
18 Downtown Eastside and reviewing video cameras that
19 might be able to capture footage of the strolls
20 that they were working; is that right?

21 A Yes, that's correct.

22 Q And I take it from that that you're essentially --
23 the challenge that you are facing is that you
24 don't have these crime scenes to work backwards
25 from. What you know is you know the general

1 victimology of the people who are disappearing,
2 and that's the primary basis that your assessment
3 is relying upon; is that fair?

4 A Yes, that and sort of some logical conclusions
5 that -- what you necessarily have to have in order
6 to commit the crimes we were believing were
7 committed and also having what would be necessary
8 in order to have successfully concealed the
9 victims' remains such that we weren't finding
10 them.

11 Q I see. And this report when it was complete, I
12 see on the cover there you've sent it to Geramy
13 Field. This wouldn't --

14 A Yes.

15 Q This wouldn't have gone to Coquitlam Detachment,
16 would it?

17 A No, it would not have.

18 Q All right. And so it seems to me a challenge that
19 you've got in developing this report is just the
20 lack of a crime scene, the lack of bodies, the
21 lack of, I suppose, real evidence that can give
22 you some clues as to the description of the
23 suspect that you're trying to profile?

24 A Yes.

25 Q And at that time, and I'm now moving into early

1 2000, there was another investigation going on,
2 the Valley investigation, which I believe you're
3 familiar with?

4 A Yes.

5 Q And there was a lot of belief at that time and I
6 think both amongst the VPD and the RCMP that the
7 Valley cases might be linked to the ongoing
8 missing women situation in the Downtown Eastside;
9 is that fair to say?

10 A Yes.

11 Q And I suppose had the bodies of those women not
12 been recovered they would simply be added to the
13 list of missing women, would they not, from the
14 Downtown Eastside?

15 A In all probability. I mean, I don't fully
16 understand the criteria that Evenhanded ultimately
17 used, but it would make sense to me to expect them
18 to have been added, yes.

19 Q Okay. Because it seems to me that the struggle
20 that you were facing in developing your case
21 assessment and the struggle that the investigators
22 were facing on the ground is simply having a lack
23 of evidence to work with to further their
24 investigation and a lack of leads as a
25 consequence; is that fair?

1 A Yes. That was certainly a huge impediment, yes.

2 Q And the Valley case, by contrast, you have women
3 who fit the victimology, and you actually have a
4 crime scene, so there is -- there is something
5 that can be used there, assuming there is a link
6 between the two?

7 A Yes. That was the theory, yes.

8 Q And so at the time, in that early 2000 period,
9 the -- was it your sense that the Valley
10 investigations might provide the best starting
11 point for an investigation into the missing women
12 situation generally?

13 A I would say it was a -- it was a good -- a good to
14 even very good investigative angle to pursue,
15 amongst others. I'm not sure I'd characterize it
16 as best one against the other options or other
17 investigative lines of inquiry that I was
18 recommending, but it was certainly a -- I was
19 recommending it as a very good option, and there's
20 nothing unique or special about that
21 recommendation. It was shared by lots of people.

22 Q And this -- I'm leading up to your meeting in
23 March of 2000, but I just wanted to refer you to a
24 few documents along the way. I'm noting at
25 Appendix "J" of your "will say" there's a memo

1 there from Sergeant Geramy Field to Acting
2 Inspector Dan Dureau dated January 20th, 2000, and
3 I note in the first paragraph -- do you have that?

4 A I do, yes.

5 Q They talk about a meeting with yourself along with
6 Scott Filer, and in the second sentence Sergeant
7 Field says:

8 We also discussed many of our current
9 subjects of interest, including,
10 and she names two persons of interest along with
11 Robert Pickton,
12 among others, and how some of them have been
13 eliminated in relation to the Agassiz
14 prostitute homicides from 1995.

15 And when she's referring to the Agassiz homicides
16 she's referring, of course, to the Valley cases?

17 A That's my understanding, yes.

18 Q And then at the next tab there is another memo,
19 and this one is from Lori Shenher to Geramy Field,
20 and it begins:

21 On this date myself, Detective Lepine, and
22 Detective Constable Chernoff attended a
23 meeting at "E" Division headquarters to
24 liaise with their members investigating the
25 unsolved homicides of three women found in

1 the Agassiz area.

2 And this is again relating to the Valley
3 homicides?

4 A Right.

5 Q And then finally you have this meeting on March
6 the 1st in 2000, and I understand the attendees at
7 that meeting were yourself, Gary Bass, and
8 Sergeant Bob Paulson?

9 A Yes.

10 Q And was there anyone else at that meeting or was
11 it just the three of you?

12 A I don't actually recall. It's possible that Scott
13 Filer was there. I don't remember.

14 Q And Sergeant Paulson, he was leading the
15 investigation of the Valley murders, was he not?

16 A He was.

17 Q So it seems to me that at this time, in early
18 2000, there is a common view or at least an
19 inkling amongst the VPD and the RCMP that the
20 Valley cases are of significant interest in
21 relation to the missing women?

22 A Yes.

23 Q And I understand that your recollection from this
24 meeting was that Gary Bass had made a decision to
25 concentrate resources into the Valley

1 investigation?

2 A Yes.

3 Q And I see at paragraph 34 of your "will say" you
4 didn't express disagreement with him basically
5 because of his relative rank; is that fair?

6 A Not because of his relative rank. He was my
7 supervisor. It was his decision to make, and he
8 made it. It's not my place to disagree with him.
9 It's not -- so, I mean, I would have presented my
10 arguments for his consideration during the
11 meeting, and once he's made his decision he's made
12 his decision.

13 Q And one thing I wanted to ask you about, the --
14 when you came into this meeting, it was in
15 response in part to your conversations with the
16 VPD and with respect to pursuing a JFO; is that
17 fair?

18 A Yes.

19 Q And when I say VPD, we're talking about primarily
20 Lori Shenher and Geramy Field; is that right?

21 A That's right.

22 Q It didn't go -- you hadn't received a request from
23 anyone of higher rank than Geramy Field?

24 A That would be correct, yes.

25 Q All right. And you set out suggestions in the

1 course of that proposal, and that's at tab M of
2 your "will say", and if I understand what you're
3 proposing correctly, you were essentially
4 proposing a joint forces operation that would cast
5 a very wide net?

6 A Yes.

7 Q And I think that would be to avoid missing any
8 potential suspects or evidence that could be
9 relevant?

10 A Well, it was intended to do several things, one of
11 which you've just mentioned. The other is, of
12 course, the Valley connection or theorized
13 connection may not have actually turned out to be
14 correct, and as we now know, it wasn't correct, so
15 it was important to pursue other investigative
16 options or lines of inquiry concurrently in my
17 mind. I believed that to be correct. The other
18 part was recognizing that since we don't know
19 where the offender actually was in terms of where
20 they lived, where they had been operating or could
21 they have been operating in other areas without us
22 detecting or knowing about it, that there may be
23 evidence about -- evidence existing in other
24 detachments or police departments throughout the
25 province. So the wide net was in part to make

1 sure we don't miss any suspects, but it was also a
2 wide net to capture as much evidence that may
3 exist. And at that time I believe the policy with
4 respect to DNA was that the laboratory limited the
5 testing of DNA to cases where there was a suspect,
6 so if we didn't -- so there were cases in which
7 there were probably surviving victims -- well, not
8 probably, but there were surviving victims of
9 sexual assaults where we had forensic evidence and
10 DNA evidence that would be sitting in an exhibit
11 locker and not being tested because there was no
12 specific suspect associated with that particular
13 case. So the goal there was trying to gather all
14 that potential evidence, get it tested in the lab
15 to see whether we then had, first of all, other
16 serial connections and whether there was a
17 connection between any of those cases and the
18 Valley homicides.

19 Q And so I take it by casting this wide net you're
20 making sure you don't miss, well, any evidence,
21 any leads potentially?

22 A Yes.

23 Q And you were aware, of course, that there were a
24 large number of potential suspects out there?

25 A Yes.

1 Q And it was important not to miss any of them?
2 That was the approach that you were essentially
3 advocating?

4 A Yes.

5 Q And, finally, I just have two areas I wanted to
6 touch on with you. One I think you referred to
7 with respect to --

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

9 MR. MAKOSZ: Just one minute.

10 THE COMMISSIONER: I see.

11 MR. MAKOSZ:

12 Q -- with respect to DNA. My friend Mr. Ward
13 referred to DNA that -- DNA samples in the
14 possession of Coquitlam Detachment, but you have
15 worked with DNA, you've been involved with ViCLAS
16 and developing various methods of investigating
17 linkages between cases --

18 A Yes.

19 Q -- and you would know that without having a
20 comparator sample having DNA evidence would not
21 necessarily be helpful to an investigation?

22 A I would disagree with that. Without having a
23 comparator -- a sample to compare it against, it
24 doesn't -- it doesn't yield a -- it doesn't
25 necessarily yield a suspect, but there are other

1 elements, there's other things you can consider
2 from the presence of DNA and that oftentimes an
3 untested sample you can't be certain that there's
4 DNA present, you can't be certain whether the
5 offender was using protection or not, which is a
6 behavioural characteristic that would certainly be
7 of interest to me, in other words, were they
8 wearing condoms or not. It's possible that the
9 presence of DNA can be used as a tool to eliminate
10 suspects. If it doesn't actually identify one, it
11 may be suitable, of a sufficient value that you
12 can exclude people using it. So I think there's
13 value beyond simply having -- having it identify a
14 suspect for you.

15 Q That's helpful. Thank you. My last question just
16 relates to this indirect personality assessment
17 that John Cater was tasked to complete in early
18 2000, and I just wanted to get your explanation of
19 what exactly an indirect personality assessment
20 is.

21 A It's an assessment of a person's personality
22 characteristics, habits, strengths and weaknesses
23 and so on based on indirect evidence, in other
24 words, we talk to -- we look at documents, we talk
25 to people who know the offender, but it's indirect

1 because we don't get the information directly from
2 the person themselves. So it's a -- it's a
3 distinction from what would normally be done by a
4 psychiatrist or psychologist in a clinical
5 interview where they talk to the individual
6 involved and then come to a conclusion as to
7 personality issues or mental health issues and so
8 on. So it's indirect because we talk to everybody
9 but the person involved.

10 Q So you're limited to basically what's available
11 outside of the person in question?

12 A Correct.

13 Q Thank you. Those are --

14 A You're also limited in most cases by the fact that
15 from a tactical perspective on the investigation
16 is that we may not want to reveal the fact that
17 the person we're looking at is a person of
18 interest, so that may limit the number of -- the
19 people or the documents that we have access to at
20 the time.

21 MR. MAKOSZ: Thank you, sir. Those are my questions.

22 THE COMMISSIONER: Thank you. Mr. Peck.

23 MS. FRANCE: Mr. Commissioner, it's Elizabeth France for the
24 Vancouver Police Union. We just have five minutes
25 of questions for Mr. Davidson.

1 THE COMMISSIONER: All right.

2 MS. FRANCE: Good morning, Mr. Davidson.

3 THE COMMISSIONER: You need 30 minutes, Mr. Peck?

4 MR. PECK: I hope not.

5 THE COMMISSIONER: I hope not too, but the reason I ask that is
6 that this witness impacts more on your client than
7 anyone else here, so I just wanted to make sure
8 you had the full opportunity.

9 MR. PECK: I should be fine.

10 THE COMMISSIONER: Sorry?

11 MR. PECK: I should be fine.

12 THE COMMISSIONER: All right.

13 THE REGISTRAR: We're running under time.

14 THE COMMISSIONER: All right.

15 MS. FRANCE: Thank you, Mr. Commissioner.

16 **CROSS-EXAMINATION BY MS. FRANCE:**

17 Q Mr. Davidson, I just have a few questions for you
18 concerning Geramy Field, now Geramy Powell, and I
19 am going to be referring to your "will say". Do
20 you have that in front of you?

21 A I do.

22 Q Now, at paragraph 20 of your "will say" you say
23 this:

24 On or about June 15, 1999, I met with
25 investigators from the VPD missing women case

1 and the Spokane homicide squad to brainstorm
2 investigative strategies.

3 Do you see that?

4 A I do, yes.

5 Q And your notes from that meeting are set out at
6 Appendix "G". Can you go there? The first page
7 of those handwritten notes has the number 71.

8 A Yes.

9 Q If you go to the second page, sort of halfway down
10 the page you've got a notation that says, "Request
11 involvement of UHU." Do you see that?

12 A I do, yes.

13 Q Now, do you have any recollection of the
14 discussion that took place concerning that note?

15 A I don't. I can -- I can suppose that what -- the
16 request -- well, first of all, UHU is the Unsolved
17 Homicide Unit.

18 Q Yes.

19 A And I'm presuming that the note refers to the fact
20 that there was -- there would be a request for the
21 Unsolved Homicide Unit. I don't know if that was
22 going to be taken under -- on by somebody else or
23 whether the expectation was it was to be taken on
24 by me.

25 Q Yes. And do you have any recollection of talking

1 to Staff Sergeant Henderson about providing
2 assistance to the missing women investigation
3 prior to your discussion with Superintendent Bass
4 in March 2000?

5 A I have a very vague recollection. I believe I did
6 have a discussion with Doug Henderson that didn't
7 yield any results, but beyond that in terms of
8 what was said and when it was said and under the
9 circumstances and so on, I have no memory.

10 Q Do you have any other memory about the discussion
11 about, you know, discussing, you know, approaching
12 Doug Henderson about assistance at that point? I
13 don't know if you can offer anything else to the
14 commissioner.

15 A No, I don't -- I don't believe I do have any
16 memory. I mean, I do remember having a discussion
17 with Doug Henderson, but in terms of placing it in
18 the timeline, I can't help you there.

19 Q And do you recall -- is your best recollection
20 that it was before the March 2000 meeting with
21 Superintendent Bass?

22 A I believe I did have a conversation before and I
23 believe I had a conversation after with Doug.

24 Q Okay. Thank you.

25 A All right.

1 Q So I'm curious now if you have any recollection of
2 discussions with Geramy Field about the idea of a
3 JFO prior to January of 2000 because we know from
4 your "will say" and the documents that you were
5 approached by Lori Shenher in March of 1999 to
6 provide assistance and you worked with them
7 throughout that time, so my specific question is
8 if you have any recollection of other discussions
9 with Geramy Field about the idea of a JFO in that
10 later 1999 period?

11 A I don't. I don't have a recollection of talking
12 about a JFO specifically. I think we -- we talked
13 on probably several occasions about the need for
14 additional resources needed to get done, and the
15 ideas that we had brainstormed in terms of what
16 may help or advance the investigation all required
17 resources to do that, so I think there was
18 discussions between myself and her on probably
19 several occasions about the need for resources,
20 but I don't know that it took the form of deciding
21 that, you know, the way to move forward is a JFO
22 and advancing it into the form of a proposal. So
23 I think that was sort of an evolution that came
24 from multiple discussions and the recognition of
25 the need for resources for her team to be able to

1 do what we all recognized needed to be done.

