

Vancouver, B.C.

November 23, 2011

(PROCEEDINGS RECONVENED AT 10:05 A.M.)

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

5 THE COMMISSIONER: Yes, Mr. Ward.

6 MR. WARD: Thank you, Mr. Commissioner. Cameron Ward, counsel
7 for the families of 20 of the missing and murdered
8 women whose disappearances are the subject of this
9 inquiry. First, if I may, I have some
10 housekeeping matters to address before I get
11 started with questions, and I hope that we are now
12 in a position to mark what have been called the
13 seven binders that commission counsel produced
14 during his examination in chief of Deputy Chief
15 LePard. Are we indeed in that position?

16 MR. VERTLIEB: Just so you know, the answer's no, but none of
17 that should matter to Mr. Ward. I conduct the
18 discovery.

19 THE COMMISSIONER: Well, I was going to say. I know you want
20 them marked. I don't know if it really harms
21 anybody if they're not marked at this stage. You
22 still have access to them. My understanding from
23 what I've been told earlier here is that some of
24 the documents need to be redacted, but that should
25 not really hamper your cross-examination. In due

1 course I expect that they will be marked, but I
2 understand for privacy reasons and for other
3 investigative techniques or means that may be
4 taking place that not all of that material can be
5 disclosed, so -- but you let me know if there's
6 anything -- the failure to have those exhibits
7 marked will hamper your cross-examination.

8 MR. WARD: Thank you.

9 THE COMMISSIONER: I'm sympathetic to that.

10 MR. WARD: Thank you. That's fine. And just -- similarly,
11 just -- I just don't want to make -- I just want
12 to make sure it doesn't fall through the cracks.
13 The Williams appendices, are we ready to mark
14 those, or is that the same situation?

15 MR. VERTLIEB: Same.

16 MR. WARD: Same situation I'm advised. That's fine. But,
17 again, I hope at some point they will become
18 exhibits in this process.

19 THE COMMISSIONER: I'm sure they will.

20 MR. WARD: The third housekeeping matter is that yesterday, Mr.
21 Commissioner, I handed up a binder of excerpts
22 from media publications between '97 and 2000, and
23 I would ask that that be marked as an exhibit,
24 which I neglected to do yesterday.

25 THE COMMISSIONER: All right. Is there any issue with that?

1 MR. VERTLIEB: No.

2 THE COMMISSIONER: All right. That will be the next exhibit.

3 THE REGISTRAR: That will be marked as Exhibit number 34 -- or
4 35.

5 **(EXHIBIT 35: Document entitled - Binder of**
6 **excerpts from Vancouver newspapers)**

7 THE COMMISSIONER: Go ahead.

8 **DOUGLAS ALAN LEPARD, RESUMED:**

9 **CROSS-EXAMINATION CONTINUED BY MR. WARD:**

10 Q Thank you. Now, Deputy Chief, the document I just
11 referred to, you'll recall that we looked at it
12 briefly yesterday, and what it was was a binder
13 containing copies of 56 articles that were
14 published in either the *Vancouver Sun* or *Vancouver*
15 *Province* newspapers about the missing women issue
16 between '97 and 2000. Do you remember that?

17 A Yes. I don't have it in front of me, but I
18 remember it.

19 Q And as you know from that binder, which is now
20 Exhibit 35, and from your personal recollection,
21 as you confirmed yesterday, there was an awful lot
22 of media publicity about the disappearances of the
23 women, right?

24 A Yes.

25 Q And despite all of the publicity from '97 onwards,

1 in the end the Vancouver Police Department as an
2 institution failed to solve the issue of how those
3 women ended up being murdered, correct?

4 A Well, I've -- it's quite a bit more complicated
5 than that, and I've described that, excuse me, in
6 some detail in my report --

7 Q Well --

8 A -- what the resolution of the case was, but, no,
9 the VPD did not solve the murders of those women
10 who were murdered on the Pickton property. No,
11 they did not solve it.

12 Q And similarly, the VPD failed to find any woman
13 who had been taken from the Downtown Eastside and
14 rescue her from Pickton's property before she was
15 killed by him, correct?

16 A No, there were no women that were rescued from the
17 Pickton property.

18 Q You've seen and read over Deputy Chief Evans'
19 report?

20 A Yes.

21 Q And you agree with 98 per cent of it?

22 A Yes. I found her report to be highly consistent
23 with my understanding of the facts and my
24 conclusions.

25 Q And her conclusion, in a nutshell, was that there

1 was a failure of leadership, which she attributed
2 to management or executive, but, in any event,
3 leadership of both organizations, the VPD and
4 RCMP, correct?

5 A That was her conclusion.

6 Q And you agree with that?

7 A As I've written in my analysis, I think it was
8 fairly complex, but in a nutshell, yes, and I
9 write that in my report, that there was a failure
10 of leadership.

11 Q Right. Now, 1999 to 2000 is the period I want to
12 focus on right now. I went over with you some of
13 the events of 1999 yesterday, and you recall that,
14 correct?

15 A Yes.

16 Q That was a period during which there was serious
17 instability in the leadership of the Vancouver
18 Police Department, correct?

19 A I agree.

20 Q That was a period during which there was
21 infighting within the department and the splitting
22 up of members into various camps or groups and
23 there was sparring between them, correct?

24 A I think at the executive level there was some
25 animosity, failure to work cooperatively together.

1 I think the department was not working as well
2 together as it could as one police department with
3 one set of priorities, rather there were
4 priorities that were occurring between divisions,
5 which I've written about in my report, that was
6 unhelpful.

7 Q All right. And from your perspective based on
8 your review of the missing women investigations
9 Detective Constable Shenher struck you as a
10 capable and conscientious sworn member of the
11 department, right?

12 A Yes.

13 Q You interviewed her three times?

14 A Yes.

15 Q And she described what she perceived as the
16 leadership problems in the department from her
17 point of view, didn't she?

18 A Yes, she described her perspective.

19 MR. WARD: And that's in, Mr. Registrar, Volume 3 of the set of
20 binders, which is an exhibit for identification,
21 letter --

22 THE REGISTRAR: Is that E?

23 MR. WARD: This is why -- I'm not good with letters. E, yes.

24 Thank you.

25 THE REGISTRAR: This is --

1 MR. WARD: No, I'm sorry, not E.

2 THE REGISTRAR: F.

3 MR. WARD: I can't find it. D, I think. I've got the exhibit
4 list. I think it's D. I think collectively
5 marked as Exhibit D were seven binders. This
6 particular one is described in my version as
7 Volume 3, Interviews. Binders. Sorry.

8 THE REGISTRAR: This is D.

9 MR. WARD: Well, now I'm lost. The seven binders, there should
10 be one marked Volume 3, Interviews.

11 THE REGISTRAR: The seven binders you refer to I think are the
12 ones that have not been marked.

13 MR. WARD: At all?

14 THE REGISTRAR: At all.

15 MR. WARD: Oh.

16 THE REGISTRAR: That's right.

17 MR. WARD: May I ask then -- I was under the misapprehension
18 that they were an exhibit for identification.

19 THE REGISTRAR: No.

20 MR. WARD: May I ask that they be marked for identification so
21 I have the record?

22 THE REGISTRAR: Which one is it you were asking for?

23 MR. WARD: Let me start again. I'm sorry for the confusion.

24 Leaving aside marking it for the moment, I'm
25 looking for the binder described as Witness

1 Interviews that was produced in Mr. Vertlieb's set
2 of seven. We didn't get them in the same format
3 but mine is Volume 3, Witness Interviews.

4 THE REGISTRAR: Witness Brief.

5 MR. WARD: Witness -- Volume 3.

6 THE REGISTRAR: Volume 3.

7 MR. WARD:

8 Q Do you have a document there or binder there, sir,
9 that contains a series of interviews that you
10 conducted of various personnel?

11 A Yes, I do.

12 Q All right. Then we're on the same page, I think.
13 So sorry for the confusion, but I'm asking you to
14 look at this witness brief, which is a binder, and
15 I understand that this contains typewritten
16 minutes or notes of interviews you yourself
17 conducted with the various people named in the
18 index.

19 A Yes.

20 Q And they were all members of the Vancouver Police
21 Department save for Constable Yurkiw?

22 A That's correct.

23 Q All right. The interviews of Detective Constable
24 Shenher, there are three in number, start at tab
25 18. I'd like to refer you to tab 20 of those, of

1 the binder, and in particular to page 13, third
2 bullet on that page. So it's tab 20, page 13,
3 third bullet. Could I ask you to read what Lori
4 Shenher told you starting with the words, "By late
5 2000..."

6 A

7 By late 2000 when Geramy was pursuing a JFO,
8 I was so utterly burnt out and disillusioned.
9 I had cared too much about the file to my
10 detriment. I was just fried. I wanted to
11 get as far away from anything remotely
12 related to the file. It was such a bitter
13 experience that soured me on the Department,
14 not just the tragedy of the investigation,
15 but the ineffectiveness of the chain of
16 command, to have a message start here then
17 become so watered down by the time it got to
18 where the decisions were being made. I just
19 thought I couldn't commit to a place that
20 didn't know it's ass from a hole in the
21 ground. I didn't have confidence in the VPD
22 anymore.

23 Q Okay. I'll ask you to stop there just for a
24 moment. She, Detective Shenher, continues to be a
25 member of the Vancouver Police Department to this

1 day?

2 A She is.

3 Q She was very candid about the issue she had with
4 the leadership of the Vancouver Police Department
5 and indeed with the department as a whole, wasn't
6 she?

7 A Yes, she was very frank.

8 Q Frank to the point of not having any confidence in
9 the police department by late 2000, right?

10 A Yes, that was her perspective.

11 Q At that point she'd been working within the ranks
12 for nine years?

13 A Yes.

14 Q And working hard in particular on the missing
15 women case?

16 A Yes.

17 Q If she didn't have confidence after nine years
18 working diligently in the ranks of the Vancouver
19 Police Department, how in the world could the
20 community, the city and its citizens have any
21 confidence?

22 A Are you asking me that question?

23 Q I am.

24 THE COMMISSIONER: How can he answer that?

25 MR. WARD:

1 Q All right. You care to this day about the public
2 perception of the Vancouver Police Department?

3 A Of course. If I didn't care, I wouldn't have put
4 myself through this for the last nine years.

5 Q I am going to suggest to you that the problem with
6 management of the Vancouver Police Department was
7 this: management was comprised of mostly older
8 white males who had an attitude about the missing
9 women that made them indifferent to their
10 disappearances. Do you agree?

11 A No, I do not.

12 Q All right. Deputy Chief Unger was a member of
13 management?

14 A Yes.

15 Q And Don Adam told you what his view was, expressed
16 by Unger to Adam, right?

17 A Yes.

18 Q And you made a note of it?

19 A Yes.

20 Q Deputy Chief Unger's perception of the issue of
21 the missing women was this: they're just hookers,
22 so who cares. Wasn't that it?

23 A I don't think he said the full sentence that
24 you've just said.

25 Q He said, "They're just hookers," or "They're just

1 (expletive) hookers," didn't he?

2 A What Inspector Adam reported to me was -- that
3 they were just hookers was in the context of
4 saying we worked really hard on this, so I agree
5 if your proposition is that that was not an
6 appropriate comment, but I did look at it in the
7 context of what he said and also I looked at in
8 the context of what he did, and what Inspector
9 Adam told me was that everything that Evenhanded
10 asked for from the VPD, which he was doing through
11 Deputy Chief Unger, his words were, I think, the
12 VPD provided it forthwith. So I did try and
13 consider it in the context.

14 Q Well, I'll -- I don't want there to be any mistake
15 about this, so I am going to ask you to look at
16 your note of your conversation with Adam.

17 A Can you --

18 Q All right.

19 A -- refer me to the tab, please?

20 Q I have it in another brief. I'm passing up, Mr.
21 Commissioner, a separate binder, the contents of
22 which have been distributed to my friends. It's
23 entitled a "Cross-Examination Brief re DCC
24 LePard", and I'm at the moment referring to tab 5.
25 Just to give the context, sir, your interview of

1 Don Adam was not as formal as the other ones in
2 the interview or witness brief I provided you with
3 a moment ago, correct?

4 A Correct.

5 Q But you did meet Don Adam with your counsel, Mr.
6 Hern?

7 A Yes.

8 Q And with a Jim McKnight?

9 A Yes.

10 Q Back in March of 2004 at Evenhanded's offices,
11 correct?

12 A Yes.

13 Q And who's Jim McKnight?

14 A He was one of the investigators seconded from the
15 Vancouver Police Department to Evenhanded when it
16 was first formed.

17 Q All right. And you've made or someone's made
18 typewritten notes of what Adam told you on this
19 occasion?

20 A Yes.

21 Q This is Inspector Don Adam of the RCMP?

22 A Yes.

23 Q Turning over the page, let me read out the passage
24 dealing with Deputy Chief Unger's comments. John
25 Unger, that's Deputy Chief Unger?

1 A Yes.

2 Q Okay.

3 John Unger wanted them to be missings, not
4 murders.

5 Do you see that?

6 A Yes.

7 Q

8 "They're just a bunch of hookers."

9 Right?

10 A Yes.

11 Q So just to stop there for a moment, the JFO has
12 been formed. It's a Joint Force Operation between
13 Vancouver Police and the RCMP. The RCMP member
14 tasked with leadership is Don Adam?

15 A Yes.

16 Q The senior management VPD person on this joint
17 force team is Deputy Chief Unger?

18 A No.

19 Q No. Who is it then?

20 A The Evenhanded investigation had a team commander.
21 That was Don Adam. He was the only team
22 commander. So there's a lead agency. That was
23 the RCMP. And there was a -- I would call it an
24 advisory committee, sort of a joint management
25 team, and in the MOU with Evenhanded it was set

1 out that the representative of the Vancouver
2 Police Department on that was the inspector in
3 charge of the Major Crime Section, so that was
4 Inspector Chris Beach at the time.

5 Q Oh, all right. Unger is Beach's boss?

6 A Yes.

7 Q And Unger then -- I'm looking at the chart at the
8 end of Exhibit 1. Unger from end of March 2000 up
9 till early 2003 was deputy chief constable?

10 A That sounds right. I would have to check my
11 records, but that sounds right.

12 Q He reported to the chief of police?

13 A Yes.

14 Q Chambers and then Blythe?

15 A I don't believe that he was ever a deputy chief
16 for Chambers. He became deputy chief after Chief
17 Blythe became chief.

18 Q I'm sorry, I'm misreading the chart. Quite so.
19 He reported to Blythe, then Jamie Graham towards
20 the end?

21 A Correct.

22 Q So just to have it then, Unger, deputy chief,
23 second in command, the boss of Inspector Beach,
24 who is the most senior member of the JFO from the
25 Vancouver Police Department?

1 A He's not a member of the JFO, but he sat on what
2 I'll call an oversight committee. So he is the
3 liaison person with the VPD on JFO issues, but
4 this is a JFO that has a team commander, and the
5 lead agency is the RCMP on it. So Don Adam is
6 reporting up to his -- up through his chain of
7 command because they're the lead agency by virtue
8 of the MOU, but there is a liaison, and that is
9 with Inspector Beach. So, for example, when
10 Evenhanded came and said we want to put a semi-
11 covert team of 12 officers on, that's who the
12 request came from, was to Inspector Beach, and he
13 went through his chain of command in saying, "I
14 support this. We need to do it. Buck up the
15 bodies."

16 THE COMMISSIONER: When you have a joint forces operation, a
17 JFO, who decides who's going to be the lead
18 agency? How do you come to that decision?

19 A Well, that was the result of discussions between
20 the VPD and the RCMP, and it was decided in those
21 discussions that the RCMP was going to be the lead
22 agency.

23 THE COMMISSIONER: All right. Thank you.

24 A So there was agreement on that.

25 THE COMMISSIONER: All right.

1 MR. WARD:

2 Q All right. Deputy Chief Unger, if this --
3 according to Don Adam, after the JFO was formed
4 and started to do its work Deputy Chief Unger
5 wanted the missing women to be characterized as
6 just missing, off on a holiday or something, not
7 having been victims of murder, right?

8 A Well, you're characterizing it different than my
9 interpretation. When Don Adam's said that, what
10 was clear to me is that John Unger wanted for them
11 to truly be missing, not murdered. That was his
12 interpretation, I believe, and that was my
13 interpretation. He didn't want to believe that
14 they had been murdered. So, yes, he didn't want
15 them to be murdered. Who would?

16 Q Well, certainly the family members at this point,
17 in 2000, didn't want their loved ones to have been
18 murdered, but they knew, based on everything
19 you've looked at, they knew and they were telling
20 the police they must be murdered --

21 A Yes.

22 Q -- right?

23 A There was certainly a lot of that.

24 Q All right.

25 A And that was the whole underlying premise, of

1 course, of Evenhanded, is that these women had met
2 foul play and it was a hunt for a serial killer.
3 So that was the underlying assumption, and that's
4 clear in the MOU what the -- what the strategies
5 were.

6 Q But Deputy Chief Unger took issue in the strongest
7 possible terms with any suggestion that a serial
8 killer might be responsible for these
9 disappearances, didn't he?

10 A I think up until the creation of Evenhanded, yes,
11 there was a -- there was a prevailing attitude
12 that that was one possibility, but by the time the
13 decision had been made to create Evenhanded I
14 don't believe that he displayed that attitude,
15 that earlier attitude at all in that it's clear in
16 the documentation that he said, "We need to
17 participate in this in every way. This is going
18 to be a long-term project. We need to go to the
19 City to get long-term funding. We need to go over
20 budget even if we don't get support from the
21 City." So in the context, by the time the
22 creation of Evenhanded Deputy Chief Unger was very
23 supportive of it, and the whole premise of
24 Evenhanded was that it was a hunt for a serial
25 killer. So I agree that his attitude was like

1 attitudes of others earlier than that in that they
2 really did not want to believe that the cause of
3 the missing women was a serial killer despite this
4 very compelling circumstantial evidence that that
5 was the most likely cause. And also it was clear
6 to me that Deputy Chief Unger wasn't all that well
7 informed when he came into his position as the
8 deputy chief of the Investigation Division. For
9 example, he had never read Detective Inspector
10 Rossmo's report. He told me he didn't read it
11 until the lawsuit, which was in 2001. So he
12 wasn't fully apprised of the information. But I
13 would just say so there was an attitude, he wasn't
14 the only one, is that that was one possibility,
15 but by the time the creation of Evenhanded I don't
16 think anybody was believing that this wasn't foul
17 play or why would they have supported this Joint
18 Force Operation that we were contributing
19 resources to that was -- had a mandate to find a
20 serial killer.

21 Q Thank you. When you sat down with Don Adam and
22 your lawyer, Sean Hern, and Jim McKnight on March
23 25th, 2004, Don Adam struck you as a credible
24 person, fair?

25 A Yes, I think he is a credible person.

1 Q He told you on that occasion that Deputy Chief
2 Unger had told him, Adam, that they're just a
3 bunch of hookers in reference to the women who had
4 gone missing from the Downtown Eastside, correct?

5 A Yes, and I thought it was a terrible remark to
6 make.

7 Q Indeed.

8 A Or I wouldn't have written it down.

9 Q And since Deputy Chief Unger was second in command
10 of the Vancouver Police Department, having
11 considerable authority, remarks like that would
12 carry some influence among the sworn membership,
13 wouldn't they?

14 A Well, if he were to have made those remarks in
15 front of the sworn membership, yes, I think that
16 it would certainly cause them to have a certain
17 perception of him.

18 Q Thank you. Now let's look at the last two lines
19 in this note.

20 When Jim M,
21 that's McKnight,

22 said they were looking at the MW,
23 missing women,

24 being victims of a serial killer, he was
25 advised that John Unger wanted him

1 disciplined by Boyd, but Al didn't.

2 Do you see that?

3 A No. Can you point me out where that is?

4 Q Sorry. I'm tab 5.

5 A Yes.

6 Q Second page. It's got a note 12 in the top right.

7 A End of that paragraph. Yes, I see it.

8 Q All right. Jim McKnight's at this meeting. He's
9 a VPD investigator on Evenhanded, correct?

10 A Yes. Yes.

11 Q And it's reported to you at this meeting of March
12 25th, 2004, then -- when Jim McKnight of the VPD
13 said, in effect, "We are considering the missing
14 women as being victims of a serial killer," he,
15 McKnight, was told that Deputy Chief Unger wanted
16 him disciplined for making that remark, correct?

17 A I did hear that.

18 Q So how can you possibly say that Deputy Chief
19 Unger during the tenure of the Evenhanded JFO
20 considered it likely or was supportive of the idea
21 that the missing had been murdered by a serial
22 killer?

23 A Because I think that they were two different
24 issues, is, one, I think all Deputy Unger's
25 actions showed that he was supportive of

1 Evenhanded and what it was there for and
2 contributing resources to it and the efforts he
3 made to get funding. I think that that was a
4 terribly misinformed attitude about what the
5 impact of talking about there being a serial
6 killer, which was an unfortunate attitude that
7 others had shared as well during the investigation
8 right from the beginning, which was about
9 minimizing, not denying but minimizing the
10 possibility of a serial killer, which I think was
11 very misinformed, but I don't think that it spoke
12 to his disbelief by the time Evenhanded was
13 created, is that they were looking for a serial
14 killer. That was my perception of the
15 information.

16 Q All right. You've talked about Deputy Chief
17 Unger's actions. Now I want to talk about his
18 words. I expect he'll be here to explain himself
19 and we'll get it right from him, but --

20 A That would be my preference.

21 Q All of ours. But we have a record of his words at
22 a very important time, fair?

23 A Yes.

24 Q After he utters these words, if he indeed uttered
25 them as Adams said he did, more women are taken by

1 Pickton and killed by him?

2 A Yes.

3 Q Women like Dianne Rock, Dawn Crey, my clients' --

4 A Yes.

5 Q -- sisters, right?

6 A Yes, I agree.

7 Q And his words suggest indifference towards the
8 plight of the missing women, don't they? They're
9 just hookers. They're only hookers.

10 A I think that Deputy Unger will have to speak for
11 his own words around that. What I was looking at
12 is what actions were taking place, and I don't
13 think that any words or attitudes that he may have
14 felt influenced Inspector Adam and his team in any
15 way.

16 Q You said a moment ago that you thought he was,
17 based on your interview of him, Unger, he was
18 misinformed?

19 A Yes.

20 Q Right. He must have somehow missed the 56
21 articles in the *Province* and *Sun* between July of
22 '97 and October of 2000?

23 A I don't know.

24 THE COMMISSIONER: He can't answer that.

25 MR. WARD: All right. Fair enough. We'll ask Deputy Unger

1 when he gets here.

2 Q You've worked for the department, sir, since 1981?

3 A That's correct.

4 THE COMMISSIONER: Yes. Just a minute.

5 MR. HERN: Are you finished with that line of questioning?

6 MR. WARD: Yes.

7 MR. HERN: Now, I haven't interjected here. Obviously this is
8 hearsay, in some cases double hearsay.

9 THE COMMISSIONER: Well, it is hear -- yeah.

10 MR. HERN: And that's why I haven't objected, because I know we
11 have a flexible proceeding, but I think that in
12 the context where the hearsay is very, very
13 prejudicial to Mr. Unger, and I understand that my
14 friend is fair to comment -- question this witness
15 about that, but I just want to -- I just want to
16 note on the record given that Mr. Unger -- I don't
17 even know if he's going to be called, but I'm
18 assuming he'll be called, but, in any event, he
19 won't be here to testify until probably four
20 months from now, I'm advised that he rejects in
21 the strongest terms that he ever said those
22 remarks that he's been alleged to have said and
23 that I know that Deputy Chief Evans looked into
24 Mr. McKnight's suggested statement that -- that
25 Mr. Ward just put to Deputy Chief LePard and that

1 she found from neither McKnight or from Unger that
2 there had been that communication to the effect
3 that -- that Mr. McKnight would be disciplined for
4 saying that they were --

5 THE COMMISSIONER: All right.

6 MR. HERN: So I just want to note that.

7 THE COMMISSIONER: I have your point, and the point is well
8 taken. Mr. Ward, I haven't interrupted your
9 cross-examination, but some of it's been going a
10 bit far, and I know it's cross, but we're getting
11 into what Deputy Chief LePard thought was in the
12 mind of Unger, and if Unger's going to be
13 called -- and is he being called?

14 MR. VERTLIEB: Yes.

15 THE COMMISSIONER: He's being called. Those questions ought to
16 be put to him because it's really unfair for this
17 witness, Mr. LePard, to be commenting on what was
18 in the mind of Unger and what he thought,
19 particularly when the real evidence from Unger
20 will be coming.

21 MR. WARD: I had no idea whether Unger was coming or not until
22 just now.

23 THE COMMISSIONER: Well, is he not on the witness list?

24 MR. WARD: We don't have one.

25 MR. VERTLIEB: We're working on it and finalizing. It will be

1 finalized Friday.

2 THE COMMISSIONER: All right.

3 MR. WARD: The last draft document I had had, I don't know, 90
4 something witnesses on it. Corporal Galliford of
5 the RCMP was one, number 77, and others. But we
6 haven't been told who's coming and who isn't,
7 which is part of my problem in cross of this
8 witness.

9 THE COMMISSIONER: All right. Okay.

10 MR. HERN: Let me put it this way. Even if he's not, I will be
11 applying on his behalf to have him come because he
12 will very much want to deal with these comments.

13 THE COMMISSIONER: Well, given what we've been told about what
14 was happening in the VPD, I would be surprised if
15 Unger wasn't called. Okay. Carry on.

16 MR. WARD:

17 Q Sir, I'm going to suggest based on your experience
18 within the Vancouver Police Department, your
19 knowledge of the culture there, that the
20 prevailing attitude during the period of the
21 missing women investigation displayed by senior
22 management was essentially, as the words
23 attributed to Unger indicate, these missing women
24 are just hookers, we shouldn't be wasting
25 resources on them; is that right?

1 A Mr. Commissioner, I strongly disagree with that.
2 There are certain comments being attributed to
3 this one person. I do not believe that they were
4 indicative of a prevailing attitude. I know that
5 there were many people who cared deeply about it
6 and were sensitive to the issues, but there was a
7 certain amount of dilution and lack of
8 understanding of the information. It was a unique
9 situation. I think that the VPD's record of
10 investigating violent crimes against marginalized
11 persons, including sex trade workers, during that
12 time and since that time speaks to the willingness
13 of putting incredible resources into crimes
14 against sex trade workers specifically. So there
15 were way more dynamics involved in this, and --
16 than you're asking me to agree with, so I don't
17 agree with that.

18 Q All right. Well, let me just put a couple of
19 dynamics to you and then I'm going to move on.
20 The women who were caring -- or, sorry, the people
21 within the department who were caring and
22 sensitive and conscientious and working to solve
23 the disappearances were Sergeant Field, a woman,
24 right?

25 A Yes.

1 Q And Detective Constable Shenher, a woman?

2 A Yes.

3 Q And Dave Dickson, a man?

4 A And Detective Constable Chernoff and Detective
5 Lepine, who had actually taken in a young sex
6 trade worker as a foster child at the request of
7 the ministry. So there are many people that were
8 involved that cared who were even middle-aged
9 white males.

10 Q And the problem was that the people who cared
11 about the disappearances couldn't get the upper
12 echelon, the management, to respond effectively
13 with resources, with requests of the RCMP and so
14 forth, correct?

15 A Some of that is true. In May of 1999 I think that
16 there was a lot of optimism by Detective Constable
17 Shenher, for example, that management had heard.
18 They now had Detective Inspector Rossmo's report.
19 They had Detective Constable Shenher's reports.
20 Inspector Biddlecombe recognized in writing that,
21 look, there's more here that needs to be done. We
22 need to be investigating a lot of these issues.
23 We are going to create what he called a mini task
24 force, a task force in anything but name. He
25 added two Homicide investigators. He added

1 Detective Dickson. Detective Constable Alex
2 Clarke was brought in. Detective Constables Fell
3 and Wolthers were brought in. So I think that
4 that showed that there was -- it was -- should
5 have happened sooner, in my opinion, which I've
6 written about in my report, but certainly by that
7 time there was a recognition that much more needed
8 to be done, and the request that Detective
9 Constable Shenher and Sergeant Field were making
10 for a more concerted effort with more resources,
11 there were efforts to be responsive to that, and
12 there was -- like I say, there was a lot of good
13 work that was done, over 500 tips that were
14 followed up, many suspects that were looked at.
15 It was -- the problem was it was such an
16 incredibly challenging case, and it was being
17 treated more like a challenging missing persons
18 case than it was like a murder case because people
19 had found it very difficult to make that
20 conceptual leap that this was a case of murder,
21 that that was the most likely explanation. It's
22 like, Mr. Commissioner, I think that you've
23 probably seen it with juries being more receptive
24 to weak direct evidence than they are to strong
25 circumstantial evidence, and that was the case

1 here, is that there was strong circumstantial
2 evidence but zero direct evidence, and so because
3 of the lack of understanding at the more senior
4 management levels of the nature of the survival
5 sex trade, for example, they didn't make that
6 conceptual leap. Deputy Chief McGuinness told me,
7 "Look, if I had accepted that this was a case of
8 serial murder, I would have responded very
9 differently, but I never actually made that leap.
10 I never came to that understanding." So that was
11 what was driving the lack of an adequate response
12 to what clearly was a case of serial murder.

13 Q Are you finished?

14 A Yes, I'm finished.

15 Q Thank you. Circumstantial evidence is solid
16 evidence that can convict people, right?

17 A Yes, that's --

18 Q All right.

19 A -- the point I was just making.

20 Q All right. And senior police officers would know
21 that circumstantial evidence is solid evidence
22 that can be used to convict people and does every
23 day of the week in this country, right?

24 A I think police officers are probably like many
25 people, is that they favour direct evidence, and I

1 write about that cognitive issue in my report,
2 about how people perceive direct evidence versus
3 more abstract evidence.

4 Q Okay. That takes me to the next subject. No
5 bodies, no crimes. Transient sex workers.
6 Probably off somewhere. That was a theme within
7 the upper ranks of the Vancouver Police
8 Department, wasn't it?

9 A There was certainly a belief by some, especially
10 early on, that there would be some other plausible
11 explanation for why the women were missing, and
12 even Detective Inspector Rossmo in February of --
13 February of 1999, an expert in serial murders,
14 believed that there was some elegance to Inspector
15 Biddlecombe's theory and agreed that more analysis
16 needed to be done. In terms of your question
17 about no -- no body, no crime, there was an
18 attitude that people wanted to see indisputable
19 evidence that there had been a murder, that most
20 investigations began with the discovery of a
21 murder and then they backtracked from the murder,
22 the crime scene, the physical evidence, the
23 witness information and so on, and so when there
24 was none of that, it was difficult in the absence
25 of a witness, for example, for them to make the

1 leap that that's actually what this was about. So
2 it may seem easy to see that in hindsight, and as
3 I write in my report, there was a point where it
4 should have been obvious, where the information
5 was so compelling, but there were people that
6 struggled with that.

7 Q All right. I want to ask you about something
8 you've written at page 35 of your report, Exhibit
9 1, under the heading "Bias Against Sex Trade
10 Workers". Do you have that?

11 A Yes.

12 Q Three-quarters of the way down the page you write
13 about halfway through the second paragraph:

14 While there was a significant misconception
15 prevalent in the VPD as to the transience of
16 "survival" sex trade workers beyond a lack of
17 day to day accountability for their
18 whereabouts...

19 Let me just stop there. Anybody who thought that
20 a survival sex trade worker who hadn't returned to
21 her room or picked up her cheque or been in touch
22 with her family for a period of time, was off on
23 holidays or had moved to some other place, was
24 labouring under a misconception, correct?

25 A For the most part. But I think also, again, there

1 were things that occurred that fed that attitude.
2 For example, Ada Prevost went missing in 1997.
3 She was reported missing a year later, in 1998.
4 She was found by Detective Constable Shenher in a
5 psychiatric hospital in Arizona in 1999. So that
6 fed into the misconceptions that people have that,
7 look, if we look hard enough we are going to find
8 those people. It was -- I'm very happy that Ms.
9 Prevost was found, but it was almost unfortunate
10 because it fed that attitude that if we look hard
11 enough we can find them. They found two women in
12 Ontario, one who had changed her name. They found
13 two women who had died, not of foul play. So that
14 was feeding in -- people were jumping on that as
15 that's evidence that if we just look hard enough
16 we'll find them, wanting to believe that they were
17 simply missing when the evidence to the contrary
18 was getting stronger and stronger.

19 Q All right. Let me ask you about the next passage
20 here. You write.

21 ...it is also the case that the Missing Women
22 were often reported missing long after last
23 being seen, which lent credence to the theory
24 that they were transient and that long
25 absences were not unexpected by those who

1 knew them.

2 You've written that, and that appears elsewhere in
3 your report, correct?

4 A Yes.

5 Q Okay. Let's just focus on that for a moment. It
6 is the case that many of the women who were later
7 determined to have been murdered by Pickton or
8 probably murdered by Pickton were reported shortly
9 after disappearing?

10 A Some of them were reported long after, and some
11 were reported very shortly after, I agree, like
12 Sarah de Vries.

13 Q Let me just ask you to refer to some of them on
14 the poster behind you, which is an exhibit. Diana
15 Melnick, can you find her on the poster?

16 A Yes.

17 Q Last seen December 27th, 1995, reported missing
18 December 29th, 1995, two days later?

19 A Yes.

20 Q Tanya Holyk, a relative of my -- one of my
21 clients. Last seen October 29th, 1996, reported
22 missing November 3rd, five days later, right?

23 A Yes.

24 Q Janet Henry, last seen June 25th, '97, reported
25 missing June 28th, three days later?

1 A Yes.

2 Q Sarah de Vries, who you mentioned, last seen April
3 12th, 1998, reported missing April 21st, nine days
4 later, correct?

5 A Yes.

6 Q Sheila Egan, last seen July 14th, reported missing
7 August 5th, 21 days later?

8 A Yes.

9 Q Inga Hall, last seen February 26th, reported
10 missing March 3rd, 1998, five days later?

11 A Yes, you've described a number of them that were
12 reported days and weeks after they were last seen,
13 and there are also ones up there that were
14 reported months and years after they were last
15 seen.

16 Q Let me focus on the ones who were reported -- and
17 I haven't even finished the list. Marnie Frey is
18 another, and you're familiar with others, right?

19 A Yes.

20 Q These are women in their thirties, correct?

21 A Yes.

22 Q Adults?

23 A Correct.

24 Q Often away from their usual home town?

25 A I don't know that, but I wouldn't disagree with

1 you.

2 Q Any adult person who went missing from their place
3 of residence regardless of their line of work
4 might not be reported missing for two, three,
5 five, ten days or more, right?

6 A No, that's not my experience.

7 Q All right. Isn't it the case, sir, that one of
8 the problems with the lack of response to these
9 disappearances, take Sarah de Vries, for instance,
10 was that the person reported missing was not
11 treated as an ordinary citizen of the City of
12 Vancouver but rather was lumped into membership in
13 a class, namely, Downtown Eastside survival sex
14 trade workers, or to use Unger's words, hookers?
15 Isn't that the problem?

16 A I think that the victim characteristics did play a
17 role in assumptions were made -- that were made,
18 of course, and beliefs that sex trade workers
19 would go missing for short times and then return.
20 Constable Dickson in his memo wrote that, "Look,
21 you know, they do disappear for a couple of weeks
22 at a time, but then they reappear again. That's
23 why we should be concerned." So it also added to
24 the challenge of the case in that most often there
25 was -- even with Sarah de Vries, who was reported

1 very quickly -- there was no witness. No one saw
2 her get into a car. There was very little to go
3 on. So it was the absence of the women and the
4 numbers of them that was important, but certainly
5 there were assumptions made about Downtown
6 Eastside sex workers that influenced decisions
7 that were made. I'm sure that's true.

8 Q And on that point, I represent the family of
9 Tiffany Drew, and we've heard evidence about the
10 circumstances of her disappearance. Let me
11 summarize it for you. You might be familiar with
12 it. She was out one evening, according to the
13 evidence of Elaine Allan, the testimony of Elaine
14 Allan, in the company of another woman she had
15 linked up with as a buddy for their mutual
16 protection. The buddy saw her get into a car and
17 was so distressed when Tiffany Drew failed to
18 return from the date that she went to the WISH
19 office and waited for it to open the next morning
20 and immediately reported it to Elaine Allan, who
21 in turn reported it to a Vancouver Police
22 Department member. You're familiar with that
23 evidence? Have I fairly summarized it, if you
24 are?

25 A I didn't hear all of her evidence, but I -- but I

1 understand generally that that's what she said.

2 Q And yesterday when Mr. Hern was examining you you
3 made reference to the date of her disappearance,
4 and you may be wrong about that, correct?

5 A I related the information that I've read in the
6 Evenhanded documents, so I don't know if they're
7 accurate.

8 Q Because I'm just looking at the indictment that
9 refers to the murder count attributed to her, and
10 it refers to a date of -- in fact, why don't I
11 show that to you just so it's part of the record.
12 Sir, I'm showing you a copy of the 27-count
13 indictment against Robert Pickton in respect of
14 the murders of these women.

15 A Yes.

16 Q And you've seen this before?

17 A I don't know if I have.

18 Q All right. The inference I draw from this is that
19 in every case there's a range of dates during
20 which it was alleged that the murder occurred, and
21 I take the first date to be the date of the
22 woman's disappearance and the last date to be the
23 date of the commencement of the search of his
24 property.

25 A Yes.

1 Q If you go down through this list -- and I had it a
2 minute ago. Sorry, count 17 on the third page.

3 A Yes.

4 Q There are an awful lot of women here. Robert
5 Pickton stood charged that between the 20th day of
6 August, 1999, and the 5th day of February, 2002,
7 at or near Port Coquitlam in the Province of B.C.
8 did commit the first degree murder of Tiffany
9 Drew. Do you see that?

10 A Yes.

11 Q And so Project Evenhanded would have made a
12 contribution to this document, presumably?

13 A Yes, I would expect so.

14 MR. WARD: All right. Could we have this marked as the next
15 exhibit, please?

16 THE COMMISSIONER: Yes.

17 THE REGISTRAR: That will be marked as Exhibit number 36.

18 THE COMMISSIONER: Yes.

19 **(EXHIBIT 36: Document entitled - Supreme Court of**
20 **British Columbia Indictment Against Robert PICKTON**
21 **(RCMP-002-008007)**

22 MR. HERN: As we go forward, I note that this is a document
23 that Mr. Ward didn't have copies of for everybody,
24 and I know that happens, but I think that a copy
25 should at least be provided to the counsel for the

1 witness --

2 THE COMMISSIONER: Of the indictment?

3 MR. HERN: -- when new documents are put to him.

4 THE COMMISSIONER: The indictment?

5 MR. HERN: I'd appreciate that. Thank you.

6 MR. WARD: Certainly. And I should also have mentioned for the

7 record, because I didn't bring enough copies, I'm

8 just following commission counsel's practice in

9 this regard, RCMP-002-008-007. Pardon me.

10 Concordance reference RCMP-002-008007. It's the

11 27-count indictment dated 2005. The actual

12 specific date isn't filled in in this copy.

13 Q So coming back to Tiffany Drew, some date, maybe
14 it will become clear -- and I can tell you it's my
15 intention to seek to have Ashwan, the buddy,
16 testify about the circumstances of her
17 disappearance. Let's assume for the moment that
18 the buddy saw her disappear in the evening and the
19 next morning reported the disappearance to the
20 police. Let's assume that, okay?

21 A Okay.

22 Q Based on your review you know that no Vancouver
23 Police Department personnel made any effort to
24 mobilize to find Tiffany Drew in the days or weeks
25 following her disappearance, whatever date that

1 may have been, right?

2 A I'm not aware of the specifics of the
3 investigation into the disappearance of Tiffany
4 Drew.

5 Q Well, let me put it this way. Based on your
6 review, in any case, let's say Sarah de Vries,
7 Dawn Crey --

8 A Yes.

9 Q -- once the woman was reported missing by the
10 relative or friend did the VPD mobilize anyone to
11 try to find out where they had gone or what had
12 happened to them in any material way?

13 A Well, I can't speak to this particular case, but,
14 yes, in a number of cases of women that were
15 reported missing there were very diligent efforts
16 made, investigative efforts made. That's what led
17 to finding some of them. So I can't speak to
18 individual cases, but, for example, you mentioned
19 Sarah de Vries. I know that there were extensive
20 investigative steps -- and Maggie de Vries pointed
21 out in statements and I think in her book and in a
22 presentation to the police board how diligent Lori
23 Shenher was and creative in her efforts and so on
24 but needed more -- needed more help.

25 Q Well, that's what I'm talking about with the

1 phrase mobilization. In each case of the Downtown
2 Eastside survival sex trade workers who went
3 missing the task fell to Lori Shenher doing the
4 best she could to conduct some sort of
5 investigation with help from Geramy Field or
6 perhaps Al Howlett, right?

7 A Well, depends when you're talking about. From
8 June or July of 1998 until May of 1999 then, yes,
9 it was Lori Shenher and sometimes assisted by
10 Detective Howlett. From May of '99 forward there
11 were a number of people that were working on these
12 cases, but, of course, their understanding by then
13 was that the last person to have gone missing
14 was -- I think it's Jacqueline McDonell in January
15 of 1999, so there wasn't new missings for them to
16 investigate by that point to their knowledge.

17 Q Let me come back to Tiffany Drew for a moment.
18 I'm almost finished with this point. But her
19 buddy sees her getting into the car. The next
20 morning when Tiffany hasn't shown up the buddy,
21 Ashwan, distraught, believing Tiffany has met with
22 foul play, reports it. That's the evidence so
23 far, and perhaps it will be delved into more
24 deeply.

25 A Okay. So --

1 Q Reports it to Allan, who in turn reports it to
2 Dickson. Okay?

3 A Okay.

4 Q Are you with me?

5 A So -- I want to respond to that point because
6 you've asked me to assume certain things. So if a
7 woman had been reported missing in those
8 circumstances and there was actually a vehicle
9 that had been seen and there was a witness, that
10 absolutely would have been information that would
11 have been important that would have been the
12 catalyst for more investigation: getting a
13 description of the person driving the car, getting
14 a description of the vehicle, maybe she wrote down
15 a plate, all of those things. However, it seems
16 that -- I know Ms. Allan testified that in 1999
17 she reported that, but my understanding is that
18 there is no report on file, which seems unusual,
19 but my -- I wonder if her memory has faded with
20 time, like many. I understand Ms. Allan also
21 testified that she had no awareness that there
22 even was an investigation into the women despite
23 the 50 or so major articles that you pointed out
24 which had brought it a very high profile.

25 Q Thank you. You referenced the McMynn case in your

1 first day of testimony, right?

2 A Yes.

3 Q When Mr. Vertlieb was examining you, and you said
4 in that instance you had stepped in to "oversee
5 investigations where I thought it was necessary"?

6 A Yes, I've done that from time to time.

7 Q And --

8 A At the right level.

9 Q And the McMynn case, just to remind everybody, was
10 the case of Graham McMynn, whose girlfriend saw
11 him being taken away in a car.

12 A Yes.

13 Q You stepped in, you mobilized 150 police officers
14 from the Vancouver Police Department, right?

15 A Actually, I did not need to do that because we had
16 a very competent team commander in place. When I
17 said I stepped in, there were certain aspects of
18 the case that I wanted to make sure were properly
19 coordinated, so at my level, at the deputy chief
20 level I'm making sure that the -- there was
21 mission clarity about what it was, but I was not
22 interfering with the team commander running that
23 investigation, but there was -- there were
24 different aspects to that investigation because,
25 first of all, there was the actual investigative

1 process, but there was also a rescue aspect,
2 possibly a negotiation aspect as well, so I had
3 some role in making sure those resources were
4 coordinated.