2 Those discussions evolved into finally a -- the
3 idea of the JFO and then the proposal.

4 Q Yes. So it was multiple discussions that led up
5 to the ultimate proposal in May 2000?

6 A Yes.

7 Q Yes. Just one more question.

8 A In March of 2000.

9 Q Yes, sorry, March of 2000. Thank you. Just one
10 more question for you, sir. At paragraph 35 of
11 your "will say" you say that after meeting with
12 Superintendent Bass in March 2000 you don't recall
13 having any further discussions with the VPD
14 investigators about the JFO until November of
15 2000. I just want to ask you given that you had
16 been having discussions with Sergeant Field and
17 the review team surrounding you going to
18 Superintendent Bass to ask for support would it
19 not have been reasonable for you to have reported
20 back to them the -- communicated to them Bass's
21 decision about the JFO?

22 A Yes, it would certainly be reasonable.

23 MS. FRANCE: Thank you. Those are my questions.

24 THE COMMISSIONER: Thank you.

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

1 Q Sir, my name is Peck, and I'm counsel to Gary
2 Bass. Is it fair to say that there has never been
3 animosity between you and Gary Bass?

4 A I would say that's fair, yes.

5 Q In fact, he supported you for your commission
6 ranking?

7 A He did.

8 Q What we're talking about in part for the next few
9 minutes will be what I would ascribe as a
10 difference in memory about a comparatively brief
11 meeting that occurred more than 12 years ago, and
12 I'm referring specifically to the March 1st, 2000
13 meeting. Do you understand?

14 A I understand, yes.

15 Q Okay. You have no notes of that meeting?

16 A I do not.

17 Q Did you create a continuation report with respect
18 to that meeting?

19 A I did not.

20 Q Repeatedly in response to questions from Mr.
21 Cameron Ward, apart from notes you purported to
22 have no independent recollection of other meetings
23 that took place around that time; do you agree?

24 A I agree.

25 Q The proposal that you put in writing, which we

1 have repeatedly referred to, was created as a
2 three-page document for a presentation you wished
3 to make at the March 1st meeting; is that correct?

4 A It was created for the purpose of -- yeah, it was
5 created for the March 1st meeting with the purpose
6 of me using it as a reference and for a document
7 for me to give to Superintendent Bass.

8 Q Right. Do you have any independent recollection
9 of that meeting apart from things that you have
10 been reminded of?

11 A I have a memory of the -- I have a memory that the
12 meeting took place. I remember that the -- the
13 conclusion of the meeting, and I remember -- I
14 remember sort of my feeling as a result of the
15 conclusion at the meeting, but in terms of any
16 independent memory of what was said and the
17 details of the discussion and so on, no. I do
18 have -- I do have a memory that part of the reason
19 for the -- the fact that the JFO idea wasn't
20 supported had to do with a lack of resources, but,
21 again, I don't -- I don't recall the details of
22 that, of why I have that understanding.

23 Q The notes of Mr. Bass contemporaneous with that
24 meeting read as follows. I don't know if you have
25 a copy, but let me read them to you.

1 Meet Davidson, Filer, and Paulson re proposal
2 on task force - serial cases. Agreed to
3 start with an effort on Valley prostitute
4 murders first - DNA to be compared. Will add
5 to group when manpower becomes available.

6 Do you have that document?

7 A I do, yes.

8 Q So can we just talk about the content of that
9 document for a moment?

10 A All right.

11 Q Firstly, he mentions the persons at the meeting
12 including yourself, Paulson, and Paulson is Bob
13 Paulson; is that correct?

14 A Yes.

15 Q And he's the current commissioner of the RCMP for
16 Canada?

17 A Yes.

18 Q And Filer?

19 A Yes.

20 Q And a few moments ago I believe when Mr. Makosz
21 was asking you questions you didn't seem to have
22 any distinct recollection of Filer being at the
23 meeting but you thought he might have been?

24 A Yes.

25 THE COMMISSIONER: Was Filer there or not there?

1 MR. PECK: Filer was there.

2 THE COMMISSIONER: Oh, I see.

3 MR. PECK:

4 Q You don't disagree with those persons being
5 present: yourself, Paulson, Filer, and
6 Davidson -- sorry, Filer, you, and Bass?

7 A I agree with those notes.

8 Q Okay. And it mentions a proposal on a task force?

9 A Yes.

10 Q Into serial cases?

11 A Yes.

12 Q
13 Agreed to start with an effort on Valley
14 prostitute murders first,
15 emphasis on first?

16 A Right.

17 Q So they're not discounting the proposal at the
18 meeting, but they wanted to start there?

19 A I wouldn't agree with that. I would say that he
20 agreed to start with -- start obviously implies
21 that there's something more to follow.

22 Q Yes.

23 A But there was nothing -- in terms of the JFO
24 proposal, which I was recommending concurrent
25 investigative avenues and initiating or trying to

1 get a joint forces operation going now versus
2 later, so I -- my assessment of the meeting is
3 that I was asking for the JFO to be created
4 immediately or within what was, you know,
5 practical to pull something like that together.

6 Q And --

7 A So I see where you're going, but my assessment was
8 we were asking for the JFO, of which one
9 investigative avenue we were recommending was
10 the -- was pursuit of the Valley murders, and what
11 it resulted in was the investigative avenue of
12 pursuing the Valley murders without the remaining
13 investigative assistance or resources to do the
14 other parts of the proposal.

15 Q Where am I going?

16 A Well, perhaps you can see where you're going.
17 I'll let you take me there.

18 Q

19 Will add to group when manpower becomes
20 available.

21 What group?

22 A I don't know.

23 Q Within a short time of that meeting, a matter of
24 two months, Henderson of the Unsolved Homicide
25 Unit was asked or offered to do a review of the

1 Vancouver files. Were you aware of that?

2 A Yes.

3 Q That would be a logical starting point for the
4 commencement of a joint forces operation, would it
5 not?

6 A Yeah, I would agree with that.

7 Q And, in fact, we have learned in this inquiry that
8 those files were in no condition or shape for a
9 thorough review at that time until the fall of
10 2000. Do you know that?

11 A I recall hearing that. I don't know that
12 firsthand, but I recall hearing that.

13 MR. GRATL: I just rise, Mr. Commissioner, because -- Jason
14 Gratl for Downtown Eastside interests.

15 THE COMMISSIONER: Yes.

16 MR. GRATL: It's just not clear from the evidence that we've
17 heard that the Vancouver Police Department files
18 were in any shape to be reviewed in the fall of
19 2000. It's not clear that it happened then.

20 THE COMMISSIONER: I wasn't entirely clear of that either. I
21 thought there was some concern about it, but --

22 MR. GRATL: Even long after that.

23 THE COMMISSIONER: Sorry?

24 MR. GRATL: Long after that period, the fall of 2000.

25 THE COMMISSIONER: Okay.

1 MR. PECK: I'm just waiting for a document.

2 THE COMMISSIONER: All right. Okay.

3 MR. PECK:

4 Q Mr. Commissioner, I'm referring to a document.

5 I'm not sure of the exhibit number. It's a letter
6 from Gord Spencer of the Vancouver Police to
7 Inspector Doug Henderson. It's dated, appears to
8 be August 10th, 2000, and in part says:

9 Initially we had anticipated the use of your
10 services in early September. However, due to
11 technical difficulties with the SUISS,
12 S-U-I-S-S,
13 data analysis system and a backlog of tips
14 still to be entered, we will not be in a
15 position to turn this over to you until
16 possibly October.

17 THE COMMISSIONER: So this is Spencer to Henderson?

18 MR. PECK: Yes, as of September.

19 THE COMMISSIONER: Okay. All right.

20 MR. PECK:

21 Q What we do know, sir, is that as of November of
22 2000 Don Adam was digging in on this task. You're
23 aware of that?

24 A Sorry, are you --

25 Q I'm talking -- yes, I am.

1 A Yes. Sorry. Yes, I'm not sure exactly of the
2 time, November or whatever, but I knew Don Adam
3 was -- eventually became involved in it, yes.

4 Q Now, I just want to talk a minute about the Valley
5 murders issue. What we know about that and what
6 you, the RCMP, and I suggest the VPD knew as of
7 2000 and, in fact, well before 2000, that they
8 involved this. Firstly, they involved three sex
9 trade workers from the Downtown Eastside, yes?

10 A Right. Yes.

11 Q Whose remains were found in very difficult to
12 access remote locations north of Agassiz and
13 Mission?

14 A Yes.

15 Q That the same male DNA was linked to two?

16 A Yes.

17 Q And there was further evidence of a similar fact
18 nature linking all three?

19 A Yes.

20 Q That whoever committed those murders took
21 extraordinary steps to secrete those bodies?

22 A Yes.

23 Q And I don't intend to take you to your discussions
24 with Deputy Chief Constable Evans from Peel
25 Region, but you made significant comment about

1 that and what lengths that person went to to hide
2 his crimes?

3 A Yes.

4 Q So what you had here was you had an identified
5 source, in other words, you had the DNA, you had
6 the bodies, you had the locations, and you had the
7 link back to Vancouver because they were last seen
8 in downtown Vancouver before they disappeared?

9 A Right.

10 Q So that's a pretty good place to start?

11 A There's no question about it. It's a good
12 investigative line of inquiry.

13 Q And then within a matter of six months, less,
14 we've got the initial overall file review
15 starting, which is the first starting point of any
16 JFO of significance, yes?

17 A We have it starting. I don't know if it's
18 necessarily the first starting point, but it is --
19 I'll agree with you that it's a starting point of
20 a JFO.

21 Q After your meeting of March 1st, 2000, did you
22 tell Shenher or Field that you were going to more
23 formally reapproach Mr. Bass with respect to your
24 JFO proposal?

25 A I may have done that. That sounds -- that sounds

1 familiar. I don't have any particulars -- I don't
2 have an independent memory of saying that, but it
3 sounds familiar that I might have said that, yes.

4 Q Let me see if I can refresh your memory by
5 reference to a document. This document is marked
6 as an exhibit. It's 83NR, and this document -- at
7 tab 68, and this document is a memo from Geramy
8 Field to Gord Spencer, and in part it reads as
9 follows:

10 I spoke --

11 Oh, I'm sorry. It's dated May 9th, 2000. It
12 reads in part as follows:

13 I spoke with Keith Davidson again this
14 morning and he is going to more formally
15 reapproach Gary Bass.

16 Does that help?

17 A It's not helping in terms of bringing a memory,
18 but I'm not -- I don't dispute what is said in the
19 memo.

20 Q Two questions arise from that. Firstly, I take it
21 then that your first discussion about this on
22 March 1st, 2000, was of an informal nature?

23 A Yes, I would characterize it as that, yes.

24 Q Fair enough. Secondly, did you more formally
25 reapproach Gary Bass?

1 A I don't believe I did, no.

2 MR. PECK: Thank you, Mr. Commissioner. Thank you, sir.

3 THE COMMISSIONER: All right. Thank you.

4 MR. PECK: Perhaps I should submit the document I referred to
5 as an exhibit. This appears to be a letter from
6 Spencer of the Vancouver Police to Henderson of
7 the RCMP dated August 10th, 2000, and I'll hand
8 this to the --

9 THE COMMISSIONER: August 10th, 2000?

10 MR. PECK: Yes. And I can give you the VPD number for it.

11 THE COMMISSIONER: That's the letter where there is a concern
12 about the files being in shape?

13 MR. PECK: Yes. Not being in shape.

14 THE COMMISSIONER: Sorry, not being in shape.

15 MR. PECK: For review.

16 THE COMMISSIONER: Well, their concern is the file -- yes.

17 MR. PECK: Okay. It's VPD-001-000444.

18 THE COMMISSIONER: All right.

19 MR. PECK: I'll give that to the Registrar. Mr. Commissioner,
20 that ends my questions for this witness. Thank
21 you.

22 THE REGISTRAR: That will be marked as Exhibit No. 215NR.

23 **(EXHIBITS 215NR: Gord SPENCER memorandum to Doug**
24 **HENDERSON dated August 10, 2000)**

25 THE COMMISSIONER: All right. Thank you. Okay. Ms. Brooks,

1 please. If he may be sworn, Mr. Giles.

2 THE REGISTRAR: Yes.

3 **JAMES MCKNIGHT: Affirmed**

4 THE REGISTRAR: Would you state your name, please.

5 A James McKnight.

6 THE REGISTRAR: Thank you. Counsel.

7 **EXAMINATION IN CHIEF BY MR. VERTLIEB:**

8 Q Thank you. Mr. McKnight, you have an affidavit
9 that's before you, and it's been sworn and will
10 form your evidence in these proceedings?

11 A I do.

12 Q By way of background, you were with the Vancouver
13 Police Department and worked in Homicide from
14 August '97 to February 2001. You were then
15 assigned to Evenhanded in February 2001, and by
16 May of 2001 you were working exclusively on
17 Evenhanded and you were the primary investigator?

18 A That's correct, Mr. Commissioner.

19 Q And you conducted a review of Project Amelia's
20 tips and missing women files and prioritized
21 persons of interest identified in those files as
22 well as other persons of interest identified by
23 Evenhanded?

24 A I did.

25 Q You left the police force in Vancouver and went to

1 the RCMP and worked in the RCMP until 2010, and
2 you are now completely retired from police duties?

3 A That's correct.

4 MR. VERTLIEB: Mr. Commissioner, the affidavit can be marked,
5 please, and I then ask for you to give counsel the
6 time allocations as you've directed.

7 THE COMMISSIONER: All right. Mr. Ward 45 minutes, Mr. Gratl
8 one hour, Ms. Narbonne 15 minutes, Mr. Hern/Mr.
9 Dickson 10 minutes, Ms. Tobias 10 minutes.

10 MR. VERTLIEB: Thank you.

11 THE REGISTRAR: The affidavit will be marked as Exhibit No.
12 217NR.

13 **(EXHIBIT 217NR: Affidavit of James McKnight)**

14 MR. VERTLIEB: Thank you, Mr. Giles. Thank you, Mr.
15 Commissioner.

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

17 Q Yes, Mr. Commissioner, Cameron Ward, counsel for
18 the families of 30 -- or, sorry, 25 missing and
19 murdered women. And, Mr. McKnight, your work with
20 the Vancouver Police Department was as a detective
21 for some 28 years, correct?

22 A Not as a detective for 28 years. I was promoted
23 in 1987 to the rank of corporal and spent a
24 probably good part of seven or eight years as a
25 detective.

1 Q All right. I'd like to just draw your attention
2 to parts of your affidavit. The first is Exhibit
3 "D", which is referred to at paragraph 10 of the
4 affidavit. You've described this as an example of
5 a person of interest list that was contained
6 within the Project Amelia file, which you began
7 reviewing in June of 2001; that's correct?

8 A Well, I started reviewing the Project Amelia files
9 almost immediately in February, but specifically I
10 think when it came to the persons of interest it
11 was sometime around June that I started to look at
12 those, yes.

13 Q All right. And here at Exhibit "D" there's a
14 document that's in typed form described as "TOP
15 PERSONS OF INTEREST", and the only name that I can
16 read because the others are blacked out is the one
17 at the very top of the list, and it's Pickton,
18 Robert William, with his date of birth, October
19 24th, 1994 (sic), correct?

20 A That's correct.

21 Q Do you know when this list of top persons of
22 interest was created?

23 A No, I don't.

24 Q And do you know who created it?

25 A I believe Detective Constable Shenher created that

1 list.

2 Q And you found it within the file, correct, when
3 you began your review?

4 A Yes. Within the files, yes.

5 Q All right. And the reference to these tips, and
6 the first one is tip 30 in respect of Mr. Pickton,
7 that's a reference to the RCMP method of filing
8 information by tip number; is that right?