5 Q In any event, the Graham McMynn disappearance
6 ended happily several days later when five ERT
7 teams -- or several ERT teams descended on five
8 suspected locations where he might be and found
9 him in one and was able to save him, correct?

10 A Yes.

11 Q And you personally were proud of the fact that
12 some 150 Vancouver Police Department members, many
13 of whom had worked right around the clock 24 hours
14 per day, had participated in the rescue, right?

15 A I don't know where that number came from. I don't
16 know about -- that sounds quite a bit larger than
17 my recollection of VPD members involved.

18 Q Certainly more than a hundred. You spoke to a
19 hundred the morning of the raids at the -- I think
20 it was the armoury?

21 A Yes, but I don't think that they were all VPD
22 members. There were members of other forces there
23 as well that were being briefed. So it was a
24 large number of police officers.

25 Q Now, Graham McMynn was a young, clean-cut, male

1 university student who was reported taken away by
2 his -- the report was made by his girlfriend.
3 Tiffany Drew, on the other hand, was a poor
4 Downtown Eastside survival sex trade worker?

5 A And I can tell you that when we had cases, in
6 fact, fairly recently of a woman that was believed
7 to have been kidnapped, in fact, we had two in one
8 day, the exact same level of skilled response that
9 was necessary to effect a successful resolution of
10 the case, no matter the background of the victim,
11 was undertaken and successfully resolved.

12 Q But that was recently. That wasn't in 2000, 1999,
13 1998, was it?

14 A Well, I can think of more historical cases of
15 people who were kidnapped as well in which
16 whatever level of resourcing was necessary,
17 regardless of the background of the victim,
18 including, which is more usual than not, when the
19 person is a drug dealer who has been kidnapped
20 because of a drug debt. So it doesn't matter to
21 us who the person is. When their life is in
22 danger and we believe that there has been a
23 kidnapping, we are going to pool whatever
24 resources are necessary. But your whole line of
25 questioning presumes that we had this information

1 about Tiffany Drew getting into a car, and I am
2 not aware that that information was reported.

3 MR. WARD: Fair enough. Mr. Commissioner, I note the time.

4 Perhaps this is a good time for the morning break.

5 THE COMMISSIONER: All right.

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

7 **(PROCEEDINGS ADJOURNED AT 11:06 A.M.)**

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

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

10 MR. WARD:

11 Q Now, sir, I'm going to ask you some further
12 questions on a different subject, which is one I
13 was exploring with you or started exploring with
14 you yesterday, the summer of '99, and first I want
15 to address something that had me thinking
16 overnight and came up in respect of the March --
17 sorry, May brainstorming session that you were at,
18 and the reference for this is Volume 1 of the set
19 of binders, tab -- it's Phase 3, tab 26. You'll
20 remember this --

21 A Sorry, can you give me the tab again?

22 Q Yeah. Sorry. Yes, it's Phase 3.

23 A Phase 3.

24 Q Tab 26. It should be that short typewritten
25 note --

1 A Yes.

2 Q -- with a list of names.

3 A Yes.

4 Q Do you remember that document?

5 A Yes.

6 Q It might be helpful to have it out again just for
7 a moment. And I just have one further thing to
8 ask you about this and then I'll move on, but you
9 made the comment, as I understood your evidence,
10 that your recollection was that at this
11 brainstorming session that had been convened to
12 deal with the issue of the missing women
13 disappearances introduced by Sergeant Field and
14 overviewed by Lori Shenher that Pickton's identity
15 as a suspect or as the prime suspect had not come
16 up, nor would you expect it to. Do you remember
17 giving evidence to that effect?

18 A Correct.

19 Q And your comment was, if I remember it correctly,
20 loose lips sink ships. Did you say that?

21 A I don't know if I said sink ships, but I remember
22 talking about loose lips.

23 Q Oh. All right. But you're familiar with that
24 expression --

25 A Yes.

1 Q -- loose lips sink ships, and sometimes they do?

2 A Yes.

3 Q Were you suggesting that you couldn't trust the
4 other people at the meeting, your police
5 colleagues, with information that Pickton was a
6 suspect in the disappearances of the murders
7 (sic)?

8 A It's not a matter of trust. It's a matter of
9 being able to control information and being able
10 to report back perhaps later. For example, if
11 there's holdback information, you need to be able
12 to say every person that knew that information or
13 some enterprising defence lawyer is going to
14 suggest that it wasn't really holdback, that there
15 were people that knew about it. So as a general
16 rule when you've got a suspect and there's a
17 confidential investigation going on then you're
18 going to be very careful about that information,
19 and I -- in that meeting, as I recall, this was
20 just before the more suspect-focused investigation
21 had begun, so resources are just being added, as
22 requested by Detective Constable Shenher and
23 Sergeant Field, and this was about what are
24 strategies that we pursue, because don't forget at
25 that point, yes, there was the information from

1 Hiscox. That was one informant. Detective
2 Constable Shenher was working with Corporal Connor
3 on that and trying to advance that -- that aspect,
4 but it's not that they were excluding the
5 possibility, the many other possibilities that
6 could have existed. That was very interesting
7 information at that point, but it wasn't
8 conclusive by any stretch of the imagination, and
9 so this meeting was about coming up with various
10 strategies outside of that issue.

11 Q All right. I don't suppose overnight you did the
12 sort of search that you've done with respect to
13 other issues and went back to your notebooks for
14 this period of May '99 to see if you had an entry?

15 A I probably would not have been carrying the little
16 notebook like that you described. I was a
17 detective sergeant when I investigated cases. I
18 had an individual file status report for each
19 investigation that I might have and kept notes in
20 other ways.

21 Q Okay. I neglected also to ask you about that last
22 line in this first page. I don't understand it.
23 Can you read that?

24 A Yeah. Acc I is an acronym for the Accident
25 Investigation Unit. So those are the people that

1 conduct investigations of serious or fatal
2 accidents in Vancouver. So it says:

3 Acc I file re hooker run over in Burnaby?
4 I don't know what it's in reference to, but --

5 Q You don't remember?

6 A No, I don't.

7 Q But certainly "hooker" was the term used at
8 meetings of police officers to describe sex trade
9 workers?

10 A That was the term that Sergeant Field used in her
11 notes.

12 Q Now, here's what I want to ask you about that
13 loose lips comment, that you say Pickton's name or
14 identity as the prime suspect would not have been
15 the subject of discussion at the brainstorming
16 meeting in May?

17 A Well, first of all, you have described him as the
18 prime suspect, and what I'm saying is that there
19 was information that had been received from Hiscox
20 about him that looked very interesting and made
21 him look like a good suspect, but it wasn't -- I
22 don't think you say prime suspect in that they
23 were just getting into a suspect-focused
24 investigation, and they had many suspects that
25 they were looking at who had, like Pickton, had a

1 history of extreme violence against women, some of
2 them that I'm aware of from my time working in sex
3 offences. So he certainly was a party of great
4 interest that held promise, and I know that
5 Detective Constable Shenher was excited about that
6 information, but I don't think that it is right to
7 say he is the prime suspect like they were all
8 focusing on that. He was one avenue of
9 investigation, and when not too long after that
10 the new information from Caldwell came in, then
11 that definitely heightened the interest in him as
12 a viable suspect, but not to the exclusion of
13 ignoring others.

14 Q Well, certainly -- you've already given sworn
15 evidence that in the summer of 1999 as the
16 informants' information surfaced he became the
17 number one suspect, correct?

18 A Yes.

19 Q All right. Now, on this loose lips business,
20 Pickton, Robert William Pickton, had prior to your
21 brainstorming session been flagged on the police
22 computer as a potential suspect in the
23 disappearances of women, hadn't he, on CPIC?

24 A No.

25 Q Okay. Well, he certainly had been -- his name had

1 been given to other regional police forces on the
2 computer database, correct?

3 A Yes. He had been flagged in a CPIC narrative that
4 had been sent to all police departments in the
5 Lower Mainland as someone that had been involved
6 in a very violent attack, but you have to
7 understand that those sorts of messages are quite
8 routine. Police officers share that kind of
9 information all the time.

10 Q Well, here it is. Tab 12. If you just turn back
11 in the same volume, please, tab 12.

12 A Yes, I've read it.

13 Q All right. And let me just remind you, Mr.
14 Vertlieb took you through it, so I don't intend to
15 spend much time on it, but he says in August --
16 sorry, it says that Pickton came to police
17 attention as a result of the attempted murder
18 incident in March '97. That's the first
19 paragraph, right?

20 A Yes.

21 Q Second paragraph:

22 In August last year, Vancouver City Police,
23 during their review of their missing
24 prostitutes surfaced Pickton as a person of
25 interest. Information of unknown reliability

1 identified this subject as possibly being
2 involved in a number of these disappearances
3 culminating with their deaths at his
4 residence.

5 A Yes. Okay. This is a different message than I
6 thought you were referring to, so --

7 Q All right. But this message is dated in April of
8 1999, before your brainstorming session?

9 A Actually, I can't see the date on it. If you
10 could point it out to me.

11 Q It looks like it's -- it's right at the top.
12 99/04/13. MEID. 14:32:12, so --

13 A Yes.

14 Q -- 2:32 in the afternoon on April 13th, 1999?

15 A Yes.

16 Q A month before your brainstorming session?

17 A Yes.

18 Q It refers to he's a suspect in the disappearances,
19 think they may have -- he may have killed these
20 people at his residence. There's some sense of
21 reliability to this information and then goes on
22 to talk about his sightings on the strolls of New
23 West and so on. And this has been distributed to
24 Surrey and Burnaby, Vancouver and New Westminster,
25 Coquitlam, it looks like the RCMP as well. It's

1 been shared among police officers?

2 A Yes. In Vancouver it has been sent to Detective
3 Constable Shenher.

4 Q Right. So if information identifying Pickton as
5 the suspect in the disappearances and the
6 perpetrator, possible perpetrator of homicides at
7 his residence has been circulated throughout the
8 Lower Mainland to the police, why would there be
9 any concern about raising his identity at a
10 brainstorming session held at the Vancouver Police
11 Department among 18 people trying to solve the
12 case?

13 A Mr. Commissioner, I've said I've done the best I
14 can with my recollection of the meeting. I do
15 not recall his name being brought up. I
16 understand why she might not have brought his name
17 up. It is not reflected in the notes of the
18 meeting, which to me, because the information is
19 quite striking, I would expect to be -- it to be
20 if it had been discussed. I don't remember it. I
21 -- really all I can say is that maybe those are
22 questions that you could put to Detective
23 Constable Shenher.

24 Q Thank you, and I will, and I have asked commission
25 counsel, police counsel, and I'll put it on the

1 record that when any other police officers come
2 here that they follow their usual practice in
3 testifying in court proceedings and bring with
4 them their original notebooks, and we'll check, I
5 hope, if that happens, any attendees who may come
6 to give evidence whether they have a note of it.

7 But I'll move on to July, where I left off
8 yesterday, end of July, and you'll recall the
9 exchange we had about -- about the possibility of
10 illegal activities at Pickton's place, including
11 cockfights?

12 A Yes.

13 Q And you remember that exchange?

14 A Yes.

15 Q Now, I'm not going to go back over issues of
16 getting warrants or surveillance or the like, but
17 let me put this to you. End of July 1999, given
18 Caldwell's information, especially the information
19 he recounted over that day we went through, and
20 you cover it in your report, July the 29th,
21 illegal cockfights occurring every weekend in the
22 summer, firearm in the closet, the report about
23 the body and so on. Surveillance was underway
24 then on a sporadic basis. Lots of people were
25 coming and going from his place, right?

1 A Correct.

2 Q The tipster's information suggested that Pickton
3 was a person who tended to take in people who were
4 down on their luck almost like someone would take
5 in a stray dog, right?

6 A Yes, I think that's fair.

7 Q So it would have been, when we talk about
8 investigative techniques available, would have
9 been the easiest thing in the world, less resource
10 intensive than surveillance, to introduce an
11 undercover operator as someone down on their luck
12 to befriend Pickton and stay there, like Caldwell
13 had done, right?

14 A Well, I agree that it would be a good
15 investigative strategy, but if you say easy and
16 not resource intensive, then I would have to
17 strongly disagree because that would be -- that's
18 a major step, and it would be very resource
19 intensive. We don't put an undercover police
20 officer in a situation like that without having
21 all the resources in place to ensure their safety,
22 and it needs to be done very carefully in terms of
23 physical surveillance, electronic surveillance, a
24 cover team. That's a major operation.

25 Q Oh. Okay. Let's put it this way then. If

1 anybody was serious about determining -- let me
2 start again. I think you've testified already
3 that it was incumbent upon the investigators after
4 receiving the four corroborating tips or
5 corroborative tips or consistent tips about
6 Pickton to either confirm or rule him out as a
7 suspect?

8 A Yes, I agree.

9 Q All right. So if they -- if anybody was serious
10 in July, August 1999 about confirming -- about
11 fulfilling that duty and confirming him or ruling
12 him out as a suspect, then they could have
13 employed the technique of using an undercover
14 operative, and given the tips, it was a viable
15 investigative route?

16 A Well, what was viable, because I'm not exactly
17 sure what you're asking me, was to use someone
18 like Caldwell as an agent, and that was being
19 considered and work was being done to draw up an
20 agent agreement. That was where "E" Division
21 Serious Crimes and the Unsolved Homicide Unit were
22 involved. I believe it was one particular
23 investigator from "E" Division Serious Crimes that
24 was assigned to do the work around getting ready
25 to have an agent agreement. So that would have

1 been the likely way that they would have
2 approached that, and that was the way that they
3 were approaching it as opposed to using a police
4 officer.

5 Q Well, I'm focusing, actually, on the latter. It's
6 a frequent and often used technique to have a
7 police officer pose as someone he isn't or she
8 isn't, befriend someone from whom investigation is
9 sought, often in a cell situation, right?

10 A A cellmate situation, yes. That's in
11 circumstances that the police are controlling and
12 controlling the environment and a cover team and
13 everything. Yes, if you've got someone in
14 custody, it much more lends itself to a safe
15 operation. Putting a police officer in an
16 undercover capacity, as I think that you're
17 proposing, that would be a very major decision,
18 very resource intensive, very significant concerns
19 around safety and so on, so that would not be a
20 likely scenario because of the inability to
21 control the environment, as opposed to, for
22 example, the "Mr. Big" scenario, where a team of
23 police officers are involved in creating scenarios
24 to obtain admissions from an offender. So you're
25 talking about something quite different that would

1 be extraordinary as opposed to taking advantage of
2 the potential for informants or even using one of
3 them as an agent.

4 Q One last point on this, and that is that given
5 Caldwell's information, direct evidence that he
6 observed these illegal cockfights happening on the
7 weekend, there were reasonable and probable
8 grounds to arrest Pickton on the appropriate
9 charge relating to that activity and put him in a
10 cell and have an undercover operative in that
11 controlled environment with him to try to elicit
12 some information from him, weren't there?

13 A Well, I don't know what information was linking
14 Willie Pickton to cockfighting, because you have
15 to have an offence that you believe a particular
16 person has committed, so I don't know enough about
17 what that information was, but as to your point
18 about whether there were reasonable grounds to
19 arrest him based on the information that was
20 available and put him in with a cellmate, I wrote
21 that in my report, that that was one of the things
22 that could have been considered, was to, you know,
23 consult with Crown and see whether they thought
24 that there was enough information from the
25 informants to justify an arrest, not that there

1 was enough evidence for a charge, but enough
2 evidence for an arrest under reasonable grounds
3 and put him in with a cellmate. I agree that that
4 would have been a viable investigative technique
5 to consider carefully, and I wrote that in my
6 report.

7 Q All right. Now, you've referenced -- in
8 characterizing Pickton as the number one suspect
9 in the summer of '99 you've referenced the
10 cumulative effect of these four tips, Hiscox,
11 Caldwell, Best, and Menard, correct?

12 A Yes, and other information as well.

13 Q And one further very important factor to couple
14 with the tipsters' information was the '97
15 incident in which Pickton was charged with a
16 series of offences, including attempted murder,
17 for an assault on a Vancouver sex trade worker at
18 his trailer, correct?

19 A Yes. There was an accumulation of evidence and
20 information, including that incident, that I
21 concluded was enough information. It wasn't
22 conclusive or determinative, but it certainly
23 justified an aggressive continued investigation to
24 verify the information that they had received so
25 far or to exclude him as a suspect, one or the

1 other, but not simply to let it wither on the
2 vine.

3 Q And let me just focus on that historical incident
4 for a moment, March 23rd, 1997. You know what I'm
5 referring to?

6 A Yes.

7 Q You did not conduct a review of the handling of
8 that file as part of your mandate?

9 A I read the report to Crown counsel. I am familiar
10 with the circumstances generally. I didn't
11 conduct a review of it.

12 Q You didn't interview Crown counsel or Corporal
13 Connor to try to determine why it was that the
14 charges were stayed?

15 A No. I identified in my report that I had limited
16 information about that issue and flagged it as an
17 issue that needed to be explored further.

18 Q After 30 years of police work in the VPD you've
19 gained some sense of how the criminal mind works,
20 I expect; is that fair?

21 A Some sense.

22 Q After the charges of attempted murder and other
23 serious charges were stayed against Pickton he
24 must have been laughing at the law enforcement
25 authorities thinking he'd gotten away with

1 attempted murder?

2 A I don't know.

3 Q He must have thought, "I can stab prostitutes,
4 maybe even kill them and get away it"?

5 THE COMMISSIONER: You don't have to answer that.

6 MR. WARD:

7 Q You didn't interview him, Pickton?

8 A No, I did not.

9 Q But you know from reading Deputy Chief Evans
10 report that she did?

11 A Well, she had the opportunity because all the
12 matters had been concluded. While I was doing my
13 review he was still awaiting trial.

14 Q I'll save questions like that for her or for Mr.
15 Pickton if he happens to be a witness. You agree
16 that the decision not to proceed with charges of
17 attempted murder against Pickton was pivotal in
18 the course of the entire missing women case and
19 investigations; is that fair?

20 A Well, I agree that if charges had been
21 successfully proceeded with Mr. Pickton would have
22 likely got a lengthy prison sentence, so in that
23 way it was pivotal. I just don't want to make
24 comments that are going to be interpreted as being
25 critical of people involved in that decision

1 because I don't know what the circumstances were.

2 I simply flagged that there's an issue that --

3 THE COMMISSIONER: I don't think he's asking you that, and it

4 would be unfair to ask you that.

5 MR. WARD:

6 Q But obviously if he was convicted and given a
7 lengthy prison sentence he would not have been in
8 a position to take and murder women?

9 A Correct.

10 Q You followed Pickton's criminal proceedings?

11 A I did.

12 Q And you know that the victim in the March '97
13 attack testified later at Pickton's preliminary
14 inquiry?

15 A I think that I knew that.

16 Q She was a Crown witness?

17 A Yes.

18 Q I want to move to another subject, sir, and this
19 pertains to an event that occurred in the same
20 time frame of late July 1999, and if you could get
21 your report out again, please. I think I'm
22 finished with the other binder I was showing you.
23 And if you could please turn to page 112.

24 THE COMMISSIONER: 112 of what?

25 MR. WARD: Of the report, Exhibit 1.

1 THE COMMISSIONER: Oh, I see.

2 MR. WARD: Thank you. And, Mr. Commissioner, indeed I'm just
3 referring to this document at the moment.

4 Q Page 112 you've written in respect of the missing
5 women reward poster that it was released on July
6 27th, 1999, and a copy is reproduced on the facing
7 page?

8 A Yes.

9 Q And essentially what happened here, if I can
10 summarize, is that after some initial reluctance
11 the decision makers ultimately decided to indeed
12 offer a \$100,000 reward for information?

13 A Yes.

14 Q I think you said earlier that the reward -- the
15 use of a reward was an investigative tool that you
16 used in the Home Invasion Task Force?

17 A Yes.

18 Q And I've put up on the board behind you a version
19 of what I understand to be the reward poster,
20 maybe a later version of it, and both it and the
21 picture I've just referred you to on page 113 say
22 what the reward is for. It's for information
23 leading to the arrest and conviction of the person
24 or persons responsible for the unlawful
25 confinement, kidnapping or murder of any or all of

1 the listed women. Do you see that?

2 A Yes.

3 Q All right. So this is an investigative tool that
4 is designed to flush out information from the
5 public that can be used by investigators in
6 furtherance of their work?

7 A Yes.

8 Q And, in fact, this reward did flush out at various
9 points information from members of the public?

10 A No, I don't believe that there were any tips of
11 value that came in as a result of the reward to my
12 recollection.

13 Q Oh, all right. Now, sir, in 2008, after Mr.
14 Pickton was convicted of six counts of murder, you
15 personally were involved in assessing the claims
16 that had been made by people for the reward,
17 correct?

18 A Yes, I was involved.

19 Q And you and the other members of a group that was
20 put together for that purpose recommended that the
21 \$100,000 reward be disbursed to nine applicants,
22 correct?

23 A No. There were nine applicants, and we made
24 recommendations that six of them should receive
25 varying amounts. That's my recollection.

1 Q All right. So what you did, the work you did on
2 your -- on your group was to review the
3 applications that people had submitted that
4 explained why they felt they were entitled to
5 receive the rewards -- the reward, correct?

6 A That was one of the things that we did, yes.

7 Q All right. And you were on that group because you
8 had by 2008 become fully conversant with all of
9 the facts pertaining to the missing women
10 investigations?

11 A I don't know if any of us knew all of the facts,
12 but I was certainly probably the most familiar
13 with the information up and to the point that the
14 warrant was executed on February 5th, 2002. I was
15 very familiar with that information, and then we
16 had people on our committee who were familiar with
17 the information from that date forward, like
18 Corporal Kingsbury, I believe, and Staff Sergeant
19 Wayne Clary, who were from the Missing Women Task
20 Force.

21 Q All right. Could I get you, please, to turn to
22 tab 11 of the brief that has not yet been marked.
23 It's a slim binder entitled "Cross-Examination
24 Brief of DCC LePard". And I'd ask at this point
25 that it be marked for identification purposes.

1 And while we're finding the binder let me ask you,
2 sir -- sir, the offering of the reward -- the
3 offering of the reward clearly was part of the
4 investigation of the missing women?

5 A Yes.

6 Q All right. Tab 11 contains a few of -- a few
7 documents that have been disclosed to us in
8 reference to this subject, and the concordance
9 disclosure index is on the upper right. The first
10 one, VPD-003-000050, is a -- appears to be a
11 memorandum from the Vancouver Police Board. Do
12 you see that?

13 A It is a memorandum to the Vancouver Police Board
14 from its executive director.

15 Q Right. If I could just get you to turn over to
16 page 2, please, and I'll reference what I was
17 asking you about just a moment ago. First full
18 paragraph.

19 In 2008, a meeting between DCC Doug LePard,
20 Michael Thompson,
21 of the Ministry of Public Safety,
22 Solicitor-General,
23 Staff Sergeant Wayne Clary,
24 of the RCMP,
25 Sergeant Marg Kingsbury,

1 RCMP,
2 and Bruce Quayle,
3 City of Vancouver,
4 reviewed the claims and made preliminary
5 recommendations.

6 Do you see that?

7 A Yes.

8 Q And you and your -- should I call it a team or
9 group?

10 A Let's call it a committee.

11 Q Committee. You and your committee informed the
12 board of the recommendation in 2008, and you
13 recommended disbursement of the reward among the
14 nine applicants and then it's blocked out with no
15 explanation. Do you see that?

16 A Disbursement of the reward to six of the nine
17 applicants.

18 Q The reason I thought it was nine, it says this:
19 The group recommends the following
20 disbursement of the reward among the nine
21 applicants.

22 A If you look on the first page, it says that the
23 board approved the following allocation of the
24 reward monies to six individuals.

25 Q Now, I expect or I've asked that Wayne Leng come

1 and testify. You know who he is?

2 A Yes.

3 Q He received a portion of the reward? Sorry.

4 MR. HERN: Mr. Commissioner --

5 MR. WARD: Don't answer until counsel gets an opportunity.

6 MR. HERN: Thank you. As you can plainly see, it's blocked out
7 because informant privilege is claimed by the
8 board over the information about who received the
9 reward.

10 THE COMMISSIONER: Okay. Informant privilege aside, what's the
11 relevance of any of this?

12 MR. WARD: I'm getting to that in just a moment, and I'm --

13 THE COMMISSIONER: Tell me where you're going because I --

14 MR. WARD: All right.

15 THE COMMISSIONER: -- I fail to see the relevance of where the
16 reward money went, and we're talking about events
17 that took place in 2010.

18 MR. WARD: It's not where the reward money went. It is what
19 the -- and it's not the identities of the people
20 who received it. It's what the information was
21 that was given to the police investigators.

22 THE COMMISSIONER: Why don't you just ask him that.

23 MR. WARD: All right.

24 Q Could you turn to the next page, please. Third
25 page. It looks like an unsuccessful applicant

1 said that she had reported concerns to the police
2 about the Pickton farm only to be told something
3 that's blocked out. Did this person give police
4 investigators information about the Pickton farm
5 before his arrest 2002; do you remember?

6 A I don't know who this letter is to or from.

7 Q Nor do I. Let me ask you this.

8 A So it's hard for me to comment on it.

9 Q Let me ask you this. You've given evidence about
10 Hiscox, Caldwell, and Best and Menard, and we know
11 about Wayne Leng's 1-800 line. That's five
12 people.

13 A Yes.

14 Q I've been looking in your report for other
15 informants. There's one identified with a POI.
16 He was Nathan Wells' informant. I'm not going to
17 mention his name, although everybody in the room
18 probably knows it, but that was an informant who
19 spoke to Wells before Wells executed the search
20 warrant. So that's six people. But nine people
21 applied for the reward on the basis that they had
22 conveyed information to the police that they
23 thought led to the conviction, right? Nine
24 people. I'm not asking who they were. Did three
25 people not mentioned in your report speak to the

1 police, give them information that Pickton was the
2 likely person responsible before he was arrested
3 in 2002 without identifying who they might be?

4 THE COMMISSIONER: Yes.

5 MR. HERN: I just want to make sure the witness understands. I
6 think what Mr. Ward is asking here is a general
7 confirmation as to whether the names -- whether
8 the identities of all nine people are contained
9 somewhere in the narrative of Deputy Chief
10 LePard's report or the documents he looked at. I
11 think that is probably okay because all I'm
12 striving to do here on behalf of the board is to
13 protect the relationship that gets established
14 when we put out a reward poster, and that's what's
15 important to protect here by protecting these
16 names. Some of these people are -- have no doubt
17 been discussed at length already, and so perhaps
18 the deputy chief can simply confirm that it wasn't
19 new information coming forward and then we could
20 go from there. But I just want you to understand
21 what I'm -- what the point of this objection is is
22 not to interfere with anything here, but it's to
23 protect this relationship, which is important.

24 THE COMMISSIONER: You are concerned that there might be
25 informants that need to be protected? Is that

1 what you're saying?

2 MR. HERN: Well, that's possible, but more importantly is the
3 relationship that gets established when you put
4 out a reward poster, which is done as an
5 investigative tool, and it's similar to the --
6 it's linked to the informant relationship, which
7 is vital to protect. We don't inform -- we don't
8 put on the reward poster here, you know, you'll be
9 anonymous unless there's a public inquiry. So
10 that's the point. So I think this question's
11 okay. I just wanted to make sure the witness
12 understood it.

13 THE COMMISSIONER: That's a question I asked. All right.
14 Instead of -- why don't you just ask him what
15 information they got at the earliest possible
16 time? I think that's what you're getting at.

17 MR. WARD: All right. Well, let me, with respect, go one step
18 further. Let me apply for the Vancouver Police
19 Board's records of the applications made for the
20 reward money with the names of the applicants
21 deleted to protect the privilege but with the
22 description of the information and time it was
23 provided within the documents. That's all I'm
24 after. That's part of the investigation. My
25 concern, Mr. Commissioner, simply is this, that

1 the LePard report -- sorry to call it that --
2 Exhibit 1, Deputy Chief LePard's report, may
3 not -- I'm not suggesting this, but there may be
4 other information that was received during the
5 investigation that is in the applications made by
6 the members of the public who say they went to the
7 police with information that for whatever reason
8 isn't disclosed elsewhere.

9 MR. HERN: I think this could be addressed not by what
10 application there was, which the problem with that
11 application is if we produce the letters, like
12 this one that is appended that we just looked at,
13 if the information that's provided is not
14 redacted, then it's going to identify that person,
15 but I think you can get at what Mr. Ward's asking
16 by asking the deputy chief whether all nine
17 individuals who applied for the reward are
18 referenced in some way or other within his report
19 or the underlying police documentation, and if
20 that's true, then we know that -- I think Mr.
21 Ward's just concerned that there may be three
22 people who are outsiders that we don't know
23 anything about, we haven't heard anything about,
24 and they've got the linchpin to this
25 investigation, or something like that.

1 THE COMMISSIONER: Well, I think he's concerned that there may
2 be other evidence that was given and that the
3 police did not act on. That's what he's getting
4 at.

5 MR. HERN: Yeah, and so if the deputy chief is able to confirm
6 that the nine applicants are all referenced within
7 his report or were -- and that material was
8 reviewed by him without naming them or identifying
9 what information that is, I think we get there.

10 THE COMMISSIONER: Yes.

11 MR. WARD: I'm sorry to spend time on it, and I'm grateful for
12 the suggestion, and it's a good one, but let me be
13 very clear about what I'm concerned about.
14 Sometimes, I submit, notwithstanding everybody's
15 best intentions, there may be a disconnect between
16 what person A says they told the police and what
17 the police say they received from person A. We've
18 already had a potential illustration of this
19 example with Elaine Allan and what she says she
20 told Constable Dickson. My concern is that when
21 the applicants, the nine applicants submitted
22 their applications -- and you'll see in the last
23 page of this, Mr. Commissioner, an application
24 that's totally blotted out, the last page of the
25 tab. My concern is that the applicants may have

1 set out the timing and description of the
2 information related to Mr. Pickton that they had
3 and when they provided it to the police, and for
4 some reason the police may not have recorded it
5 the way the applicant did, and that is -- if it
6 were to happen, that would be evidence that is at
7 the heart of this commission's mandate to inquire
8 into the investigations and the way they were
9 done. I appreciate the need, without
10 acknowledging -- without further argument that it
11 applies here, but I appreciate the concern about
12 informant privilege, and I'm not seeking the
13 persons' names, but I'm concerned about the nature
14 and timing of the information provided for that
15 reason. I'll just say that now. I will ask a
16 question, as my friend has suggested, that -- and
17 then I'll move on, but we may have to, I suggest,
18 come back to this in -- in the context of a
19 document request.

20 THE COMMISSIONER: All right.

21 MR. WARD:

22 Q So taking the lead from your very capable counsel,
23 are the nine applicants referenced in some fashion
24 within your report?

25 A Of the nine applicants, I believe that eight are

1 referenced within my report. One I do not recall
2 whether that person is referenced in my report but
3 certainly was well known to the missing women
4 investigation, and I consulted with the
5 investigator that had been involved with that
6 person on the information that was provided and
7 whether it was of any use and so on.

8 Q And let me ask you one follow-up, if I may,
9 please, and again maybe just wait on this in case
10 there's an objection, but you've heard my
11 submission a moment ago. When you reviewed the
12 applications for the reward money, did you
13 perceive a disconnect or a contradiction in a
14 material sense between what the applicants said
15 they provided to the police and what the police
16 records showed they provided, or do you remember?
17 I see Mr. Hern poised, so just wait a moment.

18 MR. HERN: I was just going to caution the witness. I think
19 that's okay, but the answer should be generic as
20 opposed to specific.

21 THE COMMISSIONER: I think he understands that.

22 A I think that we had a clear understanding of the
23 information that was provided, and in those cases
24 where we decided not to recommend providing a
25 portion of the reward we disagreed on the value of

1 the information or whether the person deserved it.

2 MR. WARD:

3 Q All right. Let me ask you on a related point,
4 you've indicated, I think, that you read Stevie
5 Cameron's book called *On the Farm*?

6 A Yes.

7 Q Did you read *Vancouver Sun* writer's Neil Hall --
8 *Vancouver Sun* writer Neil Hall's review of that
9 book?

10 A I don't recall if I read his review. I did read
11 the review of Neil Boyd's in *The Globe and Mail*.

12 Q That's the one he co-wrote with Larry Campbell?

13 A No, I don't believe so.

14 Q Oh. The reason I ask is this, and I will pull the
15 review up if necessary, but the review said that
16 the author of the Elm Street article, and you know
17 that, Daniel Wood?

18 A I know about the article from November of 1999, I
19 believe, yes.

20 Q Okay. The author of that article, Daniel Wood,
21 according to Hall's review of *On the Farm*,
22 provided information to the Vancouver Police in
23 1998 that Pickton was the killer. Have you seen
24 any record to that occurring --

25 A No.

1 Q -- anywhere?

2 A That name doesn't even ring a bell with me. I was
3 aware of the article, but I have no recollection
4 of any information in relation to that person.

5 Q All right.

6 A And I'm surprised, but I don't recall reading Neil
7 Hall's review of her book. I do recall reading
8 Neil Boyd's review of her book in *The Globe*.

9 Q Sir, I'd like to move on to another area, and that
10 is to ask you a few questions about the Missing
11 Persons Unit, as it was constituted back in the
12 time frame of this inquiry, and a good starting
13 point, I think, might be your report and the chart
14 that appears or the schematic graphic that appears
15 at the very end. Page 406 of your report, Exhibit
16 1. And have I got the terminology right, Missing
17 Persons Unit?

18 A Yes.

19 Q About halfway down the chart you've indicated
20 timelines for the sergeant in charge of Missing
21 Persons, Geramy Field. Do you see that?

22 A Yes.

23 Q And then the investigators, the names and the
24 length of their tenure there?

25 A Well, those were the investigators in the Missing

1 Women Review Team investigation, not in the
2 Missing Persons Unit. There's actually -- the
3 only reference to the Missing Persons Unit is
4 Sergeant Field there.

5 Q Oh.

6 A It actually doesn't describe the staff of the
7 Missing Persons Unit. Those were the
8 investigators assigned in May 1999 and later to
9 the Missing Women Review Team, the more suspect-
10 focused investigation following Detective
11 Constable Shenher's investigation in the preceding
12 year.

13 Q Now, who was the sergeant before Geramy Field, or
14 was there one?

15 A Yes, but I don't know who it was offhand.

16 Q And what about after in 2001, after Geramy Field
17 left?

18 A I don't recall. I don't recall who replaced her
19 or who she replaced.

20 Q And remind me again how big was the unit
21 between 1997 and 2002? How many people were in
22 it?

23 A It was a civilian clerk --

24 Q Yes.

25 A -- and one detective until July of 1998, when a

1 second detective was added to it, and that was
2 Detective Constable Shenher.

3 Q All right. I think you testified in your evidence
4 in chief that the role of detective in the Missing
5 Persons Unit was unpopular to start with?

6 Unpopular?

7 A There may have been some people that felt that,
8 yes. There were -- I can think of one particular
9 detective that stayed there for five years, I
10 think, that enjoyed the work. He was an
11 experienced detective. So there are some people
12 that would have found it unpopular, I'm sure.

13 Q You used an interesting phrase when -- or at least
14 interesting to me -- when Deputy Chief Evans
15 interviewed you about the unit. You used the
16 phrase "a place for broken toys"?

17 A Yes.

18 Q What did you mean by that?

19 A What I meant by that was that there was a time
20 there where -- it was a phrase to refer to people
21 that needed to be accommodated for some reason
22 because they had an injury that they couldn't do
23 the full range of police duties, so that might
24 have been a place where they were accommodated.

25 Q So perhaps someone who was less useful in regular

1 police duties than others, to put it --

2 A Well, I would not use the term "less useful"
3 because there were many positions occupied by
4 detectives, some of whom worked for me, who were
5 very capable detectives, but they weren't going to
6 be going out in a police car working night shift,
7 for example, because they might have had -- I had
8 one detective, very capable detective, but he'd
9 had a hip replacement. So it didn't affect his
10 intellectual ability or his investigative ability,
11 but he wasn't going to be sitting in a police car
12 on night shift with a gun on his hip. In the case
13 of the Missing Persons Unit in that time, who Lori
14 Shenher was added to, was Detective Al Howlett,
15 who was a very competent detective who I had
16 worked with in the Sexual Offence Squad, who was a
17 very experienced detective. There had been other
18 times when there had been people there that were
19 less capable because that was where there was a
20 position that someone that needed to be
21 accommodated, or there was occasions where the
22 position wasn't filled and it would borrow, when
23 needed, a detective from the Robbery/Assault
24 Squad, which is where the official position
25 actually resided until it was made a permanent

1 position, and then the unit changed dramatically
2 after 2003.

3 Q How so?

4 A After 2003? Well, first of all, a full-time
5 sergeant was assigned. By October of 2004 Mr.
6 Schouten's audit came in with a number of
7 recommendations, and things were already changing
8 even before the audit came in, but it became much
9 more of a desirable place to work with mid-career
10 investigators, ambitious investigators. The
11 training, supervision, record keeping,
12 performance, all of those things improved
13 dramatically.

14 Q All right. So in the early part of the time
15 frame -- or let me start again. In the time frame
16 that this commission is concerned with, namely
17 January 2007 to February 2002, the Missing Persons
18 Unit was a place where, to use your words, broken
19 toys or people who needed to be accommodated might
20 be assigned and a less desirable place to work; is
21 that fair?

22 A Well, to the first part, there were people that --
23 no doubt during the history of the Missing Persons
24 Unit that might have been a position where people
25 needed to be -- were there who needed to be

1 accommodated, which doesn't speak to their
2 investigative ability. Sorry, what was the second
3 part of your question?

4 Q That it was a less desirable place to work.

5 A I'm sure there was -- I'm sure that there were
6 people that felt that, for example, that were in
7 the Robbery/Assault Squad and told, "You need to
8 go fill in that position right now because it's
9 vacant because we don't have someone that we've
10 selected to fill it." I'm sure that people that
11 were working on bank robberies and serious
12 assaults and kidnapping might not have thought it
13 was the most desirable function. All that did
14 change. It's become a very desirable place to
15 work and got some extremely keen investigators.

16 Q Okay. Now, Detective Shenher, as you've said,
17 joined in July -- or was added to assist Sergeant
18 Geramy Field in July of '98?

19 A She was added to the unit to assist Detective Al
20 Howlett in July of 1998, and she was assigned
21 specifically to address the issue of this increase
22 in missing women from the Downtown Eastside.

23 Q Did she have any needs that needed to be
24 accommodated, a disability of any kind?

25 A No. Not to my knowledge. She wasn't there

1 because she was being accommodated, certainly.

2 Q And you've described her as putting her heart into
3 it and working tirelessly on the file?

4 A Yes, absolutely.

5 Q Did she during the course of your three interviews
6 of her mention -- well, let me back up a moment.
7 She transferred out in when, December 2000?

8 A It was late 2000. Might be December.

9 Q To some other position in the Vancouver Police
10 Department?

11 A Yes.

12 Q And worked -- continued to work full time in the
13 department?

14 A Yes. There were some leaves there. I think she
15 took a maternity leave and so on. But she
16 continued with the VPD.

17 Q Did she tell you about her contract work during
18 your interviews, her contract work on the side
19 with Da Vinci's Inquest?

20 A I don't recall whether she told me that or not.
21 She might have. I know that she had been a
22 journalist before she joined the police department
23 and so had an interest in that sort of thing, so
24 that wouldn't surprise me, but I don't recall.

25 Q Well, the VPD isn't a very big place. For a time

1 you were, I think, right across the hall from her.
2 Did you have an awareness of her contract work on
3 Da Vinci's Inquest?

4 A I wouldn't have. And you say not a very big
5 place, but there were over a thousand police
6 officers and over 200 civilians, so there's quite
7 a few people.

8 Q All right. But having second jobs is a fairly
9 common thing for VPD members, is it?

10 A I would not say it's common. There are some
11 police officers that have some secondary
12 employment, but we have a policy. It has to not
13 be in conflict with that policy.

14 Q Now, if there was any need to gauge how hard
15 someone was actually working or how often they
16 were working, the VPD would have records of the
17 time they were on leave as opposed to the time
18 they were off duty, right?

19 A Yes. For holidays? Is that what you're referring
20 to or --

21 Q Leaves for any reason. Illness, holidays and the
22 like.

23 A Yes, and as a detective constable she was on a
24 four-day week, so she had her three days off every
25 week as well.

1 Q All right. I'm just looking for a subject that
2 will take me just a few minutes, and I found one.
3 I'm changing to a new subject. It's one I've
4 touched on already, but it's the ultimate
5 apprehension of Mr. Pickton as the person
6 responsible for these disappearances and murders.
7 Nathan Wells.

8 A Yes.

9 Q You've expressed the view that it was
10 serendipitous, lucky that he executed the warrant
11 on an unrelated matter?

12 A Yes.

13 Q You didn't interview Wells?

14 A No, but I did follow his evidence under oath at
15 the trial.

16 Q By following you mean you actually sat there and
17 listened to him?

18 A No, but I was provided daily summaries of it,
19 followed the media coverage.

20 Q And --

21 A I've read transcripts.

22 Q I don't know --

23 A Transcripts of some of the evidence.

24 Q I don't know if he's coming. I would -- well, did
25 he have any sort of hunch from his work in

1 Coquitlam that if he did this search warrant he'd
2 find some -- more than he actually did based on
3 his evidence that you followed?

4 A My recollection of his evidence is that he was a
5 police officer that only had about two years
6 service, and so he would have arrived there after
7 the intense portion of the investigation. So the
8 search warrant was February 5th, 2002. So two
9 years before would have put him into 2000, so well
10 after the summer of 1999, so I don't recall him
11 having any real awareness. My recollection of his
12 evidence was that he saw Pickton was flagged on
13 CPIC as a person of interest and so someone told
14 him, "You should contact the Missing Women Task
15 Force," and so he did. I know that the issue
16 of -- because I think a lot of people wondered was
17 this some ruse to get onto the property, and I --
18 my recollection of the evidence was that that
19 issue was canvassed at length in the evidence for
20 the reasons that we've talked about yesterday
21 about the issues that can arise if you have a
22 search warrant for one thing and it's really
23 intended to get you to something else, and that
24 those issues were resolved in that it was
25 determined that it was unrelated, independent,

1 unconnected to any other investigation of Pickton.
2 That's my recollection of the evidence.

3 Q All right. Well, I'm going to come to this
4 subject in more detail, and Deputy Chief Evans'
5 report is a useful place to consider it, and I'll
6 be asking you about it after the lunch break, but
7 here's what I'm getting at. You would agree that
8 the Pickton brothers, David and Robert William,
9 were well known to the police prior to Nathan
10 Wells writing up that search warrant application
11 and entering the farm at 953 Dominion Avenue,
12 correct?

13 A I would agree that the Picktons were well known to
14 members of the Coquitlam RCMP who had any history
15 there. I don't have any idea what Nathan Wells'
16 knowledge of the Picktons was, if any.

17 Q Yeah. I think you've put your finger on it. Any
18 Coquitlam RCMP member who had a history at the
19 detachment would have been aware, for example, of
20 the two-year efforts to shut down Piggy's Palace
21 around the corner from the farm on Burns, right?

22 MS. TOBIAS: Mr. Commissioner, Cheryl Tobias for the Government
23 of Canada. I don't think the witness can be
24 expected to answer a question like that.

25 THE COMMISSIONER: Sorry?

1 MS. TOBIAS: I don't think this witness can be expected to
2 ask -- answer a question about what all the
3 members of the Coquitlam detachment knew or didn't
4 know.

5 THE COMMISSIONER: The only thing he can tell us is if from his
6 review of the investigation did they have any
7 knowledge of that.

8 MS. TOBIAS: He's already said he didn't interview anyone in
9 Coquitlam except for Ruth Yurkiw. Coquitlam is a
10 big detachment.

11 THE COMMISSIONER: Pardon me?

12 MS. TOBIAS: Coquitlam is a big detachment. The question was
13 whether any of the members in Coquitlam or all of
14 them, as I understand it, were -- would have been
15 aware of Robert and Dave Pickton and their
16 activities.

17 THE COMMISSIONER: That's -- yeah, that's what I said. I mean,
18 does he -- you don't have any -- do you have any
19 knowledge of that?

20 A I only know that he seems to have been well known
21 to some members of the Coquitlam RCMP, but I don't
22 know which ones or what -- the tenure there of
23 members.

24 THE COMMISSIONER: I don't know if we're gaining anything by
25 the sparse knowledge that the deputy chief has of

1 some members of the Coquitlam RCMP who may have
2 investigated the Picktons for a number of
3 municipal issues or whatever else that they did
4 investigate them on. I don't know where -- how
5 that's going to help me at the end of the day.
6 I'm sure there will be RCMP officers who will be
7 called who will be in a position to answer the
8 concerns that you have.

9 MR. WARD: Well, with that assurance I am --

10 THE COMMISSIONER: I'm not giving you any assurance. I don't
11 know who's going to be called.

12 MR. WARD: Well, I don't either.

13 THE COMMISSIONER: But, you know -- are there RCMP officers
14 from Coquitlam that will be called? The answer is
15 yes.

16 MR. WARD: You see, Mr. Commissioner, here's the problem.

17 MR. VERTLIEB: I think, as I said, we'll have a list out Friday
18 morning for everybody.

19 THE COMMISSIONER: All right.

20 MR. VERTLIEB: Part of the problem is that there's been so many
21 names circulated by different parties of who
22 they'd like to call we just can't -- we're trying
23 to figure out who we think is essential to call,
24 and we'll disclose that.

25 THE COMMISSIONER: All right.

1 MR. VERTLIEB: But I think it's pretty clear that Corporal
2 Connor is going to be called.

3 THE COMMISSIONER: Corporal Connor will be called?

4 MR. VERTLIEB: Absolutely. I don't see how anybody could be in
5 any dispute about that or any uncertainty about
6 it.

7 MR. WARD: And Inspector Moulton and Nathan Wells and Henley
8 and Davidson. I mean, I'm hoping a whole bunch of
9 Coquitlam officers come and testify.

10 THE COMMISSIONER: Well, that's not up to me to decide who
11 comes to testify, but I'd suggest you get -- you
12 contact commission counsel and tell him who you
13 expect should be called, and keep in mind who have
14 relevant evidence to give within our terms of
15 reference.

16 MR. WARD: I am, sir, and I've been asking since March, and I
17 haven't participated in an administrative
18 tribunal, hearing or court proceedings where I had
19 no sense of the witnesses who are actually going
20 to come to testify after this man, and that puts
21 me at a real disadvantage here. We don't have a
22 witness list.

23 MR. VERTLIEB: Let me just say again -- maybe Mr. Ward -- I
24 take his comments, but at more than one meeting it
25 was explained that we would deal with the review

1 evidence with Deputy Chief Constable LePard, as
2 we've been doing, and then with Superintendent
3 Williams, as we will do next, and then with
4 Jennifer Evans, who will then follow Williams, and
5 we said that we were doing it that way in the
6 hopes that that would help us narrow down what
7 would otherwise be an unmanageable witness list,
8 and that's been discussed, and nobody -- nobody at
9 those meetings said, "That's the wrong way to
10 handle this inquiry. We want you to put the
11 officers in in a different way." So it's always
12 been the plan of commission counsel to do what I
13 just said, and that's been the consistent theme
14 for a long time now. But out of respect for my
15 colleagues who did ask at a meeting for us to give
16 a witness list and change what had been the plan,
17 we as your counsel agreed to do that because it
18 seemed like an appropriate -- it was a reasonable
19 change that they'd asked for. So that's what
20 we're working on right now. The problem is if you
21 took all of the witness list as presented by Mr.
22 Ward and Mr. Gratl and others, it's not just those
23 two lawyers but others, you would have an
24 unmanageable inquiry. So we've been working hard
25 to sort out who's essential, and that will be

1 finalized Friday morning and distributed.

2 THE COMMISSIONER: All right.

3 MR. VERTLIEB: I fully expect there not to be agreement on
4 that, and you may end up having to hear
5 submissions on that, and if that's the case, then
6 we can do that in December when we have three days
7 set aside.

8 THE COMMISSIONER: All right.

9 MR. VERTLIEB: But that's what's happening. And I just want to
10 remind Mr. Ward and everyone how we had originally
11 planned to do the witness determination and the
12 change that we made at the request of counsel. It
13 was actually Mr. Roberts, who I thought had a very
14 good suggestion, and that was that we amend the
15 approach and provide a witness list because it
16 would help everyone. I thought it was a good
17 idea, and we said we would do that, and we've been
18 working on that.

19 THE COMMISSIONER: All right.

20 MR. VERTLIEB: So I just want you to understand --

21 THE COMMISSIONER: All right.

22 MR. VERTLIEB: -- the background.

23 THE COMMISSIONER: Okay.

24 MR. WARD: Well, and I will just say this in response, because
25 I can't let those comments go without a remark.

1 My friend's assertion, with the greatest of
2 respect, and I expect he may have forgotten this,
3 but is inaccurate when he says all counsel agreed
4 to the approach. I have made it very clear what
5 my position has been for the many months I've been
6 trying to represent the families of the missing
7 and murdered women, and that is to get a witness
8 list before we start hearing from witnesses, and I
9 did not agree to what my friend describes as the
10 plan. I never have, and I've made my
11 objections --

12 THE COMMISSIONER: Okay. So what's your suggestion?

13 MR. WARD: Well, my suggestion, if I were in charge, which I'm
14 certainly most assuredly not, I -- and I put this
15 periodically to my friend in writing, I would have
16 started with the witnesses -- with witnesses,
17 police witnesses involved in the case from the
18 beginning in chronological order, and by that I
19 mean starting with the witnesses who dealt with
20 the March 23rd, 1997 attempt murder incident and
21 then those roughly in chronological order who
22 handled complaints of the missing and the
23 investigations of them, and I would not have seen
24 a need to spend a lot of time or any time, indeed,
25 with review witnesses of this nature. The

1 witnesses we should be hearing from, in my
2 respectful submission, sooner rather than later
3 are the police officers who were actually involved
4 in the investigations of my clients' loved ones'
5 disappearances. We're now at the end of November,
6 and we haven't heard from any yet.

7 THE COMMISSIONER: Well, you know, look, I'm only hearing the
8 evidence, so I'm not managing the inquiry. Having
9 said that, I think what commission counsel said
10 makes it -- makes more sense, and I tell you why,
11 because it makes it more manageable. This idea of
12 just calling all the officers who may have had
13 something to do with the case, they may not give
14 any relevant evidence within the terms of
15 reference. We can't have an inquiry that goes on
16 and on and on and call all officers. A lot of
17 those officers may not have relevant evidence to
18 give with respect to the advice that I need in
19 order to make findings of fact and make
20 recommendations at the end of the day. It appears
21 that the other counsel here are in favour of what
22 commission counsel has said to me, that is, that
23 why don't we call the review evidence first with
24 the deputy chief, the second deputy chief, and the
25 RCMP officer as well, and move forward from that

1 and then decide what is relevant and what isn't
2 and who needs to be called. I think that would
3 make it more manageable. And I take -- I have to
4 be mindful of the fact that all the other lawyers
5 here appear to have agreed to that system --

6 MR. WARD: Well --

7 THE COMMISSIONER: -- and you are the one that doesn't agree
8 with it. And, look, I'm in your hands. I need to
9 hear all the relevant evidence. At the same time,
10 I don't want to hear a lot of repetition, and I
11 don't want to hear from officers who may have just
12 had a marginal role to play in the case. You
13 know, the case in the Supreme Court of British
14 Columbia went on for a year, and we're not here to
15 re-investigate the case. We're here to find out
16 what happened in the police investigation and what
17 mistakes, if any, were made and how can we learn
18 from that. That's the purpose of the inquiry.

19 MR. WARD: I understand the purpose of the inquiry, and, sir, I
20 would only point out that we are now in our, I
21 think, fifth day of hearing from someone who had
22 next to nothing to do with the investigations.

23 THE COMMISSIONER: Well, if that's the case, why have you spent
24 three days cross-examining him?

25 MR. WARD: Because I don't know who's following him from his

1 police department.

2 THE COMMISSIONER: Well, no, no, no. Mr. Ward, you've spent --
3 this is three days now cross-examining somebody
4 that you say has nothing to do with the case. Why
5 don't you defer your cross-examination? Why are
6 you cross-examining someone that you say has
7 nothing to do with the case? I mean --

8 MR. WARD: Mr. Commissioner --

9 THE COMMISSIONER: -- I don't want to get into a dispute with
10 you on this. The fact is that my understanding is
11 that the deputy chief was called because he did a
12 review and he's made certain conclusions -- he's
13 come to certain conclusions and he's come to
14 certain opinions, and those opinions are obviously
15 the subject matter of cross-examination, as they
16 ought to be, but if you feel that way, then --
17 anyway, I don't want to repeat myself, but the
18 fact is that everybody else seems to have agreed
19 to this -- this approach except you. I don't --
20 I'm in your hands. I'm in the hands of the
21 lawyers here. I'm just the finder of facts and
22 the maker of recommendations.

23 MR. WARD: Two things, if I may, and then it will be lunchtime.

24 THE COMMISSIONER: Yes.

25 MR. WARD: Number one is I haven't been cross-examining for

1 three days. I started at two o'clock yesterday
2 evidence afternoon.

3 THE COMMISSIONER: Okay. Well --

4 MR. WARD: It's now noon today.

5 THE COMMISSIONER: No, but you said you're going on for three
6 or four days, is what you told me.

7 MR. WARD: Well, I'll take those comments under advisement.

8 But the second thing, more to the point, is this:
9 all the other lawyers. Well, the other lawyers
10 represent police interests and are so-called
11 independent commission counsel. I represent the
12 families, and my clients, I want to make crystal
13 clear, are interested in ascertaining the truth,
14 and our position is that the truth will come from
15 the mouths of the people involved in the
16 investigations, not people who are put up by
17 police departments to give the party line on the
18 way the investigations were conducted, with the
19 greatest of respect to those who have been put up.

20 THE COMMISSIONER: Well, you know what, I think that's a bit
21 disconcerting and a bit insulting to lawyers like
22 Darrell Roberts, who are here acting for the
23 aboriginal women from the Downtown Eastside, and
24 Ms. Gervais and Mr. Gratl to suggest that you're
25 the only one here searching for the truth, and I

1 think, with respect, that's a bit insulting --
2 just a minute -- that's a bit insulting to other
3 lawyers who are also acting for different
4 interests in this case, and so I don't -- yes.

5 MR. HERN: I just want to add that I think that's an insulting
6 comment to the reviewers. And we heard yesterday
7 Mr. Ward say that both Deputy Chief Evans, who
8 obviously worked very hard and entirely
9 independent from the Vancouver Police Department
10 or the RCMP, we heard Mr. Ward call that report a
11 whitewash, and in my submission that is just
12 highly unfair. What -- and I just want to add
13 this to support commission counsel's process here
14 that they've designed that there is an enormous
15 documentary record, and what these reviewing
16 witnesses -- and I'm sorry about this
17 microphone -- what these reviewing witnesses have
18 done is to provide a very detailed chronology of
19 steps that are really not in dispute. Things
20 happened. Documents were created. And so even if
21 people disagree with their opinions, what we have
22 is a huge amount of information and events in time
23 compiled into very, very workable, helpful event
24 chronologies, and so I think that has to be -- no
25 matter what people's opinions or agreement is,

1 that has to be reflected as being useful.

2 THE COMMISSIONER: Thank you. All right. Ms. Tobias.

3 MS. TOBIAS: Thank you, Commissioner. I'd just like to note
4 for the record that I take great exception to my
5 learned friend Mr. Ward referring to the reviewers
6 as people put up by the police to, in effect,
7 explain away things or whatever the term it was
8 that was used. First of all, most assuredly we
9 are not -- we are hardly in control of which
10 witnesses are called when. That is the duty and
11 the right of commission counsel. And secondly, I
12 would note for the record that Mr. Ward referred
13 -- to the extent that he's referring to
14 Superintendent Williams, who is to follow, the
15 report that he's going to testify for was never
16 ever intended for public consumption at all, so I
17 think that -- I appreciate that my friend is a
18 vigorous advocate, and rightly so, but there comes
19 a line, and, with respect, I think that's well
20 over it.

21 THE COMMISSIONER: Okay. Thank you. Anybody else? All right.
22 We'll adjourn.

23 THE REGISTRAR: The hearing is now adjourned until 2:00 p.m.

24 **(PROCEEDINGS ADJOURNED AT 12:41 P.M.)**

25 **(PROCEEDINGS RESUMED AT 2:00 P.M.)**

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

2 MR. WARD: Mr. Commissioner, I can say I've taken your comments
3 to heart, and the exchange, and I endeavour to
4 pare my cross down. I have three subject areas to
5 canvass, and with any luck, if the witness works
6 with me, we might get out of here -- or I might
7 finish, rather, by the end of the day.

8 THE COMMISSIONER: All right. Thank you.

9 MR. WARD:

10 Q The first area, sir, I want to explore with you is
11 something that Deputy Chief -- sorry -- yes,
12 Deputy Chief Constable Evans called "Pickton as a
13 suspect" in her report. And if you can have a
14 copy of that before you. It's Exhibit E for
15 Identification, and I'm referring to page 8-46.
16 Maybe just put it to one side for a moment because
17 I've got a couple of questions for you before I
18 delve into that a little bit.

19 Taking you back in time now to late July,
20 early August 1998, when Detective Constable
21 Shenher gets the Hiscox tips, you remember that
22 area?

23 A Yes.

24 Q And there were two of them?

25 A Yes.

1 Q The second being more specific than the first?

2 A Correct.

3 Q You've written about them in your report, and by
4 the second tip that came in through -- pardon me
5 -- Crime Stoppers Detective Constable Shenher had
6 the name of Willie Pickton and his assumed
7 residence in Port Coquitlam?

8 A I believe that's right.

9 Q So just -- when she gets that, she's got the
10 necessary data to go into the police records, the
11 databases that are available, and do searches of
12 this individual, correct?

13 A Yes.

14 Q And she can do a search on the police computers
15 that will call up people with similar names, but
16 with enough information she can, anyone could,
17 narrow it down to this particular individual?
18 Date of birth is the key one?

19 A Yes. There are a number of different systems that
20 she might query, and the nature of the system is
21 going to indicate what information would be
22 available to her.

23 Q All right. And we're probably all familiar with
24 some of these systems. They've got acronyms.
25 There's CPIC?

1 A Yes.

2 Q NCIC? That's an American based system.

3 A Yes.

4 Q PRIME?

5 A Yes. PRIME didn't exist at the time, but --

6 Q I was going to get to that. There's something

7 called PIP, Police Information Portal?

8 A Yes. That didn't exist at the time either.

9 Q Okay. Let's just deal with the ones that existed

10 in August '98. CPIC?

11 A Yes.

12 Q Canadian Police Information Centre?

13 A Centre, yes.

14 Q What about PIRS?

15 A PIRS was the RCMP records management system, so

16 that's not a system that the VPD had any

17 information on, but there was a terminal in the

18 building so that VPD members could access PIRS

19 information.

20 Q And PIRS is an acronym for Personal Information

21 Retrieval System?

22 A I think it's Police Information Retrieval System.

23 Q Pardon me. Police Information. Pardon me. All

24 right. So --

25 THE COMMISSIONER: So you had access to it during that time?

1 A Yes, we had a PIRS terminal in the building that
2 probably many members weren't even aware of. It
3 wasn't used by frontline members, but it was used
4 by detectives.

5 THE COMMISSIONER: Thank you.

6 MR. WARD:

7 Q One reference that crops up is ViCLAS, V-i-C --

8 A ViCLAS.

9 Q ViCLAS?

10 A Yes. Violent Crime Linkage Analysis System.

11 Q And that existed then?

12 A Yes.

13 Q All right. I've heard of something called JUSTIN?

14 A JUSTIN is just the interface that the police
15 records management system has with Crown counsel.
16 JUSTIN's the interface to transfer information
17 from one to the other.

18 Q All right.

19 A And I actually don't recall whether it existed at
20 that time.

21 Q Do you recall other than CPIC and PIRS, the RCMP
22 database, any other computer database or records
23 retrieval systems that could have been utilized in
24 August '98?

25 A Yes. We had a system somewhat similar to the PIRS

1 system just called RMS for records management
2 system, so that was our electronic records
3 management system, and it contained all VPD
4 records, any record that had an incident number
5 attached to it.

6 Q So would that system call up encounters between
7 persons and members of the Vancouver Police
8 Department that did not result in charges?

9 A Yes.

10 Q Would it call up, for instance, the lodging of a
11 person in cells whether or not it resulted in
12 charges?

13 A Probably, because there would be a booking sheet,
14 and so there would be a booking sheet number
15 associated to an entry on RMS.

16 Q And these records systems that you've mentioned so
17 far, CPIC -- or we've mentioned -- CPIC, PIRS, and
18 RMS, are all permanent in nature? Permanent in
19 nature?

20 A I'm not sure what you mean by that, but --

21 Q In other words, the data remains in there and you
22 can go back and --

23 A To the point -- well, first of all, I wouldn't
24 speak about PIRS because I don't have expertise on
25 that system. On our records management system,

1 yes, the data would be there back to the point
2 where that system started being used.

3 Q All right. Any others?

4 A Not that are occurring to me off the top of my
5 head.

6 Q Fair enough. It's not a test. Now, Lori Shenher
7 gets the Hiscox tips and from them gets Pickton's
8 name?

9 A Yes.

10 Q Based on your review, did she check CPIC?

11 A I'm sure --

12 Q Check it on CPIC?

13 A I'm sure that she would have.

14 Q And what about RMS? Have you seen RMS hits for
15 his name?

16 A I do not recall seeing that information.

17 Q Now, I gather, and I don't mean this critically,
18 that you did not go over the offline CPIC analysis
19 the way that Deputy Chief Evans did in her report?

20 A No, I didn't.

21 Q I just want to take you to that. Under the
22 heading "Pickton as a suspect" at page 8-46 she
23 has described what offline CPIC queries do and
24 mean under that heading. Do you see that middle
25 of that page?

1 A Yes.

2 Q And then I gather what she has done is that she
3 has analyzed, to the extent she's been able, the
4 various CPIC, offline CPIC queries that were done
5 of Robert William Pickton?

6 A Correct.

7 Q Okay. And if you could turn next, please, to --
8 yes. If you could turn next, please, to the slim
9 binder entitled "Cross-examination Brief". You
10 will find at tab 7 something called the "CPIC
11 Query Information". This is the way we received
12 it. It's a series of documents bearing
13 RCMP-008-000151 concordance numbers, and they
14 appear to me, subject to your comments, to be a
15 list or the list that Deputy Chief Evans reviewed
16 in coming up with her entries in her report.

17 A It seems right.

18 Q And so when we look at Evans' report and we see
19 she references on page 8-46 January 11th, '90 --
20 well, it doesn't quite match, but let me ask you
21 this. There is an entry in tab 7, the very first
22 one, January 11, '90, for Robert Pickton, who is
23 then age 28. Do you see that, very top line?

24 A Yes, I see the entry.

25 Q And just to go through this as an example -- or

1 maybe we'll take the second one as an example, the
2 second entry, 1/12/90. Do you see that in the
3 CPIC query information list?

4 A Yes.

5 Q So that's the date -- the time is -- in this one
6 is 1:24 a.m., correct?

7 A Yes.

8 Q The query is for a Robert Pickton with a birth
9 date of 49/10/24, who's a male?

10 A Yes.

11 Q Now, under "REM", that's remarks; is that your
12 understanding?

13 A Yes.

14 Q Remarks, "Wilson".

15 A I suspect that that's the police officer's name
16 who ran the query.

17 Q All right.

18 A Initially you would put your pin number,
19 identification number or your name.

20 Q Okay. And "ORI", O-R-I?

21 A That's the -- I believe it stands for origin code,
22 and each agency that has a CPIC terminal is given
23 an origin code so that you can tell where it was
24 run, what agency. That's my recollection of that.

25 Q All right. Now -- and the agencies are listed

1 under that heading that appears next?

2 A Yes.

3 Q And then the file name, is that the CPIC file
4 name, or can you tell or do you know?

5 A I actually don't know what that refers to. It
6 looks like where the record is stored.

7 Q In any event, as -- I am not going to go through
8 these in detail, but you're aware from reviewing
9 Deputy Evans' report that she endeavoured to
10 identify what each of these queries of Robert
11 William Pickton were about?

12 A I understand that she did do that, yes.

13 Q All right. And sets out her findings in the pages
14 that follow?

15 A Yes.

16 Q And it would have been hard data like this at tab
17 7 that she looked at?

18 A I would guess so, yes.

19 Q Okay. You didn't yourself do that exercise, as
20 you indicated?

21 A No, I did not.

22 Q Now -- and if I've got this right, you didn't do a
23 similar exercise for the VPD system, the RMS
24 system?

25 A That system doesn't provide such a feature as an

1 offline CPIC search to my knowledge.

2 Q Okay. But maybe you can explain for me. If
3 one -- if Lori Shenher say --

4 A Yeah.

5 Q -- had taken the name Robert William Pickton or
6 William Pickton and plugged it into the RMS system
7 that the VPD had --

8 A Yes.

9 Q -- what could she expect it to reveal, if
10 anything? In other words, what sort of data would
11 come up if you put a name in there?

12 A There is a number of different features of it, but
13 I think the one that you're looking for is any
14 report that had been submitted on Pickton a
15 written report would have showed up in RMS. So,
16 for example, there could be a street contact with
17 him in which his name was run on CPIC but there
18 was no report submitted on it. That wouldn't show
19 up in RMS. You would have to have done an offline
20 search on CPIC. But if there had been a report
21 written, for example, a field check report, a
22 brief report, or he was the witness to something
23 or a suspect in something and a report was
24 submitted, then there would be an entry giving a
25 case number allowing you to retrieve that record

1 from our records management.

2 Q All right. And do you know if that search was
3 done either by Detective Constable Shenher or by
4 anyone else in the VPD?

5 A Well, it would be very routine, and my
6 recollection is that in doing checks Detective
7 Constable Shenher, it was then that she determined
8 that Pickton was known to Coquitlam because of the
9 victim 1997 incident. So the two places that she
10 could have learned of that were, one, by running
11 him on CPIC, because even though there was a stay
12 of proceeding there still would be a record there,
13 and the second would be if she had run him on
14 PIRS, and one could have led to the other. But
15 there wouldn't have been anything on our RMS
16 system about that incident, but I do recall
17 learning the information that she as a result of
18 her inquiries learned about the 1997 incident.

19 Q So I plan to, if I don't forget, ask her what
20 searches she did, but if someone searched that
21 name today, would it reveal any reports that the
22 Vancouver Police may have filed about Robert
23 William Pickton?

24 A If there was a report that was filed under a VPD
25 case number, then yes, if it was in the time frame

1 that that system was operating. It no longer is
2 operating. It was replaced in 2001 by PRIME.

3 Q But it was operating during the period '97 to
4 2002?

5 A It was operating between '97 and 2001, and then
6 there was a transition to PRIME in 2001 when the
7 VPD first introduced the system at the same time
8 as the Port Moody Police, Richmond RCMP followed,
9 and the rest of the province followed.

10 Q All right. Thank you. Could I have you turn
11 next, please, to tab 8 on this brief, and this is
12 a document from concordance, upper right-hand
13 number, starts with RCMP-007-000108. Do you see
14 that?

15 A Yes.

16 Q And I note that this particular version appears to
17 have been faxed from CLEU, C-L-E-U, Vancouver back
18 in August of '98?

19 A Yes.

20 Q And that's Coordinated Law Enforcement Unit,
21 correct?

22 A Correct.

23 Q Are you familiar with this sort of document?

24 A Yes.

25 Q I couldn't find, and it might be my fault,

1 probably is, I couldn't find the first page. It
2 appears -- maybe this is the first page. Anyway,
3 what is this package?

4 A What I believe this is, and it's documented in my
5 report, is that when Detective Constable Shenher
6 first started talking to Corporal Connor is that
7 he was doing his homework on this suspect, and I
8 believe that this is a document that came from an
9 analyst named Miss Stewart, who worked at the
10 Coordinated Law Enforcement Unit, and this was one
11 of her jobs, was to do this sort of deeper
12 querying of information available in the public
13 record than most police officers would know how to
14 do. So she's put together this intelligence
15 package for him, and that's what this is, I
16 believe, that I referenced in my report.

17 Q And this kind of work is routine for someone in
18 the position that Detective Constable Shenher was,
19 in other words, gathering data, having a package
20 of the available records assembled?

21 A I think that this would have been routine for
22 someone like Corporal Connor working in a Serious
23 Crime Unit. I don't know whether Detective
24 Constable Shenher would have had experience
25 getting this sort of information.

1 Q All right. Is it fair to say that one of the
2 first steps an investigator would do when given
3 the name of a potential suspect in a serious
4 matter, potential criminal matter, is to search
5 the available records --

6 A Yes.

7 Q -- for not only public records about the person
8 but also some indication of their relatives and
9 close associates?

10 A That would be a little deeper sort of background
11 search than a routine investigation. Certainly
12 getting deeper into an investigation for someone
13 who is suspected in a murder, yes, you would want
14 to obtain all information that you could,
15 including associates and family members and so on.

16 Q And this -- I'll call this an intelligence
17 package. Is that fair? This document at tab 8.

18 A Yes, sure.

19 Q All right. This intelligence package reveals
20 companies, the names of companies that the Pickton
21 brothers were associated to and had offices in.
22 You see D & S Bulldozing?

23 A Yes.

24 Q A numbered company?

25 A Yes.

1 Q Then on the second page, item 3, the Piggy Palace
2 Good Times Society? They're directors of that
3 company?

4 A Yes.

5 Q Do you see that?

6 A Yes.

7 Q Another company over there on the next page, P & B
8 Used Building Materials, the Picktons are
9 president and secretary?

10 A Yes.

11 Q There are descriptions of security filings and so
12 forth that I won't trouble you with, but that sort
13 of information is in the document?

14 A Yes.

15 Q And then it seems to move on. If you go to page,
16 the top upper right corner, 103 are the last three
17 digits. After a review of companies and vehicles,
18 previous companies, liquor licence negative, and
19 then it moves into personal properties and
20 addresses for this subject, right?

21 A Yes.

22 Q And the personal properties come up as the Burns
23 Road property that we now know to have been the
24 site of Piggy's Palace?

25 A Yes.

1 Q 2552/2558 Burns Road. And the 953 Dominion Avenue
2 address, which is the property that both brothers
3 lived on and the remains of my clients' relatives
4 were found on?

5 A Yes.

6 Q Brief description of the size of the property. 11
7 acres in the case of this one. Then property 2.
8 That was the Piggy Palace property, property 2.
9 Over on the next page is the 953 Dominion Avenue
10 property owned by both brothers and their sister.
11 You see where I'm at?

12 A Yes.

13 Q Page 102. A 22 acre, 22.853 acre lot.

14 A Yes.

15 Q And then no other associated addresses. There's
16 references to some liens. And then if you turn
17 over the page ending 101, under the heading
18 "Associates" it says "BTB Hells Angels
19 associates". Do you see that?

20 A Yes.

21 Q What does that mean to you?

22 A BTB is an abbreviation for "believed to be".

23 Q And then there's some more documents in this
24 package, which I take to be checks similar to CPIC
25 or checks of various records showing --

1 A This page is a screen shot of a PIRS query it
2 looks like to me.

3 Q All right. PIRS query. That's page 148?

4 A Yes.

5 Q 149?

6 A It's the continuation of the PIRS query.

7 Q 150, a PIRS query for David Pickton?

8 A Yes.

9 Q And the last one -- I think they came up in this
10 order -- does that look familiar to you at all?

11 A Yes. It's a driver's licence history query that's
12 accessible through the CPIC system. It's actually
13 from the Motor Vehicle Branch.

14 Q And this particular one looks like it's for David
15 Francis Pickton?

16 A Yes.

17 Q Robert William's brother?

18 A Right.

19 Q All right. If you could turn the tab, please,
20 again on the subject of Pickton as a suspect, I
21 think we touched on this earlier, but here's a
22 document that Deputy Chief Evans referred to, and
23 you may have. This appears to be Corporal
24 Connor's -- I'm now at tab 9 -- Corporal Connor's
25 cover sheet for the ViCLAS form that was submitted

1 in respect of Robert William Pickton. Is that
2 right?

3 A The ViCLAS booklet, yeah. It's quite extensive.

4 Q And the reason I've referenced it here is that he
5 said then, and this is back in April of 1997 -- do
6 you see up in the way upper right 97-04-07?

7 A Yes.

8 Q So he's doing this in respect of the March 23rd,
9 '97 attempt murder incident, correct?

10 A That seems right.

11 Q He says:

12 As per policy, attached are the completed
13 ViCLAS forms. Subject,
14 meaning Robert William Pickton,
15 should be of interest due to victim being
16 Vancouver,
17 there's a typo, but it's prostitute, correct?

18 A Yes.

19 Q
20 Subject also responsible for similar offence
21 in Surrey in late 1989, as PIRS indicates an
22 assistance file to Surrey,
23 and then there's a file number, and you know from
24 your review that 90CQ is a Coquitlam file from
25 1990?

1 A Correct.

2 Q So it's 90CQ1339.

3 ...however, subject was not entered on PIRS
4 (?) by Surrey,
5 and then there's a reference saying, in effect, to
6 follow up with Don Adam, right?

7 A Right.

8 Q And there's a further reference to this matter,
9 the 90 file for Robert William Pickton, in the
10 next tab, tab 10. And I'm getting to a question
11 for you on these documents. Bear with me. This
12 is an RCMP file entry made in April of 2002 after
13 Pickton's arrest, correct? Appears to be?

14 A Yes.

15 Q All right. The question is this. Would -- given
16 the documents I've shown you, would the 90
17 Coquitlam reference, the similar offence, have
18 come up to Detective Constable Shenher's attention
19 or anybody else at Vancouver if they had done some
20 searches?

21 A Well, if Detective Constable Shenher ran Pickton
22 on PIRS, which I don't know that she did, as
23 opposed to consulting with Corporal Connor, who
24 would have been much more familiar with querying
25 the system, but if she had run him on PIRS and

1 done the correct query, then the same entry, the
2 Coquitlam entry would have come up for her, which
3 was the assist Surrey entry.

4 Q Okay. She would have found, in effect, what
5 appears -- it appears Connor found?

6 A Right.

7 Q Had she done a PIRS search?

8 A Had she done a PIRS search and the correct query,
9 because this is an old system, and you have to
10 know which query to put in and make sure it covers
11 the right jurisdictions and so on.

12 Q Thank you. I'll save further questions about CPIC
13 for other witnesses. The next subject I wanted to
14 ask you about was something that came up I think
15 in your evidence in chief, and it had to do
16 with -- or, I'm sorry, let me start again. The
17 next subject is a comparison of the resources that
18 were available to your Home Invasion Task Force on
19 the one hand and the missing women investigators
20 on the other. They were in '99, early '99
21 operating concurrently, correct?

22 A Yes.

23 Q I'd like to show you, sir, copies of two newspaper
24 articles that appeared on consecutive days but in
25 different newspapers. And, sir, you may remember

1 one or both of these. Start with *The Vancouver*
2 *Sun*, the two-page document.

3 A Yes.

4 Q It's a copy, and it's a little hard to read, but
5 it's a copy of the first page of *The Vancouver Sun*
6 from Tuesday, March 2nd, 1999. Do you see that up
7 underneath the banner?

8 A Yes.

9 Q Tuesday, March 2nd --

10 A Yeah.

11 Q -- 1999. Lower left, "Police push the hunt for
12 home invaders," under Lindsay Kine's byline. Do
13 you see that?

14 A Yes.

15 Q And in turning over the page, a heading "Veteran
16 investigator heads police team". Do you see that?

17 A Yes.

18 Q Page A2?

19 A Yes.

20 Q And a photograph, it's kind of hard to see, but
21 described as the war room for the Home Invasion
22 Task Force?

23 A Yes.

24 Q All right. And I can probably get a better copy,
25 but this article, the March 2nd front page story

1 about the home invasion -- home invaders, says in
2 the second paragraph on the first page after the
3 reference "investigators show no signs of
4 relaxing":

5 If anything, the opposite is true as Chief
6 Constable Bruce Chambers continues to make
7 money and personnel available for a problem
8 that has terrified the city's most vulnerable
9 citizens.

10 Do you see that?

11 A Yes.

12 Q And then turning over the page, starting at the
13 top:

14 But with the suspects still at large after
15 four years, Chambers has revamped the home
16 invasion task force, appointing Sergeant Doug
17 LePard to head a team of experienced
18 detectives pulled from throughout the
19 department. And the chief has given the task
20 force a blank cheque for whatever equipment
21 and resources it requires.

22 Do you see that?

23 A Yes.

24 Q And then there's a quote attributed to you.

25 "The chief constable has made it clear that

1 whatever resources we need for this
2 investigation, he will provide," LePard said
3 in a recent interview. "To date, not one
4 request that we've made has been turned
5 down."

6 Is that an accurate quotation of what you said
7 then about the resourcing?

8 A Yes.

9 Q And then there's a description of yourself, then
10 37. See. "A veteran investigator, LePard, 37..."
11 And you're described as:

12 He is also one of only two people in the
13 entire department trained in major case
14 management...

15 You've touched on that already?

16 A Yes.

17 Q There's another quote right next to the word
18 "judge" about two-thirds of the way down this
19 first column, just to the left of it. I'll read
20 the quote.

21 "There's literally hundreds and hundreds of
22 officers out there that are involved to some
23 extent," LePard said.

24 Do you see that?

25 A Yes.

1 Q And that's an accurate quote as well?

2 A I don't know if it's perfectly accurate, but I
3 suspect it probably is close.

4 Q And then another -- some more quotes, and I just
5 want to -- right at the bottom of that column, a
6 reference to all the persons of interest and the
7 \$100,000 reward for the apprehension of these home
8 invaders, robbers.

9 "Obviously no one person can keep all of that
10 straight in their head," LePard said.

11 That's accurate?

12 A That I said that?

13 Q Yes.

14 A Yes, I believe it is.

15 Q And then over in the next column under the
16 picture, first full paragraph:

17 "In my 18 years, I can guarantee to you that
18 there has been not one single case that guys
19 want to solve as badly as this one," he said.

20 "So everybody is out there looking and
21 cultivating their informants to try and
22 generate information about these suspects."

23 Do you see that?

24 A Yes.

25 Q And that was an accurate quote as well?

1 A Yes, I think so.

2 Q I'd like to contrast that article and what you
3 said in it and what was said in it to an article
4 that appeared the next day in the *Globe and Mail*.
5 And if I may, as we leave the *Vancouver Sun*
6 article, could we mark it as an exhibit, please?

7 THE COMMISSIONER: All right.

8 THE REGISTRAR: Exhibit number 37.

9 **(EXHIBIT 37: Document entitled - Police Push the**
10 **Hunt for Home Invaders - article in The Vancouver**
11 **Sun dated Tuesday, March 2, 1999)**

12 MR. WARD:

13 Q The *Globe and Mail* article is entitled "Fear of
14 killer haunts Vancouver sex trade". Do you see
15 that?

16 A Yes.

17 Q And it appears under a map of Downtown Vancouver
18 and pictures of four of the missing: Sarah de
19 Vries, Helen Mae Hallmark, Michelle Gurney, and
20 Angela Jardine?

21 A Yes.

22 Q The subheading in the *Globe* article, "Prostitutes
23 say a sharp increase in disappearances shows the
24 need for more police protection," do you see that?

25 A Yes.

1 Q And under the byline of Ross Howard there's a
2 story that appears, and in the second paragraph it
3 says:

4 Eleven women in the sex trade on the
5 so-called Lower Track area around East
6 Hastings on Vancouver's Downtown Eastside
7 disappeared last year, police confirmed
8 yesterday. Nine of those were aboriginal
9 women.

10 Do you see that?

11 A Yes.

12 Q There's some quotes from Jamie Lee Hamilton, and
13 you know who she is?

14 A Yes.

15 Q She says, for instance, in the next column:

16 "These disappearances must be treated as
17 homicides," Ms. Hamilton said yesterday.

18 "They are not the kind of people to just
19 disappear without telling their friends on
20 the street."

21 And then in the middle of that quote there's
22 another quotation that says:

23 "If these women were not street-involved,
24 there would be an outpouring of concern and
25 immediate action to find their killers."

1 Do you see those quotes?

2 A Yes.

3 Q And then VPD media relations or public -- sorry,
4 what's the term again for Anne Drennan? What was
5 her title?

6 A Media liaison.

7 Q Media liaison member Anne Drennan is quoted, and
8 she debunks or discredits the serial killer
9 theory. Just on the far right column:

10 "There is not a single piece of evidence to
11 suggest a serial killer," she said.

12 A Yes, I see that.

13 Q And then still continuing to her -- on with her
14 statement to the media, second to last paragraph:

15 She,
16 Drennan,
17 rejected Ms. Hamilton's claim that neither
18 the police force nor the city is greatly
19 concerned about deaths and disappearances in
20 the sex trade.

21 All missing persons cases and homicides
22 are treated equally, Ms. Drennan said.

23 Do you see that?

24 A Yes.

25 Q And you were aware that while you were working on

1 the Home Invasion Task Force Detective Constable
2 Shenher was doing her best at the same time, March
3 1999, very same time, trying to deal with the
4 missing women cases?

5 A I knew that she was assigned to the Missing
6 Persons Unit at that time for that purpose. That
7 was prior to the more suspect-focused
8 investigation where there was actually a team
9 working on it.

10 Q And we've seen, we won't go over it again, but
11 we've seen that there were requests for additional
12 resources subsequent to this and that resources
13 were not granted?

14 A Well, I would say that subsequent to this when
15 requests were made resources were granted, maybe
16 not as many resources as were requested, and some
17 of them I think should have been, but, in
18 fairness, what eventually happened by the summer
19 of that year was a team of investigators were put
20 together that included Lori Shenher, Mark
21 Chernoff, Ron Lepine, Dave Dickson on a half-time
22 basis, Alex Clarke, so there were a number --
23 Wolthers, Fell, so there were a number of
24 investigators assigned, quite a significant
25 increase from Detective Constable Shenher working

1 alone.

2 Q But clearly, I suggest, based on what's reported
3 in these two articles at this snapshot in time,
4 March 1999, the solving of the robberies of these
5 homes was a much, much higher priority and a
6 matter given many, many more resources than the
7 solving of the disappearances and perhaps murders
8 of the missing women, correct?

9 A At this snapshot in time I would agree.

10 MR. WARD: Thank you. Could we mark the *Globe* article as
11 Exhibit 38, please?

12 THE COMMISSIONER: All right.

13 THE REGISTRAR: Exhibit number 38.

14 **(EXHIBIT 38: Document entitled - Fear of Killer**
15 **Haunts Vancouver Sex Trade - article in The Globe**
16 **and Mail dated March 3, 1999)**

17 MR. WARD:

18 Q The third area, sir, that I want to explore with
19 you briefly is something I understand you have
20 some familiarity with, and that is the 911
21 emergency reporting system.

22 A Yes.

23 Q You yourself worked as a sergeant in the
24 communications centre, which was charged with the
25 responsibility of handling 911 calls from the

1 public, correct?

2 A Mostly. I was there as a constable most often
3 working as the acting corporal, which was the
4 chief dispatcher's position, and occasionally the
5 acting sergeant, which was more of an
6 administrative position.

7 Q And just if you could refresh my memory when that
8 was again, what time frame.

9 A I went there in -- I was there for 18 months in
10 1990, 1991.

11 Q Now, have you seen in the course of your review
12 documents that seem to suggest that missing
13 women's reports were transmitted from E-Comm to
14 the VPD on a prescribed form?

15 A Maybe I should just back up a little bit because
16 E-Comm comes in in June of 1999, so there is a
17 transition period. Prior to June of 1999 the VPD
18 had its own communications centre. It was in the
19 building at 312 Main Street, and it was also the
20 regional control centre for 911 in the GVRD. So
21 when I worked in the communications centre it was
22 the VPD communications centre. So I can speak to
23 when the VPD communications centre was running,
24 which was up until June of 1999, is, yes, a
25 missing report would be in the first instance

1 taken in the communications centre. If it was
2 determined that there was a need to dispatch a
3 police officer right away because there was
4 information that needed follow-up right then, then
5 a patrol car would be dispatched, otherwise the
6 information would be transmitted to the Missing
7 Persons Unit and the Missing Persons Unit would
8 conduct any necessary follow-up.

9 Q Okay. Let me -- thank you. Let me see if I've
10 got this. Prior to June of 1999 anyone who calls
11 911 in Vancouver gets --

12 A Actually, in the GVRD.

13 Q All right.

14 A The first place that they would come to would be
15 an operator in the building at 312 Main Street.

16 Q All right. And it is that location that you
17 worked in, and it was called the communications
18 centre?

19 A Yes.

20 Q After June 1999 the responsibility for fielding
21 911 calls goes to the new E-Comm building, which I
22 think is at Boundary and Hastings?

23 A It's west of that.

24 Q No, sorry, Highway 1 and Hastings?

25 A Yes.

1 Q Somewhere over there.

2 A It's close to that.

3 Q Near where the Lions play.

4 A It's across from the PNE.

5 Q All right. Across from the PNE, indeed. So
6 that's after June of 1999?

7 A Yes.

8 Q Now, it is the case -- sorry. Let me back up.
9 You've seen in the files in your review that after
10 that date, June of 1999, there would be
11 transmissions in respect of some of these missing
12 women from E-Comm to the Vancouver Police
13 Department on a form?

14 A Yes.

15 Q So if someone called 911 to report a missing
16 relative or friend after June of 1999, someone at
17 E-Comm would pick up -- would take that call and
18 deal with it?

19 A Yes.

20 Q And you recall that there were what I will
21 characterize as problems or growing pains with the
22 E-Comm system after its inception?

23 A I agree with you that there were some problems. I
24 don't want to blame it on E-Comm. I think that
25 there were some policies and practices that

1 carried over from the VPD communications centre.
2 Remember, many of the staff were the same staff,
3 and many of the policies and practices were the
4 same policies and practices that occurred in the
5 VPD, so what I would just say generally, whether
6 it was VPD or E-Comm, that there were some issues
7 raised about, for example, frustration by our
8 Missing Persons Unit with staff, whether it was
9 the communications centre or E-Comm, being
10 unwilling to take reports before 24 hours had
11 passed, for example, which was, as I understand
12 it, a policy that at one point existed in the VPD
13 but was eliminated, but that communications centre
14 staff carried on with it in practice at least. So
15 I recall reading documentation like that.

16 Q What was that again, that people at E-Comm who
17 took a 911 call would not take a report of a
18 disappearance until 24 hours had passed?

19 A In some cases I think that that was the practice
20 that was occurring. It would all be circumstance
21 dependent. For example, if a small child had been
22 reported to have wandered away from the home, I
23 can assure you it would have been a very urgent
24 response because of the urgency of the situation.
25 Someone reporting their 15-year-old teenage

1 runaway that had run away a hundred times before,
2 that might be a case where staff might have said,
3 you know, let's wait 24 hours before we take a
4 report.