9 A I believe those tip numbers do refer to the RCMP
10 method of conducting an investigation, but I can't
11 swear that that's what this was.

12 Q All right. So, in any event, this list, which I
13 will -- well, this list showed that Mr. Pickton
14 was the first named on a list of several described
15 as top persons of interest with respect to the
16 investigation into the cases of the missing women?

17 A His name appears at the top of the list, yes.

18 Q And then there's another list, which is Exhibit
19 "F" to your affidavit. If you could turn to that,
20 please.

21 A Yes.

22 Q You refer to the affidavit at paragraph 14, and
23 that paragraph says this. I'll just read it to
24 you.

25 On April 4, 2001, Detective Little reviewed

1 Project Amelia's folder for Robert Pickton
2 and categorized him as a Priority 1 POI.

3 And then you say:

4 As noted above, I had later reviewed the
5 Robert Pickton tip file and agreed with
6 Detective Little's assessment.

7 And Exhibit "F" is Detective Little's handwritten
8 list; do I have that right?

9 A Yes.

10 Q Okay. And again the name of Robert Pickton
11 appears right at the top?

12 A His name is at the top of the list, yes.

13 Q And I'm having trouble reading Little's writing
14 under "Comments". I think it says "file
15 organized". I can't read the next word. Can you?

16 A I believe it says "Pickton to do list".

17 Q "Pickton to do list completed photo included"?

18 A Yes.

19 Q And someone's initial over to the right?

20 A Yes.

21 Q Do you know whose initial that is?

22 A Detective Little's.

23 Q All right. And these two lists, the first one I
24 drew your attention in typewritten form and this
25 handwritten one, are different in the sense that

1 the order of the persons of interest and their
2 respective tip numbers are different in each with
3 the exception of Mr. Pickton appearing at the top
4 of each, correct?

5 A Well, not only are they different, I mean, there's
6 also different tip numbers that appear in
7 Detective Little's list.

8 Q Sure. They're two different lists?

9 A Yes.

10 Q They're not just two versions of the same list?

11 A That's correct.

12 Q All right. And so in April and June of 2001
13 different lists of top or prime persons of
14 interest were drawn up by the investigating
15 officers, and Robert William Pickton's name
16 appeared at the top of each of those lists,
17 correct?

18 A Yes.

19 Q Now, I want to ask you about two of your
20 colleagues on Project Evenhanded, Marg Kingsbury
21 and Nicole St. Mars. You recall working with
22 them?

23 A Yes, I do.

24 Q If you could turn, please, to Exhibit "J" to the
25 affidavit, you will see, sir, a copy of a

1 continuation report in typewritten form, and
2 halfway down the left you will see the date of
3 this entry. It's 2001-04-05, which I take to be
4 April 5th, 2001, right?

5 A Correct.

6 Q And you'll see on that date you attended a meeting
7 at the Vancouver Police Department with Emer
8 Fitzgerald, Phil Little, Geramy Field, Cheryl
9 Liggett, Dan Dickhout, Alex Clarke, Trish Keene,
10 Marg Kingsbury, Nicole St. Mars, and Don Adams,
11 right?

12 A Yes.

13 Q And I'll just note for the purpose of the next
14 question on the next page, first full paragraph,
15 it reads:

16 Marg Kingsbury and Nicole St. Mars by now,
17 should be "are",

18 fully attached to this project, they will

19 begin their review of homicides forthwith.

20 Do you see that?

21 A Yes.

22 Q And that accords with your recollection?

23 A Yes, it does, yeah.

24 Q So April 2001 Kingsbury and St. Mars are part of
25 your team?

1 A Yes.

2 Q Now, we heard this morning when Mr. Davidson was
3 testifying on the video link that Kingsbury and
4 St. Mars, these same two people, were at a meeting
5 over a year earlier, Valentine's Day, February
6 14th, 2000, in Coquitlam with former Staff
7 Sergeant Davidson when the six people, all members
8 of the RCMP, in attendance discussed proceeding
9 with an investigation of the same Robert William
10 Pickton and spoke about attempting to obtain an
11 authorization to intercept telephone
12 communications and attempting to obtain a search
13 warrant for his property. With that my question
14 for you is when you started working with Kingsbury
15 and St. Mars and when they became fully attached
16 to your team in April of 2001 did either of them
17 bring to your attention the fact that they had
18 been involved over a year earlier with an
19 investigation into Robert William Pickton, the
20 same man who appears at the top of those two lists
21 of top persons of interest?

22 A Well, I'm certainly aware of it now, but I can't
23 specifically tell you that I was aware of it at
24 that time or when I found out about it.

25 Q You don't recall any discussion perhaps originated

1 by either Marg Kingsbury or Nicole St. Mars to the
2 effect of, "Look, we took a look at this guy who's
3 at the top of the person of interest list last
4 year, and we started an investigation into him,
5 and here's what happened," anything like that?

6 A No, no. I -- I certainly recall that those
7 members and other members had certainly discussed
8 operational plans relative to Mr. Pickton, and I
9 was certainly aware that -- of some previous
10 investigative steps, but did they specifically
11 tell me about it? No, I can't -- I don't remember
12 that.

13 Q All right.

14 A They certainly shared all information. Our team
15 was very tight knit.

16 Q Sorry, your team was very tight?

17 A Yes.

18 Q Okay.

19 A Shared information, yes.

20 Q Now, at paragraph 14, which I quoted from a moment
21 ago, you go on to say, this is paragraph 14 of
22 your affidavit:

23 I did not see the Coquitlam RCMP's file on
24 Pickton until after his arrest. I do not
25 believe Evenhanded had a complete copy of

1 that file until after the arrest.

2 That's true?

3 A I didn't see the completed file, but I think
4 that's worthy of a follow-up statement to Mr.
5 Commissioner. I certainly saw the Robert Pickton
6 binder, which contained information from the
7 Coquitlam file.

8 Q I see. But the physical file did not make it into
9 Evenhanded's position until after Mr. Pickton was
10 arrested in February of '02?

11 A Correct.

12 Q Do you know why?

13 A Well --

14 Q Why it wasn't delivered to your team.

15 A Coquitlam is responsible for that investigation.
16 Mr. Pickton was a person of interest, and the
17 amount of information we had on him was enough to
18 classify him as a high priority person of
19 interest.

20 Q Do you agree with the general proposition that in
21 any homicide investigation, particularly a serial
22 homicide investigation, once you have a top person
23 of interest there's a duty as an investigator to
24 either confirm that person as the perpetrator or
25 rule that person out?

1 A I think that -- that's a question that's difficult
2 to answer. If you're dealing with one person of
3 interest relative to a file, then by all means
4 you'd have to act upon that. With Evenhanded we
5 were dealing with multiple persons of interest,
6 from 31 up to hundreds at times, that had to be
7 prioritized, so it wasn't realistic to go running
8 off and doing that with every person of interest.

9 Q And when your team prioritized the persons of
10 interest, you divided them into three groups?

11 A Yes.

12 Q And Mr. Pickton in each of the lists of those in
13 the first priority group was at the very top,
14 correct?

15 A He's number one person of interest, yes.

16 Q So he's the number one person of interest in the
17 number one priority grouping of all of the persons
18 of interest in this time period of spring and
19 summer 2001; is that right?

20 A No, I don't agree with that. He is on a list of
21 top priority persons of interest. He's not the
22 number one person of interest.

23 Q You're not suggesting that his name appears first
24 on each of those two lists just by happenstance,
25 are you?

1 A Well, I have no idea why he appears first on those
2 lists. I mean, one was prepared by Shenher, one's
3 prepared by Little. But I'm going to suggest to
4 you quite strongly that Mr. Pickton was one of
5 numerous persons of interest, any one of them
6 capable of being the serial offender.

7 Q Sir, we've heard from time to time in this
8 proceeding about what steps may be necessary in
9 obtaining an authorization to intercept telephone
10 communications, a wiretap, and a warrant to search
11 someone's premises, both of which matters were
12 discussed by Kingsbury, St. Mars and others in
13 February of 2000, but I want to ask you about
14 another investigative tool based on your
15 experience as a detective. What would be
16 required, sir, in order to install a camera, a
17 video camera on a telephone pole on Dominion
18 Avenue outside Mr. Pickton's restaurant (sic),
19 public land, to capture images of vehicles coming
20 and going in and out of his driveway?

21 A Well, specifically I would think that the
22 authorization would require the same threshold as
23 a search warrant or as a Part VI interception.
24 You're still --

25 Q That's your experience?

1 A Yes.

2 Q All right. Do you know --

3 A Well, it's my opinion. Perhaps I'd just rephrase
4 that, Mr. Commissioner. It's my opinion. I've
5 certainly never applied to have a camera installed
6 on any of the investigations I've conducted. So
7 my opinion is, yes, you'd have to have the same
8 threshold. My experience is, no, I've never done
9 it.

10 Q All right. Thank you. I understand that during
11 the course of Evenhanded's work on this case up
12 until Pickton's arrest in February of 2002
13 Evenhanded took no steps to obtain either an
14 authorization to tap his phones or to search his
15 premises. That's correct, isn't it?

16 A That's correct, we did not.

17 Q All right. And, similarly, it took no steps to
18 install a camera to watch or to view what was
19 happening around his premises?

20 A No, we did not.

21 Q Do you know why rookie RCMP officer Nathan Wells
22 decided to obtain and execute a search warrant on
23 February 5th, 2002? Did you have any discussions
24 with him?

25 A No, I did not have any personal discussions with

1 him. I don't know why. I mean, I can't read the
2 man's mind. My understanding was that he had
3 received source information that -- that resulted
4 in a firearms warrant.

5 Q See, the reason I ask is because I understand the
6 evidence in this proceeding to be that years
7 earlier members of the RCMP had source information
8 that didn't differ materially from whatever source
9 information Wells had. That's why I'm asking.
10 You don't know what was going on in his head,
11 Wells' head that prompted him some four years
12 after Pickton came to their office's attention in
13 connection with this issue to go ahead and search
14 his property, do you?

15 A I don't know what was in his head, no.

16 MR. WARD: All right. Thank you, sir, those are my questions.

17 THE COMMISSIONER: Thank you, Mr. Ward. Mr. Gratl.

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

19 Q Mr. McKnight, my name is Jason Gratl. I'm counsel
20 attempting to represent the interests and
21 perspectives of affected Downtown Eastside
22 individuals and organizations, especially sex
23 workers and drug users. What I was hoping to do
24 with you today is explore the question why Project
25 Evenhanded did not recognize Robert William

1 Pickton as an active serial killer.

2 A Well, that's a very difficult question, but I
3 think first of all you have to -- you have to
4 understand what Project Evenhanded -- what we were
5 doing, and I'm not sure that that's -- Mr.
6 Commissioner, you are aware of that, and if I may
7 I'd just like to take a few minutes to explain
8 that in my own words. When I became a member of
9 that project our mandate was to locate what I
10 believed were murdered women. I understand that
11 the women are referred to as missing women. In my
12 mind they were murdered. We had already discussed
13 that as a group. We were adamant that that was
14 the situation; therefore, we were going to follow
15 some strategies that had been developed prior to
16 my arrival there, but I knew what they were, and I
17 believed in them.

18 We were going to first of all do an
19 investigative review. Now, I hear folks talking
20 about this as a review. This is an investigation
21 skill. It's just not a matter of reading. We
22 were going to go out and identify murder files
23 relative to sex trade workers, serious attempt
24 murders, serious sexual assaults, and from those
25 we were going to draw off crime-scene evidence in

1 the hopes of supplying that material to the RCMP
2 lab to develop offender DNA. Now, that's easy for
3 me to say, Mr. Commissioner. However, we're
4 talking about a massive amount of files.
5 Vancouver alone had over 7,000 sexual assault
6 files. There was a problem there. They weren't
7 identified as these were assaults of sex trade
8 workers or of people from the West Side. It was
9 just sexual assault files. So manually I had to
10 have a member go through those files, search them
11 and determine which ones were related to sex trade
12 workers; secondly, to determine if there was a
13 person of interest; and, thirdly, locate that
14 evidence so they could submit that to the RCMP
15 lab. It was an immense process. It took a long
16 time. Out of that research, out of the murder
17 files, out of the attempt murder files, out of the
18 sexual assault files in the Province of British
19 Columbia we literally had hundreds of persons of
20 interest that had to be reviewed and prioritized.

21 Now, in the early stages of Evenhanded there
22 were over 31 Priority 1 persons of interest, Mr.
23 Commissioner. Now, these folks are predators.
24 They are people capable of killing multiple
25 victims. So Mr. Pickton was one of many. And the

1 more I searched, the more that list group. So,
2 sir, in answer to your question, the reason Mr.
3 Pickton wasn't targeted immediately was that there
4 was nothing to trigger that response.

5 Q Well, to be fair, that wasn't my question.

6 A Oh, I'm sorry. Perhaps I misunderstood you.

7 Q I was asking about an active serial killer.

8 A Well, I believed there was an active serial
9 killer. That's the whole point.

10 Q Now, what I understood from your affidavit was
11 that when you started, when you started, Mr.
12 McKnight, with Evenhanded --

13 A Yes.

14 Q -- you believed that the serial killer was not
15 active. Am I right about that?

16 A Initially, yes.

17 Q Okay. Now, that perspective didn't change for
18 months. Do you know when it changed in your mind,
19 when you realized, you, Mr. McKnight, not the
20 other investigators, when you realized that the
21 serial killer was active?

22 A I'd say mid-August to September of 2001.

23 Q So what I want to explore with you is this
24 intervening period from when you started to this
25 mid-August, mid-September period when you realized

1 that the serial killer was active, and the reason
2 that it bears exploration is because, as I
3 understand it, information was communicated to
4 investigators in January by Sergeant Field that
5 there were three new missings?

6 A No, I disagree with that. My recollection is that
7 Sergeant Field related that the Missing Persons
8 Unit was looking at four or five files that they
9 believed may or may not be related.

10 Q Can I take you to page 35 of the exhibit section
11 of your affidavit, please. They're all numbered
12 in the top right-hand corner. This comes from a
13 document entitled "Overview Of Project
14 Evenhanded". Mr. McKnight?

15 A Yes. No, I'm reading it. Yes.

16 Q And you are the author of this document; am I
17 right? It starts on page 19 of your exhibit.
18 It's entitled "Overview of Project Evenhanded".

19 A I'm having trouble finding where it starts.

20 Q Look at the numbers on the top right-hand side of
21 the page. You'll see 19.

22 A I don't see top --

23 Q It's Exhibit "E", I think, to your affidavit. I
24 don't know if your copy is tabbed.

25 A No, this is not -- I didn't author this report.

1 Q Okay. You've included it in your affidavit?

2 A Yes.

3 Q Presumably because of its accuracy?

4 A I included it because I read it, and I recognize
5 the document.

6 Q All right. So you're not --

7 A Well, I'm -- I'm going to disagree with that part.
8 I obviously missed that, but I don't think there
9 was three, unless I'm mistaken, but I believe
10 there was more. Back then I think it was Dawn
11 Crey.

12 Q I see at paragraph 13 of your affidavit you say:
13 The "Overview of Project Evenhanded" prepared
14 by retired Inspector Don Adam (attached
15 hereto as Exhibit "E") provides an accurate
16 reflection of the ranking system that we
17 worked with.

18 A Yes.

19 Q You're saying you disagree, though, with paragraph
20 48 of this overview?

21 A I disagree with that number, yes.

22 Q That says:

23 At the January 31, 2001 team meeting,
24 Sergeant Field reported that three more women
25 may be added to Vancouver's list of missing

1 women. VPD's missing person's staff was
2 responsible for following up on the missing
3 women.

4 A Well, I certainly agree with that. They were
5 responsible for following up on the missing women,
6 and the number doesn't -- doesn't ring true to me
7 right now.

8 Q And how many women as of January 31st, 2001, did
9 Sergeant Field report missing to the team, if any?

10 A I can't be specific, Mr. Commissioner, about the
11 number she reported because I just don't remember,
12 but my recollection is that the Missing Persons
13 Unit were looking at another four or five files at
14 that particular time that may or may not have been
15 related to the 27 that we had.

16 Q Now, help me with your level of responsibility for
17 the Vancouver Police Department Missing Persons
18 staff insofar as their duties included following
19 up on the missing women. Were you in charge of
20 them --

21 A No.

22 Q -- or would that be -- who would have been in
23 charge of them?

24 A They fall under the umbrella of the Major Crime
25 Section, and they reported to a Homicide sergeant,

1 Squad 2 sergeant I believe it was.

2 Q Okay. But they're obviously doing work that's
3 germane to the work being done by Project
4 Evenhanded?

5 A They're doing a lot of work, yes.

6 Q Okay. And that's why it forms part of Don Adam's
7 report here?

8 A Yes.

9 Q Because it's -- the work they're doing is relevant
10 to your investigation. Who within Project
11 Evenhanded was responsible to follow up or take
12 oversight or supervision of VPD's Missing Persons
13 staff that was responsible for following up on the
14 missing women?

15 A No, I disagree with that statement.

16 Q I'm asking who.

17 A But that's not true. It would be the sergeant in
18 Homicide who's responsible.

19 Q So nobody in Project Evenhanded was responsible --
20 because I just see that there's a note there. If
21 you go back to paragraph 47, it says:

22 At the December 12, 2000 Field/Adam meeting,
23 Sergeant Field was asked to look into the
24 status of missing women. The VPD had a
25 significant enduring series of documents

1 stating that the missing had stopped since
2 January 1999.

3 And then it appears at paragraph 48, it says:

4 At the January 31, 2001 team meeting Sergeant
5 Field reported that three more women may be
6 added to Vancouver's list of missing women.

7 So who would have been responsible for following
8 up there on the missing women?

9 A January 31, 2001 I was not a member of Evenhanded.
10 There was no Evenhanded at that point.

11 Q Okay. So what was that then, this task to
12 Sergeant Field and Sergeant Field comes back and
13 reports? What's she reporting to? What's going
14 on there?

15 A Well, I don't know. I'm not a part of it.

16 Q All right. So you just have no comment about
17 that?

18 A Well, no, I do have a comment, but you're asking
19 too specific a question. I think what's happening
20 is they're in the early or later stages of setting
21 up a joint force operation that I'm not yet a part
22 of.

23 Q Okay. So when did you become a part of it?

24 A February, I believe it was 26th, 2001.

25 Q All right. Now, I understood that your role

1 included taking a review of Vancouver files?

2 A A review of the 27 files that had originated with
3 Amelia.

4 Q Okay. So your responsibility stopped with the 27
5 files and didn't extend to any new possible files;
6 is that right?

7 A I disagree with that terminology, Mr.
8 Commissioner. It's not a question of
9 responsibility. In my mind I have possession of
10 the 27 files that I'm actively reviewing, and any
11 new files are the responsibility of the
12 originating agency, but I certainly was -- wanted
13 to be aware of it, and I was liaising with them.

14 Q So what's your title there at Project Evenhanded?

15 A I was the primary investigator.

16 Q Okay. And so what were your responsibilities as
17 primary investigator?

18 A Well, that changed. I'd never been in that
19 position of a massive file like that before, so
20 the original duties were to review Project Amelia,
21 the 27 victim files, to review the 1,350 Amelia
22 folders that were contained there, and to review
23 the 30 plus binders of persons of interest.

24 Q Who within the command triangle is responsible to
25 ensure that people are properly assigned to follow

1 up on information requirements, Mr. McKnight?

2 A Well, under the definition I suppose it's the
3 primary investigator.

4 Q Okay. So that would have been your responsibility
5 then to either follow up on missing information or
6 assign someone to do so, correct?

7 A No, I don't think -- I don't think that's fair,
8 Mr. Commissioner. I think that as we originate,
9 that as this investigation is -- let me just back
10 up. I've never had training in major case
11 management, so to say that these are the
12 definitions of the primary investigator and these
13 are your responsibilities, not fair and not
14 correct.

15 Q Okay.

16 A Now --

17 Q So if I understand your answer, you're saying, "I
18 was assigned as primary investigator without being
19 given training as a primary investigator, and I
20 didn't know my role"; is that correct?

21 A No, I don't agree with that at all. I knew what
22 my role was going to be within the investigation
23 of Project Evenhanded. It changed and developed
24 as I learned, as we all learned. Now, there was a
25 core group of folks there that we were all

1 responsible. We shared information. We shared
2 the workload. It's not fair to say that this is
3 your responsibility and you didn't -- you didn't
4 fulfil that. I did liaison with the Vancouver
5 Police Missing Person Unit, I did participate in
6 group discussions, and eventually I became more
7 confident in my position of primary investigator
8 and took on that leadership and responsibility
9 role.

10 Q Did you get training under major case
11 management -- under the major case management
12 training course provided by the RCMP at the time?

13 A No.

14 Q Why not?

15 A I've never applied for it or never been chosen to
16 take it. At that time it was not a course that
17 was offered to all investigators.

18 Q Did you tell anybody that it was hard for you to
19 fulfil your role as a primary investigator without
20 being trained about the responsibilities involved
21 in that role?

22 A No.

23 Q Okay. Where then did you get your idea about what
24 it meant for you to be assigned as a primary
25 investigator?

1 A I think that was just through experience and
2 discussions with the team commander, Don Adam, and
3 the other folks in the group. We learned what my
4 role would be.

5 Q So you learned while being -- while actually being
6 a primary investigator you were learning what it
7 meant to be a primary investigator?

8 A Yes, at that level, at that extent of an
9 investigation, yes.

10 Q Okay. So you were thrown into what amounts to a
11 super complicated case without any training as to
12 your role, and your role evolved over time, and
13 you sort of were getting on-the-job training; is
14 that right?

15 A No, I disagree with that a hundred per cent.
16 Nobody, Mr. Commissioner, could get training and
17 walk into a file of this nature. Now, based on my
18 experience as an investigator and my experience as
19 a police officer, I've certainly developed some
20 sort of skills where I could actually be put in a
21 position like that, but there's no course that I
22 can think of, including the major case management
23 course, that would train you effectively. It
24 certainly gives you guidance on what your
25 responsibilities are. It certainly gives you

1 something to fall back on, but --

2 Q All right. So let's move away from the training
3 business and come back to this business about the
4 new missings. Whose responsibility was it, to
5 your mind, to chase down this information about
6 new missings, whether there were new missings?

7 A The originating agency, so in this case it would
8 be the Vancouver Police Department's Missing
9 Person Unit, or if it was other related missings
10 from other detachments or municipal departments,
11 it would be their responsibility.

12 Q Who within Evenhanded was responsible for chasing
13 down new missings?

14 A Nobody was responsible for chasing down new
15 missings.

16 Q There we go. Okay. That was really the answer I
17 was looking for all along.

18 A Well, that's -- but that's -- I disagree with the
19 way you're suggesting that, Mr. Commissioner.
20 It's who's responsible for running it down, but
21 there was a liaison there. We were certainly not
22 ignoring new missings. We were in communication
23 with the folks from the Missing Persons Unit. If
24 there was any indicators from those files that
25 would have resulted in the identification of a

1 person of interest or triggered a response, that
2 should have triggered a response, we would have
3 done that.

4 Q So who was responsible for that liaison function?

5 A I was.

6 Q All right. So you were responsible to liaise with
7 the Vancouver Police Department Missing Persons
8 Unit to find out, among other things, whether
9 there were any new missings?

10 A And the status, that's correct.

11 Q All right. Now, I take it you agree that that
12 wasn't done in a timely way?

13 A No, I strongly disagree with that.

14 Q You say that was -- you followed up in a timely
15 way about new missings?

16 A Yes, I did.

17 Q All right. And if you look at paragraph 52 then
18 of Don Adam's report, it says:

19 By late August 2001, Vancouver Police
20 Department Missing Persons Unit had been
21 unable to complete the inquiries on any of
22 the new missing women.

23 Do you agree it says that?

24 A No. I can't find it.

25 Q It's paragraph 52. It's on page 36, top

1 right-hand corner page 36.

2 A Yes, I agree that it says that.

3 Q All right. Now, how many times did you follow up
4 between the time you were appointed primary
5 investigator and late August of 2001, how many
6 times did you follow up on information about the
7 new missing women?

8 A I don't remember. Specifically the number of
9 times I don't remember. I was trying to get a
10 hold of the unit on a weekly basis.

11 Q You say you were trying to but you didn't succeed?

12 A I can't -- I can't answer that because I don't
13 remember.

14 Q Okay. So who then was doing the work? Who was
15 doing the new missing women work?

16 A I don't -- who was liaising?

17 Q Who was doing it? It says here Vancouver Police
18 Department Missing Person's staff was responsible
19 for following up on the missing women.

20 A Yes.

21 Q That's paragraph 48.

22 A Detective Constable Dan Dickhout and Detective
23 Constable Cheryl Liggett.

24 Q Okay. So they were responsible. And how many new
25 missings were there as of August of 2001?

1 A I think it was seven.

2 Q Okay. So the number then, the list has grown from
3 three to seven between January and August, but
4 none of them have been followed up on?

5 A I disagree with that. They are being followed up
6 on. They're being investigated for missingness by
7 the Missing Person Unit.

8 Q So here's what I'm having difficulty
9 understanding, Mr. McKnight. What does it take
10 for them to be missing? What criteria have to be
11 satisfied to your mind?

12 A It's -- well, that's a difficult question to
13 answer because there is numerous investigative
14 steps that can be taken. As a matter of fact,
15 some of these files they took a great deal of
16 detail to try to locate these women. They reached
17 a point where we thought that they were probably
18 going to be given to Evenhanded because they were
19 confirmed missing, and the next day another phone
20 call was made and they found them. So the
21 threshold has to be high -- high or there has to
22 be some strong indication that -- that they're
23 gone.

24 Q What criteria, Mr. McKnight, was being used while
25 you were the primary investigator?

1 A They had a checklist at the Missing Persons office
2 with some 25 or 30 categories that they were
3 looking at that included welfare, vital stats,
4 checking with the coroner, checking with family,
5 checking residences, checking associates, checking
6 CPIC, PIRS, RMS, and the list went on.

7 Q Okay. So did you think it was appropriate to have
8 a lag of six months or more between the time a
9 person was reported missing and the time that
10 Project Evenhanded would consider them actually
11 missing?

12 A Well, it's definitely a long time. However, you
13 know, I have to qualify that. I can't stand here
14 and explain to the commissioner why an
15 investigation takes so long. There is no time
16 limit. It has to reach a point where you're
17 satisfied the women are missing. Having said
18 that, you still have to be able to look at each
19 file separately, individually and see if there's
20 anything that triggers a response to a potential
21 person of interest. So in answer to your
22 question, sir, I'm trying to explain this the best
23 I can, if it takes six months and there's nothing
24 that would trigger a response to a suspect, then,
25 yeah, it takes six months.

1 Q All right. So you appreciate that if there are
2 new missings then the serial killer is active and
3 if there are no new missings then the serial
4 killer is either dormant or maybe even dead or
5 incarcerated or something like that?

6 A Yes, and we did -- we did respond to the new
7 missing.

8 Q So if there are new missings, I mean actual
9 missings, not just reported missings, if there are
10 new actual missings, well, of course then there's
11 a great sense of urgency --

12 A There certainly is.

13 Q -- that wouldn't otherwise exist for a historical
14 homicide?

15 A I agree. I agree.

16 Q Okay. So you can see how finding out whether the
17 serial killer is active becomes itself a matter of
18 urgency? Do you understand that?

19 A Yes.

20 Q Okay. So --

21 A And I'm agreeing with you.

22 Q All right. So six months, I take it, is far too
23 long then to make the assessment? It's not as you
24 just testified. It's not there's no time limit.
25 In fact, there's a great sense of urgency to make

1 sure that you're on top of new missings; isn't
2 that the case?

3 A I am going to just keep disagreeing with you, sir,
4 because I don't agree with what you're saying and
5 the way you're saying it. It does take time, and
6 what I'm telling you is that -- that Evenhanded
7 did recognize that there were new missing, and
8 that did trigger a response. I realize that --
9 that we didn't have a handle on the number of
10 women that were going missing. That triggered a
11 response. I spoke with Inspector Adam about that.
12 Because of that he assigned an investigator to do
13 a CPIC search through ViCLAS, and, in fact, we
14 identified even more women that were missing, and
15 that -- you know, that becomes the shock reality,
16 that we're dealing with an active killer.

17 Q Okay. So how many new missings would it take for
18 Project Evenhanded to recognize that the serial
19 killer was still active?

20 A You can't put a number on that. I don't see how
21 you could possibly put a number on that.

22 Q Well, was it 20?

23 A One's too many.

24 Q All right. So one's too many you say, but didn't
25 you already have one as of January 2001?

1 A No. Those were files that I believe had occurred
2 in 2000 and earlier.

3 Q All right. You appreciate what it takes to
4 confirm the survival sex worker is actually
5 missing?

6 A Yes, I do. It takes a lot of work.

7 Q Doesn't it just take going down to the welfare
8 office and seeing whether she's picked up her
9 cheque?

10 A No, I don't agree with that. I think the
11 threshold has to be far higher than that.

12 Q Why is that?

13 A I don't know how many people don't show up for
14 welfare if they're out on a binge. I can't answer
15 that question.

16 Q Sorry?

17 A If people are gone or on a binge, how can I tell
18 where they are? I mean, that happens all the
19 time.

20 Q You're saying that if survival sex workers are out
21 on a binge --

22 A Don't put words in my mouth. I'm saying there's
23 circumstances that have to happen. I withdraw
24 that comment, Mr. Commissioner. I'm just telling
25 you that the lifestyles are such that if -- if a

1 person has just not picked up their welfare
2 cheque, that's not necessarily enough. It's
3 certainly an indicator, but I still think the
4 threshold has to be higher.

5 Q All right. And do you think it's necessary to do
6 searches of funeral home records?

7 A Yeah, that wouldn't be a bad idea.

8 Q Pardon me?

9 A Yes, that would be a good idea.

10 Q Before determining whether a woman is --

11 A No, not before.

12 Q -- actually missing?

13 A No. There's numerous, numerous steps you can take
14 that they were taking. It's just a matter of
15 timing, and certainly if they've taken enough
16 steps and they've checked with the family and
17 they've checked with the CPIC records and they've
18 checked with welfare and checked with the Downtown
19 Eastside agencies and the person is not there,
20 then that's a -- in my mind you've confirmed that
21 they're missing. Having said that, sir, we had
22 files like that and then they made one more phone
23 call and they located them.