5 Q Do I take from your evidence that E-Comm staff had
6 the discretion in determining whether a 911 report
7 of a disappearance was urgent or not? They had
8 some discretion there?

9 A Yes, there was a certain amount of discretion,
10 but, of course, guided by policy, and because the
11 VPD is a client of E-Comm we could tell them, if
12 we're talking about the post-June 1999, what our
13 expectations were. And you referred to it, I
14 think. I recall in the documentation there being
15 some frustration with our Missing Persons Unit for
16 E-Comm lagging behind changes to our policy.

17 Q Now, I'm going to be asking for a couple of
18 witnesses to come and attend and give evidence
19 about their experiences with 911 in circumstances
20 where -- relevant to this case. Do you know
21 whether the E-Comm operators exercised their
22 discretion in assigning urgency to a particular
23 call differently in cases of prostitutes, sex
24 trade workers who were the subject of the calls?

25 A No, I can't say that.

1 Q But someone at E-Comm might be able to shed some
2 light on that?

3 A They might be able to.

4 Q Sir, I'm going to show you a document, or, more
5 correctly, a package of documents that I've
6 provided to your counsel. I've retrieved these
7 from some Vancouver Police Union newsletters
8 published during this 1999 period. And just to
9 tell you what these are, these are just -- these
10 are not full newsletters. They're just excerpts.
11 In the first instance, the first page of the
12 January '99 newsletter, first page of the
13 September '99 newsletter, and a letter from Chief
14 Constable Blythe -- pardon me, Gary Greer on
15 behalf of Chief Constable Blythe to the general
16 manager of E-Comm dated February 11, 2000, that
17 was with one of the newsletters. All right?

18 A All of that -- I don't see any indication that
19 this letter from Deputy Greer is on behalf of
20 Chief Constable Blythe.

21 Q I guess I was referring to the banner at the top
22 of the page, but --

23 A It's departmental letterhead.

24 Q All right. Fair enough. Now, you know from your
25 duties that the Vancouver Police Union

1 periodically, but not regularly, issued a
2 newsletter to its membership?

3 A My recollection is it's quite regular.

4 Q Not every month, once -- once in -- a few times a
5 year?

6 A I'm not sure what the frequency, but I do believe
7 that -- certainly in recent years that it's
8 regular.

9 Q Doesn't matter for the purpose of my questioning.
10 And as a member up until the time you became an
11 inspector you would have received a copy --

12 A Yes.

13 Q -- in due course?

14 A Yes.

15 Q And you were a sergeant in 1999, so you would have
16 received the '99 newsletters?

17 A Yes.

18 Q And the reason I show these to you is that each of
19 these documents, these three pages, culled from
20 newsletters make reference to the 911 experience
21 or the VPD's experience with 911, and the January
22 newsletter with the President's Report from Bob
23 Rich refers to it as item number 1.

24 We asked the Chief Constable to review our
25 ability to answer 911 calls.

1 A Yes. I think that you're misinterpreting what
2 that's about, though, is this -- in the context of
3 this he's talking about our staffing levels in
4 patrol in terms of being able to respond to calls
5 that have been dispatched, not about our ability
6 to answer the phone.

7 Q Okay. And this would have been before the
8 transition to E-Comm?

9 A Yes.

10 Q Now, the September '99, the second page, again
11 under the President's Comments portion of the
12 newsletter, the first item described as one of the
13 more important issues to be dealt with between the
14 department and union is E-Comm. Do you see that?

15 A Yes.

16 Q And this makes reference to concerns raised to the
17 department and to E-Comm and to dispatch issues?

18 A Yes. I'm very familiar with the issue that he's
19 referring to.

20 Q Can you just tell us what that was and if in your
21 view it may have had any bearing on the reporting
22 of missing women's disappearances through the 911
23 process?

24 A Well, to the second part, I don't know --

25 Q Okay.

1 A -- whether it would have any bearing, but I can
2 tell you what it's about, is that when we ran the
3 communications centre there were four police
4 positions at all times in the communications
5 centre. So there was a sergeant, who is dealing
6 with mostly administrative things, the corporal,
7 who is the chief dispatcher, and so he was
8 monitoring and supervising the work of all the 911
9 and non-emergency report takers, and also the four
10 dispatchers that would be operating at any given
11 time, and also when we had what we called a CD
12 call, I think, a serious in-progress call, the
13 chief dispatcher would actually listen directly to
14 the complainant and be getting the information out
15 as quickly as possible without waiting for the
16 dispatcher to receive the information through the
17 CAD system and read it and so on, so just to cut
18 down on the time delay a bit. So the issue here
19 was that when E-Comm began operating there was a
20 decision made not to include police officers --
21 and by the way, when I said a sergeant, a corporal
22 and two constables, the two constables were in 911
23 positions as well, and so they not only did that
24 work, but they were a resource to the civilian
25 comm. ops. about issues that they might wonder

1 about how they should handle it and required
2 police knowledge. So when E-Comm started, their
3 business model did not include police officers,
4 and so there were lots of concerns raised about
5 there not being a police officer that took over
6 the dispatch of serious in-progress calls because
7 there were police safety issues involved, and how
8 well the call was being handled I guess was --
9 there were concerns that were being raised.

10 Q All right.

11 THE COMMISSIONER: This is all very interesting, but how is
12 this relevant, all this about the history of
13 E-Comm and the glitches and the issues relating to
14 E-Comm and the people on patrol and the position
15 of the Vancouver Police Union?

16 MR. WARD: Well --

17 THE COMMISSIONER: How is that helping me?

18 MR. WARD: It will tie in, if my application for further
19 witnesses is successful, with the testimony that I
20 anticipate will come about the -- about people
21 reporting issues of safety and disappearance
22 concerns via 911 to E-Comm and being spurned
23 because they were involving sex trade workers.
24 And, further, I expect if we're able to lead this
25 evidence we may be able to have a former staff

1 member from E-Comm come to describe how at their
2 end these calls were being fielded and to point
3 out some serious deficiencies in them.

4 THE COMMISSIONER: So you have evidence from E-Comm operators
5 who are going to come here and testify that they
6 did not handle the calls of missing women the way
7 they should have handled them? Is that --

8 MR. WARD: In a nutshell.

9 THE COMMISSIONER: Sorry?

10 MR. WARD: In a nutshell, yes.

11 THE COMMISSIONER: Well, not in a nutshell. Is that what your
12 witnesses --

13 MR. WARD: Yes.

14 THE COMMISSIONER: -- will say?

15 MR. WARD: Well, one from -- one former staff of E-Comm --

16 THE COMMISSIONER: Yes.

17 MR. WARD: -- and two 911 callers is what we have.

18 THE COMMISSIONER: Okay. So why do we have to burden Deputy
19 Chief LePard with that if you have witnesses from
20 E-Comm who are going to say that?

21 MR. WARD: Because I have no confidence that my application to
22 have -- I shouldn't say that. I have concerns
23 whether my application to have those witnesses
24 testify will be allowed.

25 THE COMMISSIONER: Well, so far he hasn't been able to help us

1 out in this.

2 MR. WARD: Well, I was hoping he might, but I just --

3 THE COMMISSIONER: Well, I've heard -- you know, I don't want
4 to interrupt your cross-examination. On the other
5 hand, I've been sitting here for half an hour,
6 quite frankly, not making any notes because I
7 don't think any of this is important, and I say
8 that with respect. And I -- you know, so there
9 are a lot of problems with E-Comm, a lot of
10 technical problems, a lot of problems as far as
11 patrol officers are concerned, but -- that may be
12 interesting, but tell me how that's going to help
13 the missing women inquiry.

14 MR. WARD: All right. I will. Elaine Allan, you will recall,
15 testified that it was her experience that when
16 calling from the Downtown Eastside to report
17 assaults on sex trade workers --

18 THE COMMISSIONER: Yes.

19 MR. WARD: -- and other concerns about sex trade workers'
20 safety that the 911 system was a barrier to having
21 those calls addressed.

22 THE COMMISSIONER: Yes.

23 MR. WARD: The people at E-Comm were not responsive.

24 THE COMMISSIONER: Yes.

25 MR. WARD: Now, E-Comm was in transition in --

1 THE COMMISSIONER: Yes, but she's already testified to that
2 effect, hasn't she? You have that evidence now,
3 do you not?

4 MR. WARD: Yes, and it's up to you, of course, to decide
5 whether to accept it. This is some further
6 evidentiary proof that the VPD itself recognized
7 that there were, and I'm getting to the last
8 document, which is Deputy Chief Constable Greer's
9 letter to the head of E-Comm, serious concerns
10 about the performance --

11 THE COMMISSIONER: But --

12 MR. WARD: -- of E-Comm.

13 THE COMMISSIONER: -- they're talking here about the technical
14 performance of E-Comm, not what Ms. Allan was
15 talking about. Ms. Allan was a lot more negative
16 in the Vancouver Police and the way they handled
17 complaints about missing women, which is quite a
18 different thing from these technical -- that's my
19 only point.

20 MR. WARD: All right. My only point is I thought one of our
21 purposes here was to try to get to the bottom of
22 why concerns about the disappearances of women
23 seemed to be falling on deaf ears, and one aspect
24 was that, in our submission, there may be a body
25 of evidence suggesting that E-Comm, for whatever

1 reason, failed, failed to address 911 calls about
2 sex trade workers' disappearances.

3 THE COMMISSIONER: Yes. Well -- all right.

4 MR. WARD: And with respect, I -- I may be mistaken, but my own
5 assessment was that the evidence of Detective --
6 of Deputy Constable -- sorry, I'm getting tired
7 now -- Deputy Chief LePard that the E-Comm
8 operators had discretion in determining whether or
9 not a call was urgent might be very, very
10 important in respect of the evidence that follows.
11 I do note the time, though, and I will not press
12 on further with this issue, and this might be a
13 convenient time for the break.

14 THE COMMISSIONER: Okay.

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

16 **(PROCEEDINGS ADJOURNED AT 3:00 P.M.)**

17 **(PROCEEDINGS RESUMED AT 3:20 P.M.)**

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

19 MR. WARD:

20 Q I just have a few more things. Sir, you recall in
21 your evidence in chief you were asked about the
22 essay written by Brian Oger?

23 A Yes.

24 Q And you've seen in Deputy Chief Constable Evans'
25 report a reference to that same essay?

1 A Yes.

2 Q Which she described as one of the most compelling
3 documents that she, Deputy Chief Evans, reviewed.

4 A I recall reading that.

5 Q And she notes that -- I think you did as well --
6 that he was accused of somehow leaking it and had
7 to take a polygraph to prove he was innocent of
8 that?

9 A That was described in her report, not mine.

10 Q Was he -- is he still with the VPD?

11 A No.

12 Q Now, if we could go next, please, or back to the
13 brief of cross-examination documents, I just want
14 to ask you some questions about the contents that
15 I haven't yet touched on. Tab 1. This appears to
16 be a letter, undated, from Chief Constable Graham
17 around the time that you were engaged to do your
18 review.

19 A Yes.

20 Q And he mentions that Constable Darcy Sarra was
21 tasked with gathering all the documents?

22 A Yes.

23 Q And the documents that she gathered were
24 ultimately delivered by the department through its
25 counsel to this commission; is that your

1 understanding?

2 A Yes.

3 Q And as part of your work did you make
4 determinations on which documents or which parts
5 of documents shouldn't be delivered?

6 A To?

7 Q To the commission.

8 A No.

9 Q You used in your evidence in chief the word
10 "privileged" from time to time when it sounded
11 like you were meaning private. To you are those
12 the same, privileged and private?

13 A No.

14 Q At tab 2, sir, I've taken some of your statements,
15 yours personally and the department's statements
16 at some milestones, recent milestones in time off
17 the VPD's website. The first one, July 30th, is a
18 statement you yourself made when the Supreme Court
19 of Canada released its decision.

20 A Yes.

21 Q And the second part of that over on page 2, and I
22 believe you mentioned this in chief as well, but
23 the statement said:

24 ...for several years, the VPD has
25 communicated privately to the Provincial

1 Government that it believes a Public Inquiry
2 is necessary for an impartial examination of
3 why it took so long for Robert Pickton to be
4 arrested.

5 And:

6 More recently, the VPD also publicly
7 supported a call for a Public Inquiry by
8 Maggie de Vries, the sister of one of the
9 missing women.

10 A Yes.

11 Q That confirms that it has been the department's
12 position that a public inquiry is desirable?

13 A Yes.

14 Q And you were contemplating a thorough and
15 impartial examination of the facts surrounding the
16 investigations?

17 A Yes.

18 Q The next page is your statement provided August
19 20th of this -- of last year, pardon me, that you
20 made when you released the report that's been
21 marked as Exhibit 1.

22 A Sorry, what tab?

23 Q Sorry, the same tab at the third page.

24 A Yes.

25 Q And then two more pages on, this isn't your

1 statement, but it's a VPD release August 25th,
2 2010, the announcement of the disbursement of the
3 reward.

4 A Yes.

5 Q And finally, in this little package at tab 2, the
6 statement of the VPD respecting the announcement
7 of this inquiry.

8 A Yes.

9 Q September -- I think I said that, September 9th,
10 2010. If we could turn to the next tab, please,
11 tab 3, I understand that the document here are
12 your comments on notes about what you found to be
13 errors in Stevie Cameron's book *On the Farm*?

14 A Yes, except for bullet number 4, which I have come
15 to realize was my cognitive error, and that's --
16 that's my error.

17 Q All right. So if we skip past the title page to
18 page 2, bullet 4, that comment is an inaccuracy or
19 error on your part?

20 A Yes, because I misread the date that Angela
21 Jardine went missing as -- I misread one of the
22 dates so that I got that backwards.

23 Q Okay. And aside from that mistake or error, the
24 rest of the document accurately reflects your
25 views?

1 A Yes. When I wrote this, that reflected my views.

2 Q I just want to ask you about a few of the
3 statements here. Page 3. And this ties in with
4 the comments made by you and Deputy Chief Evans
5 about leadership. Page 3, second bullet.

6 A Yes.

7 Q You write in the third line:

8 Chambers,
9 that's the chief, Bruce Chambers, at the time,
10 had succeeded in alienating many in the VPD
11 at both line and management levels with his
12 bumbling, but it was the Vancouver Police
13 Union, representing the rank and file, which
14 finally went to the Vancouver Police Board
15 and made a formal presentation about his
16 incompetence and urged the Board to take
17 action.

18 Do you see that?

19 A Yes.

20 Q And Chambers, of course, was the head of the
21 department, the chief constable, for a significant
22 period of the time that we're studying here?

23 A Yes.

24 Q So in your view there clearly was a leadership
25 problem caused by Chief Chambers' incompetence?

1 A Clearly he left a year early in his term.

2 Q If you could go on next to page 7, please, first
3 bullet halfway down, this is your comment on the
4 book's interpretation of Nathan Wells' work, and
5 as you've already pointed out, Wells was acting
6 essentially on his own without help from or input
7 from the joint task -- or Joint Force Operation,
8 Project Evenhanded, correct?

9 A Correct.

10 Q And I'm not going to mention the name, but you
11 say:

12 The fact was there were MANY,
13 with the word "many" in capitals,
14 lowlife criminals...frequenting the Pickton
15 property who could have been cultivated to
16 provide the information necessary to get on
17 the property.

18 A Yes, I think that that was a strategy that was
19 available.

20 Q And the word "many" in caps indicates that it's
21 your view based on your review that the Pickton
22 property, where the remains were found, was
23 frequented by many criminals, many, many
24 criminals, correct, emphasis on many?

25 A There were a lot of people coming and going to

1 that property from all reports.

2 Q Now, the next bullet, the SIUSS system was
3 discussed by you in your evidence in chief?

4 A SIUSS.

5 Q SIUSS. SIUSS. Okay. And that was the
6 computerized file management system?

7 A It was an electronic analytical system that was in
8 use in several places.

9 Q And it appears that you are and were of the view
10 that it was no good and -- or, I'm sorry, that it
11 was -- that it was very problematic?

12 A Yes. My comment in this bullet was that there
13 seemed to be an undue focus on the VPD in the
14 book, and it said the VPD's system, and the point
15 I was making is that this was a system that was in
16 use by the provincial Coordinated Law Enforcement
17 Unit at the time, and that's where the expertise
18 came from. So it was just a comment about this
19 wasn't a VPD system or an example of VPD
20 incompetence in designing a system, but I do agree
21 that it caused a lot of problems in the
22 investigation because it was, I'm told, a very
23 powerful analytical system but very difficult to
24 use and requires a lot of training and so on.

25 Q All right. The next tab -- I'm finished with that

1 tab. The next tab is just a chapter from the
2 book, the one entitled "Piggy's Palace", Chapter
3 11, and I've just noted, and if you would confirm
4 this, that in your review of the errors you didn't
5 note errors occurring in these pages, pages 130 to
6 140, correct?

7 A I just have to check.

8 Q Go back to the first page of your notes.

9 A Sorry, what pages did you say?

10 Q 130 to 140.

11 A Well, my first comment is about page 130, and then
12 it -- my next comment is about page 209.

13 Q I'm sorry, page 131 actually is the first page of
14 the Piggy's Palace chapter.

15 A Yes, then you're correct.

16 Q Right. And I'm not going to ask you about that,
17 but I do plan to ask RCMP witnesses about that,
18 the contents of that chapter. Just skipping on in
19 the brief to tab 6, I'll just get you to confirm,
20 please, that this is just a publicly available map
21 off Google showing the relationship between the
22 Piggy's Palace address, marked as A, and the
23 Pickton brother's farm property at 953 Dominion,
24 which is the other balloon there on Dominion
25 Avenue. That's roughly your recollection of where

1 those two properties were?

2 A That is my understanding. I don't have a high
3 degree of familiarity with that area.

4 Q Fair enough. Did you yourself go out there at any
5 time after 2002 or, for that matter, before?

6 A I have been to that area. I've driven in that
7 area.

8 Q When I say out there, I mean did you actually go
9 to the Pickton property?

10 A I've never been to the Pickton property.

11 MR. WARD: Mr. Commissioner, I would ask that at this point, to
12 give others the opportunity, if they require it,
13 to see if anything needs to be redacted, that this
14 be marked for identification purposes.

15 THE COMMISSIONER: All right. Thank you.

16 THE REGISTRAR: It will be marked for identification G, letter
17 G.

18 **(EXHIBIT G FOR IDENTIFICATION: Cross-Examination**
19 **Brief re DCC LePard)**

20 MR. WARD:

21 Q Just if I can return, finally, to one last theme
22 that recurred in your report, as I understood it,
23 and that's the reluctance of some within the VPD
24 to acknowledge that the women who had been
25 reported missing may have been victims of foul

1 play and that one or perhaps a couple of serial
2 killers might be responsible.

3 A Yes, there was a great reluctance to accept that
4 as being the most plausible theory.

5 Q And who, which individuals were the proponents or
6 held or maintained that reluctance, in your
7 recollection, as conveyed to you or others in the
8 investigation?

9 A Well, different people held that view at different
10 times. Some of their views progressed and
11 evolved, and others did not.

12 Q Let's -- Biddlecombe.

13 A Yes.

14 Q He maintained the view, did he, that --

15 A No, I would say that he was one of the ones whose
16 views evolved in that he minimized the possibility
17 early on in 1998, but by the time of May 1999 he
18 was acknowledging that it was more and more likely
19 and putting resources into place to do a fuller
20 investigation, and he wrote a memo saying it's
21 come -- you know, "It's become clear to me that
22 there's much more that needs to be done here," and
23 so he was evolving in his view. Certainly early
24 on he sincerely did not believe it at all. He
25 thought that these women, given sufficient time,

1 that they were going to be found, and he thought
2 when Detective Inspector Rossmo did his analysis
3 that if he looked back far enough he would find
4 women who had been reported missing and they
5 eventually were found. That was his theory. When
6 Detective Inspector Rossmo looked into it, he
7 found that the evidence did not support that
8 theory.

9 Q If I could just focus on senior management or
10 executive, I'll use those interchangeably for the
11 moment, were there people in those ranks who
12 maintained the view right up until February 4th,
13 2002, that these women had gone missing and were
14 not murder victims?

15 A I don't know about their views up until 2002.
16 What I can tell you, for example, Deputy Chief
17 McGuinness said as long as he was in the VPD he
18 never actually came to the conclusion that they
19 were missing because of a serial killer. Chief
20 Chambers, even at the police board meeting that he
21 was at that's referenced in my report, he actually
22 did say that some of these women might have been
23 victims of foul play. I don't think that he ever
24 fully accepted that there -- that the explanation
25 was a serial killer. What he said in his

1 statement was that in his 31 years of policing
2 there would always have been some sort of
3 evidence, a body, a witness, a crime site,
4 something, some point to start the investigation.
5 Those were roughly his words, that that was what
6 he expected to find. Someone that had escaped,
7 for example.

8 Q The investigation -- sorry. The investigation, I
9 suggest, needed a strong, firm push by someone in
10 a commanding role in the summer of 1999?

11 A Yes, I think someone needed to make the conceptual
12 leap and just say, "This is the reason why these
13 women have gone missing. Let's just all
14 internalize that, and now we have to -- we have to
15 organize our response around that theory," and
16 that might have also -- had that occurred, then
17 the information, for example, from Sergeant Field
18 about Pickton is still being investigated by the
19 Coquitlam RCMP but is no longer a priority, that
20 probably would have had more impact if there had
21 been acceptance that the reason the women were
22 missing was because of a serial killer. So there
23 were a lot of things that were predicated on that
24 failure to accept that that was the reason that
25 the women were missing.

1 Q I'm going to suggest that the reason there was no
2 strong, firm push by someone in a commanding role
3 in the VPD was that there was a prevailing
4 misconception that these women, because of who
5 they were, would somehow show up unharmed later;
6 is that right?

7 A Yes, I think that that is right, that there were
8 another -- there were a number of competing
9 theories that when you really look at them hard
10 really couldn't be supported, and so there was
11 that sense of disbelief. I mean, I do think that
12 you have to think about how horrible the thought
13 is to accept that that was the reason. There were
14 some people that just couldn't make that
15 conceptual leap, but also, as you say, I agree
16 they held misconceptions about sex trade workers.
17 They believed that they were more transient than
18 they were, for example. The people that worked
19 on -- at the street level knew that they weren't
20 really transient. People in the management level
21 had a more historical view of the sex trade and
22 believed that they were more transient than they
23 were and never really understood what people like
24 Lori Shenher and Dave Dickson were saying about
25 the nature of their lives and also did not

1 internalize what Detective Inspector Rossmo said,
2 didn't provide a plausible alternative
3 explanation, but also didn't accept it.

4 Q Let me suggest this finally. Senior management,
5 speaking generally, didn't believe, didn't accept
6 that this class of Vancouver citizen, these women
7 in the survival sex trade, had homes, had
8 routines, and had loved ones that they were in
9 contact with, fair?

10 A Well, you've thrown a lot at me there. I think
11 that all of them would have accepted that these
12 women had loved ones. In terms of homes --

13 Q Well, contact. That's an important thing.
14 Contact with loved ones.

15 A Yeah. Can you just give them to me one at a time,
16 and I'm happy to try and respond to them?

17 Q Sure. I'm going to suggest there was, in fact, a
18 bias against these sex trade workers because they
19 were poor, they were -- many were aboriginal, and
20 they resided where they did, in the Downtown
21 Eastside in rooming houses and maybe even on the
22 streets, and it was that bias that was the
23 foundation for the belief that they would show up,
24 let's not worry about them.

25 A My view of it was that there was -- it was a

1 misconception about the lives of sex trade
2 workers, that these were senior people that
3 believed, which is true of some sex trade workers,
4 that they're on a circuit, that they've gone to
5 Seattle or Calgary or Edmonton or -- because there
6 is a strata of sex trade workers that are on
7 circuits like that, that they -- that they would
8 turn up. There was too much emphasis placed on
9 the fact that there had been this previous list of
10 71 missing sex trade workers, missing or murdered
11 sex trade workers that Constable Dickson was very
12 easily able to account for, and so they -- that
13 influenced their thinking, the fact that Detective
14 Constable Shenher and her colleagues found four of
15 the missing sex trade workers and later on were
16 finding new ones that had been reported missing
17 quite quickly, and there was not enough focus on
18 the fact that Constable Dickson was able to find
19 the women or account for them quite quickly, and
20 that raised the question, or should have, "Well,
21 then why can't we find these other ones as quickly
22 given the investigative effort," and I think that
23 they just didn't -- I asked that question, and
24 they just hadn't thought it through.

25 Q Now, if we call it a misconception, misconception

1 about this strata of society, this segment of
2 Vancouver society --

3 A Yes.

4 Q We are talking about Vancouver citizens here --

5 A Yes.

6 Q -- for the most part, right?

7 A Many of them.

8 Q How do you go about correcting a misconception
9 like that? Is it through education? Is it
10 through the passage of time so that old,
11 anachronistic ideas get rooted out? What in your
12 view is the way to correct that?

13 A Well, some of what you have said, but also I think
14 that the problem that I pointed out in my report
15 is that there was a dilution and diffusion of
16 information as it was going up the chain of
17 command, and people like Lori Shenher, who had the
18 best understanding, and Dave Dickson, who had the
19 best understanding, they were not having direct
20 communications with the managers that were
21 involved, the senior people. Detective Constable
22 Shenher said, "I don't think that I'd ever had a
23 conversation with Inspector Biddlecombe." She
24 certainly wasn't meeting with the deputy chief, at
25 that level, you know, and having a full

1 conversation. So what it points out to me is the
2 importance of there being effective communication
3 to the decision makers, and I suppose what I'll
4 say is that one -- there's been lots of things
5 that have been tough about my work doing this, but
6 one of the benefits of doing the work is that it's
7 made me a much better deputy chief than I would
8 have seeing all the things that can go wrong, and
9 a lot of -- I think about this every day, and I
10 think about it every day in my work, the way that
11 I do my job to avoid the sort of problems that
12 occurred during this investigation.

13 Q Well, just on that communication point, she may
14 not have had meetings, but didn't she have the
15 ability to send a memo, to send an e-mail, to mark
16 the e-mail with one of those exclamation points
17 indicating it was important, send it right to the
18 chief constable and say, "Listen, you've got to
19 take me seriously here. We've got a real problem
20 on our hands, and this is what I think"? Didn't
21 she have that ability?

22 A I think, if you're talking about Detective
23 Constable Shenher, she did do those things. I
24 mean, she did put memos through her chain of
25 command that were pretty clear. Certainly there

1 was sufficient information in those memos when she
2 says, "I believe these cases are related. I think
3 there's going to be foul play. There's no other
4 explanation. I'm convinced that these women, some
5 of them have met foul play." So I think that
6 those memos were pretty clear. I wrote in my
7 report that if there was anything that Sergeant
8 Field could have done more was to write more
9 forcefully to her superiors about, you know, the
10 wake-up call. So, you know, we can look back in
11 hindsight and ask, you know, did we need to have
12 more clearer memos written, but I think that they
13 were pretty clear. The information to make the
14 decisions was there. It wasn't accepted. It
15 wasn't given the weight that was necessary to make
16 good decisions.

17 Q So really in the end, at least on this issue,
18 there was a disconnect between those doing the
19 work in the trenches, appreciating the problem, in
20 this case the missing women, and the decision
21 makers?

22 A I think that's true.

23 MR. WARD: Thank you very much, sir. For your patience. Those
24 are my questions.

25 THE COMMISSIONER: Yes.

1 MR. GRATL: Yes, Mr. Commissioner. Mr. Roberts, QC has asked
2 to precede me in the order of cross-examination.

3 THE COMMISSIONER: All right.

4 MR. GRATL: And I will happily accede to that request.

5 THE COMMISSIONER: Thank you.

6 MR. ROBERTS: Darrell Roberts for First Nations interests. I
7 have spoken as well to my good friend Irwin
8 Nathanson --

9 THE COMMISSIONER: Yes.

10 MR. ROBERTS: -- Mr. Commissioner, and he's agreed that I can
11 precede him as well.

12 THE COMMISSIONER: All right.

13 MR. ROBERTS: And I'm ready to go, but I would be delighted if
14 I could start in the morning.

15 THE COMMISSIONER: That's fine. We'll start in the morning.

16 THE REGISTRAR: The hearing will now adjourn until ten o'clock
17 tomorrow morning.

18 **(PROCEEDINGS ADJOURNED AT 3:50 P.M.)**

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I hereby certify the foregoing to
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INDEX OF PROCEEDINGS

	Page
DOUGLAS ALAN LEPARD (for the Commission)	
Cross-exam by Mr. Ward	3

EXHIBITS

NO.	DESCRIPTION	PAGE
	(EXHIBIT 35: Document entitled - Binder of excerpts from Vancouver newspapers)	3
	(EXHIBIT 36: Document entitled - Supreme Court of British Columbia Indictment Against Robert PICKTON (RCMP-002-008007)	39
	(EXHIBIT 37: Document entitled - Police Push the Hunt for Home Invaders - article in The Vancouver Sun dated Tuesday, March 2, 1999)	126
	(EXHIBIT 38: Document entitled - Fear of Killer Haunts Vancouver Sex Trade - article in The Globe and Mail dated March 3, 1999)	130
	(EXHIBIT G FOR IDENTIFICATION: Cross-Examination Brief re DCC LePard)	153

\$																
\$100,000 [3] - 65:12, 66:21, 125:7																
'																
'90 [2] - 108:19, 108:22 '97 [11] - 2:22, 3:16, 3:25, 23:22, 34:24, 53:18, 61:14, 64:12, 113:3, 113:5, 119:9 '98 [4] - 84:18, 104:10, 105:24, 113:18 '99 [10] - 42:10, 47:14, 50:14, 61:9, 121:20, 136:12, 136:13, 137:16, 138:10	14th [1] - 35:6 15 [2] - 47:6, 144:15 15-year-old [1] - 134:25 150 [3] - 44:13, 45:12, 118:7 153 [1] - 2:16 17 [1] - 39:2 18 [4] - 8:25, 55:11, 125:17, 131:9 1981 [1] - 24:2 1989 [1] - 119:21 1990 [2] - 119:25, 131:10 1991 [1] - 131:10 1995 [2] - 34:17, 34:18 1996 [1] - 34:21 1997 [7] - 33:2, 62:4, 80:21, 95:20, 112:9, 112:18, 119:5 1998 [10] - 33:3, 35:3, 35:10, 42:8, 46:13, 78:23, 80:25, 84:20, 102:20, 154:17 1999 [41] - 5:11, 5:13, 28:15, 31:13, 33:5, 39:6, 42:8, 42:15, 43:16, 46:12, 52:15, 54:8, 54:14, 56:17, 58:10, 64:20, 65:6, 78:18, 80:8, 88:10, 122:6, 122:11, 126:11, 129:3, 130:4, 130:16, 131:16, 131:17, 131:24, 132:10, 132:20, 133:6, 133:10, 133:16, 135:12, 136:8, 137:15, 154:17, 156:10, 2:12, 2:15 1:24 [1] - 109:6	2002 [12] - 39:6, 67:14, 71:5, 72:3, 80:21, 83:17, 88:8, 113:4, 120:12, 153:5, 155:13, 155:15 2003 [3] - 15:9, 83:2, 83:4 2004 [4] - 13:10, 19:23, 21:12, 83:5 2005 [1] - 40:11 2007 [1] - 83:17 2008 [4] - 66:13, 67:8, 68:19, 69:12 2010 [3] - 70:17, 148:2, 148:10 2011 [1] - 1:2 209 [1] - 152:12 20th [2] - 39:5, 147:19 21 [1] - 35:7 21st [1] - 35:3 22 [1] - 117:13 22.853 [1] - 117:13 23 [1] - 1:2 23rd [3] - 62:4, 95:20, 119:8 24 [4] - 45:13, 134:10, 134:18, 135:3 2552/2558 [1] - 117:1 25th [4] - 19:23, 21:12, 34:24, 148:1 26 [2] - 47:19, 47:24 26th [1] - 35:9 27-count [2] - 38:12, 40:11 27th [2] - 34:17, 65:6 28 [1] - 108:23 28th [1] - 34:25 29th [3] - 34:18, 34:21, 56:20 2:00 [2] - 101:23, 101:25 2:32 [1] - 54:14 2nd [3] - 122:6, 122:9, 122:25	35 [5] - 3:4, 3:5, 3:20, 32:8, 2:5 36 [3] - 39:17, 39:19, 2:7 37 [5] - 124:10, 126:8, 126:9, 2:10 38 [4] - 130:11, 130:13, 130:14, 2:13 39 [1] - 2:7 3:00 [1] - 144:16 3:20 [1] - 144:17 3:50 [1] - 163:18 3rd [2] - 34:22, 35:10	4	4 [2] - 148:14, 148:18 406 [1] - 79:15 49/10/24 [1] - 109:9 4th [1] - 155:12	5	5 [2] - 12:24, 21:4 50 [1] - 43:23 500 [1] - 29:13 56 [2] - 3:13, 23:20 5th [4] - 35:7, 39:6, 67:14, 88:8	6	6 [1] - 152:19	7	7 [4] - 108:10, 108:21, 110:17, 150:2 71 [1] - 159:10 77 [1] - 26:5	8	8 [2] - 113:11, 115:17 8-46 [3] - 102:15, 107:22, 108:19	9	9 [1] - 118:24 90 [3] - 26:3, 120:9, 120:16 90cq [1] - 119:24 90cq1339 [1] - 120:2 911 [19] - 130:20, 130:25, 131:20, 132:11, 132:21, 133:15, 134:17, 135:6, 135:19, 137:20, 137:21,	137:25, 138:22, 139:8, 139:22, 140:22, 141:17, 142:20, 144:1 953 [4] - 89:11, 117:1, 117:9, 152:23 97-04-07 [1] - 119:6 98 [1] - 4:21 99/04/13 [1] - 54:12 9th [1] - 148:9
1		2	3	4	A											
1 [10] - 15:8, 32:9, 47:18, 64:25, 74:2, 79:16, 132:24, 137:23, 145:15, 147:21 1-800 [1] - 71:11 1/12/90 [1] - 109:2 10 [1] - 120:10 101 [1] - 117:17 102 [1] - 117:13 103 [1] - 116:16 10:05 [1] - 1:3 11 [6] - 67:22, 68:6, 108:22, 117:6, 136:16, 152:3 112 [3] - 64:23, 64:24, 65:4 113 [1] - 65:21 11:06 [1] - 47:7 11:25 [1] - 47:8 11th [1] - 108:19 12 [4] - 16:11, 21:6, 53:10, 53:11 126 [1] - 2:10 12:41 [1] - 101:24 12th [1] - 35:3 13 [2] - 9:1, 9:2 130 [4] - 152:5, 152:10, 152:11, 2:13 131 [1] - 152:13 13th [1] - 54:14 140 [2] - 152:6, 152:10 148 [1] - 118:3 149 [1] - 118:5 14:32:12 [1] - 54:12	2 [9] - 68:16, 117:7, 117:8, 126:11, 146:14, 146:21, 148:5, 148:18, 2:12 20 [3] - 1:7, 8:25, 9:2 200 [1] - 86:6 2000 [14] - 2:22, 3:16, 5:11, 9:5, 9:7, 10:9, 15:8, 17:17, 23:22, 46:12, 85:7, 85:8, 88:9, 136:16 2001 [5] - 19:11, 80:16, 113:2, 113:5, 113:6	3 [17] - 6:19, 7:7, 7:10, 8:3, 8:5, 8:6, 47:19, 47:22, 47:23, 116:1, 130:16, 148:11, 149:3, 149:5, 1:4, 2:5, 2:15 30 [1] - 62:18 30th [1] - 146:17 31 [1] - 156:1 312 [2] - 131:19, 132:15 34 [1] - 3:3	5	5 [2] - 12:24, 21:4 50 [1] - 43:23 500 [1] - 29:13 56 [2] - 3:13, 23:20 5th [4] - 35:7, 39:6, 67:14, 88:8	6	6 [1] - 152:19	7	7 [4] - 108:10, 108:21, 110:17, 150:2 71 [1] - 159:10 77 [1] - 26:5	8	8 [2] - 113:11, 115:17 8-46 [3] - 102:15, 107:22, 108:19	9	9 [1] - 118:24 90 [3] - 26:3, 120:9, 120:16 90cq [1] - 119:24 90cq1339 [1] - 120:2 911 [19] - 130:20, 130:25, 131:20, 132:11, 132:21, 133:15, 134:17, 135:6, 135:19, 137:20, 137:21,	A2 [1] - 122:18 abbreviation [1] - 117:22 ability [8] - 82:10, 84:2, 137:25, 138:5, 161:15, 161:21, 164:4 able [14] - 45:9, 49:9, 49:11, 75:5, 108:3, 136:1, 136:3, 138:4, 140:24, 140:25, 141:25, 159:12, 159:18 aboriginal [3] - 99:23, 127:8, 158:19 absence [2] - 31:24, 37:3 absences [1] - 33:25 Absolutely [1] - 92:4 absolutely [2] - 43:10, 85:4 abstract [1] - 31:3 Acc [2] - 50:24, 51:3 accede [1] - 163:4 accept [6] - 143:5, 154:3, 156:24, 157:13, 158:3, 158:5 acceptance [1] - 156:21 accepted [4] - 30:7, 155:24, 158:11, 162:14 access [3] - 1:22, 104:18, 104:25 accessible [1] - 118:12 Accident [1] - 50:24 accidents [1] - 51:2 accommodated [7] - 81:21, 81:24, 82:21, 83:19, 84:1, 84:24, 85:1 according [3] - 17:3, 37:12, 78:21 account [2] - 159:12, 159:19 accountability [1] - 32:17			

<p>accumulation [1] - 61:19</p> <p>accurate [7] - 38:7, 124:6, 125:1, 125:2, 125:11, 125:25, 164:2</p> <p>accurately [1] - 148:24</p> <p>accused [1] - 145:6</p> <p>acknowledge [1] - 153:24</p> <p>acknowledging [2] - 76:10, 154:18</p> <p>acre [2] - 117:13</p> <p>acres [1] - 117:7</p> <p>acronym [2] - 50:24, 104:20</p> <p>acronyms [1] - 103:24</p> <p>act [1] - 75:3</p> <p>acting [5] - 99:22, 100:3, 131:3, 131:5, 150:5</p> <p>action [2] - 127:25, 149:17</p> <p>actions [3] - 21:25, 22:17, 23:12</p> <p>activities [2] - 56:10, 90:16</p> <p>activity [1] - 60:9</p> <p>actual [2] - 40:11, 44:25</p> <p>Ada [1] - 33:2</p> <p>Adam [18] - 11:15, 11:16, 12:2, 12:9, 12:16, 13:1, 13:5, 13:18, 13:21, 14:14, 14:21, 16:5, 17:3, 19:21, 19:23, 20:2, 23:14, 120:6</p> <p>Adam's [1] - 17:9</p> <p>Adams [1] - 22:25</p> <p>add [2] - 100:5, 100:12</p> <p>added [8] - 28:25, 36:23, 49:21, 81:1, 82:14, 84:17, 84:19</p> <p>additional [1] - 129:11</p> <p>Additional [1] - 3:1</p> <p>address [6] - 1:10, 47:15, 84:21, 117:2, 144:1, 152:22</p> <p>addressed [2] - 74:9, 142:21</p> <p>addresses [2] - 116:20, 117:15</p> <p>adequate [1] - 30:11</p> <p>adjourn [2] - 101:22, 163:16</p> <p>Adjourned [4] - 47:7,</p>	<p>101:24, 144:16, 163:18</p> <p>adjourned [1] - 101:23</p> <p>administrative [3] - 92:17, 131:6, 139:6</p> <p>admissions [1] - 59:24</p> <p>adult [1] - 36:2</p> <p>Adults [1] - 35:22</p> <p>advance [1] - 50:3</p> <p>advantage [1] - 60:1</p> <p>advice [1] - 96:18</p> <p>advised [3] - 2:16, 20:25, 24:20</p> <p>advisement [1] - 99:7</p> <p>advisory [1] - 14:24</p> <p>advocate [1] - 101:18</p> <p>affect [1] - 82:9</p> <p>afternoon [2] - 54:14, 99:2</p> <p>age [1] - 108:23</p> <p>aged [1] - 28:8</p> <p>agencies [1] - 109:25</p> <p>agency [7] - 14:22, 16:5, 16:7, 16:18, 16:22, 109:22, 109:24</p> <p>agent [4] - 58:18, 58:20, 58:25, 60:3</p> <p>aggressive [1] - 61:23</p> <p>ago [5] - 13:3, 23:16, 39:2, 68:17, 77:11</p> <p>agree [23] - 4:21, 5:6, 5:19, 11:10, 12:4, 18:25, 23:6, 27:16, 27:17, 34:11, 57:14, 58:8, 61:3, 63:15, 63:20, 89:7, 89:13, 95:9, 97:7, 130:9, 133:23, 151:20, 157:15</p> <p>agreed [6] - 31:15, 93:17, 95:3, 97:5, 98:18, 163:10</p> <p>agreement [5] - 16:24, 58:20, 58:25, 94:3, 100:25</p> <p>ahead [1] - 3:7</p> <p>Al [4] - 21:1, 42:6, 82:14, 84:19</p> <p>Alan [2] - 3:8, 1:3</p> <p>Alex [2] - 29:1, 129:22</p> <p>alienating [1] - 149:10</p> <p>Allan [10] - 37:13,</p>	<p>37:14, 37:20, 43:1, 43:16, 43:20, 75:19, 142:14, 143:14, 143:15</p> <p>alleged [2] - 24:22, 38:20</p> <p>allocation [1] - 69:23</p> <p>allowed [1] - 141:24</p> <p>allowing [1] - 111:25</p> <p>almost [3] - 33:9, 42:18, 57:4</p> <p>alone [1] - 130:1</p> <p>alternative [1] - 158:2</p> <p>ambitious [1] - 83:10</p> <p>amend [1] - 94:14</p> <p>American [1] - 104:2</p> <p>amount [3] - 27:7, 100:22, 135:9</p> <p>amounts [1] - 66:25</p> <p>anachronistic [1] - 160:11</p> <p>analysis [4] - 5:7, 31:15, 107:18, 155:2</p> <p>Analysis [1] - 105:10</p> <p>analyst [1] - 114:9</p> <p>analytical [2] - 151:7, 151:23</p> <p>analyzed [1] - 108:3</p> <p>Angela [2] - 126:20, 148:20</p> <p>Angels [1] - 117:18</p> <p>animosity [1] - 5:25</p> <p>Anne [2] - 128:4, 128:7</p> <p>announcement [2] - 148:2, 148:6</p> <p>anonymous [1] - 73:9</p> <p>answer [11] - 10:24, 23:24, 63:5, 70:5, 77:19, 89:24, 90:2, 91:7, 91:14, 137:25, 138:6</p> <p>answer's [1] - 1:16</p> <p>anticipate [1] - 140:20</p> <p>anyway [1] - 98:17</p> <p>Anyway [1] - 114:2</p> <p>appear [2] - 97:5, 108:14</p> <p>appeared [2] - 121:24, 126:4</p> <p>appended [1] - 74:12</p> <p>appendices [1] - 2:13</p> <p>applicant [2] - 70:25, 76:5</p> <p>applicants [13] - 66:21, 66:23, 69:14,</p>	<p>69:17, 69:21, 73:20, 75:6, 75:21, 75:25, 76:23, 76:25, 77:14</p> <p>application [7] - 74:10, 74:11, 75:23, 89:10, 140:18, 141:21, 141:23</p> <p>applications [5] - 67:3, 73:19, 74:5, 75:22, 77:12</p> <p>applied [2] - 71:21, 74:17</p> <p>applies [1] - 76:11</p> <p>apply [1] - 73:18</p> <p>applying [1] - 26:11</p> <p>appointing [1] - 123:16</p> <p>appreciate [4] - 40:5, 76:9, 76:11, 101:17</p> <p>appreciating [1] - 162:19</p> <p>apprehension [2] - 87:5, 125:7</p> <p>apprised [1] - 19:12</p> <p>approach [3] - 94:15, 95:4, 98:19</p> <p>approached [1] - 59:2</p> <p>approaching [1] - 59:3</p> <p>appropriate [3] - 12:6, 60:8, 93:18</p> <p>approved [1] - 69:23</p> <p>April [6] - 35:2, 35:3, 54:7, 54:14, 119:5, 120:12</p> <p>area [8] - 79:9, 102:10, 102:22, 127:5, 130:18, 153:3, 153:6, 153:7</p> <p>areas [1] - 102:4</p> <p>argument [1] - 76:10</p> <p>arise [1] - 88:21</p> <p>Arizona [1] - 33:5</p> <p>armoury [1] - 45:20</p> <p>arrest [7] - 60:8, 60:19, 60:25, 61:2, 65:23, 71:5, 120:13</p> <p>arrested [2] - 72:2, 147:4</p> <p>arrived [1] - 88:6</p> <p>article [15] - 78:16, 78:18, 78:20, 79:3, 122:25, 126:2, 126:3, 126:6, 126:10, 126:13, 126:22, 130:10, 130:15, 2:11, 2:14</p> <p>articles [5] - 3:13, 23:21, 43:23, 121:24,</p>	<p>130:3</p> <p>ascertaining [1] - 99:13</p> <p>Ashwan [2] - 40:15, 42:21</p> <p>aside [4] - 7:24, 70:10, 94:7, 148:23</p> <p>aspect [4] - 45:1, 45:2, 50:3, 143:23</p> <p>aspects [2] - 44:17, 44:24</p> <p>ass [1] - 9:20</p> <p>assault [1] - 61:17</p> <p>assaults [2] - 84:12, 142:17</p> <p>assembled [1] - 114:20</p> <p>assertion [1] - 95:1</p> <p>assessing [1] - 66:15</p> <p>assessment [1] - 144:5</p> <p>assigned [7] - 58:24, 80:8, 83:5, 83:20, 84:20, 129:5, 129:24</p> <p>assigning [1] - 135:22</p> <p>assist [3] - 84:17, 84:19, 121:3</p> <p>assistance [1] - 119:22</p> <p>assisted [1] - 42:9</p> <p>associated [3] - 106:15, 115:21, 117:15</p> <p>associates [3] - 115:9, 115:15, 117:19</p> <p>Associates [1] - 117:18</p> <p>assume [3] - 40:17, 40:20, 43:6</p> <p>assumed [1] - 103:6</p> <p>assuming [1] - 24:18</p> <p>assumption [1] - 18:3</p> <p>assumptions [2] - 36:17, 37:5</p> <p>assurance [2] - 91:9, 91:10</p> <p>assure [1] - 134:23</p> <p>assuredly [2] - 95:14, 101:8</p> <p>attached [2] - 106:5, 119:12</p> <p>attack [2] - 53:6, 64:13</p> <p>attempt [2] - 95:20, 119:9</p> <p>attempted [5] - 53:17, 61:16, 62:22,</p>
---	--	--	---	--

63:1, 63:17
attend [1] - 135:18
attendees [1] - 56:5
attention [2] - 53:17, 120:18
attitude [13] - 11:8, 18:11, 18:14, 18:15, 18:25, 19:13, 22:4, 22:6, 26:20, 27:4, 31:18, 33:1, 33:10
attitudes [2] - 19:1, 23:13
attributed [5] - 5:1, 26:23, 27:2, 38:9, 123:24
audit [2] - 83:6, 83:8
August [11] - 35:7, 39:6, 53:15, 53:22, 58:10, 102:20, 104:10, 105:24, 113:18, 147:18, 148:1
author [2] - 78:16, 78:20
authorities [1] - 62:25
authority [1] - 20:11
available [11] - 57:8, 60:20, 103:11, 103:22, 114:12, 114:20, 115:5, 121:18, 123:7, 150:19, 152:20
Avenue [4] - 89:11, 117:1, 117:9, 152:25
avenue [1] - 52:8
avoid [1] - 161:11
awaiting [1] - 63:13
aware [9] - 41:2, 47:2, 52:2, 79:3, 89:19, 90:15, 105:2, 110:8, 128:25
awareness [3] - 43:21, 86:2, 88:11
awful [2] - 3:21, 39:4

B

background [4] - 46:10, 46:17, 94:22, 115:10
backtracked [1] - 31:21
backwards [1] - 148:22
badly [1] - 125:19
balloon [1] - 152:24
bank [1] - 84:11
banner [2] - 122:7, 136:21
barrier [1] - 142:20

Based [3] - 40:22, 41:5, 107:10
based [9] - 6:7, 17:18, 23:17, 26:17, 60:19, 88:2, 104:2, 130:2, 150:21
basis [3] - 56:24, 71:21, 129:22
Bc [2] - 1:1, 39:7
Beach [4] - 15:4, 15:23, 16:9, 16:12
Beach's [1] - 15:5
Bear [1] - 120:11
bearing [3] - 108:12, 138:21, 139:1
became [5] - 15:16, 15:17, 52:16, 83:8, 137:10
become [6] - 2:17, 9:17, 40:14, 67:8, 84:14, 154:21
befriend [2] - 57:12, 59:8
began [2] - 31:20, 139:19
beginning [2] - 22:8, 95:18
begun [1] - 49:21
behalf [4] - 26:11, 72:12, 136:15, 136:19
behind [3] - 34:14, 65:18, 135:16
belief [2] - 31:9, 158:23
beliefs [1] - 36:18
believes [1] - 147:1
bell [1] - 79:2
benefits [1] - 161:6
Best [2] - 61:11, 71:10
best [7] - 42:4, 55:13, 75:15, 129:2, 160:18, 160:19, 164:4
better [2] - 122:24, 161:7
between [17] - 2:22, 3:16, 5:23, 6:4, 14:12, 16:19, 23:21, 39:5, 68:19, 75:15, 77:14, 80:21, 106:6, 113:5, 138:13, 152:21, 162:18
beyond [1] - 32:16
bias [2] - 158:18, 158:22
Bias [1] - 32:9
Biddlecombe [3] - 28:20, 154:12, 160:23
Biddlecombe's [1] - 31:15

Big [1] - 59:22
big [5] - 80:20, 85:25, 86:4, 90:10, 90:12
binder [12] - 2:21, 3:12, 3:19, 7:25, 8:8, 8:14, 9:1, 12:21, 64:22, 67:23, 68:1, 108:9
Binder [2] - 3:5, 2:5
Binders [1] - 7:7
binders [6] - 1:13, 6:20, 7:5, 7:9, 7:11, 47:19
birth [2] - 103:18, 109:8
bit [10] - 4:4, 25:10, 45:16, 99:20, 99:21, 100:1, 100:2, 102:18, 131:15, 139:18
bitter [1] - 9:12
blame [1] - 133:24
blank [1] - 123:20
blocked [3] - 69:14, 70:6, 71:3
blotted [1] - 75:24
Blythe [6] - 15:14, 15:17, 15:19, 136:14, 136:15, 136:20
board [7] - 41:22, 65:18, 69:12, 69:23, 70:8, 72:12, 155:20
Board [4] - 68:11, 68:13, 149:14, 149:16
Board's [1] - 73:19
Bob [1] - 137:22
bodies [2] - 16:15, 31:5
body [4] - 31:17, 56:23, 143:24, 156:3
book [8] - 41:21, 78:5, 78:9, 79:7, 79:8, 148:13, 151:14, 152:2
book's [1] - 150:4
booking [2] - 106:13, 106:14
booklet [1] - 119:3
borrow [1] - 82:22
boss [2] - 15:5, 15:23
bottom [2] - 125:5, 143:21
Boundary [1] - 132:22
Boyd [1] - 21:1
Boyd's [2] - 78:11, 79:8
brainstorming [7] - 47:17, 48:11, 51:15, 52:21, 54:8, 54:16,

55:10
Branch [1] - 118:13
break [3] - 47:4, 89:6, 144:13
Brian [1] - 144:22
Brief [7] - 8:4, 12:23, 67:24, 108:9, 117:6, 153:19, 2:17
brief [8] - 8:14, 12:20, 13:2, 67:22, 111:22, 113:11, 145:13, 152:19
briefed [1] - 45:23
briefly [2] - 3:12, 130:19
bring [2] - 40:7, 56:3
British [3] - 39:20, 97:13, 2:8
broken [2] - 81:16, 83:18
brother [1] - 118:17
brother's [1] - 152:23
brothers [4] - 89:8, 115:21, 117:2, 117:10
brought [5] - 29:2, 29:3, 43:24, 55:15, 55:16
Bruce [3] - 69:2, 123:6, 149:9
Btb [2] - 117:18, 117:22
Buck [1] - 16:14
buddy [6] - 37:15, 37:16, 40:15, 40:18, 42:19, 42:20
budget [1] - 18:20
Building [1] - 116:8
building [5] - 104:18, 105:1, 131:19, 132:15, 132:21
Bulldozing [1] - 115:22
bullet [8] - 9:2, 9:3, 148:14, 148:18, 149:5, 150:3, 151:2, 151:12
bumbling [1] - 149:12
bunch [3] - 14:8, 20:3, 92:8
burden [1] - 141:18
Burnaby [2] - 51:3, 54:24
Burns [3] - 89:21, 116:22, 117:1
burnt [1] - 9:8
business [2] - 52:19, 140:3
byline [2] - 122:12,

127:1

C

Cad [1] - 139:17
Caldwell [5] - 52:10, 57:12, 58:18, 61:11, 71:10
Caldwell's [2] - 56:18, 60:5
Calgary [1] - 159:5
callers [1] - 141:17
Cameron [1] - 1:6
Cameron's [2] - 78:5, 148:13
Campbell [1] - 78:12
camp [1] - 5:22
Canada [2] - 89:23, 146:19
Canadian [1] - 104:12
candid [1] - 10:3
canvass [1] - 102:5
canvassed [1] - 88:19
capable [5] - 6:10, 76:22, 82:5, 82:8, 82:19
capacity [1] - 59:16
capitals [1] - 150:13
caps [1] - 150:20
car [9] - 37:2, 37:16, 42:19, 43:13, 44:11, 47:1, 82:6, 82:11, 132:5
care [2] - 11:1, 11:3
cared [4] - 9:9, 27:5, 28:8, 28:10
career [1] - 83:9
careful [1] - 49:18
carefully [2] - 57:22, 61:5
cares [1] - 11:22
caring [2] - 27:20, 27:21
carried [2] - 134:1, 134:14
carry [1] - 20:12
Carry [1] - 26:15
carrying [1] - 50:15
case [45] - 4:8, 10:15, 29:16, 29:18, 29:20, 29:25, 30:7, 30:12, 33:21, 34:6, 36:7, 36:24, 38:19, 41:6, 41:13, 42:1, 43:25, 44:9, 44:10, 44:18, 46:10, 55:12, 63:18, 77:9, 82:12, 94:5, 95:17, 96:13,

97:12, 97:13, 97:15,
97:23, 98:4, 98:7,
100:4, 111:25,
112:25, 117:7,
124:13, 125:18,
133:8, 135:2, 135:20,
162:20
cases [13] - 24:8,
41:14, 41:18, 42:12,
46:5, 46:14, 50:17,
77:23, 128:21, 129:4,
134:19, 135:23, 162:2
catalyst [1] - 43:12
caused [2] - 149:25,
151:21
caution [1] - 77:18
Cd [1] - 139:11
cell [2] - 59:9, 60:10
cellmate [3] - 59:10,
60:20, 61:3
cells [1] - 106:11
cent [1] - 4:21
centre [13] - 130:24,
131:18, 131:20,
131:21, 131:22,
131:23, 132:1,
132:18, 134:1, 134:9,
134:13, 139:3, 139:5
Centre [2] - 104:12,
104:13
certain [9] - 20:16,
27:2, 27:7, 43:6,
44:17, 98:12, 98:13,
98:14, 135:9
certainly [17] - 17:16,
17:23, 20:16, 29:6,
31:9, 37:4, 51:7, 52:3,
52:14, 52:25, 61:22,
67:12, 77:3, 85:1,
95:14, 137:7, 160:24
Certainly [5] - 40:6,
45:18, 115:11,
154:23, 161:25
certify [1] - 164:1
chain [5] - 9:15,
16:6, 16:13, 160:16,
161:24
challenge [1] - 36:24
challenging [2] -
29:16, 29:17
Chambers [8] -
15:14, 15:16, 123:6,
123:15, 149:8, 149:9,
149:20, 155:20
Chambers' [1] -
149:25
change [4] - 84:14,
93:16, 93:19, 94:12
changed [2] - 33:12,
83:1

changes [1] - 135:16
changing [2] - 83:7,
87:3
chapter [3] - 152:1,
152:14, 152:18
Chapter [1] - 152:2
characteristics [1] -
36:16
characterize [1] -
133:21
characterized [1] -
17:5
characterizing [2] -
17:8, 61:8
charge [5] - 15:3,
60:9, 61:1, 79:20,
95:13
charged [3] - 39:5,
61:15, 130:24
charges [7] - 62:14,
62:22, 62:23, 63:16,
63:20, 106:8, 106:12
chart [4] - 15:7,
15:18, 79:13, 79:19
Check [1] - 107:12
check [5] - 15:10,
56:4, 107:10, 111:21,
152:7
checks [3] - 112:6,
117:24, 117:25
cheque [2] - 32:21,
123:20
Chernoff [2] - 28:4,
129:21
Cheryl [1] - 89:22
chief [32] - 1:14,
15:9, 15:12, 15:15,
15:16, 15:17, 15:22,
19:8, 44:19, 72:18,
74:16, 75:5, 81:4,
90:25, 96:24, 98:11,
121:15, 123:19,
123:25, 131:4, 139:7,
139:13, 144:21,
146:9, 146:22, 149:9,
149:21, 151:3,
160:24, 161:7, 161:18
Chief [51] - 1:14,
3:10, 4:18, 11:12,
11:20, 12:11, 13:24,
13:25, 14:17, 15:16,
17:2, 17:4, 18:6,
18:22, 19:6, 20:1,
20:9, 21:15, 21:18,
22:16, 24:23, 24:25,
25:11, 30:6, 63:9,
72:9, 74:2, 81:14,
89:4, 93:1, 100:7,
102:11, 102:12,
107:19, 108:15,

118:22, 123:5,
136:13, 136:15,
136:20, 137:24,
141:19, 143:8, 144:7,
144:24, 145:3,
145:16, 149:4,
149:25, 155:16,
155:19
child [2] - 28:6,
134:21
Chris [1] - 15:4
chronological [2] -
95:18, 95:21
chronologies [1] -
100:24
chronology [1] -
100:18
circuit [1] - 159:4
circuits [1] - 159:7
circulated [2] - 55:7,
91:21
circumstance [1] -
134:20
circumstances [7] -
37:10, 40:16, 43:8,
59:11, 62:10, 64:1,
135:19
circumstantial [4] -
19:4, 29:25, 30:1,
30:21
Circumstantial [1] -
30:15
citizen [2] - 36:11,
158:6
citizens [3] - 10:20,
123:9, 160:4
City [5] - 18:19,
18:21, 36:11, 53:22,
69:3
city [2] - 10:20,
128:18
city's [1] - 123:8
civilian [2] - 80:23,
139:24
civilians [1] - 86:6
claim [1] - 128:17
claimed [1] - 70:7
claims [2] - 66:15,
69:4
clarity [1] - 44:21
Clarke [2] - 29:2,
129:22
Clary [2] - 67:19,
68:23
class [2] - 36:13,
158:6
clean [1] - 45:25
clean-cut [1] - 45:25
clear [15] - 17:10,
18:4, 18:15, 19:5,

40:14, 75:13, 77:22,
92:1, 95:4, 99:13,
123:25, 154:21,
161:25, 162:6, 162:13
clearer [1] - 162:12
Clearly [1] - 150:1
clearly [4] - 30:12,
68:3, 130:2, 149:24
clerk [1] - 80:23
Cleu [2] - 113:17
client [1] - 135:11
clients [2] - 34:21,
99:12
clients' [3] - 23:3,
96:4, 117:3
clock [1] - 45:13
close [3] - 115:9,
125:3, 133:2
closet [1] - 56:22
co [1] - 78:12
co-wrote [1] - 78:12
cockfighting [1] -
60:14
cockfights [3] -
56:11, 56:21, 60:6
code [2] - 109:21,
109:23
cognitive [2] - 31:1,
148:15
colleagues [3] -
49:5, 93:15, 159:14
collectively [1] - 7:4
Columbia [3] -
39:20, 97:14, 2:8
column [5] - 124:19,
125:5, 125:15,
127:15, 128:9
coming [10] - 25:20,
25:21, 26:6, 40:13,
50:9, 56:25, 72:19,
87:24, 108:16, 150:25
comm [37] - 131:13,
131:16, 132:21,
133:12, 133:17,
133:22, 133:24,
134:6, 134:9, 134:16,
135:5, 135:11,
135:16, 135:21,
136:1, 136:16, 138:8,
138:14, 138:17,
139:19, 139:25,
140:2, 140:13,
140:14, 140:22,
141:1, 141:4, 141:15,
141:20, 142:9,
142:23, 142:25,
143:9, 143:12,
143:14, 143:25, 144:7
command [7] - 9:16,
15:23, 16:7, 16:13,

20:9, 160:17, 161:25
commander [5] -
14:20, 14:22, 16:4,
44:16, 44:22
commanding [2] -
156:10, 157:2
commencement [1] -
38:23
comment [13] - 12:6,
24:14, 48:9, 48:19,
51:13, 71:8, 100:6,
148:18, 150:3,
151:12, 151:18,
152:11, 152:12
commenting [1] -
25:17
comments [11] -
13:24, 26:12, 27:2,
63:24, 92:24, 94:25,
99:7, 102:2, 108:14,
148:12, 149:4
Comments [1] -
138:11
Commission [1] -
1:3
commission [13] -
1:13, 40:8, 55:24,
83:16, 92:12, 93:12,
96:9, 96:22, 99:11,
100:13, 101:11,
145:25, 146:7
commission's [1] -
76:7
Commissioner [118] -
1:5, 1:6, 1:19, 2:9,
2:19, 2:21, 2:25, 3:2,
3:7, 10:24, 12:21,
16:16, 16:23, 16:25,
23:24, 24:4, 24:9,
25:5, 25:7, 25:15,
25:23, 26:2, 26:9,
26:13, 27:1, 29:22,
39:16, 39:18, 40:2,
40:4, 47:3, 47:5,
55:13, 63:5, 64:3,
64:24, 65:1, 65:2,
70:4, 70:10, 70:13,
70:15, 70:22, 72:4,
72:24, 73:13, 73:25,
75:1, 75:10, 75:23,
76:20, 77:21, 89:22,
89:25, 90:5, 90:11,
90:17, 90:24, 91:10,
91:13, 91:16, 91:19,
91:25, 92:3, 92:10,
94:2, 94:8, 94:19,
94:21, 94:23, 95:12,
96:7, 97:7, 97:23,
98:2, 98:8, 98:9,
98:24, 99:3, 99:5,

99:20, 101:2, 101:3, 101:21, 102:2, 102:8, 104:25, 105:5, 126:7, 130:12, 140:11, 140:17, 141:4, 141:9, 141:11, 141:14, 141:16, 141:18, 141:25, 142:3, 142:18, 142:22, 142:24, 143:1, 143:11, 143:13, 144:3, 144:14, 153:11, 153:15, 162:25, 163:1, 163:3, 163:5, 163:9, 163:10, 163:12, 163:15
commit [2] - 9:19, 39:8
committed [1] - 60:16
committee [5] - 14:24, 16:2, 67:16, 69:10, 69:11
Committee [1] - 69:11
common [2] - 86:9, 86:10
communicated [1] - 146:25
communication [3] - 25:2, 161:2, 161:13
communications [13] - 130:24, 131:18, 131:21, 131:22, 131:23, 132:1, 132:17, 134:1, 134:9, 134:13, 139:3, 139:4, 160:20
community [1] - 10:20
companies [4] - 115:20, 116:17, 116:18
company [4] - 37:14, 115:24, 116:3, 116:7
comparison [1] - 121:17
compelling [3] - 19:4, 32:5, 145:2
competent [2] - 44:16, 82:15
competing [1] - 157:8
compiled [1] - 100:23
complainant [1] - 139:14
complaints [2] - 95:22, 143:17
completed [1] -

119:12
complex [1] - 5:8
complicated [1] - 4:4
comprised [1] - 11:7
computer [3] - 52:22, 53:2, 105:22
computerized [1] - 151:6
computers [1] - 103:14
conceptual [4] - 29:20, 30:6, 156:11, 157:15
concern [6] - 55:9, 73:25, 75:20, 75:25, 76:11, 127:24
concerned [9] - 36:23, 72:24, 74:21, 75:1, 75:13, 76:13, 83:16, 128:19, 142:11
concerns [11] - 59:18, 71:1, 91:8, 138:16, 140:4, 140:9, 140:22, 141:22, 142:19, 143:9, 143:22
concerted [1] - 29:10
concluded [2] - 61:21, 63:12
conclusion [3] - 4:25, 5:5, 155:18
conclusions [3] - 4:24, 98:12, 98:13
conclusive [2] - 50:8, 61:22
concordance [3] - 68:8, 108:13, 113:12
Concordance [1] - 40:10
concurrently [1] - 121:21
conduct [6] - 1:17, 42:4, 51:1, 62:7, 62:11, 132:8
conducted [3] - 8:10, 8:17, 99:18
confidence [5] - 9:21, 10:8, 10:17, 10:21, 141:21
confidential [1] - 49:17
confinement [1] - 65:25
confirm [5] - 58:6, 72:18, 75:5, 152:3, 152:19
confirmation [1] - 72:7
confirmed [2] - 3:21, 127:7
confirming [2] -

58:10, 58:11
confirms [1] - 147:11
conflict [1] - 86:13
confusion [2] - 7:23, 8:13
Connor [8] - 50:2, 62:13, 92:2, 92:3, 114:6, 114:22, 120:23, 121:5
Connor's [2] - 118:24
conscientious [2] - 6:10, 27:22
consecutive [1] - 121:24
consider [3] - 12:13, 61:5, 89:5
considerable [1] - 20:11
considered [3] - 21:20, 58:19, 60:22
considering [1] - 21:13
consistent [3] - 4:22, 58:5, 93:13
constable [6] - 15:9, 86:23, 123:25, 131:2, 149:21, 161:18
Constable [47] - 6:9, 8:21, 8:23, 28:1, 28:4, 28:16, 28:19, 29:1, 29:9, 33:4, 36:20, 49:22, 50:2, 52:5, 55:3, 55:23, 75:20, 80:11, 81:2, 93:1, 102:12, 102:20, 103:5, 112:3, 112:7, 114:5, 114:18, 114:24, 120:18, 120:21, 123:6, 129:1, 129:25, 136:14, 136:15, 136:20, 137:24, 143:8, 144:6, 144:24, 145:16, 145:20, 159:11, 159:14, 159:18, 160:21, 161:23
Constables [1] - 29:2
constables [2] - 139:22
constituted [1] - 79:11
consult [1] - 60:23
consulted [1] - 77:4
consulting [1] - 120:23
consumption [1] - 101:16
contact [5] - 88:14,

92:12, 111:16, 158:9, 158:13
Contact [1] - 158:14
contained [2] - 72:8, 106:3
containing [1] - 3:13
contains [3] - 8:9, 8:15, 68:6
contemplating [1] - 147:14
contents [3] - 12:21, 145:14, 152:18
context [9] - 12:3, 12:7, 12:8, 12:13, 12:25, 18:21, 24:12, 76:18, 138:2
continuation [1] - 118:6
continued [3] - 61:23, 85:12, 85:16
Continued [1] - 3:9
continues [2] - 9:24, 123:6
continuing [1] - 128:13
contract [3] - 85:17, 85:18, 86:2
contradiction [1] - 77:13
contrary [1] - 33:17
contrast [1] - 126:2
contributing [2] - 19:18, 22:2
contribution [1] - 39:12
control [4] - 49:9, 59:21, 101:9, 131:20
controlled [1] - 60:11
controlling [2] - 59:11, 59:12
convened [1] - 48:11
convenient [1] - 144:13
versant [1] - 67:8
conversation [3] - 12:16, 160:23, 161:1
conveyed [2] - 71:22, 154:7
convict [2] - 30:16, 30:22
convicted [2] - 64:6, 66:14
conviction [2] - 65:23, 71:23
convinced [1] - 162:4
cooperatively [1] - 5:25
Coordinated [3] -

113:20, 114:10, 151:16
coordinated [2] - 44:19, 45:4
copies [4] - 3:13, 39:23, 40:7, 121:23
copy [9] - 38:12, 39:24, 40:12, 65:6, 102:14, 122:4, 122:5, 122:24, 137:11
Coquitlam [20] - 39:7, 54:25, 88:1, 89:14, 89:18, 90:3, 90:9, 90:12, 90:13, 90:21, 91:1, 91:14, 92:9, 103:7, 112:8, 119:24, 120:17, 121:2, 156:19
corner [2] - 89:21, 116:16
Corporal [11] - 26:4, 50:2, 62:12, 67:18, 92:1, 92:3, 114:6, 114:22, 118:23, 118:24, 120:23
corporal [3] - 131:3, 139:6, 139:21
correct [44] - 4:3, 4:15, 5:4, 5:14, 5:18, 5:23, 8:22, 13:3, 13:11, 20:4, 21:9, 21:16, 24:3, 28:14, 32:24, 34:3, 35:4, 35:20, 38:4, 45:9, 52:17, 53:2, 61:11, 61:18, 66:17, 66:22, 67:5, 89:12, 103:12, 109:6, 113:21, 119:9, 119:17, 120:13, 121:1, 121:8, 121:21, 130:8, 131:1, 150:8, 150:24, 152:6, 152:15, 160:12
Correct [11] - 13:4, 15:21, 35:23, 48:18, 57:1, 64:9, 103:2, 108:6, 113:22, 120:1, 150:9
correcting [1] - 160:8
correctly [2] - 48:19, 136:5
corroborating [1] - 58:4
corroborative [1] - 58:5
counsel [23] - 1:6, 1:13, 13:5, 39:25, 55:25, 62:9, 62:12, 70:5, 76:22, 92:12,

93:12, 93:17, 94:12, 95:3, 96:9, 96:21, 96:22, 99:11, 101:11, 105:15, 136:6, 145:25
counsel's [2] - 40:8, 100:13
count [2] - 38:9, 39:2
country [1] - 30:23
counts [1] - 66:14
couple [6] - 27:18, 36:21, 61:13, 102:17, 135:17, 154:1
course [12] - 2:1, 11:3, 18:1, 36:18, 42:12, 63:18, 85:5, 131:11, 135:10, 137:13, 143:4, 149:20
Court [4] - 39:19, 97:13, 146:18, 2:7
court [2] - 56:3, 92:18
cover [4] - 56:20, 57:24, 59:12, 118:25
coverage [1] - 87:19
covers [1] - 121:10
covert [1] - 16:11
Cpic [25] - 52:23, 53:3, 88:13, 103:25, 104:10, 105:21, 106:17, 107:10, 107:12, 107:18, 107:23, 108:4, 108:10, 109:3, 109:22, 110:3, 111:1, 111:17, 111:20, 112:11, 117:24, 118:12, 121:12
cracks [1] - 2:12
create [2] - 18:13, 28:23
created [2] - 22:13, 100:20
creating [1] - 59:23
creation [3] - 18:10, 18:22, 19:15
creative [1] - 41:23
credence [1] - 33:23
credible [2] - 19:23, 19:25
Creyl [2] - 23:3, 41:7
Crime [4] - 15:3, 103:5, 105:10, 114:23
crime [3] - 31:17, 31:22, 156:3
crimes [3] - 27:10, 27:13, 31:5
Crimes [2] - 58:21, 58:23
criminal [3] - 62:19, 64:10, 115:4

criminals [2] - 150:23, 150:24
criminals...
frequenting [1] - 150:14
critical [1] - 63:25
critically [1] - 107:17
crops [1] - 105:7
Cross [7] - 3:9, 12:23, 67:23, 108:9, 153:18, 1:4, 2:16
cross [15] - 1:25, 2:7, 25:9, 25:10, 26:7, 97:24, 98:3, 98:5, 98:6, 98:15, 98:25, 102:4, 142:4, 145:13, 163:2
Cross-exam [1] - 1:4
Cross-examination [6] - 3:9, 12:23, 67:23, 108:9, 153:18, 2:16
cross-examination [8] - 1:25, 2:7, 25:9, 98:5, 98:15, 142:4, 145:13, 163:2
cross-examining [4] - 97:24, 98:3, 98:6, 98:25
Crown [5] - 60:23, 62:9, 62:12, 64:16, 105:15
crystal [1] - 99:12
culled [1] - 137:19
culminating [1] - 54:3
cultivated [1] - 150:15
cultivating [1] - 125:21
culture [1] - 26:19
cumulative [1] - 61:10
custody [1] - 59:14
cut [2] - 45:25, 139:17

D

daily [1] - 87:18
danger [1] - 46:22
Daniel [2] - 78:17, 78:20
Darcy [1] - 145:20
Darrell [2] - 99:22, 163:6
data [6] - 103:10, 106:21, 107:1, 110:16, 111:10, 114:19
database [3] - 53:2,

105:22
databases [1] - 103:11
date [17] - 37:18, 38:3, 38:10, 38:21, 38:22, 38:23, 40:12, 40:13, 40:25, 54:9, 67:17, 109:5, 109:9, 124:3, 133:10, 148:20
Date [2] - 103:18, 3:2
dated [7] - 40:11, 54:7, 126:11, 130:16, 136:16, 2:12, 2:15
dates [2] - 38:19, 148:22
Dave [5] - 28:3, 90:15, 129:21, 157:24, 160:18
David [3] - 89:8, 118:7, 118:14
Davidson [1] - 92:8
Dawn [2] - 23:3, 41:7
days [17] - 34:18, 34:22, 34:25, 35:3, 35:7, 35:10, 35:12, 36:5, 40:24, 45:6, 86:24, 94:6, 97:24, 98:3, 99:1, 99:6, 121:24
Dcc [5] - 12:23, 67:24, 68:19, 153:19, 2:17
de [9] - 34:12, 35:2, 36:9, 36:25, 41:6, 41:19, 41:20, 126:18, 147:8
deaf [1] - 143:23
deal [6] - 26:12, 48:12, 92:25, 104:9, 129:3, 133:18
dealer [1] - 46:19
dealing [2] - 13:24, 139:5
dealt [2] - 95:19, 138:13
deaths [2] - 54:3, 128:19
debt [1] - 46:20
debunks [1] - 128:8
December [5] - 34:17, 34:18, 85:7, 85:8, 94:6
decide [3] - 92:10, 97:1, 143:4
decided [3] - 16:20, 65:11, 77:24
decides [1] - 16:17
decision [10] - 16:18, 18:13, 59:17, 63:16, 63:25, 65:11, 139:20,

146:19, 161:3, 162:20
decisions [4] - 9:18, 37:6, 162:14, 162:16
deeper [3] - 114:11, 115:10, 115:12
deeply [2] - 27:5, 42:24
defence [1] - 49:13
defer [1] - 98:5
deficiencies [1] - 141:3
definitely [1] - 52:11
degree [2] - 39:8, 153:3
delay [1] - 139:18
deleted [1] - 73:21
delighted [1] - 163:13
delivered [2] - 145:24, 146:5
delve [1] - 102:18
delved [1] - 42:23
denying [1] - 22:9
department [18] - 5:21, 6:1, 6:2, 6:11, 6:16, 10:5, 10:9, 24:2, 27:21, 85:13, 85:22, 98:1, 123:19, 124:13, 138:14, 138:17, 145:24, 149:21
Department [24] - 4:1, 5:18, 8:21, 9:13, 9:25, 10:4, 10:19, 11:2, 11:6, 13:15, 15:2, 15:25, 20:10, 26:18, 31:8, 37:22, 40:23, 44:14, 45:12, 55:11, 85:10, 100:9, 106:8, 133:13
department's [2] - 146:15, 147:11
departmental [1] - 136:23
departments [2] - 53:4, 99:17
dependent [1] - 134:21
deputy [15] - 15:9, 15:15, 15:16, 15:22, 19:8, 44:19, 72:18, 74:16, 75:5, 90:25, 96:24, 98:11, 160:24, 161:7
Deputy [48] - 1:14, 3:10, 4:18, 11:12, 11:20, 12:11, 13:24, 13:25, 14:17, 17:2, 17:4, 18:6, 18:22, 19:6, 20:1, 20:9, 21:15, 21:18, 21:24,

22:16, 23:10, 23:25, 24:23, 24:25, 25:11, 30:6, 63:9, 72:9, 74:2, 81:14, 89:4, 93:1, 100:7, 102:11, 102:12, 107:19, 108:15, 110:9, 118:22, 136:19, 141:18, 143:8, 144:6, 144:7, 144:24, 145:3, 149:4, 155:16
descended [1] - 45:7
describe [3] - 51:8, 80:6, 141:1
described [15] - 4:5, 6:15, 6:18, 7:6, 7:25, 35:11, 50:16, 51:17, 85:2, 107:23, 122:21, 124:11, 138:12, 145:2, 145:9
describes [1] - 95:9
Description [1] - 2:3
description [6] - 43:13, 43:14, 73:22, 76:1, 117:6, 124:9
descriptions [1] - 116:11
deserved [1] - 78:1
designed [2] - 66:4, 100:14
designing [1] - 151:20
desirable [6] - 83:9, 83:20, 84:4, 84:13, 84:14, 147:12
despite [3] - 3:25, 19:3, 43:22
detachment [4] - 89:19, 90:3, 90:10, 90:12
detail [3] - 4:6, 89:4, 110:8
detailed [1] - 100:18
detective [12] - 50:17, 80:25, 81:1, 81:4, 81:9, 81:11, 82:8, 82:15, 82:17, 82:23, 86:23
Detective [45] - 6:9, 8:23, 9:24, 19:9, 28:1, 28:4, 28:16, 28:18, 28:19, 29:1, 29:2, 29:8, 31:12, 33:4, 42:10, 49:22, 50:1, 52:5, 55:2, 55:22, 80:10, 81:2, 82:14, 84:16, 84:19, 102:20, 103:5, 112:3, 112:6, 114:5, 114:18, 114:23, 120:18,

120:21, 129:1,
129:25, 144:5, 155:2,
155:6, 158:1, 159:13,
160:21, 161:22
detectives [4] - 82:4,
82:5, 105:4, 123:18
determination [1] -
94:11
determinations [1] -
146:4
determinative [1] -
61:22
determine [1] - 62:13
determined [4] -
34:7, 88:25, 112:7,
132:2
determining [3] -
58:1, 135:6, 144:8
detriment [1] - 9:10
Diana [1] - 34:14
Dianne [1] - 23:3
Dickson [10] - 28:3,
29:1, 36:20, 43:2,
75:20, 129:21,
157:24, 159:11,
159:18, 160:18
died [1] - 33:13
different [15] - 17:8,
21:23, 44:24, 47:12,
54:5, 59:25, 91:21,
93:11, 100:3, 103:19,
111:12, 121:25,
143:18, 154:9
differently [2] - 30:9,
135:23
difficult [3] - 29:19,
31:24, 151:23
diffusion [1] - 160:15
digits [1] - 116:17
diligent [2] - 41:15,
41:22
diligently [1] - 10:18
dilution [2] - 27:7,
160:15
direct [6] - 29:24,
30:2, 30:25, 31:2,
60:5, 160:19
directly [1] - 139:13
director [1] - 68:14
directors [1] - 116:2
disability [1] - 84:24
disadvantage [1] -
92:21
disagree [4] - 27:1,
35:25, 57:17, 100:21
disagreed [1] - 77:25
disappear [3] -
36:21, 40:18, 127:19
disappearance [11] -
37:10, 38:3, 38:22,

40:17, 40:19, 40:25,
41:3, 45:5, 134:18,
135:7, 140:21
disappearances [22]
- 1:8, 3:22, 11:10,
18:9, 27:23, 28:11,
36:9, 48:13, 49:6,
52:23, 54:2, 54:18,
55:5, 87:6, 96:5,
126:23, 127:16,
128:19, 130:7,
138:22, 143:22, 144:2
disappeared [1] -
127:7
disappearing [1] -
34:9
disbelief [2] - 22:12,
157:11
disbursed [1] - 66:21
disbursement [3] -
69:13, 69:20, 148:2
Disbursement [1] -
69:16
disciplined [3] -
21:1, 21:16, 25:3
disclose [1] - 91:24
disclosed [3] - 2:5,
68:7, 74:8
disclosure [1] - 68:9
disconcerting [1] -
99:21
disconnect [3] -
75:15, 77:13, 162:18
discovery [2] - 1:18,
31:20
discredits [1] - 128:8
discretion [5] -
135:6, 135:8, 135:9,
135:22, 144:8
discussed [4] -
55:20, 72:17, 93:8,
151:3
discussion [1] -
51:15
discussions [2] -
16:19, 16:21
disillusioned [1] -
9:8
dispatch [3] - 132:2,
138:17, 140:6
dispatched [2] -
132:5, 138:5
dispatcher [3] -
139:7, 139:13, 139:16
dispatcher's [1] -
131:4
dispatchers [1] -
139:10
displayed [2] -
18:14, 26:21

dispute [3] - 92:5,
98:9, 100:19
distraught [1] -
42:21
distressed [1] -
37:17
distributed [3] -
12:22, 54:23, 94:1
Division [3] - 19:8,
58:20, 58:23
divisions [1] - 6:4
Document [8] - 3:5,
39:19, 126:9, 130:14,
2:5, 2:7, 2:10, 2:13
document [19] -
3:10, 8:8, 26:3, 39:12,
39:22, 48:4, 65:3,
76:19, 113:12,
113:23, 114:8,
115:17, 116:13,
118:22, 122:2, 136:4,
143:8, 148:11, 148:24
documentary [1] -
100:15
documentation [4] -
18:16, 74:19, 134:15,
135:14
documented [1] -
114:4
Documents [1] -
100:20
documents [19] -
1:24, 38:6, 40:3, 68:7,
72:10, 73:23, 108:12,
117:23, 120:11,
120:16, 131:12,
136:5, 137:19, 145:3,
145:13, 145:21,
145:23, 146:4, 146:5
dog [1] - 57:5
Dominion [5] -
89:11, 117:1, 117:9,
152:23, 152:24
Don [12] - 11:15,
13:1, 13:5, 13:21,
14:14, 14:21, 16:5,
17:3, 17:9, 19:21,
19:23, 120:6
done [23] - 28:21,
29:8, 29:13, 31:16,
44:6, 50:12, 55:13,
57:13, 57:22, 58:19,
73:4, 76:9, 100:18,
108:2, 108:4, 111:19,
112:3, 120:19, 121:1,
121:7, 121:8, 154:22,
162:8
double [1] - 24:8
doubt [2] - 72:16,
83:23

Doug [2] - 68:19,
123:16
Douglas [2] - 3:8, 1:3
down [17] - 9:17,
19:21, 20:8, 32:12,
39:1, 43:14, 57:4,
57:11, 79:19, 89:20,
93:6, 102:4, 103:17,
124:5, 124:18,
139:18, 150:3
Downtown [12] -
4:13, 20:4, 36:13,
37:5, 42:1, 46:4,
84:22, 99:23, 126:17,
127:6, 142:16, 158:20
draft [1] - 26:3
dramatically [2] -
83:1, 83:13
draw [2] - 38:18,
58:19
Drennan [4] - 128:4,
128:7, 128:16, 128:22
Drew [9] - 37:9,
37:17, 39:9, 40:13,
40:24, 41:4, 42:17,
46:3, 47:1
driven [1] - 153:6
driver's [1] - 118:11
driving [2] - 30:11,
43:13
drug [2] - 46:19,
46:20
due [3] - 1:25,
119:15, 137:13
during [17] - 1:14,
5:16, 5:20, 21:19,
22:7, 26:20, 27:11,
38:19, 53:23, 74:4,
83:23, 85:5, 85:17,
104:25, 113:3, 136:8,
161:12
duties [3] - 81:23,
82:1, 136:25
duty [3] - 58:11,
86:18, 101:10
dynamics [2] -
27:15, 27:19

E

E-comm [36] -
131:13, 131:16,
132:21, 133:12,
133:17, 133:22,
133:24, 134:6, 134:9,
134:16, 135:5,
135:11, 135:16,
135:21, 136:1,
136:16, 138:8,
138:14, 138:17,

139:19, 140:2,
140:13, 140:14,
140:22, 141:1, 141:4,
141:15, 141:20,
142:9, 142:23,
142:25, 143:9,
143:12, 143:14,
143:25, 144:7
e-mail [2] - 161:15,
161:16
earliest [1] - 73:15
early [8] - 15:9,
31:10, 83:14, 102:20,
121:20, 150:1,
154:17, 154:23
ears [1] - 143:23
easiest [1] - 57:9
easily [1] - 159:12
East [1] - 127:5
Eastside [11] - 4:13,
20:4, 36:13, 37:6,
42:2, 46:4, 84:22,
99:23, 127:6, 142:16,
158:21
easy [2] - 32:2, 57:15
echelon [1] - 28:12
Edmonton [1] -
159:5
education [1] - 160:9
effect [9] - 21:13,
25:2, 46:9, 48:17,
61:10, 101:6, 120:5,
121:4, 143:2
effective [1] - 161:2
effectively [1] -
28:12
effort [3] - 29:10,
40:23, 159:22
efforts [6] - 22:2,
29:11, 41:15, 41:16,
41:23, 89:20
Egan [1] - 35:6
eight [1] - 76:25
either [5] - 3:14,
58:6, 91:12, 104:8,
112:3
Elaine [5] - 37:13,
37:20, 75:19, 142:14
electronic [3] -
57:23, 106:2, 151:7
elegance [1] - 31:14
Eleven [1] - 127:4
elicit [1] - 60:11
eliminated [1] -
134:13
Elm [1] - 78:16
elsewhere [2] - 34:2,
74:8
emergency [2] -
130:21, 139:9