24 Q All right. And I put it to you, Mr. McKnight,
25 that the missing women's poster was never updated

1 to include the photographs and the names of
2 missing women who went missing after December of
3 1999. It was never updated.

4 A Well, it was updated eventually, yes.

5 Q After the arrest of Robert William Pickton the
6 poster was updated; am I right?

7 A That's not my recollection, Mr. Commissioner. I
8 think the update of that commenced in late 2001.

9 Q I'm saying it was never released, was it, that
10 poster?

11 A I don't know. I don't remember. I don't know.

12 Q You don't recall it being released because it
13 didn't happen; isn't that right?

14 A I don't remember.

15 Q You knew by the end of August 2001 that there were
16 potentially 22 further women missing; isn't that
17 right?

18 A Yes.

19 Q But the poster wasn't updated at that time?

20 A No, we were in the process of doing that. That
21 was actually -- that's actually some of the
22 triggers. You realize you don't have a handle on
23 the numbers of women missing, and you realize that
24 you're dealing with an active situation.

25 Q I put it to you, Mr. McKnight, that you were

1 responsible for staying on top of the new missings
2 and you did not satisfy --

3 A I disagree with you.

4 Q -- that responsibility.

5 A I disagree strongly with you.

6 Q I haven't even put the question to you.

7 A You said it was my responsibility. It's not.

8 Q And you're saying nobody was ever assigned at
9 Project Evenhanded to stay on top of the new
10 missing women?

11 A I was assigned to liaison with the units that were
12 investigating the new missing women.

13 Q Okay. So then it's your responsibility? If
14 Evenhanded lost track of the new missings, that's
15 your fault?

16 A No, I disagree.

17 Q Was it anybody's fault?

18 A I don't know how you could blame anyone for that.
19 I mean, the folks in the Missing Person Unit were
20 doing the best job they could. When I -- and I
21 liaisoned with them, and we reached a point, Mr.
22 Commissioner, when we realized that there were --
23 there were new missing and that the CPIC search
24 identified even more. We reacted to that. I
25 believe it was in October of that year we actually

1 started taking over the missing persons
2 investigations and were actively investigating
3 them.

4 Q Do you agree that there was a problem even?

5 A Yes.

6 Q That, take all the police agencies together, there
7 was a problem in not staying on top of new
8 missings?

9 A I don't like the word -- I don't like the way
10 you're phrasing that. There was certainly a
11 problem on identifying new missing person files
12 related to the missing women of the Downtown
13 Eastside.

14 Q And by identifying you mean that there's some
15 level of investigation that has to take place
16 after a women's reported missing to find out
17 whether she can be reasonably said to be actually
18 missing?

19 A There certainly has to be a level of
20 investigation, and there has to be indicators that
21 the victim is related to our victims.

22 Q And so what I'm trying to find out, Mr. McKnight,
23 is whether you thought -- whether you currently,
24 having had a decade to think about this, think
25 there's any problem at all with the system of

1 identifying whether a women is actually missing?

2 A Yes, there is a problem, Mr. Commissioner.

3 Q And what was that problem?

4 A I think the data linkages relative to the sex
5 trade workers was a severe problem, not being able
6 to link all this information or readily identify
7 these women as missing.

8 Q All right. What about the criteria used to assess
9 whether they were actually missing? Do you think
10 the list was too long?

11 A No.

12 Q Do you think the list was perfect?

13 A No, I don't think -- how can anything be perfect?
14 I mean, you have to first of all define in your
15 own mind what the victim group is, and we did
16 that, and then you have to look at making it even
17 wider if you have to. We included -- sometimes we
18 looked at women that were hitch-hikers or women
19 that weren't directly linked to the Downtown
20 Eastside.

21 Q All right. You appreciate that as a result of not
22 identifying that there was an active serial killer
23 Evenhanded wasn't in a position to issue a warning
24 to sex workers that this serial killer was still
25 active?

1 A We didn't issue a warning, if that's what you're
2 asking, no. We weren't in a position to issue a
3 warning.

4 Q Right. Because you didn't realize that the serial
5 killer was still active?

6 A No.

7 Q And, in fact, you took a much broader approach
8 until you realized that the serial killer was
9 active?

10 A The focus of our investigation was a broad
11 approach, yes.

12 Q Yes. Until you realized that the serial killer
13 was active, correct?

14 A No. It never changed.

15 Q And as soon as you realized the serial killer was
16 active you started on this what was described in
17 some places as a proactive approach putting
18 investigators on the Downtown Eastside to talk to
19 serial -- to survival sex workers?

20 A Yes, that was one of the reactions, yes.

21 Q Okay. And that didn't happen until January of
22 2002, did it?

23 A That's correct.

24 Q Okay. You appreciate that the proactive approach
25 could have started earlier if you had realized

1 earlier that you had an active serial killer?

2 A Possibly, yes.

3 Q Okay. So you don't recognize any problem at all
4 between this effectively one-year delay between
5 the time that you realized that there were three
6 new missings and the time that there are boots on
7 the ground doing proactive interviews with
8 survival sex workers? You're saying, "I don't see
9 any systemic problem there with the way we did
10 things"?

11 A Mr. Commissioner, that's again a very difficult
12 question to answer. I mean --

13 THE COMMISSIONER: Well --

14 A -- obviously there's a problem, and you have to
15 sit -- I mean, hopefully you are going to be able
16 to sit back and analyze and determine what the
17 problem was. My mind says that we were actively
18 searching for this person and that we were
19 reacting to triggers, such as new missings. We
20 reacted to that.

21 THE COMMISSIONER: All right.

22 MR. GRATL:

23 Q Okay. There were criteria set out by Project
24 Evenhanded dealing with ranking persons of
25 interest Priority 1, Priority 2, and Priority 3,

1 correct?

2 A Yes.

3 Q Priority 1 persons of interest, the criteria do
4 not include having the ability to dispose of a
5 body without trace?

6 A No, I don't think it did, no.

7 Q Why was that criteria excluded or omitted from the
8 Priority 1 suspects?

9 A I don't know.

10 Q Because, you know, when you take the list of
11 Priority 1 suspects and then you eliminate persons
12 who don't have a means of disposing of bodies
13 without a trace, you end up with a significantly
14 shorter list, don't you, Mr. McKnight?

15 A You could, I suppose, yes.

16 Q Sure. And, of course, it makes sense to include a
17 body disposal or ability to dispose of body
18 criterion because, of course, what you're doing is
19 you're investigating missing women of whom there's
20 no trace?

21 A Correct.

22 Q So it makes sense to include that criterion for
23 your Priority 1 suspects?

24 A By definition, yes, absolutely.

25 Q Okay. So why wasn't it included?

1 A I don't know. I don't remember.

2 Q Weren't you involved in setting that --

3 A Yes.

4 Q -- criteria?

5 A Yes, absolutely.

6 Q Okay. So you don't have any explanation for that
7 in retrospect?

8 A No.

9 Q Do you remember it being discussed as a potential
10 criterion?

11 A Well, we certainly were aware that they were
12 disposing of bodies, but no. Specifically did I
13 remember discussing it? No.

14 Q I mean, you set out in your affidavit that you
15 have to understand how many predators there were
16 victimizing survival sex workers?

17 A Yes.

18 Q The way I read that, and correct me if I'm wrong,
19 but the impression that I'm getting is that you're
20 presenting that information about the number of
21 predators as a kind of explanation for why so
22 little was done.

23 A I disagree with that. No, I'm not.

24 Q Isn't it, in fact, an indication, the number of
25 predators here, isn't it an indication that a lot

1 more ought to be done, that if you've got 30
2 serial sexual predators preying on the women in
3 the Downtown Eastside you should have multiples of
4 the resources you were putting into the project?

5 A I can't answer that. I can just tell you who
6 that -- that there are, Mr. Commissioner, numerous
7 sexual predators out there capable of killing the
8 women, and after almost 30 years police experience
9 in the City of Vancouver I was shocked by the
10 numbers, and I don't mind, you know, saying that
11 and telling you that. I was truly shocked by the
12 number of predators preying on these women from
13 the Downtown Eastside.

14 Q One of the reasons I guess you were shocked is
15 because you recognized through your time at the
16 Vancouver Police Department that the number of
17 predators -- I mean, there simply weren't
18 appropriate resources deployed for a period of
19 years at the Vancouver -- by the Vancouver Police
20 Department to deal with the serial sexual predator
21 they had in their own backyard about five blocks
22 from the police detachment, police station at 312
23 Main?

24 A It's hard for me to comment on that, but, yeah, I
25 can't disagree with that comment.

1 Q Way underresourced, the Vancouver Police
2 Department, in terms of protecting survival sex
3 workers?

4 A Yes. Difficult to argue that, Mr. Commissioner.

5 Q Shockingly so, and, actually, there's no doubt to
6 your mind that underresourcing here led to tragic
7 levels of victimization?

8 A By the police force in general or by Evenhanded?

9 Q By the Vancouver Police Department.

10 A Yeah, they were certainly suffering from lack of
11 resources.

12 Q Sure. And that led to an unbelievably tragic
13 level of victimization of survival sex workers?

14 A Quite possibly, yes.

15 Q Now, you were responsible, you personally were
16 responsible for reviewing the person of interest
17 files, correct, at the Vancouver Police
18 Department?

19 A Myself and Detective Little were both reviewing
20 those files, yes.

21 Q And so you reviewed the tip 30 file, correct, the
22 Pickton tip 30 file?

23 A I looked at it after it had been reviewed by
24 Detective Little.

25 Q Okay. So both of you reviewed the tip 30 file,

1 you and Little both?

2 A I read it, yes.

3 Q Okay. The tip 30 file made it clear that there
4 was a Port Coquitlam investigation, correct?

5 A Yes, I believe so.

6 Q Why didn't you review the Port Coquitlam
7 investigation then?

8 A Because the information they had was enough to
9 determine that Mr. Pickton was a Priority 1 person
10 of interest.

11 Q But isn't it true that in setting your priorities
12 even within Priority 1 it's important to get
13 detailed information about persons of interest?

14 A Of course it is, yes, and we had that information
15 in tip 30. There was enough there to satisfy
16 that.

17 Q Okay. So you didn't think it necessary then to
18 get the Port Coquitlam files to review them?

19 A No. They were investigating their file. They
20 were looking at the file. So, no, I didn't need
21 to have that file.

22 Q Because you thought somebody else within
23 Evenhanded was dealing with the review of the
24 Pickton, Port Coquitlam Pickton file?

25 A No, there was not somebody else from Evenhanded

1 reviewing the Port Coquitlam file. I certainly
2 would have to state that I'm aware that there was
3 some contact between Port Coquitlam and members of
4 Evenhanded, specifically I just can't remember
5 who. It was someone, either one of the
6 coordinators or potentially even the team
7 commander.

8 Q You're saying Don Adam was doing that?

9 A No, I'm saying potentially. I'm not sure. I
10 can't remember exactly who it was. I know there
11 was contact.

12 Q Now, can you turn to page -- first to page 66,
13 Exhibit "J" of your affidavit, please. Do you see
14 that's a continuation report?

15 A Yes.

16 Q The date on it is -- it looks like April the 5th.
17 Am I right about that?

18 A Yes.

19 Q If you turn over the page, you'll see under the
20 heading "Recent missing" under the same date it
21 says:

22 Vancouver's missing persons detectives Dan
23 Dickout and Cheryl Liggett, advise that the
24 following street trade workers are now
25 missing. Dawn Crey, Deborah Jones, Brenda

1 Wolfe, and now Georgina Papin. Papin has
2 just been reported by Mission detachment,
3 their file 01/2788, reported missing March
4 1999 last seen working Vancouver Eastside.

5 Do you see that's a confirmation that you have
6 four women actually missing as of April the 5th --

7 A Yes.

8 Q -- 2001?

9 A Yes. But some of those are historical files as
10 well. They date back into '99 or whatever. I'm
11 not sure of that case number, Mr. Commissioner.

12 Q Dawn Crey and Deborah Wolfe were not --

13 A 2000 it was.

14 Q -- or Brenda Wolfe, they're not historical files?
15 They were 2000 missing, correct?

16 A Yeah, I agree. Yes.

17 Q And they were confirmed missing in April, early
18 April of 2001, correct?

19 A I don't remember when they were specifically
20 confirmed missing, but they were certainly missing
21 at that time, yes.

22 Q Then why did it take the investigation of which
23 you were the primary investigator until August to
24 realize that you had an active serial killer on
25 your hands?

1 A Because three more were discovered and I realized
2 at that time that we didn't have a handle on the
3 actual number of missing. And that was an eye
4 opener. That was a shock.

5 Q Okay. I mean, I suppose there's a distinction to
6 be made between an active serial killer, which you
7 knew as of April 5th, 2001, and an even more
8 active serial killer as of August 2001. That's a
9 distinction to be made, isn't it?

10 A Absolutely. Mr. Commissioner, I'm a little
11 confused by the question.

12 THE COMMISSIONER: Yes. I understand that. Could you reword
13 the question?

14 A Yeah.

15 MR. GRATL:

16 Q Sure. You knew as of April 5th, 2001, that the
17 serial killer was active? You didn't need to have
18 seven new missings to decide that you had an
19 active serial killer, four missings were enough;
20 isn't that right?

21 A No, I disagree with that. I knew in April that
22 there were more files being investigated by the
23 Vancouver Police Department's Missing Person Unit.
24 The harsh reality is it was not until August that
25 I personally recognized that we were dealing with

1 an active offender.

2 Q So before you said one is enough, one new missing
3 is enough to distinguish an active from a dormant
4 serial killer, but I take it your testimony now is
5 that four as of April 5th, 2001, four new missing
6 women was not enough to designate the serial
7 killer as active?

8 A You're putting -- Mr. Commissioner, he's -- I see
9 a number value being put in that, obviously, and
10 I'm not saying that one is enough. I don't want
11 any of the women to be murdered or missing. The
12 fact of the matter is the onus of that
13 responsibility, if that's the word you want to
14 use, of investigating those files fell with the
15 Missing Person Unit, and I admittedly failed to
16 realize how busy those folks were, and, yes, it
17 did take some extra time, but it was not until
18 mid-August or later that I realized that we didn't
19 have a complete handle on that and I realized that
20 we had to take steps because we were dealing with
21 an active offender.

22 Q Sometimes people see facts or evidence but they
23 don't draw out the appropriate inferences for a
24 while, things don't click?

25 A Yeah, that's very true.

1 Q Are you saying this is what happened here, that
2 you had the evidence right in front of your face
3 but you didn't draw the inference necessary?

4 A That's possible, Mr. Commissioner. I can't deny
5 that. But I'm certainly telling you that I didn't
6 recognize that we had an active serial offender
7 until mid-August or later.

8 Q Yeah. No. And of course you have many things
9 ongoing, and there's a very wide net you're
10 casting.

11 A Exactly, yeah.

12 Q And so this inference sort of moves you away from
13 that very wide net? It's a different type of
14 focus on an active rather than a historical serial
15 killer?

16 A I can't disagree with that remark.

17 Q Okay. So you're just saying it's a mistake, you
18 wish you would have drawn that inference, but you
19 didn't for months?

20 A I can't -- yeah, that's a fair statement.

21 Q Okay. And I guess that's -- that was a failing of
22 the investigation?

23 A Partially. Yes, it's a fail -- yeah, partially a
24 failing of the investigation. I'm not disagreeing
25 with you, sir.