<p>emphasis [2] - 150:24, 159:8</p> <p>employed [1] - 58:13</p> <p>employment [1] - 86:12</p> <p>encounters [1] - 106:6</p> <p>End [2] - 21:7, 56:17</p> <p>end [13] - 4:1, 15:8, 15:20, 56:8, 79:15, 91:5, 94:4, 96:5, 96:20, 102:7, 141:2, 162:17</p> <p>endeavour [1] - 102:3</p> <p>endeavoured [1] - 110:9</p> <p>ended [2] - 4:3, 45:6</p> <p>ending [1] - 117:17</p> <p>enforcement [1] - 62:24</p> <p>Enforcement [3] - 113:20, 114:10, 151:16</p> <p>engaged [1] - 145:17</p> <p>enjoyed [1] - 81:10</p> <p>enormous [1] - 100:14</p> <p>ensure [1] - 57:21</p> <p>entered [1] - 120:3</p> <p>entering [1] - 89:11</p> <p>enterprising [1] - 49:13</p> <p>entire [2] - 63:18, 124:13</p> <p>entirely [1] - 100:8</p> <p>entitled [14] - 3:5, 12:23, 39:19, 67:4, 67:23, 108:9, 126:9, 126:13, 130:14, 152:2, 2:5, 2:7, 2:10, 2:13</p> <p>entries [1] - 108:16</p> <p>entry [10] - 50:14, 106:15, 108:21, 108:24, 109:2, 111:24, 120:12, 121:1, 121:2, 121:3</p> <p>environment [3] - 59:12, 59:21, 60:11</p> <p>equally [1] - 128:22</p> <p>equipment [1] - 123:20</p> <p>error [4] - 148:15, 148:16, 148:19, 148:23</p> <p>errors [3] - 148:13, 152:4, 152:5</p> <p>Ert [2] - 45:6, 45:7</p> <p>escaped [1] - 156:6</p>	<p>especially [2] - 31:9, 56:18</p> <p>essay [2] - 144:22, 144:25</p> <p>essential [2] - 91:23, 93:25</p> <p>essentially [3] - 26:22, 65:9, 150:6</p> <p>established [2] - 72:13, 73:3</p> <p>Evans [11] - 24:23, 63:9, 81:14, 93:4, 100:7, 102:12, 107:19, 108:15, 118:22, 145:3, 149:4</p> <p>Evans' [5] - 4:18, 89:4, 108:18, 110:9, 144:24</p> <p>Evenhanded [18] - 12:9, 13:15, 14:20, 14:25, 16:10, 18:1, 18:10, 18:13, 18:22, 18:24, 19:15, 21:9, 21:19, 22:1, 22:12, 38:6, 39:11, 150:8</p> <p>Evenhanded's [1] - 13:10</p> <p>evening [2] - 37:12, 40:18</p> <p>event [6] - 5:2, 24:18, 45:5, 64:19, 100:23, 110:7</p> <p>events [3] - 5:13, 70:16, 100:22</p> <p>eventually [2] - 129:18, 155:5</p> <p>evidence [65] - 19:4, 25:19, 29:24, 29:25, 30:2, 30:15, 30:16, 30:21, 30:25, 31:2, 31:3, 31:19, 31:22, 33:15, 33:17, 37:9, 37:13, 37:23, 37:25, 42:22, 48:9, 48:17, 52:15, 56:6, 60:5, 61:1, 61:2, 61:19, 71:9, 75:2, 76:6, 81:3, 87:14, 87:23, 88:3, 88:4, 88:12, 88:18, 88:19, 89:2, 92:14, 93:1, 96:8, 96:14, 96:17, 96:23, 97:9, 99:2, 121:15, 128:10, 135:5, 135:18, 140:25, 141:4, 143:2, 143:25, 144:5, 144:10, 144:21, 146:9, 151:3, 155:7, 156:3</p> <p>evidentiary [1] -</p>	<p>143:6</p> <p>evolved [2] - 154:11, 154:16</p> <p>evolving [1] - 154:23</p> <p>exact [1] - 46:8</p> <p>exactly [1] - 58:16</p> <p>exam [1] - 1:4</p> <p>examination [17] - 1:14, 1:25, 2:7, 3:9, 12:23, 25:9, 67:23, 98:5, 98:15, 108:9, 142:4, 145:13, 147:2, 147:15, 153:18, 163:2, 2:16</p> <p>Examination [1] - 3:1</p> <p>examining [6] - 38:2, 44:3, 97:24, 98:3, 98:6, 98:25</p> <p>example [25] - 16:9, 19:9, 28:17, 30:5, 31:25, 33:2, 41:18, 49:10, 59:22, 75:19, 82:7, 84:6, 89:19, 108:25, 109:1, 111:16, 111:21, 134:7, 134:11, 134:21, 151:19, 155:16, 156:7, 156:17, 157:18</p> <p>except [3] - 90:9, 98:19, 148:14</p> <p>exception [1] - 101:4</p> <p>exceptions [4] - 2:21, 3:6, 136:10, 2:5</p> <p>exchange [3] - 56:9, 56:13, 102:3</p> <p>excited [1] - 52:5</p> <p>exclamation [1] - 161:16</p> <p>exclude [1] - 61:25</p> <p>excluding [1] - 50:4</p> <p>exclusion [1] - 52:12</p> <p>excuse [1] - 4:5</p> <p>executed [3] - 67:14, 71:19, 87:10</p> <p>executive [4] - 5:2, 5:24, 68:14, 155:10</p> <p>exercise [2] - 110:19, 110:23</p> <p>exercised [1] - 135:21</p> <p>exhibit [8] - 2:23, 3:2, 6:20, 7:3, 7:18, 34:14, 39:15, 126:6</p> <p>Exhibit [24] - 3:3, 3:5, 3:20, 7:5, 15:8, 32:8, 39:17, 39:19, 64:25, 74:2, 79:15, 102:14, 126:8, 126:9,</p>	<p>130:11, 130:13, 130:14, 147:21, 153:18, 2:5, 2:7, 2:10, 2:13, 2:16</p> <p>Exhibits [1] - 2:1</p> <p>exhibits [2] - 2:6, 2:18</p> <p>exist [2] - 104:5, 104:8</p> <p>existed [5] - 50:6, 104:9, 105:11, 105:19, 134:12</p> <p>expect [12] - 2:1, 22:18, 39:13, 48:16, 55:19, 62:20, 69:25, 92:13, 94:3, 95:2, 111:9, 140:24</p> <p>expectations [1] - 135:13</p> <p>expected [3] - 89:24, 90:1, 156:6</p> <p>experience [7] - 9:13, 26:17, 36:6, 114:24, 137:20, 137:21, 142:15</p> <p>experienced [3] - 81:11, 82:17, 123:17</p> <p>experiences [1] - 135:19</p> <p>expert [1] - 31:13</p> <p>expertise [2] - 106:24, 151:17</p> <p>explain [3] - 22:18, 101:7, 111:2</p> <p>explained [2] - 67:4, 92:25</p> <p>explanation [6] - 29:21, 31:11, 69:15, 155:24, 158:3, 162:4</p> <p>expletive [1] - 12:1</p> <p>explore [2] - 102:10, 130:18</p> <p>explored [1] - 62:17</p> <p>exploring [2] - 47:13</p> <p>expressed [2] - 11:15, 87:9</p> <p>expression [1] - 48:24</p> <p>extensive [2] - 41:19, 119:3</p> <p>extent [3] - 101:13, 108:3, 124:23</p> <p>extraordinary [1] - 60:1</p> <p>extreme [1] - 52:1</p> <p>extremely [1] - 84:15</p>	<p>fact [14] - 38:10, 45:11, 46:6, 46:7, 66:8, 96:19, 97:4, 98:10, 98:18, 150:12, 158:17, 159:9, 159:13, 159:18</p> <p>factor [1] - 61:13</p> <p>facts [5] - 4:23, 67:9, 67:11, 98:21, 147:15</p> <p>faded [1] - 43:19</p> <p>fail [1] - 70:15</p> <p>failed [5] - 4:2, 4:12, 37:17, 144:1</p> <p>failure [5] - 2:6, 5:1, 5:9, 5:25, 156:24</p> <p>Fair [5] - 23:25, 47:3, 107:6, 136:24, 153:4</p> <p>fair [10] - 19:24, 22:22, 24:14, 57:6, 62:20, 63:19, 83:21, 115:1, 115:17, 158:9</p> <p>fairly [4] - 5:8, 37:23, 46:6, 86:8</p> <p>fairness [1] - 129:18</p> <p>fall [1] - 2:12</p> <p>falling [1] - 143:23</p> <p>familiar [13] - 35:18, 37:11, 37:22, 48:23, 62:9, 67:12, 67:15, 67:16, 103:23, 113:23, 118:10, 120:24, 138:18</p> <p>familiarity [2] - 130:20, 153:3</p> <p>families [3] - 1:7, 95:6, 99:12</p> <p>family [4] - 17:16, 32:22, 37:8, 115:15</p> <p>far [9] - 9:11, 25:10, 42:23, 61:25, 106:17, 128:9, 141:25, 142:10, 155:3</p> <p>Farm [3] - 78:5, 78:21, 148:13</p> <p>farm [5] - 71:2, 71:4, 89:11, 89:21, 152:23</p> <p>fashion [1] - 76:23</p> <p>fatal [1] - 51:1</p> <p>fault [1] - 113:25</p> <p>favour [2] - 30:25, 96:21</p> <p>faxed [1] - 113:17</p> <p>Fear [3] - 126:13, 130:14, 2:13</p> <p>feature [1] - 110:25</p> <p>features [1] - 111:12</p> <p>February [9] - 31:12, 31:13, 35:9, 39:6, 67:14, 83:17, 88:8, 136:16, 155:12</p>
F				
<p>facing [1] - 65:6</p>				

<p>fed [3] - 33:1, 33:6, 33:10</p> <p>feeding [1] - 33:14</p> <p>Fell [2] - 29:2, 129:23</p> <p>fell [1] - 42:3</p> <p>felt [4] - 23:14, 67:4, 81:7, 84:6</p> <p>few [8] - 68:6, 79:10, 86:7, 87:2, 137:4, 144:20, 149:2</p> <p>Field [13] - 27:23, 29:9, 42:5, 48:13, 49:23, 51:10, 79:21, 80:4, 80:13, 80:16, 84:18, 156:17, 162:8</p> <p>field [1] - 111:21</p> <p>fielded [1] - 141:2</p> <p>fielding [1] - 132:20</p> <p>fifth [1] - 97:21</p> <p>figure [1] - 91:23</p> <p>file [16] - 9:9, 9:12, 43:18, 50:18, 51:3, 62:8, 85:3, 110:3, 119:22, 119:23, 119:24, 120:9, 120:12, 149:13, 151:6</p> <p>filed [2] - 112:22, 112:24</p> <p>files [1] - 133:9</p> <p>filings [1] - 116:11</p> <p>fill [2] - 84:8, 84:10</p> <p>filled [2] - 40:12, 82:22</p> <p>finalized [2] - 26:1, 94:1</p> <p>finalizing [1] - 25:25</p> <p>finally [4] - 148:5, 149:14, 153:21, 158:4</p> <p>finder [1] - 98:21</p> <p>findings [2] - 96:19, 110:13</p> <p>fine [3] - 2:10, 2:16, 163:15</p> <p>finger [1] - 89:17</p> <p>finish [1] - 102:7</p> <p>finished [7] - 24:5, 30:13, 30:14, 35:17, 42:18, 64:22, 151:25</p> <p>firearm [1] - 56:22</p> <p>firm [2] - 156:9, 157:2</p> <p>first [38] - 13:16, 38:21, 39:8, 44:1, 44:25, 47:14, 50:22, 51:17, 53:18, 68:9, 69:22, 83:4, 83:22, 96:23, 102:10, 103:1, 106:23, 108:21, 113:7, 114:1, 114:2, 114:6, 115:2, 122:5,</p>	<p>123:2, 124:19, 125:16, 131:25, 132:14, 136:11, 136:12, 138:12, 146:17, 150:2, 152:8, 152:11, 152:13</p> <p>First [4] - 1:9, 68:17, 101:8, 163:6</p> <p>five [7] - 34:22, 35:10, 36:5, 45:6, 45:7, 71:11, 81:9</p> <p>flagged [5] - 52:21, 53:3, 62:16, 64:2, 88:12</p> <p>flexible [1] - 24:11</p> <p>flush [2] - 66:4, 66:8</p> <p>focus [7] - 5:12, 34:5, 35:16, 62:3, 151:13, 155:9, 159:17</p> <p>focused [4] - 49:20, 51:23, 80:10, 129:7</p> <p>focusing [2] - 52:8, 59:5</p> <p>follow [9] - 56:2, 77:8, 87:14, 93:4, 101:14, 110:14, 120:6, 132:4, 132:8</p> <p>follow-up [3] - 77:8, 132:4, 132:8</p> <p>followed [6] - 29:14, 64:10, 87:19, 88:3, 113:8, 113:9</p> <p>following [7] - 40:8, 40:25, 69:19, 69:23, 80:10, 87:16, 97:25</p> <p>follows [1] - 144:10</p> <p>Force [9] - 14:12, 19:18, 65:16, 67:20, 88:15, 121:18, 122:22, 129:1, 150:7</p> <p>force [6] - 14:17, 28:24, 123:16, 123:20, 128:18</p> <p>forcefully [1] - 162:9</p> <p>forces [3] - 16:16, 45:22, 53:1</p> <p>foregoing [1] - 164:1</p> <p>forget [2] - 49:24, 112:19</p> <p>forgotten [1] - 95:2</p> <p>form [3] - 118:25, 131:14, 133:13</p> <p>formal [2] - 13:1, 149:15</p> <p>format [1] - 8:2</p> <p>formed [3] - 13:16, 14:12, 17:3</p> <p>former [2] - 140:25, 141:15</p> <p>forms [1] - 119:13</p>	<p>forth [2] - 28:14, 116:12</p> <p>forthwith [1] - 12:12</p> <p>forward [5] - 39:22, 42:10, 67:17, 72:19, 96:25</p> <p>foster [1] - 28:6</p> <p>foul [8] - 18:2, 19:16, 33:13, 42:22, 153:25, 155:23, 162:3, 162:5</p> <p>foundation [1] - 158:23</p> <p>four [10] - 24:19, 58:4, 61:10, 86:24, 99:6, 123:15, 126:18, 139:3, 139:9, 159:14</p> <p>four-day [1] - 86:24</p> <p>frame [6] - 64:20, 79:12, 83:15, 112:25, 131:8</p> <p>Francis [1] - 118:15</p> <p>frank [1] - 10:7</p> <p>Frank [1] - 10:8</p> <p>frankly [1] - 142:6</p> <p>frequency [1] - 137:6</p> <p>frequent [1] - 59:6</p> <p>frequented [1] - 150:23</p> <p>Frey [1] - 35:17</p> <p>Friday [3] - 26:1, 91:17, 94:1</p> <p>fried [1] - 9:10</p> <p>friend [9] - 24:14, 41:10, 76:16, 95:9, 95:15, 101:5, 101:17, 133:16, 163:7</p> <p>friend's [1] - 95:1</p> <p>friends [2] - 12:22, 127:19</p> <p>front [3] - 3:17, 20:15, 122:25</p> <p>frontline [1] - 105:3</p> <p>frustration [2] - 134:7, 135:15</p> <p>fulfilling [1] - 58:11</p> <p>full [8] - 11:23, 68:17, 81:23, 83:4, 85:12, 125:16, 136:10, 160:25</p> <p>full-time [1] - 83:4</p> <p>fuller [1] - 154:19</p> <p>fully [4] - 19:12, 67:8, 94:3, 155:24</p> <p>function [1] - 84:13</p> <p>fundng [2] - 18:19, 22:3</p> <p>furtherance [1] - 66:6</p>	<p style="text-align: center;">G</p> <p>gained [1] - 62:19</p> <p>gaining [1] - 90:24</p> <p>Galliford [1] - 26:4</p> <p>Gary [1] - 136:14</p> <p>gather [2] - 107:17, 108:2</p> <p>gathered [1] - 145:23</p> <p>gathering [2] - 114:19, 145:21</p> <p>gauge [1] - 86:14</p> <p>general [4] - 49:15, 68:22, 72:6, 136:15</p> <p>generally [4] - 38:1, 62:10, 134:5, 158:5</p> <p>generate [1] - 125:22</p> <p>generic [1] - 77:19</p> <p>Geramy [6] - 9:7, 42:5, 79:21, 80:13, 80:16, 84:18</p> <p>Gervais [1] - 99:24</p> <p>girlfriend [2] - 44:10, 46:2</p> <p>given [20] - 24:16, 26:13, 52:14, 53:1, 56:17, 58:14, 60:4, 64:6, 70:21, 71:9, 75:2, 109:22, 115:2, 120:15, 123:19, 130:6, 139:10, 154:25, 159:22, 162:15</p> <p>glitches [1] - 140:13</p> <p>Globe [8] - 78:11, 79:8, 126:4, 126:13, 126:22, 130:10, 130:15, 2:14</p> <p>Google [1] - 152:21</p> <p>Government [2] - 89:22, 147:1</p> <p>Graham [5] - 15:19, 44:10, 45:5, 45:25, 145:16</p> <p>granted [2] - 129:13, 129:15</p> <p>graphic [1] - 79:14</p> <p>grateful [1] - 75:11</p> <p>Gratl [4] - 93:22, 99:24, 163:1, 163:4</p> <p>great [3] - 52:3, 101:4, 154:3</p> <p>greatest [2] - 95:1, 99:19</p> <p>greatly [1] - 128:18</p> <p>Greer [2] - 136:14, 136:19</p> <p>Greer's [1] - 143:8</p> <p>ground [1] - 9:21</p> <p>grounds [3] - 60:8,</p>	<p>60:18, 61:2</p> <p>group [5] - 66:19, 67:2, 67:7, 69:9, 69:19</p> <p>groups [1] - 5:22</p> <p>growing [1] - 133:21</p> <p>guarantee [1] - 125:17</p> <p>guess [3] - 110:18, 136:21, 140:8</p> <p>guided [1] - 135:10</p> <p>gun [1] - 82:12</p> <p>Gurney [1] - 126:19</p> <p>guys [1] - 125:18</p> <p>Gvrd [2] - 131:20, 132:12</p> <p style="text-align: center;">H</p> <p>half [2] - 129:21, 142:5</p> <p>half-time [1] - 129:21</p> <p>halfway [3] - 32:13, 79:19, 150:3</p> <p>Hall [2] - 35:9, 78:7</p> <p>hall [1] - 86:1</p> <p>Hall's [3] - 78:8, 78:21, 79:7</p> <p>Hallmark [1] - 126:19</p> <p>Hamilton [2] - 127:12, 127:17</p> <p>Hamilton's [1] - 128:17</p> <p>hamper [2] - 1:25, 2:7</p> <p>hand [4] - 46:3, 113:12, 121:19, 142:5</p> <p>handed [1] - 2:21</p> <p>handle [3] - 93:10, 140:1, 141:6</p> <p>handled [4] - 95:22, 140:8, 141:7, 143:16</p> <p>handling [2] - 62:7, 130:25</p> <p>hands [4] - 97:8, 98:20, 161:20</p> <p>happily [2] - 45:6, 163:4</p> <p>happy [2] - 33:8, 158:16</p> <p>hard [13] - 10:14, 12:4, 33:7, 33:10, 33:15, 71:8, 86:14, 93:24, 100:8, 110:16, 122:4, 122:20, 157:9</p> <p>hardly [1] - 101:9</p> <p>harms [1] - 1:20</p> <p>Hastings [3] - 127:6, 132:22, 132:24</p> <p>Haunts [2] - 130:15,</p>
---	--	---	---	---

<p>2:14 haunts [1] - 126:14 head [5] - 107:5, 123:17, 125:10, 143:9, 149:20 heading [6] - 32:9, 107:22, 107:24, 110:1, 117:17, 122:15 heads [1] - 122:16 hear [7] - 21:17, 24:9, 37:25, 94:4, 97:9, 97:10, 97:11 heard [9] - 28:17, 37:9, 74:23, 77:10, 96:6, 100:6, 100:10, 105:13, 142:3 hearing [13] - 1:4, 47:6, 47:9, 92:18, 95:8, 96:1, 96:7, 97:21, 101:23, 102:1, 144:15, 144:18, 163:16 hearsay [3] - 24:8, 24:12 heart [3] - 76:7, 85:2, 102:3 heightened [1] - 52:11 held [5] - 52:4, 55:10, 154:6, 154:9, 157:16 Helen [1] - 126:19 Hells [1] - 117:18 help [8] - 41:24, 42:5, 91:5, 93:6, 94:16, 141:25, 142:12, 150:6 helpful [2] - 48:6, 100:23 helping [1] - 140:17 Henley [1] - 92:7 Henry [1] - 34:24 hereby [1] - 164:1 Hern [20] - 13:6, 19:22, 24:5, 24:7, 24:10, 25:6, 26:10, 38:2, 39:22, 40:3, 40:5, 70:4, 70:6, 72:5, 73:2, 74:9, 75:5, 77:17, 77:18, 100:5 high [2] - 43:24, 153:2 higher [1] - 130:5 highly [2] - 4:22, 100:12 Highway [1] - 132:24 himself [1] - 22:18 hindsight [2] - 32:2, 162:11 hip [2] - 82:9, 82:12</p>	<p>Hiscox [6] - 50:1, 51:19, 61:10, 71:10, 102:21, 107:7 historical [3] - 46:14, 62:3, 157:21 history [6] - 52:1, 83:23, 89:14, 89:18, 118:11, 140:12 hits [1] - 107:14 holdback [2] - 49:11, 49:14 hole [1] - 9:20 holiday [1] - 17:6 holidays [3] - 32:23, 86:19, 86:21 Holyk [1] - 34:20 Home [6] - 65:16, 121:18, 122:21, 126:10, 129:1, 2:11 home [7] - 35:24, 122:12, 123:1, 123:15, 125:7, 134:22 homes [3] - 130:5, 158:7, 158:12 homework [1] - 114:7 Homicide [2] - 28:25, 58:21 homicides [3] - 55:6, 127:17, 128:21 hooker [2] - 51:3, 51:7 hookers [10] - 11:21, 11:25, 12:1, 12:3, 14:8, 20:3, 23:9, 26:24, 36:14 hope [3] - 1:11, 2:17, 56:5 hopes [1] - 93:6 hoping [2] - 92:8, 142:2 horrible [1] - 157:12 hospital [1] - 33:5 hour [1] - 142:5 hours [4] - 45:13, 134:10, 134:18, 135:3 housekeeping [2] - 1:10, 2:20 houses [1] - 158:21 Howard [1] - 127:1 Howlett [4] - 42:6, 42:10, 82:14, 84:20 huge [1] - 100:22 hunch [1] - 87:25 hundred [3] - 45:18, 45:19, 135:1 hundreds [2] - 124:21 hunt [3] - 18:2, 18:24, 122:11</p>	<p>Hunt [2] - 126:10, 2:11</p> <p style="text-align: center;">I</p> <p>idea [5] - 21:20, 25:21, 89:15, 94:17, 96:11 ideas [1] - 160:11 identification [7] - 6:20, 7:18, 7:20, 67:25, 109:19, 153:14, 153:16 Identification [3] - 102:15, 153:18, 2:16 identified [3] - 54:1, 62:15, 71:15 identify [2] - 74:14, 110:10 identifying [3] - 55:4, 72:3, 75:8 identities [2] - 70:19, 72:8 identity [3] - 48:14, 51:14, 55:9 ignoring [1] - 52:13 illegal [3] - 56:10, 56:21, 60:6 Illness [1] - 86:21 illustration [1] - 75:18 imagination [1] - 50:8 immediate [1] - 127:25 immediately [1] - 37:20 impact [2] - 22:5, 156:20 impartial [2] - 147:2, 147:15 importance [1] - 161:2 important [1] - 22:22, 37:4, 43:11, 61:13, 72:15, 72:23, 138:13, 142:7, 144:10, 158:13, 161:17 importantly [1] - 73:2 improved [1] - 83:12 in-progress [2] - 139:12, 140:6 inability [1] - 59:20 inaccuracy [1] - 148:18 inaccurate [1] - 95:3 inception [1] - 133:22</p>	<p>incident [10] - 53:18, 61:15, 61:20, 62:3, 95:20, 106:4, 112:9, 112:16, 112:18, 119:9 include [2] - 139:20, 140:3 included [1] - 129:20 including [6] - 27:11, 46:18, 56:10, 61:16, 61:20, 115:15 incompetence [3] - 149:16, 149:25, 151:20 increase [3] - 84:21, 126:23, 129:25 incredible [1] - 27:13 incredibly [1] - 29:16 incumbent [1] - 58:3 Indeed [1] - 20:7 indeed [7] - 1:15, 10:5, 22:24, 65:2, 65:11, 95:24, 133:5 independent [3] - 88:25, 99:11, 100:9 Index [1] - 1:1 index [2] - 8:18, 68:9 indicate [2] - 26:23, 103:21 indicated [3] - 78:4, 79:19, 110:20 indicates [2] - 119:21, 150:20 indicating [1] - 161:17 indication [2] - 115:8, 136:18 indicative [1] - 27:4 indictment [5] - 38:8, 38:13, 40:2, 40:4, 40:11 Indictment [2] - 39:20, 2:8 indifference [1] - 23:7 indifferent [1] - 11:9 indisputable [1] - 31:18 individual [4] - 41:18, 50:18, 103:12, 103:17 individuals [3] - 69:24, 74:17, 154:5 ineffectiveness [1] - 9:15 inference [1] - 38:18 infighting [1] - 5:21 influence [1] - 20:12 influenced [3] - 23:14, 37:6, 159:13 inform [1] - 73:7</p>	<p>informant [6] - 50:1, 70:7, 71:16, 71:18, 73:6, 76:12 Informant [1] - 70:10 informants [5] - 60:2, 60:25, 71:15, 72:25, 125:21 informants' [1] - 52:16 information [88] - 19:12, 22:15, 27:8, 31:23, 32:4, 38:5, 43:10, 46:25, 47:2, 49:5, 49:9, 49:11, 49:12, 49:18, 49:25, 50:7, 51:19, 52:6, 52:10, 52:16, 53:9, 54:21, 55:4, 55:18, 56:18, 57:2, 60:5, 60:12, 60:13, 60:17, 60:19, 60:24, 61:12, 61:14, 61:20, 61:21, 61:24, 62:16, 65:12, 65:22, 66:4, 66:9, 67:13, 67:15, 67:17, 70:8, 70:20, 71:4, 71:22, 72:1, 72:19, 73:15, 73:22, 74:4, 74:7, 74:13, 75:9, 76:2, 76:14, 77:6, 77:23, 78:1, 78:22, 79:4, 100:22, 103:16, 103:21, 104:17, 104:19, 105:16, 107:16, 109:3, 112:17, 114:12, 114:25, 115:14, 116:13, 125:22, 132:4, 132:6, 139:14, 139:16, 150:16, 156:17, 160:16, 162:1, 162:13 Information [8] - 53:25, 104:7, 104:12, 104:20, 104:22, 104:23, 108:11, 3:1 informed [2] - 19:7, 69:11 Inga [1] - 35:9 initial [1] - 65:10 injury [1] - 81:22 innocent [1] - 145:7 input [1] - 150:6 Inquest [2] - 85:19, 86:3 inquire [1] - 76:7 inquiries [1] - 112:18 Inquiry [2] - 147:1, 147:7 inquiry [13] - 1:9,</p>
---	---	--	--	---

64:14, 73:9, 79:12, 93:10, 93:24, 96:8, 96:15, 97:18, 97:19, 142:13, 147:12, 148:7
Inspector^[18] - 12:2, 12:8, 13:21, 15:4, 15:23, 16:9, 16:12, 19:9, 23:14, 28:18, 28:20, 31:12, 31:14, 92:7, 155:2, 155:6, 158:1, 160:23
inspector^[2] - 15:2, 137:11
instability^[1] - 5:17
instance^[6] - 36:9, 44:4, 106:10, 127:15, 131:25, 136:11
Instead^[1] - 73:14
institution^[1] - 4:2
insulting^[4] - 99:21, 100:1, 100:2, 100:5
intellectual^[1] - 82:10
intelligence^[3] - 114:14, 115:16, 115:19
intend^[1] - 53:14
intended^[2] - 88:23, 101:16
intense^[1] - 88:7
intensive^[4] - 57:10, 57:16, 57:19, 59:18
intention^[1] - 40:15
intentions^[1] - 75:15
interchangeably^[1] - 155:10
interest^[7] - 52:4, 52:11, 53:25, 85:23, 88:13, 119:15, 125:6
interested^[1] - 99:13
interesting^[6] - 50:6, 51:20, 81:13, 81:14, 140:11, 142:12
interests^[3] - 99:10, 100:4, 163:6
interface^[2] - 105:14, 105:16
interfere^[1] - 72:22
interfering^[1] - 44:22
interjected^[1] - 24:7
internalize^[2] - 156:14, 158:1
Interpretation^[1] - 3:2
interpretation^[4] - 17:9, 17:12, 17:13, 150:4
interpreted^[1] - 63:24

interrupt^[1] - 142:4
interrupted^[1] - 25:8
interview^[8] - 12:25, 13:2, 23:17, 62:12, 63:7, 87:13, 90:8, 124:3
interviewed^[2] - 6:13, 81:15
interviews^[5] - 8:9, 8:16, 8:23, 85:5, 85:18
Interviews^[4] - 7:7, 7:10, 8:1, 8:3
introduce^[1] - 57:10
introduced^[2] - 48:13, 113:7
invaders^[3] - 122:12, 123:1, 125:8
Invaders^[2] - 126:10, 2:11
Invasion^[4] - 65:16, 121:18, 122:21, 129:1
invasion^[2] - 123:1, 123:16
investigate^[3] - 42:16, 91:4, 97:15
investigated^[3] - 50:17, 91:2, 156:18
investigating^[2] - 27:10, 28:22
Investigation^[2] - 19:8, 50:25
investigation^[40] - 9:14, 14:20, 22:7, 26:21, 41:3, 42:5, 43:12, 43:22, 44:23, 44:24, 49:17, 49:20, 50:19, 51:24, 52:9, 59:8, 61:23, 68:4, 73:24, 74:5, 74:25, 77:4, 80:1, 80:10, 80:11, 88:7, 89:1, 90:6, 97:16, 115:11, 115:12, 124:2, 129:8, 151:22, 154:8, 154:20, 156:4, 156:8, 161:12
investigations^[13] - 6:8, 31:20, 44:5, 51:1, 63:19, 67:10, 76:8, 95:23, 96:4, 97:22, 99:16, 99:18, 147:16
investigative^[14] - 2:3, 41:16, 41:20, 44:25, 57:8, 57:15, 58:15, 61:4, 65:15, 66:3, 73:5, 82:10, 84:2, 159:22
investigator^[6] - 21:9, 58:23, 77:5,

115:2, 122:16, 124:10
investigators^[16] - 13:14, 28:25, 58:3, 66:5, 70:21, 71:4, 79:23, 79:25, 80:8, 83:10, 84:15, 121:19, 123:3, 129:19, 129:24
involved^[18] - 27:15, 28:8, 45:17, 53:5, 54:2, 58:22, 59:23, 63:25, 66:15, 66:18, 77:5, 95:17, 96:3, 99:15, 124:22, 127:23, 140:7, 160:21
involving^[1] - 140:23
Irwin^[1] - 163:7
issue^[19] - 2:25, 3:15, 4:2, 10:3, 11:20, 18:6, 31:1, 48:12, 50:10, 62:16, 62:17, 64:2, 84:21, 88:15, 88:19, 138:18, 139:18, 144:12, 162:17
issued^[1] - 137:1
issues^[16] - 16:3, 21:24, 27:6, 28:22, 50:13, 56:15, 88:21, 88:24, 91:3, 134:6, 138:13, 138:17, 139:25, 140:7, 140:13, 140:21
item^[3] - 116:1, 137:23, 138:12
itself^[2] - 59:14, 143:6

J

Jacqueline^[1] - 42:14
Jamie^[2] - 15:19, 127:12
Janet^[1] - 34:24
January^[6] - 42:14, 83:17, 108:19, 108:22, 136:12, 137:21
Jardine^[2] - 126:20, 148:21
Jennifer^[1] - 93:4
Jfo^[9] - 9:7, 14:11, 15:24, 16:1, 16:3, 16:4, 16:17, 17:3, 21:19
Jim^[6] - 13:8, 13:13, 19:22, 20:20, 21:8, 21:12
job^[1] - 161:11

jobs^[2] - 86:8, 114:11
John^[4] - 13:24, 14:3, 17:10, 20:25
joined^[2] - 84:17, 85:22
Joint^[3] - 14:12, 19:17, 150:7
joint^[4] - 14:16, 14:24, 16:16, 150:7
journalist^[1] - 85:22
judge^[1] - 124:18
July^[16] - 23:21, 35:6, 42:8, 56:7, 56:8, 56:17, 56:20, 58:10, 64:20, 65:5, 80:25, 84:17, 84:18, 84:20, 102:19, 146:17
jumping^[1] - 33:14
june^[1] - 135:12
June^[11] - 34:24, 34:25, 42:8, 131:16, 131:17, 131:24, 132:10, 132:20, 133:6, 133:10, 133:16
juries^[1] - 29:23
jurisdictions^[1] - 121:11
justified^[1] - 61:23
justify^[1] - 60:25
Justin^[2] - 105:13, 105:14
Justin's^[1] - 105:16

K

keen^[1] - 84:15
keep^[2] - 92:13, 125:9
keeping^[1] - 83:11
kept^[1] - 50:19
key^[1] - 103:18
kidnapped^[3] - 46:7, 46:15, 46:19
kidnapping^[3] - 46:23, 65:25, 84:12
kill^[1] - 63:4
killed^[3] - 4:15, 23:1, 54:19
killer^[18] - 18:2, 18:8, 18:25, 19:3, 19:20, 20:24, 21:14, 21:22, 22:6, 22:10, 22:14, 78:23, 126:14, 128:8, 128:11, 155:19, 155:25, 156:22
Killer^[2] - 130:14, 2:13
killers^[2] - 127:25,

154:2
kind^[5] - 53:8, 84:24, 114:17, 122:20, 127:18
Kine's^[1] - 122:12
Kingsbury^[2] - 67:18, 68:25
knowledge^[9] - 26:19, 42:16, 84:25, 89:16, 90:7, 90:19, 90:25, 111:1, 140:2
known^[5] - 77:3, 89:9, 89:13, 90:20, 112:8
knows^[1] - 71:18

L

labouring^[1] - 32:24
lack^[5] - 27:7, 30:3, 30:11, 32:16, 36:8
lagging^[1] - 135:16
large^[2] - 45:24, 123:14
larger^[1] - 45:16
Larry^[1] - 78:12
last^[24] - 11:4, 20:18, 26:3, 33:22, 34:24, 35:2, 35:6, 35:9, 35:12, 35:14, 38:22, 42:13, 50:21, 53:22, 60:4, 75:22, 75:24, 116:16, 118:9, 127:7, 128:14, 143:7, 147:19, 153:21
Last^[2] - 34:17, 34:21
late^[7] - 9:4, 9:7, 10:9, 64:20, 85:8, 102:19, 119:21
latter^[1] - 59:5
laughing^[1] - 62:24
Law^[3] - 113:20, 114:10, 151:16
law^[1] - 62:24
lawsuit^[1] - 19:11
lawyer^[2] - 19:22, 49:13
lawyers^[7] - 93:23, 97:4, 98:21, 99:9, 99:21, 100:3
lead^[7] - 14:22, 16:5, 16:7, 16:17, 16:21, 76:22, 140:24
leadership^[9] - 5:1, 5:3, 5:10, 5:17, 6:16, 10:4, 14:14, 149:5, 149:24
leading^[1] - 65:23
leaking^[1] - 145:6

Leanna [1] - 164:6
leap [6] - 29:20, 30:6, 30:9, 32:1, 156:12, 157:15
learn [1] - 97:17
learned [3] - 101:5, 112:10, 112:18
learning [1] - 112:17
least [4] - 39:25, 81:13, 134:14, 162:17
leave [3] - 85:15, 86:17, 126:5
leaves [1] - 85:14
Leaves [1] - 86:21
Leaving [1] - 7:24
led [3] - 41:16, 71:23, 112:14
Lee [1] - 127:12
left [5] - 56:7, 80:17, 122:11, 124:19, 150:1
lends [1] - 59:14
Leng [1] - 69:25
Leng's [1] - 71:11
length [3] - 72:17, 79:24, 88:19
lengthy [2] - 63:22, 64:7
lent [1] - 33:23
Lepard [20] - 1:15, 3:8, 12:24, 24:25, 25:11, 25:17, 67:24, 68:19, 74:1, 93:1, 123:17, 124:2, 124:10, 124:23, 125:10, 141:19, 144:7, 153:19, 1:3, 2:17
Lepard's [2] - 72:10, 74:2
Lepine [2] - 28:5, 129:21
less [6] - 57:9, 81:25, 82:2, 82:19, 83:20, 84:4
letter [7] - 6:21, 71:6, 136:13, 136:19, 143:9, 145:16, 153:16
letterhead [1] - 136:23
letters [2] - 6:23, 74:11
level [9] - 5:24, 44:8, 44:19, 44:20, 46:8, 46:16, 157:19, 157:20, 160:25
levels [3] - 30:4, 138:3, 149:11
liaison [4] - 16:3, 16:8, 128:6, 128:7
licence [2] - 116:18,

118:11
liens [1] - 117:16
life [1] - 46:21
light [1] - 136:2
likely [8] - 19:5, 21:20, 29:21, 59:1, 59:20, 63:22, 72:2, 154:18
limited [1] - 62:15
linchpin [1] - 74:24
Lindsay [1] - 122:12
line [10] - 24:5, 36:3, 46:24, 50:22, 71:11, 99:17, 101:19, 108:23, 149:7, 149:11
lines [1] - 20:18
Linkage [1] - 105:10
linked [2] - 37:15, 73:6
linking [1] - 60:13
Lions [1] - 133:3
lips [5] - 48:20, 48:22, 49:1, 51:13, 52:19
liquor [1] - 116:18
list [16] - 7:4, 25:23, 35:17, 39:1, 48:2, 91:17, 92:22, 93:7, 93:16, 93:21, 94:15, 95:8, 108:15, 109:3, 159:9
listed [2] - 66:1, 109:25
listen [1] - 139:13
Listen [1] - 161:18
listened [1] - 87:17
literally [1] - 124:21
lived [1] - 117:3
lives [2] - 157:25, 159:1
location [1] - 132:16
locations [1] - 45:8
lodging [1] - 106:10
long-term [2] - 18:18, 18:19
Look [2] - 30:7, 36:20
look [17] - 8:14, 12:6, 12:15, 20:18, 28:21, 33:7, 33:10, 33:15, 51:21, 69:22, 96:7, 97:8, 108:18, 118:10, 157:9, 162:10
looked [11] - 3:11, 12:7, 17:19, 24:23, 29:14, 51:20, 72:10, 74:12, 110:17, 155:3, 155:6
looking [11] - 7:25, 15:7, 20:22, 22:13,

23:11, 38:8, 51:25, 71:14, 87:1, 111:13, 125:20
looks [6] - 54:11, 54:25, 70:25, 110:6, 118:2, 118:14
loose [5] - 48:20, 48:22, 49:1, 51:13, 52:19
Lori [11] - 9:3, 41:22, 42:3, 42:9, 48:14, 82:13, 107:6, 111:3, 129:20, 157:24, 160:17
lost [1] - 7:9
loved [5] - 17:17, 96:4, 158:8, 158:12, 158:14
Lower [4] - 53:5, 55:8, 122:11, 127:5
lowlife [1] - 150:14
Ltd [1] - 164:8
luck [3] - 57:4, 57:11, 102:5
lucky [1] - 87:10
lumped [1] - 36:12
lunch [1] - 89:6
lunchtime [1] - 98:23

M

Mae [1] - 126:19
Maggie [2] - 41:20, 147:8
Mail [5] - 78:11, 126:4, 126:13, 130:16, 2:15
mail [2] - 161:15, 161:16
Main [2] - 131:19, 132:15
Mainland [2] - 53:5, 55:8
maintained [3] - 154:6, 154:14, 155:12
major [5] - 43:23, 57:18, 57:24, 59:17, 124:13
Major [1] - 15:3
maker [1] - 98:22
makers [3] - 65:11, 161:3, 162:21
male [2] - 45:25, 109:9
males [2] - 11:8, 28:9
man [2] - 28:3, 92:20
manageable [2] - 96:11, 97:3
management [22] - 5:2, 11:6, 11:7, 11:13,

14:16, 14:24, 26:22, 28:12, 28:17, 30:4, 104:15, 105:15, 106:1, 106:3, 106:25, 112:1, 124:14, 149:11, 151:6, 155:9, 157:20, 158:4
manager [1] - 136:16
managers [1] - 160:20
managing [1] - 96:8
mandate [3] - 19:19, 62:8, 76:7
map [2] - 126:17, 152:20
March [21] - 13:10, 15:8, 19:22, 21:11, 35:10, 47:16, 53:18, 62:4, 64:12, 92:16, 95:20, 119:8, 122:6, 122:9, 122:25, 126:11, 129:2, 130:4, 130:16, 2:12, 2:15
Marg [1] - 68:25
marginal [1] - 97:12
marginalized [1] - 27:10
mark [5] - 1:12, 2:13, 126:6, 130:10, 161:15
Mark [1] - 129:20
marked [18] - 1:20, 1:21, 2:1, 2:7, 2:23, 3:3, 7:5, 7:10, 7:12, 7:20, 39:14, 39:17, 67:22, 67:25, 147:21, 152:22, 153:14, 153:16
marking [1] - 7:24
Marnie [1] - 35:17
match [1] - 108:20
material [4] - 2:4, 41:12, 75:7, 77:14
Materials [1] - 116:8
maternity [1] - 85:15
matter [15] - 1:17, 2:20, 46:10, 46:20, 49:8, 87:11, 98:15, 100:25, 115:4, 120:8, 130:6, 137:9, 153:5
matters [2] - 1:10, 63:12
Mcdonell [1] - 42:14
Mcguinness [2] - 30:6, 155:17
Mcknight [8] - 13:8, 13:13, 19:22, 20:21, 21:12, 21:15, 25:1, 25:3
Mcknight's [2] - 21:8, 24:24

Mcmyynn [5] - 43:25, 44:9, 44:10, 45:5, 45:25
mean [13] - 81:18, 87:16, 90:17, 92:8, 95:19, 98:7, 106:20, 107:17, 107:24, 117:21, 153:8, 157:11, 161:24
meaning [2] - 119:14, 146:11
means [1] - 2:3
meant [1] - 81:19
Media [2] - 128:6, 128:7
media [5] - 2:22, 3:22, 87:19, 128:3, 128:14
meet [1] - 13:5
meeting [13] - 21:8, 21:11, 49:4, 49:19, 50:9, 51:16, 55:14, 55:18, 68:19, 92:24, 93:15, 155:20, 160:24
meetings [3] - 51:8, 93:9, 161:14
Meid [1] - 54:12
Melnick [1] - 34:15
member [11] - 6:10, 9:25, 11:12, 14:13, 15:24, 16:1, 37:22, 89:18, 128:7, 137:10, 141:1
members [22] - 5:22, 8:20, 17:16, 45:12, 45:17, 45:22, 66:9, 66:19, 74:6, 86:9, 89:14, 90:3, 90:13, 90:21, 90:23, 91:1, 104:18, 105:2, 105:3, 106:7, 115:15
membership [4] - 20:12, 20:15, 36:12, 137:2
memo [3] - 36:20, 154:20, 161:15
memorandum [2] - 68:11, 68:13
memory [2] - 43:19, 131:7
memos [4] - 161:24, 162:1, 162:6, 162:12
Menard [2] - 61:11, 71:10
mention [3] - 71:17, 85:6, 150:10
mentioned [7] - 35:2, 40:6, 41:18, 71:25, 106:16, 106:17, 146:22

mentions [1] - 145:20
message [3] - 9:16, 54:5, 54:7
messages [1] - 53:7
met [3] - 18:1, 42:21, 162:5
Michael [1] - 68:20
Michelle [1] - 126:19
microphone [1] - 100:17
mid [1] - 83:9
mid-career [1] - 83:9
middle [3] - 28:8, 107:24, 127:21
middle-aged [1] - 28:8
might [31] - 18:8, 36:4, 37:11, 45:8, 48:6, 50:19, 55:16, 72:3, 72:24, 79:13, 81:23, 82:7, 83:19, 83:24, 84:12, 85:21, 102:6, 103:20, 113:25, 135:2, 136:1, 136:3, 139:25, 142:2, 144:9, 144:12, 154:2, 155:22, 156:16
Might [1] - 85:8
milestones [2] - 146:16
mind [4] - 25:12, 25:18, 62:19, 92:13
mindful [1] - 97:4
mine [2] - 8:3, 145:9
mini [1] - 28:23
minimized [1] - 154:16
minimizing [2] - 22:9
ministry [1] - 28:7
Ministry [1] - 68:21
minute [3] - 24:4, 39:2, 100:2
minutes [4] - 8:16, 47:6, 87:2, 144:15
misapprehension [1] - 7:17
misconception [7] - 32:14, 32:24, 157:4, 159:1, 159:25, 160:8
misconceptions [2] - 33:6, 157:16
misinformed [3] - 22:4, 22:11, 23:18
misinterpreting [1] - 138:1
misread [2] - 148:20, 148:21
misreading [1] - 15:18

Miss [1] - 114:9
missed [1] - 23:20
Missing [20] - 33:21, 67:19, 79:10, 79:16, 79:20, 79:25, 80:2, 80:3, 80:7, 80:9, 81:4, 82:13, 83:17, 83:23, 88:14, 129:5, 132:6, 132:7, 134:8, 135:15
missing [75] - 1:7, 3:15, 6:8, 10:14, 11:8, 11:21, 17:5, 17:6, 17:11, 19:3, 20:4, 20:23, 21:13, 21:21, 23:8, 26:21, 26:23, 29:17, 31:11, 33:2, 33:3, 33:17, 33:22, 34:17, 34:22, 34:25, 35:3, 35:6, 35:10, 36:2, 36:4, 36:10, 36:19, 41:9, 41:15, 42:3, 42:13, 43:7, 48:12, 53:23, 63:18, 65:4, 67:9, 68:4, 77:3, 84:22, 95:6, 95:22, 121:19, 126:18, 128:21, 129:4, 130:8, 131:12, 131:25, 133:11, 133:15, 138:22, 141:6, 142:13, 143:17, 147:9, 148:21, 153:25, 155:4, 155:13, 155:19, 156:13, 156:22, 156:25, 159:10, 159:15, 159:16, 162:20
missings [2] - 14:3, 42:15
mission [1] - 44:21
mistake [2] - 12:14, 148:23
mistaken [1] - 144:4
mistakes [1] - 97:17
mobilization [1] - 42:1
mobilize [2] - 40:24, 41:10
mobilized [1] - 44:13
model [1] - 140:3
moment [19] - 7:24, 9:24, 12:24, 13:3, 14:11, 23:16, 34:5, 40:17, 42:17, 48:7, 62:4, 65:3, 68:17, 70:12, 77:11, 77:17, 85:6, 102:16, 155:11
money [5] - 70:16, 70:18, 73:20, 77:12,

123:7
monies [1] - 69:24
monitoring [1] - 139:8
month [2] - 54:16, 137:4
months [4] - 24:20, 35:14, 95:5, 131:9
Moody [1] - 113:8
morning [10] - 37:19, 40:19, 42:20, 45:19, 47:4, 91:18, 94:1, 163:14, 163:15, 163:17
most [16] - 15:24, 19:5, 29:21, 31:19, 32:25, 36:24, 67:12, 84:13, 95:14, 101:8, 114:13, 123:8, 131:2, 145:2, 154:4, 160:6
Mostly [1] - 131:2
mostly [2] - 11:7, 139:6
Motor [1] - 118:13
Mou [3] - 14:25, 16:8, 18:4
Moulton [1] - 92:7
mouths [1] - 99:15
move [8] - 27:19, 48:8, 56:7, 64:18, 76:17, 79:9, 96:25, 116:15
moved [1] - 32:23
moves [1] - 116:19
municipal [1] - 91:3
murder [23] - 17:7, 29:18, 29:20, 30:8, 30:12, 31:19, 31:21, 38:9, 38:20, 39:8, 53:17, 61:16, 62:22, 63:1, 63:17, 64:8, 65:25, 66:14, 95:20, 115:13, 119:9, 155:14
murdered [13] - 1:7, 4:3, 4:10, 17:11, 17:14, 17:15, 17:18, 17:20, 21:21, 34:7, 34:8, 95:7, 159:10
murders [7] - 4:9, 14:4, 31:13, 38:14, 49:6, 87:6, 130:7
must [5] - 17:20, 23:20, 62:24, 63:3, 127:16
mutual [1] - 37:15
Mw [1] - 20:22

N

name [21] - 28:24,

33:12, 51:13, 52:25, 55:15, 55:16, 71:17, 79:2, 103:6, 107:8, 107:15, 109:15, 109:19, 110:3, 110:4, 111:5, 111:11, 111:17, 112:21, 115:3, 150:10
Name [1] - 3:2
named [2] - 8:17, 114:9
namely [2] - 36:13, 83:16
names [9] - 48:2, 72:7, 72:16, 73:20, 76:13, 79:23, 91:21, 103:15, 115:20
naming [1] - 75:8
narrative [2] - 53:3, 72:9
narrow [2] - 93:6, 103:17
Nathan [6] - 71:16, 87:7, 89:9, 89:15, 92:7, 150:4
Nathanson [1] - 163:8
Nations [1] - 163:6
nature [7] - 30:4, 76:13, 95:25, 103:20, 106:18, 106:19, 157:25
Ncic [1] - 104:2
Near [1] - 133:3
near [1] - 39:7
necessary [10] - 44:5, 46:9, 46:16, 46:24, 78:15, 103:10, 132:8, 147:2, 150:16, 162:15
need [19] - 1:24, 16:14, 18:16, 18:18, 18:19, 28:22, 44:15, 49:11, 72:25, 76:9, 84:7, 86:14, 95:24, 96:18, 97:8, 124:1, 126:24, 132:2, 162:11
needed [15] - 29:7, 31:16, 41:24, 62:17, 81:21, 82:20, 82:23, 83:19, 83:25, 84:23, 132:4, 156:9, 156:11
needs [6] - 28:21, 57:22, 84:23, 97:2, 153:13, 154:22
negative [2] - 116:18, 143:15
neglected [2] - 2:24, 50:21
negotiation [1] -

45:2
Neil [5] - 78:7, 78:8, 78:11, 79:6, 79:8
never [8] - 19:9, 30:9, 30:10, 95:10, 101:15, 153:10, 155:18, 157:23
New [2] - 54:22, 54:24
new [7] - 40:3, 42:15, 52:10, 72:19, 87:3, 132:21, 159:16
newsletter [5] - 136:12, 136:13, 137:2, 137:22, 138:12
newsletters [5] - 136:7, 136:10, 136:17, 137:16, 137:20
newspaper [1] - 121:23
newspapers [4] - 3:6, 3:15, 121:25, 2:6
next [31] - 3:2, 31:4, 33:19, 37:19, 39:14, 40:19, 42:19, 70:24, 93:3, 97:22, 108:7, 108:8, 110:1, 113:11, 116:7, 117:9, 120:10, 121:13, 121:17, 124:17, 125:15, 126:4, 127:15, 145:12, 147:18, 148:10, 150:2, 151:2, 151:25, 152:1, 152:12
night [2] - 82:6, 82:12
nine [17] - 10:12, 10:17, 11:4, 35:3, 66:21, 66:23, 69:14, 69:16, 69:18, 69:20, 71:20, 72:8, 74:16, 75:6, 75:21, 76:23, 76:25
Nine [2] - 71:23, 127:8
nobody [2] - 93:8
non [1] - 139:9
non-emergency [1] - 139:9
none [2] - 1:16, 31:24
noon [1] - 99:4
note [15] - 11:18, 12:16, 20:19, 21:6, 24:16, 25:6, 39:22, 47:3, 47:25, 56:6, 101:3, 101:12, 113:16, 144:11, 152:5
notebook [1] - 50:16

<p>notebooks [2] - 50:13, 56:4</p> <p>noted [1] - 152:3</p> <p>notes [9] - 8:16, 13:18, 50:19, 51:11, 55:17, 142:6, 145:5, 148:12, 152:8</p> <p>nothing [3] - 97:22, 98:4, 98:7</p> <p>notwithstanding [1] - 75:14</p> <p>November [4] - 1:2, 34:22, 78:18, 96:5</p> <p>Number [1] - 98:25</p> <p>number [31] - 3:3, 8:24, 26:5, 35:11, 39:17, 41:14, 42:11, 45:15, 45:24, 52:17, 54:2, 61:8, 83:6, 91:2, 103:19, 106:4, 106:14, 109:18, 109:19, 111:12, 111:25, 112:25, 113:13, 119:23, 126:8, 129:22, 129:23, 130:13, 137:23, 148:14, 157:8</p> <p>numbered [1] - 115:24</p> <p>numbers [2] - 37:4, 108:13</p> <p>nutshell [5] - 4:25, 5:8, 141:8, 141:10, 141:11</p>	<p>occurred [6] - 33:1, 38:20, 64:19, 134:4, 156:16, 161:12</p> <p>occurring [6] - 6:4, 56:21, 78:24, 107:4, 134:20, 152:5</p> <p>October [3] - 23:22, 34:21, 83:5</p> <p>offence [3] - 60:15, 119:20, 120:17</p> <p>Offence [1] - 82:16</p> <p>offences [2] - 52:3, 61:16</p> <p>offender [1] - 59:24</p> <p>offer [1] - 65:12</p> <p>offering [2] - 68:2, 68:3</p> <p>offhand [1] - 80:15</p> <p>office [1] - 37:19</p> <p>officer [8] - 57:20, 59:4, 59:7, 59:15, 88:5, 96:25, 132:3, 140:5</p> <p>officer's [1] - 109:15</p> <p>officers [26] - 16:11, 30:20, 30:24, 44:13, 45:24, 51:8, 53:8, 55:1, 56:1, 59:23, 86:6, 86:11, 91:6, 91:13, 92:9, 93:11, 96:3, 96:12, 96:16, 96:17, 97:11, 114:13, 124:22, 139:20, 140:3, 142:11</p> <p>offices [2] - 13:10, 115:21</p> <p>official [1] - 82:24</p> <p>Official [1] - 164:7</p> <p>offline [5] - 107:18, 107:23, 108:4, 111:1, 111:19</p> <p>often [6] - 33:22, 36:24, 59:6, 59:9, 86:15, 131:2</p> <p>Often [1] - 35:24</p> <p>Oger [1] - 144:22</p> <p>old [2] - 121:9, 160:10</p> <p>older [1] - 11:7</p> <p>once [3] - 41:9, 137:4</p> <p>One [3] - 60:4, 77:1, 105:7</p> <p>one [91] - 6:2, 6:3, 7:6, 7:10, 7:22, 13:14, 18:12, 19:14, 21:24, 25:24, 26:5, 27:3, 33:12, 34:20, 36:7, 37:1, 37:12, 45:9, 46:7, 47:12, 48:7,</p>	<p>50:1, 52:8, 52:17, 58:22, 60:2, 60:21, 61:8, 61:13, 61:25, 67:6, 68:10, 71:15, 73:17, 74:12, 75:12, 77:8, 78:12, 80:14, 80:25, 81:8, 82:8, 87:2, 87:3, 88:22, 92:24, 97:7, 98:25, 99:25, 102:16, 103:18, 105:17, 108:22, 109:1, 109:5, 111:3, 111:13, 112:10, 112:14, 114:10, 115:1, 117:7, 118:9, 118:14, 121:19, 122:1, 124:3, 124:12, 125:9, 125:18, 125:19, 134:12, 136:17, 138:12, 141:15, 143:20, 143:23, 145:2, 146:17, 147:8, 148:21, 152:2, 153:21, 154:1, 154:15, 158:15, 161:4, 161:6, 161:16</p> <p>ones [13] - 7:12, 13:1, 17:17, 35:13, 35:16, 90:22, 104:9, 154:15, 158:8, 158:12, 158:14, 159:16, 159:21</p> <p>ones' [1] - 96:4</p> <p>Ontario [1] - 33:12</p> <p>onwards [1] - 3:25</p> <p>open [1] - 37:19</p> <p>operating [7] - 113:1, 113:2, 113:3, 113:5, 121:21, 139:10, 139:19</p> <p>Operation [3] - 14:12, 19:18, 150:7</p> <p>operation [3] - 16:16, 57:24, 59:15</p> <p>operative [2] - 58:14, 60:10</p> <p>operator [2] - 57:11, 132:15</p> <p>operators [3] - 135:21, 141:4, 144:8</p> <p>opinion [1] - 29:5</p> <p>opinions [4] - 98:14, 100:21, 100:25</p> <p>opportunity [3] - 63:11, 70:5, 153:12</p> <p>opposed [6] - 59:3, 59:21, 60:1, 77:20, 86:17, 120:23</p> <p>opposite [1] - 123:5</p>	<p>ops [1] - 139:25</p> <p>optimism [1] - 28:16</p> <p>order [5] - 95:18, 95:21, 96:19, 118:10, 163:2</p> <p>Order [4] - 1:4, 47:9, 102:1, 144:18</p> <p>ordinary [1] - 36:11</p> <p>organizations [1] - 5:3</p> <p>organize [1] - 156:15</p> <p>Ori [2] - 109:20</p> <p>origin [2] - 109:21, 109:23</p> <p>original [1] - 56:4</p> <p>originally [1] - 94:10</p> <p>otherwise [2] - 93:7, 132:5</p> <p>ought [2] - 25:15, 98:16</p> <p>outpouring [1] - 127:24</p> <p>outside [1] - 50:10</p> <p>outsiders [1] - 74:22</p> <p>overnight [2] - 47:16, 50:11</p> <p>oversee [1] - 44:4</p> <p>oversight [1] - 16:2</p> <p>overviewed [1] - 48:14</p> <p>own [4] - 23:11, 131:18, 144:4, 150:6</p> <p>owned [1] - 117:10</p>	<p>Page [9] - 65:4, 79:15, 117:13, 122:18, 149:3, 149:5, 1:2, 2:3, 3:3</p> <p>pages [6] - 110:13, 137:19, 147:25, 152:5, 152:9</p> <p>pains [1] - 133:21</p> <p>Palace [7] - 89:20, 116:1, 116:24, 117:8, 152:2, 152:14, 152:22</p> <p>paragraph [9] - 21:7, 32:13, 53:19, 53:21, 68:18, 123:2, 125:16, 127:2, 128:14</p> <p>pardon [3] - 103:4, 136:14, 147:19</p> <p>Pardon [4] - 40:9, 90:11, 104:23</p> <p>pare [1] - 102:4</p> <p>part [14] - 26:7, 32:25, 38:11, 62:8, 68:3, 73:24, 83:14, 83:22, 84:3, 138:24, 146:3, 146:21, 148:19, 160:6</p> <p>Part [1] - 91:20</p> <p>participate [1] - 18:17</p> <p>participated [2] - 45:14, 92:17</p> <p>particular [11] - 7:6, 9:1, 10:14, 41:13, 58:22, 60:15, 81:8, 103:17, 113:16, 118:14, 135:22</p> <p>particularly [1] - 25:19</p> <p>parties [1] - 91:21</p> <p>parts [1] - 146:4</p> <p>party [2] - 52:3, 99:17</p> <p>passage [3] - 13:23, 33:19, 160:10</p> <p>passed [2] - 134:11, 134:18</p> <p>passing [1] - 12:20</p> <p>past [1] - 148:17</p> <p>patience [1] - 162:23</p> <p>patrol [4] - 132:5, 138:4, 140:14, 142:11</p> <p>people [69] - 8:17, 27:5, 27:20, 28:7, 28:10, 29:18, 30:16, 30:22, 30:25, 31:2, 31:18, 32:5, 33:6, 33:8, 33:14, 42:11, 46:15, 49:4, 49:15, 50:25, 54:20, 55:11, 56:24, 57:3, 63:25,</p>
O			P	
<p>o'clock [2] - 99:1, 163:16</p> <p>oath [1] - 87:14</p> <p>objected [1] - 24:10</p> <p>objection [2] - 72:21, 77:10</p> <p>objections [1] - 95:11</p> <p>observed [1] - 60:6</p> <p>obtain [2] - 59:24, 115:14</p> <p>obvious [1] - 32:4</p> <p>obviously [3] - 64:6, 98:14, 100:8</p> <p>Obviously [2] - 24:7, 125:9</p> <p>occasion [2] - 13:19, 20:1</p> <p>occasionally [1] - 131:4</p> <p>occasions [1] - 82:21</p> <p>occupied [1] - 82:3</p>	<p>occurred [6] - 33:1, 38:20, 64:19, 134:4, 156:16, 161:12</p> <p>occurring [6] - 6:4, 56:21, 78:24, 107:4, 134:20, 152:5</p> <p>October [3] - 23:22, 34:21, 83:5</p> <p>offence [3] - 60:15, 119:20, 120:17</p> <p>Offence [1] - 82:16</p> <p>offences [2] - 52:3, 61:16</p> <p>offender [1] - 59:24</p> <p>offer [1] - 65:12</p> <p>offering [2] - 68:2, 68:3</p> <p>offhand [1] - 80:15</p> <p>office [1] - 37:19</p> <p>officer [8] - 57:20, 59:4, 59:7, 59:15, 88:5, 96:25, 132:3, 140:5</p> <p>officer's [1] - 109:15</p> <p>officers [26] - 16:11, 30:20, 30:24, 44:13, 45:24, 51:8, 53:8, 55:1, 56:1, 59:23, 86:6, 86:11, 91:6, 91:13, 92:9, 93:11, 96:3, 96:12, 96:16, 96:17, 97:11, 114:13, 124:22, 139:20, 140:3, 142:11</p> <p>offices [2] - 13:10, 115:21</p> <p>official [1] - 82:24</p> <p>Official [1] - 164:7</p> <p>offline [5] - 107:18, 107:23, 108:4, 111:1, 111:19</p> <p>often [6] - 33:22, 36:24, 59:6, 59:9, 86:15, 131:2</p> <p>Often [1] - 35:24</p> <p>Oger [1] - 144:22</p> <p>old [2] - 121:9, 160:10</p> <p>older [1] - 11:7</p> <p>once [3] - 41:9, 137:4</p> <p>One [3] - 60:4, 77:1, 105:7</p> <p>one [91] - 6:2, 6:3, 7:6, 7:10, 7:22, 13:14, 18:12, 19:14, 21:24, 25:24, 26:5, 27:3, 33:12, 34:20, 36:7, 37:1, 37:12, 45:9, 46:7, 47:12, 48:7,</p>	<p>50:1, 52:8, 52:17, 58:22, 60:2, 60:21, 61:8, 61:13, 61:25, 67:6, 68:10, 71:15, 73:17, 74:12, 75:12, 77:8, 78:12, 80:14, 80:25, 81:8, 82:8, 87:2, 87:3, 88:22, 92:24, 97:7, 98:25, 99:25, 102:16, 103:18, 105:17, 108:22, 109:1, 109:5, 111:3, 111:13, 112:10, 112:14, 114:10, 115:1, 117:7, 118:9, 118:14, 121:19, 122:1, 124:3, 124:12, 125:9, 125:18, 125:19, 134:12, 136:17, 138:12, 141:15, 143:20, 143:23, 145:2, 146:17, 147:8, 148:21, 152:2, 153:21, 154:1, 154:15, 158:15, 161:4, 161:6, 161:16</p> <p>ones [13] - 7:12, 13:1, 17:17, 35:13, 35:16, 90:22, 104:9, 154:15, 158:8, 158:12, 158:14, 159:16, 159:21</p> <p>ones' [1] - 96:4</p> <p>Ontario [1] - 33:12</p> <p>onwards [1] - 3:25</p> <p>open [1] - 37:19</p> <p>operating [7] - 113:1, 113:2, 113:3, 113:5, 121:21, 139:10, 139:19</p> <p>Operation [3] - 14:12, 19:18, 150:7</p> <p>operation [3] - 16:16, 57:24, 59:15</p> <p>operative [2] - 58:14, 60:10</p> <p>operator [2] - 57:11, 132:15</p> <p>operators [3] - 135:21, 141:4, 144:8</p> <p>opinion [1] - 29:5</p> <p>opinions [4] - 98:14, 100:21, 100:25</p> <p>opportunity [3] - 63:11, 70:5, 153:12</p> <p>opposed [6] - 59:3, 59:21, 60:1, 77:20, 86:17, 120:23</p> <p>opposite [1] - 123:5</p>	<p>package [8] - 114:3, 114:15, 114:19, 115:17, 115:19, 117:24, 136:5, 148:5</p> <p>page [53] - 8:12, 9:1, 9:2, 13:23, 21:6, 32:8, 32:12, 39:2, 50:22, 64:23, 65:7, 65:21, 68:16, 69:22, 70:24, 70:25, 75:23, 75:24, 102:15, 107:22, 107:25, 108:19, 114:1, 114:2, 116:1, 116:7, 116:15, 117:9, 117:17, 118:1, 118:3, 122:2, 122:5, 122:15, 122:25, 123:2, 123:12, 136:11, 136:12, 136:22, 138:10, 146:21, 147:18, 147:23, 148:17, 148:18, 150:2, 152:8, 152:11, 152:12, 152:13</p>	<p>participated [2] - 45:14, 92:17</p> <p>particular [11] - 7:6, 9:1, 10:14, 41:13, 58:22, 60:15, 81:8, 103:17, 113:16, 118:14, 135:22</p> <p>particularly [1] - 25:19</p> <p>parties [1] - 91:21</p> <p>parts [1] - 146:4</p> <p>party [2] - 52:3, 99:17</p> <p>passage [3] - 13:23, 33:19, 160:10</p> <p>passed [2] - 134:11, 134:18</p> <p>passing [1] - 12:20</p> <p>past [1] - 148:17</p> <p>patience [1] - 162:23</p> <p>patrol [4] - 132:5, 138:4, 140:14, 142:11</p> <p>people [69] - 8:17, 27:5, 27:20, 28:7, 28:10, 29:18, 30:16, 30:22, 30:25, 31:2, 31:18, 32:5, 33:6, 33:8, 33:14, 42:11, 46:15, 49:4, 49:15, 50:25, 54:20, 55:11, 56:24, 57:3, 63:25,</p>

66:16, 67:3, 67:16, 70:19, 71:12, 71:20, 71:24, 71:25, 72:8, 72:16, 74:22, 80:21, 81:7, 81:11, 81:20, 82:18, 83:19, 83:22, 83:24, 84:6, 84:10, 86:7, 88:16, 99:15, 99:16, 100:21, 101:6, 103:15, 124:12, 127:18, 134:16, 140:14, 140:20, 142:23, 150:25, 154:9, 155:11, 157:14, 157:18, 157:23, 159:2, 160:17, 160:21
People [1] - 157:20
people's [1] - 100:25
per [3] - 4:21, 45:14, 119:12
perceive [2] - 31:2, 77:13
perceived [1] - 6:15
perception [4] - 11:2, 11:20, 20:17, 22:14
perfectly [1] - 125:2
performance [3] - 83:12, 143:10, 143:14
perhaps [7] - 42:6, 42:23, 49:10, 72:17, 81:25, 130:7, 154:1
Perhaps [1] - 47:4
period [10] - 5:11, 5:16, 5:20, 26:20, 32:22, 50:14, 113:3, 131:17, 136:8, 149:22
periodically [2] - 95:15, 137:1
Permanent [1] - 106:18
permanent [2] - 82:25, 106:18
perpetrator [2] - 55:6
person [30] - 14:16, 16:3, 19:24, 19:25, 27:3, 36:2, 36:10, 42:13, 43:13, 46:19, 46:21, 49:12, 53:24, 57:3, 60:16, 65:23, 71:3, 72:2, 74:14, 75:16, 75:17, 77:2, 77:6, 78:1, 79:4, 87:5, 88:13, 106:11, 115:7, 125:9
personal [3] - 3:20, 116:19, 116:22
Personal [1] - 104:20
personally [3] -

45:11, 66:15, 146:15
personnel [3] - 8:10, 40:23, 123:7
persons [6] - 27:11, 29:17, 65:24, 106:7, 125:6, 128:21
Persons [15] - 79:11, 79:17, 79:21, 80:2, 80:3, 80:7, 81:5, 82:13, 83:17, 83:23, 129:6, 132:7, 134:8, 135:15
persons' [1] - 76:13
perspective [3] - 6:7, 6:18, 10:10
pertaining [1] - 67:9
pertains [1] - 64:19
Phase [3] - 47:19, 47:22, 47:23
phone [1] - 138:6
photograph [1] - 122:20
phrase [4] - 42:1, 81:13, 81:16, 81:20
physical [2] - 31:22, 57:23
pick [1] - 133:17
picked [1] - 32:21
Pickton [66] - 4:10, 4:17, 23:1, 34:7, 34:8, 38:13, 39:5, 39:20, 49:5, 51:25, 52:20, 53:16, 53:24, 55:4, 57:2, 57:12, 58:6, 60:8, 60:14, 61:8, 61:15, 62:23, 63:7, 63:15, 63:17, 63:21, 66:14, 71:2, 71:4, 72:1, 76:2, 78:23, 87:5, 88:12, 89:1, 89:8, 90:15, 102:12, 103:6, 107:22, 108:5, 108:22, 109:8, 110:11, 111:5, 111:6, 111:14, 112:8, 112:23, 115:20, 118:7, 118:15, 118:20, 119:1, 119:14, 120:9, 120:21, 147:3, 150:14, 150:21, 152:23, 153:9, 153:10, 156:18, 2:8
Pickton's [8] - 4:14, 48:14, 51:13, 56:10, 64:10, 64:13, 107:7, 120:13
Picktons [4] - 89:13, 89:16, 91:2, 116:8
picture [2] - 65:21,

125:16
pictures [1] - 126:18
piece [1] - 128:10
Piggy [2] - 116:1, 117:8
Piggy's [5] - 89:20, 116:24, 152:2, 152:14, 152:22
pin [1] - 109:18
Pip [1] - 104:7
Pirs [20] - 104:14, 104:15, 104:18, 104:20, 105:1, 105:21, 105:25, 106:17, 106:24, 112:14, 118:1, 118:3, 118:6, 118:7, 119:21, 120:3, 120:22, 120:25, 121:7, 121:8
pivotal [2] - 63:17, 63:23
place [22] - 2:4, 9:19, 23:12, 32:23, 36:2, 44:16, 56:10, 56:25, 57:21, 70:17, 81:16, 81:24, 83:9, 83:18, 83:20, 84:4, 84:14, 85:25, 86:5, 89:5, 132:14, 154:19
placed [1] - 159:8
places [2] - 112:9, 151:8
plainly [1] - 70:6
plan [5] - 93:12, 93:16, 95:10, 112:19, 152:17
planned [1] - 94:11
plate [1] - 43:15
plausible [3] - 31:10, 154:4, 158:2
play [11] - 18:2, 19:17, 33:13, 36:16, 42:22, 97:12, 133:3, 154:1, 155:23, 162:3, 162:5
plight [1] - 23:8
plugged [1] - 111:6
Pm [6] - 101:23, 101:24, 101:25, 144:16, 144:17, 163:18
Pne [2] - 133:4, 133:5
Poi [1] - 71:15
point [37] - 2:17, 6:17, 10:8, 10:11, 17:16, 21:3, 25:7, 30:19, 32:3, 37:8, 42:16, 42:18, 43:5, 49:25, 50:7, 54:10,

60:4, 60:17, 67:13, 67:24, 72:21, 73:10, 78:3, 79:13, 97:20, 99:8, 106:23, 107:1, 134:12, 141:2, 143:19, 143:20, 151:14, 153:11, 156:4, 161:13
pointed [4] - 41:20, 43:23, 150:5, 160:14
points [3] - 66:9, 161:1, 161:16
poised [1] - 77:17
police [74] - 6:2, 10:9, 15:12, 17:20, 30:20, 30:24, 40:20, 41:22, 44:13, 45:24, 49:4, 51:8, 52:21, 53:1, 53:4, 53:16, 55:1, 55:8, 55:25, 56:1, 57:19, 59:3, 59:7, 59:11, 59:15, 59:23, 62:18, 70:21, 71:1, 71:3, 71:22, 72:1, 74:7, 74:19, 75:3, 75:16, 75:17, 76:3, 76:4, 77:15, 81:23, 82:1, 82:6, 82:11, 85:22, 86:5, 86:11, 88:5, 89:9, 95:17, 96:3, 97:16, 98:1, 99:10, 99:17, 101:6, 103:10, 103:14, 105:14, 109:15, 114:13, 122:16, 126:24, 127:7, 128:18, 132:3, 139:3, 139:20, 140:2, 140:3, 140:5, 140:7, 155:20
Police [45] - 4:1, 5:18, 8:20, 9:25, 10:4, 10:19, 11:2, 11:6, 13:15, 14:13, 15:2, 15:25, 20:10, 26:18, 31:7, 37:21, 40:23, 44:14, 45:12, 53:8, 53:22, 55:10, 68:11, 68:13, 73:18, 78:22, 85:9, 100:9, 104:7, 104:12, 104:22, 104:23, 106:7, 112:22, 113:8, 122:11, 126:9, 133:12, 136:7, 136:25, 140:15, 143:16, 149:12, 149:14, 2:10
policies [3] - 133:25, 134:3, 134:4

policing [1] - 156:1
policy [6] - 86:12, 86:13, 119:12, 134:12, 135:10, 135:16
polygraph [1] - 145:7
pool [1] - 46:23
poor [2] - 46:3, 158:19
Port [3] - 39:7, 103:7, 113:8
Portal [1] - 104:7
portion [4] - 70:3, 77:25, 88:7, 138:11
pose [1] - 59:7
position [19] - 1:12, 1:15, 19:7, 64:8, 82:20, 82:22, 82:24, 83:1, 83:24, 84:8, 85:9, 91:7, 95:5, 99:14, 114:18, 131:4, 131:6, 140:14, 147:12
positions [3] - 82:3, 139:4, 139:23
possibilities [1] - 50:5
possibility [6] - 18:12, 19:14, 22:10, 50:5, 56:9, 154:16
possible [5] - 18:7, 55:6, 73:2, 73:15, 139:15
possibly [3] - 21:18, 45:2, 54:1
post [1] - 135:12
post-june [1] - 135:12
poster [7] - 34:14, 34:15, 65:5, 65:19, 72:14, 73:4, 73:8
potential [5] - 52:22, 60:2, 75:18, 115:3, 115:4
powerful [1] - 151:23
practice [4] - 40:8, 56:2, 134:14, 134:19
practices [3] - 133:25, 134:3, 134:4
precede [2] - 163:2, 163:11
preceding [1] - 80:11
predicated [1] - 156:23
preference [1] - 22:20
prejudicial [1] - 24:13
preliminary [2] - 64:13, 69:4

<p>premise [2] - 17:25, 18:23</p> <p>prescribed [1] - 131:14</p> <p>presentation [2] - 41:22, 149:15</p> <p>presented [1] - 93:21</p> <p>president [1] - 116:9</p> <p>President's [2] - 137:22, 138:11</p> <p>press [1] - 144:11</p> <p>presumably [1] - 39:12</p> <p>presumes [1] - 46:25</p> <p>pretty [4] - 92:1, 161:25, 162:6, 162:13</p> <p>prevailing [4] - 18:11, 26:20, 27:4, 157:3</p> <p>prevalent [1] - 32:15</p> <p>previous [2] - 116:18, 159:9</p> <p>Prevost [2] - 33:2, 33:9</p> <p>Prime [4] - 104:4, 104:5, 113:2, 113:6</p> <p>prime [5] - 48:15, 51:14, 51:18, 51:22, 52:7</p> <p>priorities [2] - 6:3, 6:4</p> <p>priority [2] - 130:5, 156:19</p> <p>prison [2] - 63:22, 64:7</p> <p>privacy [1] - 2:2</p> <p>private [2] - 146:11, 146:12</p> <p>privately [1] - 146:25</p> <p>privilege [4] - 70:7, 70:10, 73:21, 76:12</p> <p>privileged [2] - 146:10, 146:12</p> <p>probable [1] - 60:7</p> <p>problem [14] - 11:5, 26:7, 28:10, 29:15, 36:15, 74:10, 91:16, 91:20, 93:20, 123:7, 149:25, 160:14, 161:19, 162:19</p> <p>problematic [1] - 151:11</p> <p>problems [9] - 6:16, 36:8, 133:21, 133:23, 142:9, 142:10, 151:21, 161:11</p> <p>proceed [1] - 63:16</p> <p>proceeded [1] - 63:21</p> <p>proceeding [2] -</p>	<p>24:11, 112:12</p> <p>Proceedings [9] - 1:3, 47:7, 47:8, 101:24, 101:25, 144:16, 144:17, 163:18, 1:1</p> <p>proceedings [4] - 56:3, 64:10, 92:18, 164:3</p> <p>process [4] - 2:18, 45:1, 100:13, 138:23</p> <p>produce [1] - 74:11</p> <p>produced [2] - 1:13, 8:1</p> <p>profile [1] - 43:24</p> <p>progress [2] - 139:12, 140:6</p> <p>progressed [1] - 154:10</p> <p>project [1] - 18:18</p> <p>Project [2] - 39:11, 150:8</p> <p>promise [1] - 52:4</p> <p>proof [1] - 143:6</p> <p>properly [1] - 44:18</p> <p>properties [3] - 116:19, 116:22, 153:1</p> <p>property [19] - 4:10, 4:14, 4:17, 38:24, 88:17, 116:23, 117:2, 117:6, 117:7, 117:8, 117:10, 150:15, 150:17, 150:22, 151:1, 152:23, 153:9, 153:10</p> <p>proponents [1] - 154:5</p> <p>proposing [1] - 59:17</p> <p>proposition [1] - 12:5</p> <p>prostitute [1] - 119:17</p> <p>prostitutes [3] - 53:24, 63:3, 135:23</p> <p>Prostitutes [1] - 126:22</p> <p>protect [5] - 72:13, 72:15, 72:23, 73:7, 73:21</p> <p>protected [1] - 72:25</p> <p>protecting [1] - 72:15</p> <p>protection [2] - 37:16, 126:24</p> <p>proud [1] - 45:11</p> <p>prove [1] - 145:7</p> <p>provide [6] - 94:15, 100:18, 110:25, 124:2, 150:16, 158:2</p>	<p>provided [15] - 12:12, 13:2, 39:25, 73:23, 74:13, 76:3, 76:14, 77:6, 77:15, 77:16, 77:23, 78:22, 87:18, 136:6, 147:18</p> <p>providing [1] - 77:24</p> <p>province [1] - 113:9</p> <p>Province [3] - 3:15, 23:21, 39:7</p> <p>provincial [1] - 151:16</p> <p>Provincial [1] - 146:25</p> <p>psychiatric [1] - 33:5</p> <p>Public [3] - 68:21, 147:1, 147:7</p> <p>public [11] - 11:1, 66:5, 66:9, 73:9, 74:6, 101:16, 114:12, 115:7, 128:3, 131:1, 147:12</p> <p>publications [1] - 2:22</p> <p>publicity [2] - 3:22, 3:25</p> <p>publicly [2] - 147:6, 152:20</p> <p>published [2] - 3:14, 136:8</p> <p>pull [1] - 78:14</p> <p>pulled [1] - 123:18</p> <p>purpose [5] - 66:20, 97:18, 97:19, 129:6, 137:9</p> <p>purposes [3] - 67:25, 143:21, 153:14</p> <p>pursue [1] - 49:24</p> <p>pursuing [1] - 9:7</p> <p>push [3] - 122:11, 156:9, 157:2</p> <p>Push [2] - 126:9, 2:10</p> <p>put [36] - 11:3, 16:10, 24:25, 25:16, 26:10, 27:18, 40:3, 41:5, 55:22, 55:25, 56:17, 57:19, 57:25, 60:9, 60:20, 61:3, 65:18, 66:20, 72:14, 73:3, 73:8, 82:1, 88:9, 89:17, 93:10, 95:14, 99:16, 99:19, 101:6, 102:16, 109:18, 111:11, 114:14, 121:10, 129:19, 161:24</p> <p>puts [1] - 92:20</p> <p>putting [3] - 27:13, 85:2, 154:19</p>	<p>Putting [1] - 59:15</p> <p style="text-align: center;">Q</p> <p>Qc [1] - 163:1</p> <p>quarters [1] - 32:12</p> <p>Quayle [1] - 69:2</p> <p>queries [3] - 107:23, 108:4, 110:10</p> <p>query [12] - 103:20, 109:3, 109:8, 109:16, 118:1, 118:3, 118:6, 118:7, 118:11, 121:1, 121:8, 121:10</p> <p>Query [1] - 108:11</p> <p>querying [2] - 114:12, 120:24</p> <p>question's [1] - 73:10</p> <p>questioning [3] - 24:5, 46:25, 137:9</p> <p>questions [10] - 1:11, 25:15, 47:12, 55:22, 63:14, 79:10, 102:17, 121:12, 145:14, 162:24</p> <p>quickly [5] - 37:1, 139:15, 159:17, 159:19, 159:21</p> <p>Quite [1] - 15:18</p> <p>quite [14] - 4:4, 45:16, 53:7, 55:19, 59:25, 86:6, 108:20, 119:3, 129:24, 137:3, 142:6, 143:17, 159:17, 159:19</p> <p>quotation [2] - 124:6, 127:22</p> <p>quote [6] - 123:24, 124:17, 124:20, 125:1, 125:25, 127:21</p> <p>quoted [1] - 128:7</p> <p>quotes [3] - 125:4, 127:12, 128:1</p>	<p>36:12, 96:2, 102:7</p> <p>Rcmp [27] - 5:4, 13:21, 14:13, 14:23, 16:5, 16:20, 16:21, 26:5, 28:13, 54:25, 68:24, 69:1, 89:14, 89:18, 90:21, 91:1, 91:6, 91:13, 96:25, 100:10, 104:15, 105:21, 113:8, 120:12, 152:17, 156:19</p> <p>Rcmp-002-008-007 [1] - 40:9</p> <p>Rcmp-002-008007 [3] - 39:21, 40:10, 2:9</p> <p>Rcmp-007-000108 [1] - 113:13</p> <p>Rcmp-008-000151 [1] - 108:13</p> <p>re [5] - 12:23, 51:3, 97:15, 153:19, 2:17</p> <p>re-investigate [1] - 97:15</p> <p>read [17] - 4:18, 9:3, 13:23, 19:9, 19:10, 38:5, 50:23, 53:12, 62:9, 78:4, 78:7, 78:10, 87:21, 122:4, 124:19, 139:17</p> <p>reading [5] - 63:9, 79:6, 79:7, 134:15, 145:4</p> <p>ready [3] - 2:13, 58:24, 163:13</p> <p>real [4] - 25:19, 88:11, 92:21, 161:19</p> <p>realize [1] - 148:15</p> <p>really [14] - 1:20, 1:25, 12:4, 19:2, 25:16, 49:14, 55:21, 88:22, 100:19, 157:9, 157:10, 157:20, 157:23, 162:17</p> <p>reappear [1] - 36:22</p> <p>reason [15] - 69:18, 74:7, 76:4, 76:15, 78:14, 81:21, 86:21, 119:4, 137:18, 144:1, 156:12, 156:21, 156:24, 157:1, 157:13</p> <p>reasonable [4] - 60:7, 60:18, 61:2, 93:18</p> <p>reasons [2] - 2:2, 88:20</p> <p>receive [3] - 66:24, 67:5, 139:16</p> <p>received [10] - 51:19, 61:24, 70:3, 70:8,</p>
			R	
			<p>raids [1] - 45:19</p> <p>raised [5] - 134:7, 138:16, 140:4, 140:9, 159:20</p> <p>raising [1] - 55:9</p> <p>ran [3] - 109:16, 120:21, 139:2</p> <p>range [2] - 38:19, 81:23</p> <p>rank [1] - 149:13</p> <p>ranks [4] - 10:11, 10:18, 31:7, 155:11</p> <p>rather [4] - 6:3,</p>	

70:20, 74:4, 75:17,
108:11, 137:11,
137:16
receiving [1] - 58:4
recent [3] - 124:3,
137:7, 146:16
recently [3] - 46:6,
46:12, 147:6
receptive [1] - 29:23
recess [2] - 47:6,
144:15
recognition [1] -
29:7
recognized [2] -
28:20, 143:6
recollection [16] -
3:20, 45:17, 48:10,
55:14, 66:12, 66:25,
79:3, 88:4, 88:11,
88:18, 89:2, 109:24,
112:6, 137:3, 152:25,
154:7
recommend [1] -
77:24
recommendation [1]
- 69:12
recommendations
[5] - 66:24, 69:5, 83:7,
96:20, 98:22
recommended [2] -
66:20, 69:13
recommends [1] -
69:19
Reconvened [1] -
1:3
record [17] - 7:21,
22:21, 24:16, 27:9,
38:11, 40:7, 56:1,
78:24, 83:11, 100:15,
101:4, 101:12, 106:4,
110:6, 111:25,
112:12, 114:13
recorded [1] - 76:4
records [18] - 15:11,
73:19, 77:16, 86:16,
103:10, 104:15,
105:15, 105:22,
106:1, 106:2, 106:4,
106:16, 106:25,
112:1, 114:20, 115:5,
115:7, 117:25
recounted [1] -
56:19
recurred [1] - 153:22
redacted [3] - 1:24,
74:14, 153:13
refer [5] - 7:11, 8:25,
12:19, 34:13, 81:20
reference [19] - 20:3,
38:3, 40:10, 47:18,

51:4, 68:8, 68:16,
80:3, 92:15, 96:15,
105:7, 120:5, 120:8,
120:17, 123:3, 125:6,
137:20, 138:16,
144:25
referenced [11] -
43:25, 61:7, 61:9,
74:18, 75:6, 76:23,
77:1, 77:2, 114:16,
119:4, 155:21
references [2] -
108:19, 117:16
referred [5] - 3:11,
65:21, 101:12,
118:22, 135:13
referring [10] - 12:24,
54:6, 62:5, 65:3,
86:19, 101:5, 101:13,
102:15, 136:21,
138:19
refers [5] - 38:9,
38:10, 54:18, 110:5,
137:23
reflected [3] - 55:17,
101:1, 149:1
reflects [1] - 148:24
refresh [1] - 131:7
regard [1] - 40:9
regardless [2] - 36:3,
46:17
regional [2] - 53:1,
131:20
Registrar [25] - 1:4,
3:3, 6:19, 6:22, 6:25,
7:2, 7:8, 7:11, 7:14,
7:16, 7:19, 7:22, 8:4,
8:6, 39:17, 47:6, 47:9,
101:23, 102:1, 126:8,
130:13, 144:15,
144:18, 153:16,
163:16
regular [3] - 81:25,
137:3, 137:8
regularly [1] - 137:1
rejected [1] - 128:17
rejects [1] - 24:20
related [5] - 9:12,
38:5, 76:2, 78:3,
162:2
relating [2] - 60:9,
140:13
relation [1] - 79:4
relations [1] - 128:3
relationship [5] -
72:13, 72:23, 73:3,
73:6, 152:21
relative [3] - 34:20,
41:10, 133:16
relatives [2] - 115:8,