1 Q Could I take you then to page 81 of your
2 affidavit, please. This is your note taking,
3 isn't it?

4 A A typed version of my note taking --

5 Q Okay.

6 A -- I believe.

7 Q Okay. You can see that as of July 4th, 2001, you
8 make a note:

9 Now have all the Missing Persons binders in
10 my possession with the exception of the
11 following,
12 and then it looks like McDonell?

13 A McDonell.

14 Q McDonell. And then it says:

15 Crey/Wolfe/Jones - current Missing Persons
16 files with VPD Missing Persons.

17 A That's correct.

18 Q So you hadn't -- I mean, at that time in July you
19 had moved from Vancouver Police Department Missing
20 Persons Unit and you were working in Surrey at
21 Evenhanded, right?

22 A Correct.

23 Q And you hadn't taken physical possession of the
24 Crey, Wolfe or Jones files?

25 A That's correct.

1 Q Three months after you knew that they were new
2 missings?

3 A Yes. They were being investigated by Vancouver,
4 yes.

5 Q So I take it you weren't in a position to draw
6 inferences from their files because you hadn't
7 physically taken possession of them?

8 A That's partially true.

9 Q All right. And then on the same date later during
10 the day it says that you contacted Detective
11 Constable Dickhout from Vancouver Police
12 Department Missing Persons. "Still conducting
13 f/u," which I take it to be follow-up?

14 A Yes.

15 Q
16 ...on McDonell, Crey/Wolfe and Jones files.
17 All of these files have been entered on
18 SIUSS. Also advised me that VPD have 3 other
19 files that they are looking at:
20 1992 - Sebastian Elsie Louise
21 1994 - Johnson Patricia Rose
22 1994 - Minor Lee Allison.
23 Some further follow-up is being done by VPD
24 and they will probably forward files to me in
25 the near future.

1 A Correct.

2 Q I take it, though, from this note that we can
3 fairly conclude that Evenhanded wasn't taking a
4 very proactive urgent view towards the
5 investigation and review of new missing persons
6 files as of July -- as of July 4th, 2001; is that
7 a fair assessment?

8 A No, I disagree with that. We're not investigating
9 new missing person files, that's correct.

10 Q Now, Sereena Abotsway went missing -- do you
11 recall when she went missing?

12 A Not specifically, no.

13 Q In the summer of 2001, I think. Is that fair?

14 A I can't argue. I just don't remember, so I am not
15 going to dispute that if that's what you're
16 saying.

17 Q Sereena Abotsway sticks out as a missing person
18 because it seems as though almost everybody knew
19 her or remembered her from the Downtown Eastside.

20 A Yeah.

21 Q She had a very specific corner in and around the
22 Astoria Hotel, and she was -- she had a unique
23 personality that registered and stayed in the
24 recollection of almost everybody she met?

25 A Yes, I agree with that.

1 Q She was a fixture in the Downtown Eastside, and
2 we've had testimony from a lot of people that once
3 they heard that Sereena Abotsway was missing they
4 knew for certain that she was -- she had met with
5 foul play. Did you know that?

6 A Did I know what people are saying right now?

7 Q Did you know about Sereena Abotsway, what people
8 had said about Sereena Abotsway, that since she
9 was missing it was obvious that she had met with
10 foul play?

11 A No, I don't believe so.

12 Q Now, I take it that today you'll agree that the
13 gap of five months between August of 2001, when
14 Evenhanded realized it had an active serial killer
15 on its hands, and January of 2002, when the
16 proactive team was deployed, that gap is far too
17 long; isn't that right?

18 A I'd have to agree with that, yes.

19 Q It should have been done on a very urgent basis,
20 that deployment should have been done very
21 quickly?

22 A I just dis -- we were urgent. We were looking at
23 these files. We were actively working. I don't
24 like that terminology that we weren't urgently
25 looking. Should it have been done faster?

1 Absolutely.

2 Q Well, we're talking about locating 12 people to go
3 and conduct interviews of sex workers in the
4 Downtown Eastside. I mean, we know where they're
5 going to go, and we know who they're going to talk
6 to. It's not in that sense a complex operational
7 plan, is it?

8 A No.

9 Q And finding 12 people within all of the municipal
10 detachments and the RCMP, that's not too hard of a
11 task, is it?

12 A Again, no, it's not.

13 Q Okay. So I take it you'll agree that that level
14 of deployment and that manner or type of
15 deployment, that could be orchestrated in a week,
16 if people were serious about it, at the outside?

17 A I was serious about it, but I certainly agree
18 that -- that -- that a more positive response
19 should have happened.

20 Q Should have happened much sooner, and it could
21 have?

22 A From Evenhanded, no, I am going to disagree with
23 you. We had -- we had -- we were fixed in what we
24 were doing and how we were doing it. I can tell
25 you that I regret, truly regret not getting

1 Pickton sooner or regret not getting out there
2 faster, but I believed what we were doing was
3 right, and I believed we were committed, and I
4 believed we were urgent. We were doing that job
5 as quickly and as effectively as possible.

6 Q Nobody's saying that if you had made different
7 operational decisions that Mr. Pickton would have
8 for certain been caught, but what we do know is
9 that in the absence of operational steps he was
10 certain not to be caught. You appreciate that
11 distinction?

12 A Yeah. Absolutely, yeah.

13 Q Okay. And what I'm saying is here this proactive
14 team, which is involved in assembling data about
15 the lives of the women who have gone missing and
16 about the predators who live and move in amongst
17 them, that team could have been deployed four or
18 five months earlier --

19 A Should have been.

20 Q -- than it was?

21 A Yes, probably, yeah.

22 MR. GRATL: Those are my questions.

23 THE COMMISSIONER: All right. Thank you, Mr. Gratl. We'll
24 take the break.

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

1 **(PROCEEDINGS ADJOURNED AT 3:00 P.M.)**

2 **(PROCEEDINGS RESUMED AT 3:10 P.M.)**

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

4 THE COMMISSIONER: Ms. Narbonne.

5 MS. NARBONNE: Thank you, Mr. Commissioner.

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

7 Q Mr. McKnight, my name's Suzette Narbonne. I'm
8 counsel for the aboriginal interest. I'm only
9 going to ask you a couple of questions. You've
10 been asked about your investigation, and you've
11 described at least in your affidavit that from
12 your perspective you were taking a proactive
13 approach; is that correct?

14 A Yes.

15 Q Okay. Now, you were aware, I suspect, that a
16 disproportionate number of the people in the
17 Downtown Eastside were of First Nations descent,
18 right?

19 A Yes.

20 Q And a disproportionate number of the missing women
21 were, in fact, of aboriginal descent?

22 A Yes. Over 30 per cent, I believe.

23 Q Right.

24 A Yes.

25 Q Compared to the population --

1 A Yes.

2 Q -- which is significantly different.

3 I take it you knew or learned that most of
4 these people didn't come from the Downtown
5 Eastside, they ended up in the Downtown Eastside?

6 A Yes.

7 Q What steps were you directing to warn those
8 outlying communities where these women were coming
9 from?

10 A Personally, none. I didn't take any steps
11 personally.

12 Q Well, what did you direct? You were leading the
13 operation, Evenhanded, right?

14 A Yes.

15 Q So did you direct anyone to do anything --

16 A No.

17 Q -- in that regard?

18 Okay. Did it cross your mind to do that?

19 A No, I can't say it did, no.

20 Q In retrospect do you think that would be of some
21 value?

22 A Yes, I do.

23 Q And I know Mr. Gratl asked you about warnings more
24 locally, like even in the Downtown Eastside,
25 because the police actually thought for a time

1 that this had stopped, right?

2 A Correct, yes.

3 Q And then at some point you start seeing -- April
4 5th you find out there's more missings, August,
5 and you start researching, and the list gets
6 bigger and bigger, right?

7 A Correct, yes.

8 Q And you're under no illusions about what's
9 happening? Maybe not everyone has been murdered,
10 but there's a serial killer at work?

11 A There's a problem, yes.

12 Q Okay. And do you know why you didn't take a
13 proactive approach in the Downtown Eastside to get
14 more warnings out there, let the women know this
15 hasn't stopped?

16 A It's a difficult question. I know -- I know
17 that -- that we were under intense media
18 attention.

19 Q I'm sure you were.

20 A So there was some message getting out to the
21 public that there was a problem. I believe, and I
22 may be wrong, but I believe, Mr. Commissioner,
23 that Sergeant Field had made a media release
24 sometime just prior to me going into Evenhanded.

25 Q I just -- do you know who the -- does the media

1 release reach the women in the Downtown Eastside?

2 Do you know what I mean?

3 A Yeah. That's a difficult question to answer.

4 It's hard to say. It's doubtful. I mean,

5 realistically how much access are they going to

6 have to the public airways or the networks that

7 the public have access to.

8 Q And a poster that hasn't been updated isn't going

9 to -- if it hasn't been updated, if anything I'm

10 suggesting it might leave people with a sense that

11 this is it, we're done, these are all the people

12 that are missing, there are no more new people

13 missing?

14 A Yeah. Certainly hard to disagree with that, yeah.

15 Q So again in retrospect would you -- we have to

16 look forward here --

17 A Yes.

18 Q -- because -- I realize we have to look backward

19 to get somewhere, but in retrospect do you think

20 that would be useful, to sort of, having put a

21 poster out, kept up on it a little more or got

22 that information out there a little more?

23 A Certainly I think that adding to it quicker and

24 getting the information out faster or more

25 effectively is definitely an area that could be

1 improved on.

2 MS. NARBONNE: Okay. Those are all the questions I have.

3 Thank you.

4 THE COMMISSIONER: All right. Thank you, Ms. Narbonne.

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

6 Q Rory Makosz for the Government of Canada. Mr.
7 McKnight, could you turn, please, to page 2 of
8 your affidavit. I just want to refer you to the
9 section underneath the heading "Review of the
10 Project Amelia File" and to paragraph 6, where you
11 discuss the contents of the Project Amelia files,
12 including 27 missing women files, 1,350 file
13 folders, and then of course the SIUSS database.
14 And this was the full content of the Amelia file?

15 A Yes, and there were the person of interest binders
16 as well. I don't see that listed there.

17 Q All right. So that's documents that are in
18 addition to the ones listed in paragraph 6?

19 A Correct.

20 Q And at paragraph 9 you discuss the reorganization
21 of the file that you undertook after you received
22 it. I'm just going to read the first two
23 sentences of that paragraph.

24 While I reviewed the files I reorganized them
25 in a way that made more sense to me based on

1 my work in the homicide squad. This involved
2 creating separate folders for each category
3 of material, and I also drafted a synopsis of
4 each missing women file.

5 I am going to put to you that you did this review
6 process because that was a key element of
7 Evenhanded's approach to this investigation; is
8 that fair?

9 A Yes.

10 Q And part of this review is -- well, let's back up
11 a little bit. This was a wide review? You were
12 casting as wide a net as possible here in the hunt
13 for possible suspects and evidence; is that fair?

14 A That's fair, yes.

15 Q And this was an approach that was agreed upon at
16 the outset by the Project Evenhanded team?

17 A Yes.

18 Q And you agreed with that approach, did you?

19 A Yes.

20 Q And clearly there was a lot of information to take
21 in, and I understand when you did this review
22 there was no summary log for the Amelia files, was
23 there?

24 A No, I don't believe so.

25 Q And there were, as I understand it, folders that

1 did not have any content in them and no indication
2 as to what was supposed to be in them, if anything
3 at all?

4 A That's correct.

5 Q And was there any consistency to the way in which
6 these folders and files were organized?

7 A No.

8 Q And I understand there were difficulties, and you
9 touch on that at paragraph 8 of your affidavit, I
10 understand there were difficulties in accessing
11 the SIUSS database?

12 A That's correct.

13 Q And so it couldn't act as a remedy to these
14 problems that you were experiencing with the hard
15 copy files?

16 A No, it couldn't.

17 Q So in short and the point I'm coming to here is
18 that there was no shorthand way for you to access
19 the information contained in the Amelia files?

20 A That's correct, Mr. Commissioner.

21 Q And, in essence, you had to review them all
22 manually to understand what exactly was in them?

23 A Yes.

24 Q And that was a process that -- in essence, it took
25 longer for you to get a full understanding of what

1 was in the Amelia files as a result of that?

2 A That's correct, yes.

3 Q If I can turn to have a look at paragraph 9 again,
4 the third sentence in that paragraph reads:

5 These synopses,

6 and here you're referring to the synopses you
7 created in the course of your file review,

8 included information such as the names of any

9 Persons of Interest (POIs), and whether any

10 follow-ups had been completed on those

11 individuals.

12 Have I read that correctly?

13 A Yes.

14 Q And what that suggests to me is that in some cases
15 at least there had not been follow-up with respect
16 to certain persons of interest.

17 A That's correct, yes.

18 Q And, in fact, is it fair to say that there
19 remained available investigative leads in many of
20 the Amelia files?

21 A Yes.

22 Q And as you went through and reviewed these were
23 you making a note of these leads that hadn't been
24 explored?

25 A Yes.

1 Q And the point I'm coming to here is that
2 essentially this work that hadn't been done by
3 Amelia was work that was going to have to be done
4 ultimately by Evenhanded?

5 A That's correct, yes.

6 Q And if I can turn to page 3 of your affidavit and
7 paragraph 14, in that paragraph you discuss
8 Detective Little's review of the Project Amelia
9 folder for Robert Pickton, and I think you've
10 already given evidence that -- sorry, I see the
11 last sentence in that paragraph says:

12 I do not believe Evenhanded had a complete
13 copy of that file,
14 meaning the Coquitlam Pickton file,
15 until after the arrest.

16 And I think, if I understand your evidence
17 correctly, that despite the fact that they may not
18 have had the Coquitlam RCMP file, information from
19 the Coquitlam RCMP file was stored in that tip 30
20 file from Amelia?

21 A That's correct, yes.

22 Q And in this section of the affidavit you also
23 discuss other possible persons of interest, and
24 you note that the Amelia files also contained
25 binders of POIs in addition to the POI lists. Was

1 it your understanding that the lists that you saw
2 in the Amelia files of persons of interest were
3 not prioritized?

4 A Yes.

5 Q And if I can turn you just to Exhibit "F" of your
6 affidavit, which I believe my friend Mr. Ward
7 referred you to. And this is, I believe,
8 Detective Little's list of POIs, is it not?

9 A That's correct. Yes, it is.

10 Q And I note that Robert Pickton's name appears at
11 the top, but in terms of the ordering, do you
12 understand this to be a list of suspects by
13 priority?

14 A No.

15 Q And if I just can direct your attention and Mr.
16 Commissioner's attention down to the left-hand
17 column under "Date", I think what I note here is
18 that these dates go in sequential order. You'll
19 see January -- what appears to be April 4th, 2001,
20 April 5th, 2001, April 10th, 2001, and so on down
21 the side. So it appears to me that these are
22 listed in order of date. Does that seem fair?

23 A Yes, seems fair.

24 Q And would that be the date that Detective Little
25 was actually reviewing those files?

1 A It certainly indicates that. I mean, I can't be
2 certain, obviously, but yes.

3 Q And Mr. Gratl raised an issue with you with
4 respect to the priority given to various persons
5 of interest and whether or not the ability of a
6 suspect to dispose of a body was considered, and
7 you don't have a recollection, as I understand it,
8 of what was -- whether that was considered in the
9 priority system?

10 A That's correct, yes.

11 Q All right. And I just want to direct you --
12 perhaps I'll just read it. I'm referring to the
13 "will say" of Keith Davidson, and perhaps Mr.
14 Giles can help me with the exhibit number.

15 THE REGISTRAR: Oh, Keith Davidson.

16 MR. MAKOSZ: I believe it's 214NR.

17 THE REGISTRAR: 215, I think. Yes, 214.

18 MR. MAKOSZ: 214.

19 Q And I'm just looking at page 6 and 7, and there's
20 no need for you to turn to that, Mr. McKnight.
21 I'm just going to refer to Mr. Davidson's comments
22 here at the bottom of page 6 where he says in his
23 profile -- and this was dated back in June 1999.
24 I don't know if you'll have seen this document.
25 He says:

1 Since no bodies have been found the offender
2 also has access to an effective disposal
3 means. He's either effectively destroying
4 the body or hiding them in a location where
5 other people do not frequently go. Such
6 locations might include a private yard, a
7 basement or attic of a house, or the
8 wilderness.

9 And the reason I draw your attention to that is
10 simply because I think -- well, first of all, does
11 that refresh your memory with respect to any
12 discussions you may have had regarding the
13 prioritizing of suspects?

14 A I vaguely recall, you know, reading something
15 about that, but, no, it doesn't -- I have no
16 recollection of discussing that with anyone or
17 using it as one of the priorities.

18 Q All right. And then I'll suggest to you then
19 perhaps that when we look at those -- what Keith
20 Davidson has set out as means of body disposal,
21 having a house or a private yard or access to the
22 wilderness, that actually perhaps, I would
23 suggest, does not narrow down the list as much as
24 might otherwise be suggested?

25 A Probably not.

1 Q And then finally with respect to the handling of
2 new missings, the process, as I understand it, was
3 that you were liaising with the various
4 investigative bodies at municipal and other local
5 detachments with respect to the investigation of
6 new missing reports of women who fit the missing
7 women profile?

8 A Specifically the Vancouver Police Department's
9 Missing Person Unit, but we were certainly -- I or
10 other members were contacting the other agencies
11 to find out about their files.

12 Q But you weren't conducting the actual
13 investigations yourself, you were relying on them
14 for that?

15 A That's correct.

16 Q And there's a process, obviously, and I think
17 you've explained that to a certain extent. When a
18 report comes in, it has to be investigated to be,
19 in a sense, confirmed missing?

20 A Yes.

21 Q And if that happens, and I don't know if there's a
22 number that Mr. Gratl referred to, what number of
23 people might have to be confirmed missing before
24 you could reach a conclusion a serial killer was
25 active, but presumably until you have reached the

1 conclusion that the killer is active you wouldn't
2 take steps to deploy resources in the Downtown
3 Eastside to try and apprehend that individual?

4 A Yeah, that's correct.

5 Q And once the decision had been made to take those
6 steps, there's obviously a process involved with
7 finding and recruiting the right people, having
8 them reassigned, that sort of thing?

9 A Yes.

10 Q And all of that is going to take time?

11 A Yeah. Yes.

12 MR. MAKOSZ: Thank you. Those are my questions.

13 THE COMMISSIONER: Mr. Hern.

14 **CROSS-EXAMINATION BY MR. HERN:**

15 Q Sean Hern, VPD. Mr. McKnight, you said in
16 response to a question or two from Mr. Gratl that
17 generally police resources to protect street
18 workers were inadequate. Do you recall that
19 exchange?

20 A Yes.

21 Q And were you referring to the time period in which
22 you were working at Evenhanded in 2001?

23 A Yes. I mean -- you know, Mr. Commissioner, I'd
24 just like to -- overall police resources were
25 limited. The department was suffering from

1 resource availability. I was satisfied that the
2 folks we had on Evenhanded were capable of doing
3 what was expected of them at the time.

4 Q And so in terms of police resources to protect
5 street sex workers, I'm just wondering what you
6 were referring to there. Are you thinking or were
7 you referring to the need for more patrol within
8 the Downtown Eastside or a larger sex offence
9 squad? I'm just trying to understand what --

10 A Overall more resources for the entire department
11 so they could deploy more members in any
12 appropriate area.

13 Q I see.

14 A Be it patrol or investigations.

15 Q Just more police generally in order to address
16 safety of sex workers?

17 A Yes.

18 MR. HERN: Okay. That's all I have. Thank you.

19 THE COMMISSIONER: All right. Thank you.

20 **RE-EXAMINATION BY MR. VERTLIEB:**

21 Q I just have one area. It flows from Ms.
22 Narbonne's questions about the warning. You have
23 obviously thought back about this investigation
24 and reflected on what your Evenhanded group did
25 and how that may have worked with other groups

1 also dealing with Pickton?

2 A Yes.

3 Q And you understand now, maybe it might not have
4 been as clear back in the day, but you understand
5 now that not only was Evenhanded looking at
6 suspects, one of whom perhaps was Pickton, but the
7 police in Vancouver were looking at suspects, one
8 of them who was Pickton, and the police in
9 Coquitlam, Port Coquitlam were looking at Pickton,
10 one of whom could be a suspect? You understand
11 all of these different --

12 A Yes.

13 Q -- actions going on?

14 A Yes.

15 Q When you reflect back on this, and obviously
16 you're not happy with the way it worked out from
17 listening to your evidence and watching you give
18 your evidence, do you have the sense that if one
19 person had been charged -- had been in charge of
20 this overall investigation that there might have
21 been better coordination that would have led to a
22 better and earlier result?

23 A Yes. You know, it's a difficult -- it's difficult
24 to second-guess, but, yes, I think if there was
25 one person coordinating, responsible for all of

1 it, yes, it would have been far better.

2 MR. VERTLIEB: Thank you, Mr. McKnight. Thank you very much
3 for coming.

4 THE COMMISSIONER: Thank you, Mr. McKnight. Thank you for
5 coming.

6 A Thank you, Mr. Commissioner.

7 (WITNESS EXCUSED)

8 THE REGISTRAR: Did you wish to have that marked?

9 MR. VERTLIEB: Please, Mr. Giles, as an exhibit, please.

10 THE REGISTRAR: The affidavit of Mr. McKnight will be marked as
11 218NR.

12 MR. VERTLIEB: Now, we have an affidavit from lawyer Lukasz
13 Awlasiewicz, and this is to answer --

14 MR. HERN: For the record, it's Lukasz Awlasiewicz.

15 MR. VERTLIEB: Thank you. This flows from the discussion that
16 took place when Ms. Bigjohn was going through her
17 evidence, and you, Mr. Commissioner, understood
18 how difficult it had been for her, and you
19 actually asked that she not be cross-examined on
20 what the Vancouver Police did. It was obvious
21 that she had had a very difficult time in the
22 witness box. And you were informed that Mr. Hern
23 and Mr. Chantler had discussed information being
24 filed by affidavit to give you the information
25 about what the Vancouver Police had done

1 concerning this missing women investigation.

2 THE COMMISSIONER: All right.

3 MR. VERTLIEB: So this is now the affidavit that comes before
4 you flowing from that.

5 THE COMMISSIONER: Okay.

6 MR. VERTLIEB: And this has been circulated, and I'd ask that
7 it be marked as the next exhibit.

8 THE COMMISSIONER: All right.

9 THE REGISTRAR: Exhibit 219NR.

10 MR. WARD: Before it's marked, please, it's Cameron Ward,
11 counsel for the families. I haven't read this
12 document yet. I think it was circulated this
13 morning or perhaps last night. I'd ask that it be
14 marked as a lettered exhibit for the time being
15 until I can read it.

16 THE COMMISSIONER: All right. I think that's fair. I thought
17 everybody had seen it.

18 MR. VERTLIEB: I thought people had too, but anyway. I had
19 read it, so I assumed others had.

20 THE REGISTRAR: That will be marked for identification as
21 double letter GG.

22 **(EXHIBIT GG FOR IDENTIFICATION: Affidavit of**
23 **Lukasz Awlasiewicz)**

24 MR. VERTLIEB: Now, that concludes -- I'm sorry, Mr. Hern.

25 MR. HERN: Just before we leave that issue, given that we're at

1 the end of the hearings, how will that make its
2 way into the record?

3 THE COMMISSIONER: We won't close the hearings.

4 MR. HERN: We'll just deal it. Perhaps we can deal with it by
5 writing, hopefully by consent. And I guess that's
6 the one letter outstanding, I suppose, is it?

7 MR. WARD: I think actually -- it's Cameron Ward, counsel for
8 the families of 25 murdered women. I think there
9 are a number of lettered exhibits as well as a
10 number of NR exhibits that all have to be formally
11 numbered yet, and I think the hearing should not
12 be closed until those issues are addressed.

13 MR. VERTLIEB: The hearings won't be closed because we haven't
14 had closing argument.

15 THE COMMISSIONER: All right.

16 MR. VERTLIEB: So that will have to be sorted out, and
17 obviously Mr. Ward will make his views known to
18 Mr. Hern, who has the principal interest in this
19 material coming before you, but it is of interest
20 to all of us that the full picture as it relates
21 to Ms. Bigjohn's loss be put before you, and that
22 was discussed on the record.

23 THE COMMISSIONER: Okay. All right.

24 MR. VERTLIEB: Now, that leaves, as we all know, the conclusion
25 of the evidence that we propose to call. There is

another matter I'd like to deal with, and it relates to closing argument. You had always hoped and I'm sure everyone appreciated that you wanted fulsome closing argument, and it's important that counsel and the non-represented counsel (sic) be afforded that opportunity, and so the plan had been that there would be a week break for the lawyers and the non-represented parties to put their written arguments together. That obviously didn't happen because of evidence, and so starting with Ms. Narbonne, who asked that you grant an extension and then a number of other participants joined in that request, there's been a number of lawyers who have made the point that a request would be appreciated and appropriate given the importance of having fulsome argument for you to assist you in your --

THE COMMISSIONER: All right.

MR. VERTLIEB: -- deliberation. We're of the view that it's an eminently reasonable request, and so my recommendation is that you adjourn the oral -- the process one week so that another -- so, in other words, the counsel will give written argument a week tomorrow and then start the oral argument on June 4. It will not have any material effect on

1 the deliberation. We have scheduled three days
2 for oral argument, and that seems reasonable, and
3 I just ask you to do that. It would be helpful to
4 counsel to know that today if you accede to that
5 request to just simply delay the process one week.

6 THE COMMISSIONER: Okay. What are the other views here?

7 MR. WARD: Cameron Ward, counsel for the families of 25
8 murdered women. First I've heard of this, and I'm
9 unavailable that week of June 4th. I'm booked in
10 a hearing in Nelson that has been booked for many,
11 many months. I'm scheduled to be there all week,
12 4th to the 8th, so I can't do oral submissions
13 during that week.

14 THE COMMISSIONER: Okay. Well, we'll -- I'll adjourn it so you
15 have your hearing at a time that's convenient for
16 you.

17 MR. WARD: No, I don't think that's appropriate at all, Mr.
18 Commissioner. All the hearings should be in one
19 block and should be in the public hearing room
20 and --

21 THE COMMISSIONER: They will be in the public hearing room.

22 MR. WARD: Well, I'm not sure what's being suggested, but, you
23 know, matters of this nature -- we've been all
24 working towards the -- or under the assumption
25 that the oral submissions were happening next

1 week, and it comes as a complete surprise, I
2 suppose not surprisingly, that the schedule's
3 different, and I'm not available from the 4th to
4 the 8th, so I just -- that's my situation.

5 MR. VERTLIEB: Mr. Commissioner, we always understand counsel
6 with busy schedules. I just don't understand the
7 comment. If Mr. Ward made a commitment months ago
8 for June, that's fine, but you had never
9 determined your final schedule until recently, and
10 so if any one of us made decisions some time ago
11 about how their schedule would unfold, that was
12 at, frankly, their own -- that was their own
13 challenge to do that because you had not
14 determined when you would set the schedule for
15 closing argument until relatively recently. And
16 so just bear in mind that it was your practice
17 directive that listed the witnesses that you
18 wanted to be called, and we issued a schedule for
19 the month of May, which included those three days,
20 so that's a relatively recent development. So I'm
21 sure many lawyers have made commitments months
22 ago, but they always do so knowing that the
23 inquiry schedule was going to have its own
24 fluidity. So if Mr. Ward has done that, we
25 understand it, many lawyers may have made other

1 commitments, but he couldn't have said back months
2 ago that he knew he wouldn't be sitting on this
3 case in early June. No one knew that. And so I
4 just mention that to you. The fact is, is that
5 you've always accommodated Mr. Ward's position as
6 going first, and it would be, I think, assumed by
7 all that the same order for closing argument would
8 follow. Perhaps Mr. Ward would like to start his
9 closing argument next week, and he can give his
10 argument and then others can just fall into line
11 after. There have been a number of lawyers who've
12 asked for time to enable them to do a very good
13 argument for their clients and for your benefit.

14 THE COMMISSIONER: Yes. No, that's a reasonable request, to
15 ask for time. Yes, Mr. Gratl.

16 MR. GRATL: I just say that I'd be very grateful for an extra
17 week. I think that's an excellent idea.

18 THE COMMISSIONER: Apparently it's come to me -- no.

19 MR. GRATL: I may have a little problem with my schedule too.
20 I already had something adjourned --

21 THE COMMISSIONER: Well --

22 MR. GRATL: -- to the 6th and 7th, but we can work it out, I
23 think.

24 THE COMMISSIONER: We'll work around your schedule.

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

1 MR. VERTLIEB: So it could be then perhaps if Mr. Ward wishes
2 to give you his written argument tomorrow that he
3 could then do his closing argument next week,
4 which he would have had scheduled, and then we
5 just adjourn and we can recommence the following
6 week for everyone else. Mr. Ward would have gone
7 first in the normal course of events anyway.

8 THE COMMISSIONER: Or -- well, look it, I'll leave it with you
9 to see if you can reach some kind of an
10 accommodation. The other option is if we can
11 start a week tomorrow with the oral arguments and
12 Mr. Ward can go first on that Friday.

13 MR. VERTLIEB: Well, that's certainly fine for Mr. Ward. I
14 am persuaded just knowing the workload that the
15 lawyers who have requested the time are under, and
16 part of the process that you envisioned was that
17 written argument would be delivered and people
18 would have the weekend, as it were, to reflect on
19 what other people --

20 THE COMMISSIONER: Oh, I see.

21 MR. VERTLIEB: -- are going to say, so that's why I come back
22 again if Mr. Ward is wanting to go next week
23 because he can't get out of his commitment in
24 Nelson the following week that you sit and listen
25 to his presentation and then just stand down. So

1 that would allow his schedule to be accommodated
2 but also meet the needs of others that I think
3 everyone would agree are important and reasonable.
4 Maybe what we do is let Mr. Ward reflect on that.
5 I understand the courtroom would be available
6 because, you know, we have it for next week, and
7 so we could reconvene I'm assuming without too
8 much inconvenience for Mr. Ward's session and then
9 we'd just move on and adjourn and come back for
10 the remainder of the presentations. But if you
11 wish I can speak with Mr. Ward about that, and he
12 can either decide to go next week or perhaps he
13 can make some accommodation for his case in Nelson
14 the following Monday.