117:3
relaxing [1] - 123:4
release [1] - 148:1
released [3] - 65:5,
146:19, 147:20
relevance [2] -
70:11, 70:15
relevant [7] - 92:14,
96:14, 96:17, 97:1,
97:9, 135:20, 140:12
reliability [2] - 53:25,
54:21
reluctance [4] -
65:10, 153:23, 154:3,
154:6
Rem [1] - 109:11
remains [3] - 106:21,
117:3, 150:22
remark [3] - 20:5,
21:16, 94:25
Remarks [1] - 109:14
remarks [4] - 20:11,
20:14, 24:22, 109:11
remember [14] -
3:16, 3:18, 47:20,
48:4, 48:16, 48:19,
48:21, 51:5, 55:20,
56:13, 71:5, 77:16,
102:21, 121:25
Remember [1] -
134:2
remind [4] - 44:9,
53:13, 80:20, 94:10
remotely [1] - 9:11
repeat [1] - 98:17
repetition [1] - 97:10
replaced [3] - 80:18,
80:19, 113:2
replacement [1] -
82:9
Report [1] - 137:22
report [70] - 4:6,
4:19, 4:22, 5:9, 6:5,
19:10, 28:18, 29:6,
31:1, 32:3, 32:8, 34:3,
43:18, 46:2, 49:10,
50:18, 56:20, 56:22,
60:21, 61:6, 62:9,
62:15, 63:10, 64:21,
64:25, 71:14, 71:25,
72:10, 74:1, 74:2,
74:18, 75:7, 76:24,
77:1, 77:2, 79:13,
79:15, 89:5, 100:10,
101:15, 102:13,
103:3, 107:19,
108:16, 108:18,
110:9, 111:14,
111:15, 111:18,
111:20, 111:21,

111:22, 111:23,
112:24, 114:5,
114:16, 131:25,
133:15, 134:17,
135:4, 135:6, 139:9,
142:16, 144:25,
145:9, 147:20,
153:22, 155:21,
160:14, 162:7
reported [36] - 12:2,
15:12, 15:19, 21:11,
33:3, 33:22, 34:8,
34:10, 34:11, 34:17,
34:21, 34:24, 35:3,
35:6, 35:9, 35:12,
35:14, 35:16, 36:4,
36:10, 36:25, 37:20,
37:21, 40:19, 41:9,
41:15, 43:7, 43:17,
46:1, 47:2, 71:1,
130:2, 134:22,
153:25, 155:4, 159:16
Reporter [1] - 164:7
Reporter's [1] - 3:2
reporting [5] - 16:6,
130:21, 134:25,
138:21, 140:21
Reporting [1] - 164:8
Reports [1] - 43:1
reports [7] - 28:19,
42:22, 43:1, 112:21,
131:13, 134:10, 151:1
represent [4] - 37:8,
95:6, 99:10, 99:11
representative [1] -
15:1
representing [1] -
149:13
reproduced [1] -
65:6
request [7] - 16:12,
28:6, 29:8, 76:19,
94:12, 124:4, 163:4
requested [2] -
49:22, 129:16
Requests [1] - 3:1
requests [3] - 28:13,
129:11, 129:15
require [1] - 153:12
required [1] - 140:1
requires [2] - 123:21,
151:24
rescue [3] - 4:14,
45:1, 45:14
rescued [1] - 4:16
resided [2] - 82:25,
158:20
residence [5] - 36:3,
54:4, 54:20, 55:7,
103:7

resolution [2] - 4:8,
46:9
resolved [2] - 46:11,
88:24
resource [5] - 57:9,
57:16, 57:18, 59:18,
139:24
resources [19] -
19:19, 22:2, 26:25,
27:13, 28:13, 29:10,
45:3, 46:24, 49:21,
57:21, 121:17,
123:21, 124:1,
129:12, 129:15,
129:16, 130:6, 154:19
resourcing [2] -
46:16, 124:7
respect [17] - 38:13,
47:16, 50:12, 65:4,
73:17, 93:14, 95:2,
96:18, 99:19, 100:1,
101:19, 119:1, 119:8,
133:11, 142:8, 144:4,
144:10
respectful [1] - 96:2
respecting [1] -
148:6
respond [4] - 28:12,
43:5, 138:4, 158:16
responded [1] - 30:8
response [6] - 30:11,
36:8, 46:8, 94:24,
134:24, 156:15
responsibility [2] -
130:25, 132:20
responsible [6] -
18:8, 65:24, 72:2,
87:6, 119:20, 154:2
responsive [2] -
29:11, 142:23
rest [2] - 113:9,
148:24
result [5] - 16:19,
53:17, 66:11, 106:8,
112:17
resulted [1] - 106:11
Resumed [4] - 3:8,
47:8, 101:25, 144:17
resumed [4] - 1:4,
47:9, 102:1, 144:18
Retrieval [2] -
104:21, 104:22
retrieval [1] - 105:23
retrieve [1] - 111:25
retrieved [1] - 136:6
return [3] - 36:19,
37:18, 153:21
returned [1] - 32:20
revamped [1] -
123:15

reveal [2] - 111:9, 112:21
reveals [1] - 115:19
Review [2] - 80:1, 80:9
review [30] - 6:8, 40:22, 41:6, 53:23, 62:7, 62:11, 63:13, 67:2, 78:8, 78:10, 78:11, 78:15, 78:21, 79:7, 79:8, 90:6, 92:25, 95:25, 96:23, 98:12, 107:10, 116:17, 119:24, 131:11, 133:9, 137:24, 145:18, 150:21, 152:4
reviewed [5] - 69:4, 75:8, 77:11, 108:15, 145:3
reviewers [2] - 100:6, 101:5
reviewing [3] - 100:15, 100:17, 110:8
reward [31] - 65:5, 65:12, 65:14, 65:15, 65:19, 65:22, 66:8, 66:11, 66:16, 66:21, 67:5, 68:2, 68:3, 69:13, 69:16, 69:20, 69:24, 70:3, 70:9, 70:16, 70:18, 71:21, 72:14, 73:4, 73:8, 73:20, 74:17, 77:12, 77:25, 125:7, 148:3
rewards [1] - 67:5
Rich [1] - 137:23
Richmond [1] - 113:8
right-hand [1] - 113:12
rightly [1] - 101:18
ring [1] - 79:2
Rms [10] - 106:1, 106:15, 106:18, 107:14, 110:23, 111:6, 111:15, 111:19, 112:15
Road [2] - 116:23, 117:1
robberies [2] - 84:11, 130:4
robbers [1] - 125:8
Robbery/assault [2] - 82:23, 84:7
Robert [18] - 38:13, 39:4, 39:20, 52:20, 89:8, 90:15, 108:5, 108:22, 109:8, 110:10, 111:5,

112:22, 118:17, 119:1, 119:14, 120:9, 147:3, 2:8
Roberts [7] - 94:13, 99:22, 163:1, 163:6, 163:10, 163:13
Rock [1] - 23:3
role [6] - 36:17, 45:3, 81:4, 97:12, 156:10, 157:2
Ron [1] - 129:21
room [3] - 32:21, 71:17, 122:21
rooming [1] - 158:21
rooted [1] - 160:11
Ross [1] - 127:1
Rossmo [4] - 31:12, 155:2, 155:6, 158:1
Rossmo's [2] - 19:10, 28:18
roughly [3] - 95:21, 152:25, 156:5
route [1] - 58:15
routine [5] - 53:8, 112:5, 114:17, 114:21, 115:11
routines [1] - 158:8
rule [2] - 49:16, 58:6
ruling [1] - 58:11
run [6] - 51:3, 109:24, 111:17, 112:13, 120:25, 135:1
runaway [1] - 135:1
running [3] - 44:22, 112:10, 131:23
ruse [1] - 88:17
Ruth [1] - 90:9

S

safe [1] - 59:14
Safety [1] - 68:21
safety [5] - 57:21, 59:19, 140:7, 140:21, 142:20
Sarah [7] - 34:12, 35:2, 36:9, 36:25, 41:6, 41:19, 126:18
Sarra [1] - 145:20
sat [3] - 16:1, 19:21, 87:16
save [4] - 8:21, 45:9, 63:14, 121:12
saw [5] - 37:1, 37:16, 40:18, 44:10, 88:12
scenario [2] - 59:20, 59:22
scenarios [1] - 59:23
scene [1] - 31:22
schematic [1] -

79:14
Schouten's [1] - 83:6
screen [1] - 118:1
Sean [1] - 19:22
search [15] - 38:23, 50:12, 71:19, 88:1, 88:8, 88:22, 89:10, 103:14, 111:1, 111:20, 112:2, 115:4, 115:11, 121:7, 121:8
searched [1] - 112:20
searches [3] - 103:11, 112:20, 120:20
searching [1] - 99:25
Seattle [1] - 159:5
second [21] - 15:23, 20:9, 32:13, 81:1, 84:2, 86:8, 96:24, 99:8, 103:1, 103:4, 109:1, 109:2, 112:13, 116:1, 123:2, 127:2, 128:14, 138:10, 138:24, 146:21, 149:5
Second [2] - 21:6, 53:21
secondary [1] - 86:11
seconded [1] - 13:14
secondly [1] - 101:11
secretary [1] - 116:9
Section [1] - 15:3
security [1] - 116:11
see [51] - 14:5, 21:2, 21:7, 31:18, 32:2, 39:9, 50:14, 54:9, 60:23, 65:1, 66:1, 68:12, 69:6, 69:15, 70:6, 70:15, 75:22, 77:17, 79:21, 91:16, 92:4, 107:24, 108:18, 108:23, 108:24, 109:2, 113:13, 115:22, 116:5, 117:11, 117:19, 119:6, 122:6, 122:13, 122:16, 122:20, 123:10, 123:22, 124:24, 125:23, 126:14, 126:24, 127:10, 128:1, 128:12, 128:23, 132:9, 136:18, 138:14, 149:18, 153:13
See [1] - 124:10
seeing [2] - 107:16, 161:8

seek [1] - 40:15
seeking [1] - 76:12
seem [2] - 32:2, 131:12
sees [1] - 42:19
segment [1] - 160:1
selected [1] - 84:10
semi [1] - 16:10
send [3] - 161:15, 161:17
Senior [1] - 158:4
senior [8] - 14:16, 15:24, 26:21, 30:3, 30:20, 155:9, 159:2, 160:21
sense [7] - 54:20, 62:19, 62:21, 77:14, 92:19, 96:10, 157:11
sensitive [2] - 27:6, 27:22
sent [2] - 53:4, 55:2
sentence [3] - 11:23, 63:22, 64:7
separate [1] - 12:21
September [4] - 136:13, 138:10, 148:9
serendipitous [1] - 87:10
sergeant [9] - 50:17, 79:20, 80:13, 83:5, 130:23, 131:5, 137:15, 139:5, 139:21
Sergeant [13] - 27:23, 29:9, 48:13, 49:23, 51:10, 67:18, 68:23, 68:25, 80:4, 84:17, 123:16, 156:17, 162:7
serial [20] - 18:2, 18:7, 18:24, 19:3, 19:20, 20:24, 21:14, 21:21, 22:5, 22:10, 22:13, 30:8, 30:12, 31:13, 128:8, 128:11, 154:1, 155:19, 155:25, 156:22
series [3] - 8:9, 61:16, 108:12
serious [11] - 5:16, 51:1, 58:1, 58:9, 62:23, 84:11, 115:3, 139:12, 140:6, 141:3, 143:9
Serious [3] - 58:21, 58:23, 114:22
seriously [1] - 161:19
service [1] - 88:6
Service [1] - 164:8
session [6] - 47:17,

48:11, 52:21, 54:8, 54:16, 55:10
set [7] - 6:3, 6:19, 8:1, 14:25, 47:18, 76:1, 94:7
sets [1] - 110:13
seven [5] - 1:13, 7:5, 7:9, 7:11, 8:2
several [4] - 45:6, 45:7, 146:24, 151:8
Sex [3] - 32:9, 130:15, 2:14
sex [33] - 27:11, 27:14, 28:5, 30:5, 31:5, 32:16, 32:20, 36:13, 36:18, 37:6, 42:2, 46:4, 51:8, 52:2, 61:17, 126:14, 127:4, 128:20, 135:23, 140:23, 142:17, 142:19, 144:2, 157:16, 157:21, 158:7, 158:18, 159:1, 159:3, 159:6, 159:10, 159:11, 159:15
Sexual [1] - 82:16
share [1] - 53:8
shared [2] - 22:7, 55:1
sharp [1] - 126:23
shed [1] - 136:1
sheet [3] - 106:13, 106:14, 118:25
Sheila [1] - 35:6
Shenher [38] - 6:9, 8:24, 9:4, 9:24, 28:1, 28:17, 29:9, 33:4, 41:23, 42:3, 42:9, 48:14, 49:22, 50:2, 52:5, 55:3, 55:23, 81:2, 82:14, 84:16, 102:21, 103:5, 107:6, 111:3, 112:3, 112:7, 114:5, 114:18, 114:24, 120:21, 129:2, 129:20, 129:25, 157:24, 159:14, 160:17, 160:22, 161:23
Shenher's [3] - 28:19, 80:11, 120:18
shift [2] - 82:6, 82:12
ships [3] - 48:20, 48:21, 49:1
short [2] - 36:19, 47:24
shortly [2] - 34:8, 34:11
shot [1] - 118:1
show [8] - 38:11,

111:18, 121:23,
123:3, 136:4, 137:18,
157:5, 158:23
showed [4] - 21:25,
29:4, 77:16, 111:15
showing [4] - 38:12,
64:22, 117:25, 152:21
shown [2] - 42:20,
120:16
shows [1] - 126:23
shut [1] - 89:20
sic [1] - 49:7
side [2] - 85:18,
102:16
sightings [1] - 54:22
significant [4] -
32:14, 59:18, 129:24,
149:21
signs [1] - 123:3
similar [7] - 73:5,
103:15, 105:25,
110:23, 117:24,
119:20, 120:17
similarly [2] - 2:10,
4:12
simply [5] - 33:17,
62:1, 64:2, 72:18,
73:25
sincerely [1] -
154:24
single [2] - 125:18,
128:10
sink [3] - 48:20,
48:21, 49:1
sister [2] - 117:10,
147:8
sisters [1] - 23:5
site [2] - 116:24,
156:3
sitting [2] - 82:11,
142:5
situation [7] - 2:14,
2:16, 27:9, 57:20,
59:9, 59:10, 134:24
Siuss [4] - 151:2,
151:4, 151:5
six [5] - 66:14, 66:24,
69:16, 69:24, 71:20
size [1] - 117:6
skill [1] - 164:4
skilled [1] - 46:8
skip [1] - 148:17
skipping [1] - 152:18
slim [2] - 67:23,
108:8
small [1] - 134:21
Smith [1] - 164:6
snapshot [2] - 130:3,
130:9
so-called [2] - 99:10,

127:5
society [2] - 160:1,
160:2
Society [1] - 116:2
Solicitor [1] - 68:22
Solicitor-general [1]
- 68:22
solid [2] - 30:15,
30:21
solve [6] - 4:2, 4:9,
4:11, 27:22, 55:11,
125:19
solving [2] - 130:4,
130:7
someone [24] - 53:5,
57:4, 57:11, 58:17,
59:7, 59:8, 59:13,
81:25, 82:20, 84:9,
86:15, 88:13, 97:21,
98:6, 112:20, 114:17,
114:22, 115:12,
133:15, 133:16,
136:1, 156:9, 156:11,
157:2
Someone [2] -
134:25, 156:6
Sometimes [1] -
75:14
sometimes [2] -
42:9, 49:1
somewhat [1] -
105:25
somewhere [2] -
31:6, 72:9
Somewhere [1] -
133:1
sooner [2] - 29:5,
96:2
sorry [19] - 7:1, 7:23,
8:13, 15:18, 27:20,
47:17, 53:16, 74:1,
75:11, 100:16,
102:11, 121:16,
128:3, 132:24, 133:8,
144:6, 151:10,
152:13, 156:8
Sorry [12] - 7:7, 21:4,
39:2, 47:21, 47:22,
70:3, 84:2, 89:25,
141:9, 147:22,
147:23, 152:9
sort [14] - 14:24,
42:4, 50:12, 85:23,
87:25, 93:25, 111:10,
113:23, 114:11,
114:25, 115:10,
116:12, 156:2, 161:11
sorts [1] - 53:7
sought [1] - 59:9
sounded [1] - 146:10

sounds [3] - 15:10,
15:11, 45:16
soured [1] - 9:13
sparring [1] - 5:23
sparse [1] - 90:25
speaking [1] - 158:5
speaks [1] - 27:12
specific [3] - 40:12,
77:20, 103:1
specifically [2] -
27:14, 84:21
specifics [1] - 41:2
spend [3] - 53:15,
75:11, 95:24
spent [2] - 97:23,
98:2
splitting [1] - 5:21
spoken [1] - 163:7
sporadic [1] - 56:24
spurned [1] - 140:22
Squad [3] - 82:16,
82:24, 84:7
stab [1] - 63:3
staff [9] - 80:6,
134:2, 134:8, 134:14,
135:2, 135:5, 140:25,
141:15
Staff [2] - 67:18,
68:23
staffing [1] - 138:3
stage [1] - 1:21
stands [1] - 109:21
Start [1] - 122:1
start [11] - 7:23, 8:24,
9:16, 58:2, 81:5,
83:15, 95:8, 121:16,
156:4, 163:14, 163:15
started [8] - 1:11,
17:4, 47:13, 95:16,
99:1, 107:2, 114:6,
140:2
starting [4] - 9:4,
79:12, 95:19, 123:12
starts [1] - 113:13
statement [8] -
24:24, 128:14,
146:18, 146:23,
147:18, 148:1, 148:6,
156:1
statements [4] -
41:21, 146:14,
146:15, 149:3
status [1] - 50:18
stay [2] - 57:12,
112:11
stayed [3] - 62:14,
62:23, 81:9
step [2] - 57:18,
73:17
stepped [3] - 44:4,

44:13, 44:17
steps [3] - 41:20,
100:19, 115:2
Stevie [2] - 78:4,
148:13
Stewart [1] - 114:9
still [7] - 1:22, 63:13,
112:12, 123:14,
128:13, 145:10,
156:18
stood [1] - 39:5
stop [3] - 9:23,
14:11, 32:19
Stoppers [1] - 103:5
stored [1] - 110:6
story [2] - 122:25,
127:2
straight [1] - 125:10
strata [2] - 159:6,
160:1
strategies [3] - 18:4,
49:24, 50:10
strategy [2] - 57:15,
150:18
stray [1] - 57:5
Street [3] - 78:16,
131:19, 132:15
street [4] - 111:16,
127:20, 127:23,
157:19
street-involved [1] -
127:23
streets [1] - 158:22
stretch [1] - 50:8
striking [1] - 55:19
striving [1] - 72:12
strolls [1] - 54:22
strong [4] - 29:24,
30:1, 156:9, 157:2
stronger [2] - 33:18
strongest [2] - 18:6,
24:21
strongly [2] - 27:1,
57:17
struck [2] - 6:9,
19:23
struggled [1] - 32:6
student [1] - 46:1
studying [1] - 149:22
subheading [1] -
126:22
subject [19] - 1:8,
31:4, 47:12, 51:15,
54:1, 64:18, 68:8,
87:1, 87:3, 89:4,
98:15, 102:4, 108:14,
116:20, 118:20,
120:3, 121:13,
121:17, 135:24
Subject [2] - 119:13,

119:20
submission [4] -
77:11, 96:2, 100:11,
143:24
submissions [1] -
94:5
submit [1] - 75:14
submitted [6] - 67:3,
75:21, 111:14,
111:18, 111:24,
118:25
subsequent [2] -
129:12, 129:14
succeeded [1] -
149:10
successful [2] -
46:9, 140:19
successfully [2] -
46:11, 63:21
sufficient [2] -
154:25, 162:1
suggest [14] - 11:5,
23:7, 26:17, 49:14,
76:17, 92:11, 99:24,
131:12, 156:9, 157:1,
158:4, 158:17
suggested [3] -
24:24, 57:2, 76:16
suggesting [3] -
49:3, 74:3, 143:25
suggestion [5] -
18:7, 75:12, 94:14,
95:12, 95:13
summaries [1] -
87:18
summarize [2] -
37:11, 65:10
summarized [1] -
37:23
summer [7] - 47:14,
52:15, 56:22, 61:9,
88:10, 129:18, 156:10
Sun [9] - 3:14, 23:21,
78:7, 78:8, 122:2,
122:5, 126:5, 126:11,
2:12
Superintendent [2] -
93:2, 101:14
superiors [1] - 162:9
supervising [1] -
139:8
supervision [1] -
83:11
support [4] - 16:14,
18:20, 100:13, 155:7
supported [3] -
19:17, 147:7, 157:10
supportive [3] -
18:23, 21:20, 21:25

<p>suppose [2] - 50:11, 161:3</p> <p>Supreme [4] - 39:19, 97:13, 146:18, 2:7</p> <p>surfaced [2] - 52:16, 53:24</p> <p>surprise [1] - 85:24</p> <p>surprised [2] - 26:14, 79:6</p> <p>Surrey [5] - 54:24, 119:21, 119:22, 120:4, 121:3</p> <p>surrounding [1] - 147:15</p> <p>surveillance [4] - 56:16, 57:10, 57:23</p> <p>Surveillance [1] - 56:23</p> <p>survival [7] - 30:4, 32:16, 32:20, 36:13, 42:2, 46:4, 158:7</p> <p>suspect [30] - 48:15, 49:6, 49:16, 49:20, 51:14, 51:18, 51:21, 51:22, 51:23, 52:7, 52:12, 52:17, 52:22, 54:18, 55:5, 58:7, 58:12, 61:8, 61:25, 80:9, 102:13, 107:22, 109:15, 111:23, 114:7, 115:3, 118:20, 125:3, 129:7</p> <p>suspect-focused [3] - 49:20, 51:23, 129:7</p> <p>suspected [2] - 45:8, 115:13</p> <p>suspects [4] - 29:14, 51:24, 123:14, 125:22</p> <p>sworn [4] - 6:10, 20:12, 20:15, 52:14</p> <p>sympathetic [1] - 2:9</p> <p>system [36] - 97:5, 103:20, 104:2, 104:15, 104:16, 105:15, 105:25, 106:1, 106:2, 106:3, 106:6, 106:25, 107:2, 110:23, 110:24, 110:25, 111:6, 112:16, 113:1, 113:7, 118:12, 120:25, 121:9, 130:21, 133:22, 139:17, 142:20, 151:2, 151:6, 151:7, 151:14, 151:15, 151:19, 151:20, 151:23</p> <p>System [3] - 104:21, 104:22, 105:10</p> <p>systems [4] - 103:19,</p>	<p>103:24, 105:23, 106:16</p> <p style="text-align: center;">T</p> <p>Tab [4] - 47:24, 53:10, 68:6, 145:15</p> <p>tab [31] - 8:24, 8:25, 9:2, 12:19, 12:24, 21:4, 47:19, 47:21, 53:11, 67:22, 75:25, 108:10, 108:21, 110:16, 113:11, 115:17, 118:19, 118:24, 120:10, 146:14, 147:22, 147:23, 148:5, 148:10, 148:11, 151:25, 152:1, 152:19</p> <p>takers [1] - 139:9</p> <p>Tanya [1] - 34:20</p> <p>Task [6] - 65:16, 67:19, 88:14, 121:18, 122:22, 129:1</p> <p>task [6] - 28:23, 28:24, 42:3, 123:16, 123:19, 150:7</p> <p>tasked [2] - 14:14, 145:21</p> <p>Team [2] - 80:1, 80:9</p> <p>team [17] - 14:17, 14:20, 14:21, 14:25, 16:4, 16:11, 23:14, 44:16, 44:22, 57:24, 59:12, 59:22, 69:8, 122:16, 123:17, 129:8, 129:19</p> <p>teams [2] - 45:7</p> <p>technical [3] - 142:10, 143:13, 143:18</p> <p>technique [3] - 58:13, 59:6, 61:4</p> <p>techniques [2] - 2:3, 57:8</p> <p>teenage [1] - 134:25</p> <p>ten [2] - 36:5, 163:16</p> <p>tended [1] - 57:3</p> <p>tenure [3] - 21:19, 79:24, 90:22</p> <p>term [8] - 18:18, 18:19, 51:7, 51:10, 82:2, 101:7, 128:4, 150:1</p> <p>terminal [3] - 104:17, 105:1, 109:22</p> <p>terminology [1] - 79:16</p> <p>terms [8] - 18:7, 24:21, 31:16, 57:22,</p>	<p>92:14, 96:14, 138:4, 158:12</p> <p>terrible [1] - 20:5</p> <p>terribly [1] - 22:4</p> <p>terrified [1] - 123:8</p> <p>test [1] - 107:6</p> <p>testified [7] - 43:16, 43:21, 58:2, 64:13, 81:3, 142:15, 143:1</p> <p>testify [9] - 24:19, 40:16, 70:1, 92:9, 92:11, 92:20, 101:15, 141:5, 141:24</p> <p>testifying [1] - 56:3</p> <p>testimony [3] - 37:13, 44:1, 140:19</p> <p>theme [3] - 31:6, 93:13, 153:21</p> <p>theories [1] - 157:9</p> <p>theory [7] - 31:15, 33:23, 128:9, 154:4, 155:5, 155:8, 156:15</p> <p>they've [3] - 74:24, 100:14, 159:4</p> <p>They've [1] - 103:24</p> <p>thinking [3] - 47:15, 62:25, 159:13</p> <p>third [7] - 2:20, 9:1, 9:3, 39:2, 130:18, 147:23, 149:7</p> <p>Third [1] - 70:24</p> <p>thirds [1] - 124:18</p> <p>thirties [1] - 35:20</p> <p>Thompson [1] - 68:20</p> <p>thorough [1] - 147:14</p> <p>thousand [1] - 86:5</p> <p>Three [1] - 32:12</p> <p>three [16] - 6:13, 8:24, 34:25, 36:4, 71:24, 74:21, 85:5, 86:24, 94:6, 97:24, 98:3, 99:1, 99:5, 102:4, 116:16, 137:19</p> <p>Three-quarters [1] - 32:12</p> <p>throughout [2] - 55:7, 123:18</p> <p>thrown [1] - 158:10</p> <p>tie [1] - 140:18</p> <p>ties [1] - 149:3</p> <p>Tiffany [1] - 37:9, 37:17, 39:8, 40:13, 40:24, 41:3, 42:17, 42:20, 42:21, 46:3, 47:1</p> <p>timelines [1] - 79:20</p> <p>timing [2] - 76:1, 76:14</p>	<p>tip [1] - 103:4</p> <p>tips [9] - 29:13, 58:4, 58:5, 58:14, 61:10, 66:10, 102:21, 107:7</p> <p>tipsters [1] - 57:2</p> <p>tipsters' [1] - 61:14</p> <p>tired [1] - 144:6</p> <p>tirelessly [1] - 85:3</p> <p>title [2] - 128:5, 148:17</p> <p>Tobias [7] - 89:22, 90:1, 90:8, 90:12, 101:2, 101:3</p> <p>today [2] - 99:4, 112:21</p> <p>together [5] - 5:25, 6:2, 66:20, 114:14, 129:20</p> <p>tomorrow [1] - 163:17</p> <p>took [8] - 18:6, 53:14, 70:17, 85:15, 93:21, 134:17, 140:5, 147:3</p> <p>tool [3] - 65:15, 66:3, 73:5</p> <p>top [7] - 21:6, 54:11, 107:4, 108:23, 116:16, 123:13, 136:21</p> <p>totally [1] - 75:24</p> <p>touch [1] - 32:21</p> <p>touched [4] - 87:4, 118:21, 124:15, 145:15</p> <p>tough [1] - 161:5</p> <p>towards [2] - 15:19, 23:7</p> <p>town [1] - 35:24</p> <p>toys [2] - 81:16, 83:19</p> <p>Track [1] - 127:5</p> <p>trade [30] - 27:11, 27:14, 28:6, 30:5, 32:16, 32:20, 36:14, 36:18, 42:2, 46:4, 51:8, 61:17, 126:14, 127:4, 128:20, 135:24, 140:23, 142:17, 142:19, 144:2, 157:16, 157:21, 158:7, 158:18, 159:1, 159:3, 159:6, 159:10, 159:11, 159:15</p> <p>Trade [3] - 32:9, 130:15, 2:14</p> <p>tragedy [1] - 9:14</p> <p>trailer [1] - 61:18</p> <p>trained [1] - 124:13</p>	<p>training [2] - 83:11, 151:24</p> <p>transcribed [1] - 164:3</p> <p>transcript [1] - 164:2</p> <p>transcripts [1] - 87:21</p> <p>Transcripts [1] - 87:23</p> <p>transfer [1] - 105:16</p> <p>transferred [1] - 85:7</p> <p>transience [1] - 32:15</p> <p>transient [4] - 33:24, 157:17, 157:20, 157:22</p> <p>Transient [1] - 31:5</p> <p>transition [4] - 113:6, 131:17, 138:8, 142:25</p> <p>transmissions [1] - 133:11</p> <p>transmitted [2] - 131:13, 132:6</p> <p>treated [4] - 29:17, 36:11, 127:16, 128:22</p> <p>trenches [1] - 162:19</p> <p>trial [2] - 63:13, 87:15</p> <p>tribunal [1] - 92:18</p> <p>trouble [1] - 116:12</p> <p>true [7] - 28:15, 37:7, 74:20, 123:5, 159:3, 162:22, 164:2</p> <p>truly [1] - 17:11</p> <p>trust [2] - 49:3, 49:8</p> <p>truth [3] - 99:13, 99:14, 99:25</p> <p>try [7] - 12:12, 41:11, 60:11, 62:13, 125:21, 143:21, 158:16</p> <p>trying [5] - 50:3, 55:11, 91:22, 95:6, 129:3</p> <p>Tuesday [4] - 122:6, 122:9, 126:11, 2:12</p> <p>turn [14] - 37:21, 43:1, 53:10, 64:23, 67:21, 68:15, 70:24, 108:7, 108:8, 113:10, 117:16, 118:19, 148:10, 159:8</p> <p>turned [1] - 124:4</p> <p>Turning [1] - 13:23</p> <p>turning [2] - 122:15, 123:12</p> <p>Two [1] - 98:23</p> <p>two [25] - 20:18, 21:23, 28:25, 33:11, 33:13, 34:18, 36:4,</p>
--	--	--	---	---

46:7, 88:5, 88:8,
89:20, 93:23, 99:1,
102:24, 112:9,
121:23, 122:2,
124:12, 124:18,
130:3, 139:22,
141:17, 147:25, 153:1
two-page [1] - 122:2
two-thirds [1] -
124:18
two-year [1] - 89:20
typewritten [3] -
8:15, 13:18, 47:24
typo [1] - 119:17

U

ultimate [1] - 87:4
ultimately [2] -
65:11, 145:24
uncertainty [1] -
92:5
unconnected [1] -
89:1
undated [1] - 145:16
under [16] - 7:17,
32:9, 32:24, 61:2,
87:14, 99:7, 107:24,
109:11, 110:1,
112:24, 117:17,
122:12, 125:15,
126:17, 127:1, 138:11
Under [1] - 107:21
undercover [5] -
57:11, 57:19, 58:13,
59:16, 60:10
underlying [3] -
17:25, 18:3, 74:19
underneath [1] -
122:7
understood [4] -
48:9, 73:12, 153:22,
157:23
undertaken [1] -
46:11
underway [1] - 56:23
undue [1] - 151:13
unexpected [1] -
33:25
unfair [3] - 25:16,
64:4, 100:12
unfortunate [2] -
22:6, 33:9
Unger [34] - 11:12,
11:16, 12:11, 13:25,
14:3, 14:17, 15:5,
15:7, 15:8, 15:22,
17:2, 17:4, 17:10,
18:6, 18:22, 19:6,
20:2, 20:9, 20:25,

21:15, 21:19, 23:10,
23:17, 23:25, 24:13,
24:16, 25:1, 25:12,
25:18, 25:19, 25:21,
26:15, 26:23
Unger's [6] - 11:20,
13:24, 21:24, 22:17,
25:12, 36:14
unharmful [1] -
157:5
unhelpful [1] - 6:6
union [1] - 138:14
Union [4] - 136:7,
136:25, 140:15,
149:13
unique [1] - 27:8
unit [4] - 80:20,
81:15, 83:1, 84:19
Unit [20] - 50:25,
58:21, 79:11, 79:17,
80:2, 80:3, 80:7, 81:5,
82:13, 83:18, 83:24,
113:20, 114:10,
114:23, 129:6, 132:7,
134:8, 135:15, 151:17
United [1] - 164:8
university [1] - 46:1
unknown [1] - 53:25
unlawful [1] - 65:24
unless [1] - 73:9
unmanageable [2] -
93:7, 93:24
unpopular [2] - 81:5,
81:12
Unpopular [1] - 81:6
unrelated [2] - 87:11,
88:25
Unsolved [1] - 58:21
unsuccessful [1] -
70:25
unusual [1] - 43:18
unwilling [1] -
134:10
up [62] - 2:21, 4:3,
5:22, 12:20, 15:8,
16:6, 16:14, 18:10,
29:14, 32:21, 35:13,
37:15, 42:20, 47:16,
48:16, 50:9, 55:15,
55:17, 58:19, 65:18,
67:13, 77:8, 78:15,
85:6, 89:10, 92:10,
94:4, 99:16, 99:19,
101:6, 103:15, 105:7,
106:6, 106:10,
108:16, 111:11,
111:15, 111:19,
116:22, 118:9, 119:6,
120:6, 120:18, 121:2,
121:14, 122:6,

131:15, 131:24,
132:4, 132:8, 133:8,
133:17, 137:10,
143:4, 155:12,
155:15, 157:5,
158:23, 159:8,
160:16, 162:10
upper [6] - 28:11,
31:7, 68:9, 113:12,
116:16, 119:6
urged [1] - 149:16
urgency [2] - 134:24,
135:22
urgent [3] - 134:23,
135:7, 144:9
useful [4] - 81:25,
82:2, 89:5, 101:1
usual [3] - 35:24,
46:18, 56:2
utilized [1] - 105:23
uttered [1] - 22:24
utterly [1] - 9:8
utters [1] - 22:24

V

vacant [1] - 84:9
value [2] - 66:11,
77:25
Vancouver [65] - 1:1,
3:6, 3:14, 4:1, 5:17,
8:20, 9:25, 10:4,
10:18, 11:2, 11:6,
13:15, 14:13, 15:1,
15:25, 20:10, 26:18,
31:7, 36:12, 37:21,
40:22, 44:14, 45:12,
51:2, 53:22, 54:24,
55:2, 55:10, 61:17,
68:11, 68:13, 69:3,
73:18, 78:7, 78:8,
78:22, 85:9, 100:9,
106:7, 112:22,
113:17, 119:16,
120:19, 122:1, 122:5,
126:5, 126:10,
126:14, 126:17,
130:15, 132:11,
133:12, 136:7,
136:25, 140:15,
143:16, 149:12,
149:14, 158:6, 160:2,
160:4, 2:6, 2:11, 2:14
Vancouver's [1] -
127:6
various [7] - 5:22,
8:10, 8:17, 50:9, 66:8,
108:4, 117:25
varying [1] - 66:25
vehicle [2] - 43:8,

43:14
Vehicle [1] - 118:13
vehicles [1] - 116:17
verify [1] - 61:24
version [4] - 7:6,
65:18, 65:20, 113:16
versus [1] - 31:2
Vertlieb [16] - 1:16,
2:15, 3:1, 25:14,
25:25, 44:3, 53:14,
91:17, 91:20, 92:1,
92:4, 92:23, 94:3,
94:9, 94:20, 94:22
Vertlieb's [1] - 8:1
veteran [1] - 124:10
Veteran [1] - 122:15
via [1] - 140:22
viable [4] - 52:12,
58:14, 58:16, 61:4
Vic [1] - 105:7
Viclas [6] - 105:7,
105:8, 105:9, 118:25,
119:3, 119:13
victim [6] - 36:16,
46:10, 46:17, 64:12,
112:9, 119:15
victims [6] - 17:7,
20:24, 21:14, 153:25,
155:14, 155:23
view [14] - 6:17,
11:15, 87:9, 138:21,
149:24, 150:21,
151:9, 154:9, 154:14,
154:23, 155:12,
157:21, 158:25,
160:12
views [5] - 148:25,
149:1, 154:10,
154:16, 155:15
vigorous [1] - 101:18
Vinci's [2] - 85:19,
86:3
vine [1] - 62:2
violence [1] - 52:1
Violent [1] - 105:10
violent [2] - 27:10,
53:6
virtue [1] - 16:7
vital [1] - 73:7
Volume [7] - 6:19,
7:7, 7:10, 8:3, 8:5,
8:6, 47:18
volume [1] - 53:11
Vpd [52] - 4:9, 4:12,
5:3, 9:21, 12:10,
12:12, 14:16, 16:3,
16:20, 21:9, 21:12,
26:14, 32:15, 41:10,
45:17, 45:21, 62:18,
85:16, 85:25, 86:9,

86:16, 104:16,
104:18, 106:3,
110:23, 111:7, 112:4,
112:24, 113:7, 128:3,
131:14, 131:17,
131:22, 131:23,
134:1, 134:5, 134:6,
134:12, 135:11,
143:6, 145:10,
146:24, 147:6, 148:1,
148:6, 149:10,
151:13, 151:19,
153:23, 155:17, 157:3
Vpd's [4] - 27:9,
137:21, 146:17,
151:14
Vpd-003-000050 [1] -
68:10
Vries [9] - 34:12,
35:2, 36:9, 36:25,
41:6, 41:19, 41:20,
126:19, 147:8
vulnerable [1] -
123:8

W

wait [3] - 77:9, 77:17,
135:3
waited [1] - 37:19
waiting [1] - 139:15
wake [1] - 162:10
wake-up [1] - 162:10
wandered [1] -
134:22
war [1] - 122:21
Ward [101] - 1:5, 1:6,
1:17, 2:8, 2:10, 2:16,
2:20, 3:9, 6:19, 6:23,
7:1, 7:3, 7:9, 7:13,
7:15, 7:17, 7:20, 7:23,
8:5, 8:7, 10:25, 17:1,
23:25, 24:6, 24:25,
25:8, 25:21, 25:24,
26:3, 26:16, 39:14,
39:23, 40:6, 47:3,
47:10, 63:6, 64:5,
64:25, 65:2, 70:5,
70:12, 70:14, 70:18,
70:23, 72:6, 73:17,
75:11, 76:21, 78:2,
91:9, 91:12, 91:16,
92:7, 92:16, 92:23,
93:22, 94:10, 94:24,
95:13, 97:6, 97:19,
97:25, 98:2, 98:8,
98:23, 98:25, 99:4,
99:7, 100:7, 100:10,
101:5, 101:12, 102:2,
102:9, 105:6, 126:12,

130:10, 130:17,
140:16, 140:18,
141:8, 141:10,
141:13, 141:15,
141:17, 141:21,
142:2, 142:14,
142:19, 142:23,
142:25, 143:4,
143:12, 143:20,
144:4, 144:19,
153:11, 153:20,
162:23, 1:4
Ward's [2] - 74:15,
74:21
warrant [7] - 67:14,
71:20, 87:10, 88:1,
88:8, 88:22, 89:10
warrants [1] - 56:16
wasting [1] - 26:24
watered [1] - 9:17
Wayne [4] - 67:19,
68:23, 69:25, 71:11
ways [1] - 50:20
weak [1] - 29:24
website [1] - 146:17
week [3] - 30:23,
86:24, 86:25
weekend [2] - 56:21,
60:7
weeks [3] - 35:12,
36:21, 40:24
weight [1] - 162:15
Wells [7] - 71:19,
87:7, 87:13, 89:10,
92:7, 150:5
Wells' [3] - 71:16,
89:15, 150:4
West [1] - 54:23
west [1] - 132:23
Westminster [1] -
54:24
whereabouts [1] -
32:18
white [2] - 11:8, 28:9
whitewash [1] -
100:11
whole [5] - 10:5,
17:25, 18:23, 46:24,
92:8
William [10] - 52:20,
89:8, 108:5, 110:11,
111:5, 111:6, 112:23,
119:1, 119:14, 120:9
William's [1] -
118:17
Williams [4] - 2:13,
93:3, 93:4, 101:14
Willie [2] - 60:14,
103:6
willingness [1] -

27:12
Wilson [1] - 109:14
Wish [1] - 37:18
with'er [1] - 62:1
Witness [4] - 7:25,
8:3, 8:4, 8:5
witness [28] - 8:14,
13:2, 24:14, 25:17,
25:23, 26:8, 31:23,
31:25, 37:1, 40:1,
43:9, 63:15, 64:16,
72:5, 73:11, 77:18,
89:23, 90:1, 92:22,
93:7, 93:16, 93:21,
94:11, 94:15, 95:7,
102:5, 111:22, 156:3
witnesses [19] -
26:4, 92:19, 95:8,
95:16, 95:17, 95:19,
95:25, 96:1, 100:16,
100:17, 101:10,
121:13, 135:18,
140:19, 141:12,
141:19, 141:23,
152:17
Wolthers [2] - 29:3,
129:23
woman [7] - 4:12,
27:23, 28:1, 37:14,
41:9, 43:7, 46:6
woman's [1] - 38:22
women [70] - 1:8,
3:15, 3:23, 4:3, 4:9,
4:16, 6:8, 10:15, 11:9,
11:21, 17:5, 18:1,
19:3, 20:3, 20:23,
21:14, 22:25, 23:8,
26:21, 26:23, 27:20,
31:11, 33:11, 33:13,
34:6, 35:20, 37:3,
38:14, 39:4, 41:14,
43:22, 48:12, 52:1,
52:23, 63:18, 64:8,
65:5, 66:1, 67:9, 68:4,
77:3, 84:22, 95:7,
99:23, 121:19, 127:4,
127:9, 127:23, 129:4,
130:8, 133:12, 141:6,
142:13, 143:17,
143:22, 147:9,
153:24, 154:25,
155:4, 155:13,
155:22, 156:13,
156:21, 156:25,
157:4, 158:6, 158:12,
159:19, 162:4, 162:20
Women [6] - 23:3,
33:21, 67:19, 80:1,
80:9, 88:14
women's [2] -

131:13, 138:22
wonder [2] - 43:19,
139:25
wondered [1] - 88:16
Wood [2] - 78:17,
78:20
word [4] - 124:17,
146:9, 150:13, 150:20
words [15] - 9:4,
12:11, 22:18, 22:21,
22:24, 23:7, 23:11,
23:13, 26:22, 36:14,
83:18, 106:21,
111:10, 114:19, 156:5
workable [1] -
100:23
worker [4] - 28:6,
32:20, 46:4, 61:17
workers [20] - 27:11,
27:14, 31:5, 32:16,
36:14, 36:18, 37:6,
42:2, 51:9, 135:24,
140:23, 142:17,
157:16, 158:18,
159:2, 159:3, 159:6,
159:10, 159:11,
159:15
Workers [1] - 32:10
workers' [2] -
142:19, 144:2
works [2] - 62:19,
102:5
world [2] - 10:19,
57:9
worry [1] - 158:24
write [7] - 5:9, 31:1,
32:3, 32:12, 33:20,
149:7, 162:8
writer [1] - 78:8
writer's [1] - 78:7
writing [3] - 28:20,
89:10, 95:15
written [12] - 5:7,
6:5, 20:8, 29:6, 32:8,
34:2, 65:4, 103:3,
111:15, 111:21,
144:22, 162:12
wrote [8] - 36:20,
43:14, 60:20, 61:5,
78:12, 149:1, 154:20,
162:6

Y

year [10] - 33:3,
53:22, 80:12, 89:20,
97:14, 127:7, 129:19,
137:5, 147:19, 150:1
years [13] - 10:12,
10:17, 11:4, 35:14,

62:18, 81:9, 88:5,
88:9, 123:15, 125:17,
137:7, 146:24, 156:1
yesterday [13] - 2:20,
2:24, 3:12, 3:21, 5:13,
38:2, 47:14, 56:8,
88:20, 99:1, 100:6,
127:8, 127:17
young [2] - 28:5,
45:25
yourself [6] - 8:16,
110:19, 124:9,
130:23, 146:18, 153:4
Yurkiw [2] - 8:21,
90:9

Z

zero [1] - 30:2