15 THE COMMISSIONER: All right.

16 MR. VERTLIEB: So we can -- so people therefore need -- can we
17 leave it that for everybody other than Mr. Ward we
18 will adjourn one week so that people can have, as
19 Mr. Gratl and others have requested, time to
20 prepare, and the only issue is whether we start
21 with Mr. Ward next week or the following Monday?
22 Could we leave it that way so at least all the
23 other lawyers know of their situation?

24 THE COMMISSIONER: Okay. Maybe we can somehow work around Mr.
25 Ward's schedule in order to accommodate him.

1 MR. VERTLIEB: Thank you, Mr. Commissioner. So that's as much,
2 I think, as we can cover today.

3 THE COMMISSIONER: Thank you.

4 MR. WARD: I have some additional issues I wish to raise, Mr.
5 Commissioner. It's Cameron Ward, counsel for the
6 families of 25 missing and murdered women. First
7 of all, I wanted to address some evidentiary
8 issues. It is my submission on behalf of the
9 families that this commission of inquiry, this
10 public inquiry is patently incomplete. It hasn't
11 heard nearly all of the relevant evidence that you
12 need in order to discharge the mandate under the
13 terms of reference. It is my respectful
14 submission that at the barest of bare minimums you
15 should hear evidence from the following witnesses.
16 First, on the term of reference 4(b), the issue of
17 the Crown's staying of the charges against Robert
18 William Pickton arising from the '97 incident, I
19 submit that you must hear testimony from Ms.
20 Anderson's mother with respect to the nature of
21 her dealings with Crown counsel to arrange Ms.
22 Anderson's appearance at Crown counsel's office
23 and at the trial and that you must also hear
24 testimony from Geoff Baragar, the Crown counsel
25 who a few years later was charged with the

1 responsibility of getting Ms. Anderson ready to
2 testify on behalf of the Crown at the preliminary
3 inquiry. He apparently found her in a similar
4 condition and was able to nonetheless get her on
5 the witness stand. You should hear, because it
6 would assist you in your fact-finding mandate, how
7 many hours or days it took him to get her ready to
8 testify and what he had to do, because that goes
9 directly to the heart of the facts surrounding the
10 Crown's handling of the matter.

11 With respect to RCMP investigations
12 generally, it's my submission that given the body
13 of evidence you've heard it is imperative to hear
14 the testimony of Beverly Hyacinthe because she was
15 a conduit of information between the members of
16 the RCMP's Coquitlam Detachment and the Picktons,
17 and it's important to know who Ms. Hyacinthe spoke
18 to in the RCMP, when she spoke to them, and what
19 she told them about her knowledge of the parties
20 at Piggy's Palace and Willie Pickton's propensity
21 to have sex trade workers there, as well as the
22 attendance of the members of an organized crime
23 group there. She also apparently has photographs
24 in her possession or control depicting all of
25 these matters at the parties, and her testimony,

1 in my submission, fills an important void in the
2 story you've heard to date.

3 Similarly, Brad Zalys from Coquitlam was said
4 to be, in a recent document, one of three members
5 of the detachment who knew the most about the
6 Coquitlam investigation. He hasn't been called.

7 Nathan Wells hasn't been called. He has
8 direct relevant evidence to offer on why he took
9 the step of finally obtaining a search warrant in
10 respect of Pickton's property in February 2002.
11 The time period he got his information and
12 prepared his warrant is at the end of the period
13 covered by the terms of reference, and his
14 evidence, in my submission, is highly relevant.

15 Similarly, in my submission, evidence of the
16 women from the Downtown Eastside who attended the
17 Pickton properties and survived to later talk to
18 the Vancouver Police would be relevant. I don't
19 know their names because they've been expunged
20 from the record in this proceeding, but the VPD
21 does, and they should have been here, and they
22 should still be here to testify.

23 With respect to specific aspects of the
24 Vancouver Police Department's investigation,
25 there's a dangling issue, which was the attendance

1 of Dorothy McGee, who said at the last minute on
2 the morning she was to appear as one of the
3 commission counsel's witnesses that she was
4 unavailable. In my respectful submission, as my
5 friend Mr. Woodall said that day, her testimony is
6 relevant and necessary.

7 And similarly, in my respectful submission,
8 the testimony of Darcy Sarra on the issue of
9 document production by the VPD and its sufficiency
10 is also highly relevant.

11 That list does not include -- that list is a
12 very abbreviated list of witnesses that I've
13 recently sought to have attend. I've heard no
14 response from commission counsel with respect to
15 the requests one way or the other, and I submit,
16 with the greatest of respect, that their evidence
17 is required for a proper, full, and fair inquiry
18 into this matter. That list does not include all
19 those witnesses that I earlier applied for and in
20 respect of whose appearance you dismissed the
21 application.

22 With respect to documents, it's my respectful
23 submission that there's a vacuum that really has
24 to be addressed if this commission of inquiry is
25 to fulfil its obligation to the public, and that

1 vacuum is those documents in the possession of
2 OCABC, O-C-A-B-C, or the Combined Forces Special
3 Enforcement Unit that relate to the surveillance
4 agents or wiretap monitoring activities of the
5 Hells Angels at the material time in and around
6 the Pickton properties. Nobody, based on the
7 evidence before you, has ever sought to obtain
8 those documents, and, in my respectful submission,
9 they are essential for a complete inquiry into
10 this matter. There are many other classes of
11 documents, but I'm not referring now to those
12 other classes of documents I have sought and
13 highlighted from time to time as missing.

14 As I've said earlier, in my submission all of
15 the NR documents should be reviewed so that they
16 can be made proper numbered exhibits and available
17 to the public. All the lettered exhibits should
18 be converted to numbers. All those documents are
19 relevant, in my submission. And all the PIT
20 redactions, in my submission, that are in the
21 documents that have been exhibited should be
22 removed, but certainly the specific PIT redaction
23 that you asked Department of Justice counsel to
24 address has to be dealt with.

25 So those are issues of -- those are

1 evidentiary issues that I submit still need to be
2 addressed before it can be said that this
3 commission has concluded its work.

4 I've got another issue that I need to address
5 on the record. I'd asked commission counsel to do
6 it, but the invitation wasn't taken up. And it
7 pertains to comments made by yourself, Mr.
8 Commissioner, on November 21st, 2011, as well as
9 by my friend Mr. Vertlieb. On that morning Mr.
10 Vertlieb said that there had been a breakdown of
11 trust which he considered a very distressing and
12 disappointing matter and he considered it to be
13 embarrassing to the legal profession. You said
14 that it was extremely upsetting and disappointing.
15 And this concerned what was called by your counsel
16 to be the leak of the Evans report. You
17 characterized conduct of counsel to be
18 reprehensible, ethically challenged, and it showed
19 a distinct lack of professionalism.

20 Those comments by your counsel and yourself
21 were directed at all the lawyers who were then
22 participating in this commission's process. It
23 cast a pall over all of us, and on behalf of my
24 colleagues I want to advise you that as a result
25 of those comments the Law Society commenced an

1 investigation, which I understand was started the
 2 next day. It retained the law firm of Fasken
 3 Martineau to conduct that investigation, that they
 4 fully investigated the conduct of all counsel, and
 5 on February 17th, 2012, Fasken advised that it had
 6 completed its investigation on behalf of the Law
 7 Society and that the Law Society was closing its
 8 file. I understood no disciplinary actions were
 9 taken. So I feel it appropriate to address that
 10 given that all counsel were characterized in the
 11 way they were. So those are my comments at this
 12 juncture. Thank you.

13 THE COMMISSIONER: The only -- I am going to address that last
 14 comment. I stand by what I said, that if someone
 15 willfully disobeyed an undertaking by leaking a
 16 document, then I do find that to be a breach of
 17 professional undertaking. Every lawyer gave an
 18 undertaking. I don't know how the document was
 19 released. Obviously if there has been an
 20 investigation conducted and the Law Society have
 21 decided to go no further, then that's fine. It's
 22 between the lawyers and the Law Society. But I
 23 make no apologies for disapproving of a breach of
 24 an undertaking. I think that if someone leaked
 25 the document -- if someone didn't leak the

document and no one was at fault, then that's another matter, but at that time I was told the document had been leaked contrary to an undertaking, and those are entirely proper comments by myself, and I stand by them.

Anything more, Mr. Vertlieb?

MR. VERTLIEB: Yes, Mr. Commissioner, just to note that Mr. Ward has a process in place on his comments about witnesses and documents, and it's for him to follow that process. Secondly, I do want to have some clarity. I think all the lawyers who have been interested in having the argument, written and oral, postponed a week should have clarity. I'd like to assume, Mr. Commissioner, that you are acceding to that request, save for Mr. Ward, and I would like us to leave here knowing that either Mr. Ward will tell me that he'd like to reconvene next week or he will be ready to go on June 4. I just wouldn't want to have that out in the -- in a vacuum and not know where we stand. So I just think we do need clarity because I know my colleagues will be asking about your position on the --

THE COMMISSIONER: Okay. Well, Mr. Ward, what's your response to that?

MR. WARD: Well, I'd like clarity, and I'd also like to be present when everybody makes their final submissions in this case I've been working on since last October. I booked a hearing on a completely different file in Nelson the week of the 4th to the 8th in the courthouse there. My understanding was it was the only week available for this proceeding in the imminent future, and I did so when I was labouring under the very clear impression that you and your counsel had left with me that we would be finished by the end of May. So that's where I stand. I don't like one bit the idea that the plans are changing such that I won't be able to be present for everybody else's written submissions, but if that's the intent, then I'll have to live with it. I'd also like to know, because I don't yet and it would be helpful to know before I get on my feet, if there's a time restriction on each counsel's oral submission and, if so, what it is.

THE COMMISSIONER: Okay. Well, I haven't canvassed that with the lawyers, but I was thinking an hour. I understand the Braidwood Inquiry put a limit of an hour. Is that right?

MR. VERTLIEB: Yes, that's correct. You in your earlier

1 process directive made that comment in your
2 directive and --

3 THE COMMISSIONER: It was made, but it wasn't done with any
4 kind of consultation at that time.

5 MR. VERTLIEB: No, that's right. It was sent to the
6 participants for their input. Mr. Ward I don't
7 recall has responded saying he was in disagreement
8 with that directive, but I may have missed an
9 e-mail.

10 MR. WARD: Well, it doesn't -- it's pointless to be in
11 disagreement with directives, but if that's the
12 case, if each of us have an hour limit, then we
13 can do four submissions next Friday, and I'd like
14 to hear the other three. So if we want to start
15 Friday, that's fine with me, but I don't think I
16 should be the only one up that day. We'll have
17 four of them, in my submission, and I can at least
18 hear other counsel's submissions, if that's
19 agreeable.

20 THE COMMISSIONER: No, I'm not going to force people on who
21 aren't ready.

22 MR. WARD: Well, you seem to be quite prepared to force me on.

23 THE COMMISSIONER: No. No, no, no. Just wait a minute. You
24 scheduled something else while this hearing was
25 going on.

1 MR. WARD: Of course I did. I'm a professional. I have to.

2 THE COMMISSIONER: Well, you know, I would have thought your
3 priorities would have been here, and so, you know,
4 I'm trying to work around you, and you don't give
5 anybody any kind of -- I'm trying to be
6 accommodating to you, but it doesn't work, and
7 you're the one that scheduled something else on
8 while this very important inquiry was going on.
9 Now -- and you want now everybody else to
10 accommodate you. So, you know, any other thoughts
11 on that?

12 MR. HERN: Well, I just -- Sean Hern for the VPD. It's a
13 reality that we may not be able to accommodate
14 everybody's schedule for this. I note that Mr.
15 Ward was asking for an extension of this inquiry,
16 and he has a colleague, Mr. Chantler. I don't
17 know what his availability is. But certainly for
18 myself, I will not be able to attend on Mr. Ward's
19 day if he's going on Friday as I have other
20 commitments, but Mr. Dickson will sit in on that.
21 I don't understand that while the oral submissions
22 are going on anybody is going to be permitted to
23 be getting up and objecting to them or making
24 impromptu comments, so I don't see the
25 disadvantage or prejudice from someone not being

1 able to be there. I presume they'll be recorded,
2 and hopefully Mr. Ward can receive those comments
3 from a colleague or from the transcript.

4 MR. WARD: Well, there is prejudice, and this is it. The new
5 plan I just learned about a minute ago, and it's
6 unfortunate there wasn't some prior discussion or
7 notice of this, but the new plan calls for
8 delivery of written submissions by next Friday, as
9 Mr. Vertlieb said, so that counsel could review
10 them before making their oral submissions. The
11 prejudice to me would be that if we follow that
12 plan I won't see anybody else's submissions until
13 after I've made mine, which puts me and my clients
14 at a disadvantage. If the deadline for written
15 submissions was Thursday, then that would be
16 ameliorated. But why don't we -- I mean, I'm
17 trying to accommodate everybody. I make no
18 apologies for scheduling another matter in June
19 when I was under the clearest of impressions that
20 our work here would be done at the end of May. So
21 I suggest that other counsel proceed with their
22 submissions the week of the 4th, and I would be
23 available on Monday, the 11th, to make my
24 submissions.

25 MR. VERTLIEB: I don't think that would work because of your --

1 your mandate is still June 30. You need time.
 2 That turns the order that we followed upside-down.
 3 I think Mr. Ward will have to work out Nelson,
 4 whatever that may be. I just wanted to check the
 5 date. I think your -- to say that he's always
 6 worked on this schedule, your schedule has always
 7 been fluid. To remind you, you had said and hoped
 8 that you'd be finished by the end of April, but
 9 that became not possible. It was the end of April
 10 that you issued this process directive with the
 11 schedule for May, which indicated the closings.
 12 It wasn't that long ago, and that's the problem if
 13 someone months ago books dates when they're
 14 involved in another important legal event not
 15 knowing with certainty when it's going to end, and
 16 that is something that a young lawyer would know
 17 let alone an experienced lawyer. So the only
 18 option that I can see is to have Mr. Ward go next
 19 week when he is not booked elsewhere and then
 20 accommodate the lawyers who understandably and
 21 very fairly have requested time to do --

22 THE COMMISSIONER: Or we could accommodate Mr. Ward by letting
 23 him go first on the 4th, on the morning of the
 24 4th, and he can leave and Mr. Chantler can take
 25 over.

1 MR. VERTLIEB: Yes. Absolutely.

2 THE COMMISSIONER: All right.

3 THE REGISTRAR: Mr. Vertlieb, I might mention that if we push
4 too far into June we could be running into
5 problems with the availability of the courtroom.

6 MR. VERTLIEB: Yes. Thank you for reminding us. There is a
7 whole administrative issue around that, which I
8 had forgotten.

9 THE COMMISSIONER: Okay.

10 MR. VERTLIEB: So I think either Mr. Ward decides to go next
11 week or June 4 in the morning.

12 THE COMMISSIONER: We'll go June 4th. Anything? Mr. Gratl, do
13 you want -- okay. All right. We'll go with June
14 4th.

15 MR. VERTLIEB: Thank you.

16 THE COMMISSIONER: Okay.

17 THE REGISTRAR: The hearing is now adjourned to June the 4th at
18 9:30 a.m.

19 (PROCEEDINGS ADJOURNED AT 4:07 P.M.)

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